



Notice/Agenda of February 2022 Regular Board Meeting

**The Board of Trustees
College of the Mainland
Administration Boardroom Rm 129
Monday, February 28, 2022
1200 Amburn Road
Texas City, TX 77591**

February 2022 Regular Board Meeting of the Board of Trustees of College of the Mainland will be held Monday, February 28, 2022, beginning at 1:30 PM in the Administration Boardroom (Room 129 - New Administration Building), 1200 Amburn Road, Texas City, Texas 77591.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. The items listed in this notice may be considered in any order at the discretion of the Chair or Board and items listed for closed session discussion may be discussed and/or approved in open session and vice versa as permitted by law.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order**
2. **Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence**
3. **Roll Call & Determination of Quorum**
4. **Minutes**
 - A. Consideration of and Possible Action to Approve the Full Board Minutes of Monday, January 24, 2022
5. **Comments from the Community**
 - A. Students
 - B. Employees
 - C. Other Citizens
6. **Constituent Leader Activity Reports**
 - A. Student Government Association (SGA) - Emily Escobar, SGA President
7. **Human Resources Items**
 - A. Consideration of and Possible Action to Approve the Appointment Nomination of Diana Bacon to the Position of Professional Nursing Tutor, Nursing Department
 - B. Consideration of and Possible Action on the Appointment Nomination of Laura Schrettner to the Position of Radiography Program Coordinator, Program Development Department
8. **Policy**
 - A. Local Policy
 1. Consideration of and Possible Action to Approve the Revisions of COM Policies BBD; CF; CHA; CHF; CKD; CM; DEC; DK; DMD; ECC; FFDA; FLB; AND GCB

2. BBD (Local)- Draft/Final; Board Members: Orientation and Training
3. CF (Local)- Draft/Final; Purchasing and Acquisition
4. CHA (Local)- Draft/Final; Site Management: Security
5. CHF (Local) – Draft/Final; Site Management: Weapons
6. CKD (Local) – Draft/Final; Insurance and Annuities Management: Health and Life Insurance
7. CM (Local)- Draft/Final; Facilities Construction
8. DEC (Local)- Draft/Final; Compensation and Benefits: Leaves and Absences
9. DK (Local)- Draft/Final; Professional Development
10. DMD (Local)- Draft/Final; Termination of Employment: Resignation
11. ECC (Local)- Draft/Final; Instructional Arrangements: Course Load and Schedules
12. FFDA (Local)- Draft/Final; Freedom from Discrimination, Harassment, and Retaliation: Sex and Sexual Violence
13. FLB (Local)- Draft/Final; Student Rights and Responsibilities: Student Conduct
14. GCB (Local) – Draft/Final; Public Information Program: Requests for Information
- B. TASB Legal Policy Update 42
9. **Consideration of and Possible Action to Increase Contract 21-06 for an Additional Amount of \$54,534 to be Paid using the Title V Grant Funds for a New Not-to-Exceed Contract Amount of \$278,193 for Zogotech Software Licenses**
10. **Consideration of and Possible Action to Approve an Increase of \$355,445 to Contract 19-12 for Extended Construction Project Management Services**
11. **Consideration of and Possible Approval to Award Contract 21-14 Guaranteed Maximum Price (GMP) as Proposed by Turner Construction for the Renovation and Expansion of Fine Arts Building (FAB) in the Amount Not-to-Exceed \$10,994,654 to be Paid from 2018 Bond Funds**
12. **Consideration of and Possible Approval of an Increase to Contract 21-15 Student Center Landscaping and Hardscape Services for an Additional \$6,745, Revising the Contract Total from \$153,000 to \$159,745**
13. **Consideration of and Possible Action to Award Contract 22-04 to AAR Incorporated for the Abatement and Demolition Services of the Existing Math/Science Building for a Contract Amount Not-to-Exceed \$239,925 to be paid with 2018 Bond Funds**
14. **Consideration of and Possible Action to Award Contract 22-13 for the PE Building Roof Replacement for an Amount Not-to-Exceed \$107,000**
15. **Financial Report(s)**
 - A. Consideration of and Possible Acceptance of the January 2022 Investment and the January 2022 Financial Reports
16. **Board Report**
17. **President's Report**
 - A. Updates
 1. Opening Doors Scholarship Program - Dr. Lisa Watson will update the Board
 - B. Reminders/Announcements
 1. Board Meetings

March 2022 - Wednesday, March 30th, 1:30 p.m.

April 2022 - Monday, April 25th, 1:30 p.m.

2. Save the Date: Employee Recognition Dinner
Friday, April 1st
5:00 p.m. (Social Hour)
6:00 p.m. (Recognition Dinner)

- C. Resignations and Retirement Report
D. Miscellaneous

18. **Adjournment to closed or executive session pursuant to Texas Government Code of the Open Meetings Act**
19. **Adjourn**

**If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions; 1)Section 551.071-consultation with attorney, 2)Section 551.072-deliberation regarding real property, 3) Section 551.073-deliberation regarding prospective gifts, 4)Section 551.074-deliberation regarding personnel matters, and/or complaints against school personnel, 5)Section 551.082-deliberation regarding student disciplinary matters and/or complaints against personnel. 6)Section 551.087-deliberation regarding economic development negotiations, and/or 7)Section 551.089 – deliberation regarding security devices or security audits. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on, Thursday, February 24, 2022, 2:00 P.M..



Rosie E. Rojas

Board Clerk

Administration

President Warren Nichols Ed.D.
Vice President Jerry Fliger, Ph.D.
Vice President Glen Burton, Ph.D.
Vice President Helen Brewer, Ph.D.



PRESIDENT'S OFFICE

Call to Order

Call to Order on (insert date)
at (insert time)



PRESIDENT'S OFFICE

Pledge of Allegiance to the American Flag
Texas Pledge
Moment of Silence

The Texas State Flag Pledge
"Honor the Texas flag; I pledge
allegiance to thee, Texas, one state under
God, one and indivisible."



College of the Mainland
Board of Trustees
2021-2023

Dr. Bill McGarvey,
Board Chair
808 Buttonwood Dr.
Texas City, TX 77591
409-770-3537
wmcgarvey@gmail.com

Mr. Alan L. Waters,
Board Vice Chair
#1 South Pintail Street
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Mrs. Melissa Skipworth,
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Dr. Verna J. Henson,
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Mr. Kyle L. Dickson,
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Mrs. Dawn King,
Trustee
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dking4@com.edu

Mr. Don Gartman,
Trustee
2538 Quaker Dr.
Texas City, 77590
409-739-2618
dgartman@com.edu



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 28, 2022
Subject: Full Board Minutes

Presented for recommended acceptance to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: "I move the Board of Trustees approve the Full Board Minutes of January 24, 2022."

PURPOSE

To ensure accuracy of the monthly minutes.

BACKGROUND

Minutes are brought forward every month for approval.

IMPLICATIONS

Financial: N/A

Strategic Goal #1: Strategic Goal #5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

Human Resources: N/A

Attachments

1. Minutes of 1/24/22

**College of the Mainland Board of Trustees
Minutes of Monday, January 24, 2022
1:30 p.m., COM Administration Boardroom**

Call to Order

Bill McGarvey called the meeting to order at 1:30 p.m.

Pledge of Allegiance (American Flag), Texas Pledge & a Moment of Silence

Roll Call & Determination of Quorum

Roll call indicated that all Trustees were present except Alan Waters & Dawn King.

Minutes

Consideration of and Possible Action to Approve the Full Board Minutes of Tuesday, December 7, 2021

Melissa Skipworth moved for approval of the Full Board Minutes of Tuesday, December 7, 2021. Verna Henson seconded the motion; all voted in approval.

Comments from the Community

There were no comments this month.

Constituent Leader Activity Reports

Faculty Senate – Dr. Elaine Childs updated the Board on faculty activities and provided a handout with details.

Consideration of and Possible Acceptance of the Report from Institutional Advancement for FY2021

Verna Henson moved the Board of Trustees accept the report from Institutional Advancement for FY2021. Kyle Dickson seconded the motion; all voted in approval.

Human Resources Items

Consideration of and Possible Acceptance of the Non-Contractual Positions Hiring Report

Melissa Skipworth moved the Board of Trustees accept the Non-Contractual Positions Hiring Report as written. Kyle Dickson seconded the motion; all voted in approval.

Consideration of and Possible Action on the Appointment Nomination of Debra Bauer to the Position of Director of Nursing, Nursing Department

Kyle Dickson moved the Board of Trustees approve the appointment of Debra Bauer to the position of Director of Nursing, Nursing Department. Don Gartman seconded the motion; all voted in approval.

Policy

TASB Update 42 - Provided for BOT Review

Staff Attorney, Chris Brasher, reviewed the update on legal policies.

Consideration of and Possible Approval of the Purchase of Network Hardware, Licensing, Configuration, and Installation Services in an Amount Not-to-Exceed \$210,000

Don Gartman moved the Board of Trustees approve the purchase of network hardware, licensing, configuration, and installation services in an amount not-to-exceed \$210,000. Melissa Skipworth seconded the motion; all voted in approval.

Consideration of and Possible Approval of the 2022-2023 Property and Casualty Insurance Renewals as Stated in the 2022-2023 RWL Group Proposal Analysis for an Amount Not-to-Exceed \$2,000,000 to be Paid from FY21-22 Operating Budget

Don Gartman moved the Board of Trustees approve the 2022-2023 Property and Casualty Insurance Renewals as stated in the 2022-2023 RWL Group Proposal Analysis for an amount not-to-exceed \$2,000,000 to be paid from FY21-22 operating budget. Kyle Dickson seconded the motion; all voted in approval.

Financial Report(s)

Consideration of and Possible Acceptance of the November 2021 Investment and Financial Reports

Don Gartman moved the Board of Trustees accept the November 2021 Investment and Financial Reports. Verna Henson seconded the motion; all voted in approval.

Consideration of and Possible Acceptance of the December 2021 Investment and the December 2021 Financial Reports

Melissa Skipworth moved the Board of Trustees accept the December 2021 Investment Report and the December 2021 Financial Report. Don Gartman seconded the motion; all voted in approval.

Consideration of and Possible Action to Appoint a Representative to the Lago Mar TIRZ Board

Kyle Dickson moved to appoint Don Gartman as the COM representative on the TIRZ board. Verna Henson seconded the motion; all voted in approval.

Consideration of and Possible Action to Set the March Board of Trustees Meeting on Wednesday, March 30th

Melissa Skipworth moved that the March 2022 Board of Trustees Meeting be held on Wednesday, March 30th. Verna Henson seconded the motion; all voted in approval.

Board Report

Melissa Skipworth thanked Dr. Brewer for the business cards provided with the student services phone numbers.

President's Report

Updates

Enrollment Update – Dr. Helen Brewer, Vice President for Student Services, updated the Board on Spring 2022 enrollment.

Bond Project Updates – Dr. Nichols provided the Board a handout listing the bond project updates.

Mainland City Centre Update – Dr. Nichols provided the Board with photos of the Mainland City Centre.

Reminders/Announcements

Board Meetings

BOT Workshop – February 11th

February 2022 – Monday, February 28th

March 2022 – Wednesday, March 30th

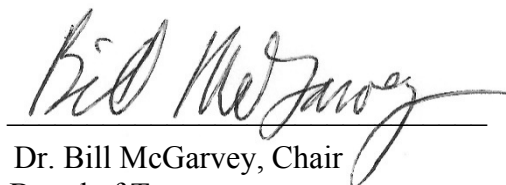
College of the Mainland voted Texas City/La Marque Chamber Large Business of the Year

Resignations and Retirements Report– report attached in BOT packet.

Adjournment at 2:47 p.m.



Melissa Skipworth, Secretary
Board of Trustees



Dr. Bill McGarvey, Chair
Board of Trustees

Comments from the Community

A citizen desiring to appear before the Board of Trustees shall complete a Public Comment Request Form indicating the topic about which they wish to speak which shall be filed with the Board Clerk ten (10) minutes prior to the start of the meeting. Time allotted each citizen or organization shall be limited to five minutes. The total time for hearing of citizens shall be no more than 60 minutes at any one meeting. Presentation of matters concerning a complaint or charge against a College District employee or officer will be heard in closed session unless the individual who is the subject of the charge or complaint requests a public hearing.

We appreciate your concerns. If the matter(s) you raise are not included on the board agenda, state law, specifically the Texas Open Meetings Act, prohibits the Board from discussing, commenting on or taking action on these issues at this board meeting. Thank you.



PRESIDENT'S OFFICE

Constituents Leader Activity Reports

- A. Student Government Association (SGA) –
Emily Escobar, SGA President



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: February 28, 2022

Subject: Recommendation – Professional Nursing Tutor (Replacement)

Presented for recommended approval to the Board of Trustees on February 28, 2022 and forwarded for recommended approval to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Diana Bacon to the position of Professional Nursing Tutor, Nursing Department.”

PURPOSE

The full-time professional tutor assists and coaches College of the Mainland nursing students and in becoming more successful and independent learners. The full-time tutor helps integrate effective learning and study strategies and clarifies and reinforces content, assignments and material for nursing students.

BACKGROUND

This position is replacing Pam Gwin who retired June 2021.

IMPLICATIONS

Financial: \$70,164 from budget 11-0-0000-3104-5140.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: February 28, 2022

Subject: Recommendation – Radiography Program Coordinator (New)

Presented for recommended approval to the Board of Trustees on February 28, 2022 and forwarded for recommended approval to Board of Trustees on the same date.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the appointment of Laura Schrettner to the position of Radiography Program Coordinator, Program Development Department.”

PURPOSE

Responsible for developing curricula and coursework for our new Radiography Associate Degree program and once active, possibly providing instruction within the Radiography and allied programs as qualified. In addition, the coordinator will be responsible for providing scheduled office hours for student consultation, serve on College committees as needed and assigned, and participating in student orientated instructional and advisement activities as needed and assigned.

BACKGROUND

This is a new position.

IMPLICATIONS

Financial: \$84,986 from budget 11-0-0000-1307-5100.

Strategic Goal 5: College of the Mainland will provide services/processes that enhance the integrity/safety/quality of the institution (including physical facilities) and that enhance the quality of the faculty and staff.

ATTACHMENTS

1. Appointment Nomination



February 2022 POLICY UPDATE

LOCAL POLICY CHANGES

CHF (Local) Site Management: Weapons. Prohibited weapons on campus now include the following: The College District prohibits the use, possession, or display of any location-restricted knives, clubs, knuckles, firearm silencers, or prohibited weapons, as defined by law.

DEC (Local) Compensation and Benefits: Leaves and Absences. Legislative changes are reflected in the update to this policy to grant mental health leave up to 5 day for peace officers who experience a traumatic event. In addition, Quarantine Leave for Peace Officers and EMTs is also provided for in the update.

DMD (Local) Termination of Employment: Resignation. College policy now requires that resignations by contract employees shall be filed directly with the President. Supervisors must inform contract employees wishing to resign to submit the letter of resignation to the President.

ECC (Local) Instructional Arrangements: Course Load and Schedules. Students are now allowed to exceed the six hour course limit on the number of dropped courses in the event of certain disasters.

LEGAL POLICY CHANGES

ECC (LEGAL) Instructional Arrangements: Course Load and Schedules. Senate Bill 165 added the COVID-19 pandemic to the list of disaster declarations that permit students to drop courses without it counting against their six-drop limit.

EFBB (LEGAL) Degrees and Certificates: Baccalaureate Degrees. The legislature now permits all eligible community colleges to offer up to five bachelor's degrees at their institution. Currently, COM has added a bachelor's in Nursing and is working on developing additional bachelor's degree programs. Stay tuned.

GCA (Legal) Public Information Program: Access to Information. Honorably retired college district peace officers and elected board members were added to the list of individuals who's personal/ contact information must remain confidential. In addition, certain crime victim information is now confidential.

GCB (Legal) Public Information Program: Requests for Information. The College must make good faith efforts to respond to requests for public information when administrative offices are closed during catastrophes. Colleges have the authority to suspend PIA only once per catastrophe and may only extend the suspension once.

OTHER POLICY UPDATES

Other local policies have been updated including **BBD, CF, CHA, CKD, CM, DK, FFDA, FLB, and GCB.**

Other legal policies have been updated including **EBB, EFA, EFAA, EFB, EFBA, EG, EGA, EGC, EI, EJA, FA, FC, FEB, FFC, FFDA, FJ, FLA, FLBD, GA, GC, GD, GG, GGC, GGD, GH, GL.**

The Office of the Staff Attorney is available to answer any questions regarding these changes along with any other policy or regulation inquiries. Please contact cbrasher1@com.edu for assistance.

For more information and to read the entire texts of these and other policies visit:

<https://pol.tasb.org/Home/Index/497>



PRESIDENT'S OFFICE

MINUTE ORDER

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: February 28, 2022

Subject: Recommendation – Approval of COM Local Policy updates

Discussion and possible action on the proposed revisions to COM Local Policies.

Presented and recommended for approval to the Board of Trustees on February 28, 2022.

MINUTE ORDER

Motion to be acted upon: “I move the Board of Trustees approve the revisions of COM Policies BBD; CF; CHA; CHF; CKD; CM; DEC; DK; DMD; ECC; FFDA; FLB; and GCB.”

ATTACHMENTS

- 1) BBD (Local)- Draft/Final; *Board Members: Orientation and Training*
- 2) CF (Local)- Draft/Final; *Purchasing and Acquisition*
- 3) CHA (Local)- Draft/Final; *Site Management: Security*
- 4) CHF (Local) – Draft/Final; *Site Management: Weapons*
- 5) CKD (Local) – Draft/Final; *Insurance and Annuities Management: Health and Life Insurance*
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- 7) DEC (Local)- Draft/Final; *Compensation and Benefits: Leaves and Absences*
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- 9) DMD (Local)- Draft/Final; *Termination of Employment: Resignation*
- 10) ECC (Local)- Draft/Final; *Instructional Arrangements: Course Load and Schedules*
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- 12) FLB (Local)- Draft/Final; *Student Rights and Responsibilities: Student Conduct*
- 13) GCB (Local) – Draft/Final; *Public Information Program: Requests for Information*

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

Orientation

The Board Counsel shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
4. Information regarding appropriate meetings and workshops.
5. A formal orientation on legal and budgetary oversight responsibilities of the Board.
6. Other information and activities as the Board deems useful in fulfilling the role of Board member.

Annual Training Plan

Board members shall participate in annual training as outlined in the Board bylaws.

Cybersecurity Training

The College President or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. The College President may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The College President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

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**Cybersecurity
Training**

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The College President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

PURCHASING AND ACQUISITION

CF
(LOCAL)

**Purchasing
Authority**

The Board delegates to the College President or designee the authority to make budgeted purchases for goods and services under \$100,000. Any single, budgeted purchase of goods or services that costs \$100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Emergency
Exception

In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The College President shall report to the Board at the next regular meeting any contract made under this authority.

Purchasing
Procedures

The College President shall develop purchasing procedures to implement the requirements of state and federal law. [See CAA, CAAB, and CH(LEGAL)]

Regardless of the transactional form of the purchase, each purchase must be approved in advance by the appropriate budget manager or authorized designee, and funds must be available in the appropriate budget.

Signatory Authority

All contracts shall be executed in accordance with College District policy and procedures. The College President shall enact a procedure to delegate signatory authority as needed. [See CF(REGULATION) and CF(EXHIBIT)]

No employee or agent of the College District shall have the authority to enter into any contract on behalf of the College District, except as otherwise expressly provided by this policy. If a College District employee signs a contract without authority, or falsely represents to a third party that he or she has authority to sign a contract, the employee may be held personally responsible to the third party in accordance with law. An agreement that is not expressed in writing and approved and executed in accordance with this policy shall not be binding or enforceable against the College District.

An employee who signs a contract or seeks to bind the College District to an agreement in violation of this policy may be subject to discipline, up to and including termination of employment.

~~Emergency
Delegation of
Authority~~

~~In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President or designee the authority to contract for the replacement, construction, or repair of College District equipment or facilities if~~

PURCHASING AND ACQUISITION

CF
(LOCAL)

	~~emergency replacement, construction, or repair is necessary for the health and safety of College District students and employees. The College President shall inform the Board of any approved emergency contracts at the next scheduled Board meeting for information.~~
Emergency Purchases	If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the delay posed by the methods provided by competitive bidding would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by Texas Education Code 44.031.
Contract	“Contract” is defined as an agreement between two or more parties that is intended to have legal effect to bind the College District. A contract may include, but is not limited to: goods and service agreements, memoranda of understanding, letters of intent, leases, rental agreements, grant awards, purchase orders, sole-source contracts, cooperative contracts, interlocal contracts, and job-order contracts. A purchase contract is any contract that requires an expenditure of College District funds, regardless of the funding source. A purchase order is a contract that legally binds the College District to purchase goods and services.
Purchasing Method	The Board delegates to the College President or designee the authority to determine the method of purchasing in accordance with state and federal law.
Competitive Bidding	If competitive bidding is chosen as the purchasing method, the College President or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.
Competitive Sealed Proposals	If competitive sealed proposals are chosen as the purchasing method, the College President or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall

PURCHASING AND ACQUISITION

CF
(LOCAL)

also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Permissive Bids

Purchases of goods and services for which bidding is neither required nor prohibited by law shall be subject to the following bidding conditions. Requirements shall be based on total dollar value of order as follows:

- Less than \$50,000 – One quote or bid shall be required.
- \$50,000 or more – Bids in this category shall be solely handled by the purchasing department in accordance with applicable law and in compliance with the formal bidding policy and procedures.
- Purchases that exceed \$25,000 – Purchases must be approved by the appropriate budget manager, vice president, and College President, when applicable. All purchases that exceed \$25,000 shall require approval by the appropriate vice president.
- Federal Grant Purchases – A minimum of three proposals shall support procurements supported by federal grant funds when expenditures are anticipated to be equal to or greater than \$10,000 in compliance with Education Departmental General Administration Regulations (EDGAR) and Title II of the Uniform Grant Guidance regulations.
- Interlocal/Purchasing Cooperatives – The competitive bid requirements as set forth in Texas Education Code 44.031 may be established by utilizing an interlocal or purchasing cooperative vendor. The term "purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors. A local government may enter into a contract to purchase supplies and services, with the exception of construction-related goods or services and at the discretion of the College President or designee.

Electronic Bids or
Proposals

Bids or proposals that the College District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or

PURCHASING AND ACQUISITION

CF
(LOCAL)

proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Awarding Bids

In addition to legal requirements, the vice president for fiscal affairs or designee shall receive and open the bids at a public meeting and make tabulations thereof, secure evaluations from the appropriate team, and send a written recommendation to the College President for consideration and submission to the Board for contract award approval for sealed competitive bids, competitive sealed proposals, and/or other purchases in the amount of \$50,000 or more.

**Delinquent
Franchise Taxes**

Each corporation contracting with the College District shall certify that its franchise taxes are current. If the corporation is exempt from payment of franchise taxes or is an out-of-state corporation not subject to Texas franchise tax, it shall certify a statement to that effect. Making a false statement as to corporate franchise tax status shall be considered a material breach of the contract and shall be grounds for cancellation of the contract.

**Purchase
Commitments**

All purchase commitments shall be made by the College President or designee, in accordance with administrative procedures, including the College District's purchasing procedures.

**Procurement Card
Purchasing**

The College District shall use procurement card (P-Card) purchasing to assist end-users with an alternate and convenient purchasing method for the purchase of goods and services not otherwise obtainable using the normal purchasing process. The College District shall issue a P-Card to a College District employee or department to use when purchasing nonrestricted goods and services in accordance with administrative procedures and the College District's P-Card Guide. The College District administrator overseeing the P-Card program shall ensure the program complies with all applicable federal, state, and local laws and regulations. A College District employee and his or her supervisor shall be accountable for the safekeeping and authorized use of the P-Card in compliance with all applicable administrative procedures and the College District's P-Card Guide.

**Responsibility for
Debts**

The Board shall assume responsibility for debts incurred in the name of the College District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the College District's purchasing procedures. [See CC] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.

PURCHASING AND ACQUISITION

CF
(LOCAL)

Personal Purchases

College District employees shall not be permitted to purchase supplies or equipment for personal use with College District funds.

PURCHASING AND ACQUISITION

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**Purchasing
Authority**

The Board delegates to the College President or designee the authority to make budgeted purchases for goods and services under \$100,000. Any single, budgeted purchase of goods or services that costs \$100,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Emergency
Exception

In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The College President shall report to the Board at the next regular meeting any contract made under this authority.

Purchasing
Procedures

The College President shall develop purchasing procedures to implement the requirements of state and federal law. [See CAA, CAAB, and CH(LEGAL)]

Regardless of the transactional form of the purchase, each purchase must be approved in advance by the appropriate budget manager or authorized designee, and funds must be available in the appropriate budget.

Signatory Authority

All contracts shall be executed in accordance with College District policy and procedures. The College President shall enact a procedure to delegate signatory authority as needed. [See CF(REGULATION) and CF(EXHIBIT)]

No employee or agent of the College District shall have the authority to enter into any contract on behalf of the College District, except as otherwise expressly provided by this policy. If a College District employee signs a contract without authority, or falsely represents to a third party that he or she has authority to sign a contract, the employee may be held personally responsible to the third party in accordance with law. An agreement that is not expressed in writing and approved and executed in accordance with this policy shall not be binding or enforceable against the College District.

An employee who signs a contract or seeks to bind the College District to an agreement in violation of this policy may be subject to discipline, up to and including termination of employment.

Emergency
Purchases

If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the Board determines that the

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delay posed by the methods provided by competitive bidding would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by Texas Education Code 44.031.

Contract

“Contract” is defined as an agreement between two or more parties that is intended to have legal effect to bind the College District. A contract may include, but is not limited to: goods and service agreements, memoranda of understanding, letters of intent, leases, rental agreements, grant awards, purchase orders, sole-source contracts, cooperative contracts, interlocal contracts, and job-order contracts.

A purchase contract is any contract that requires an expenditure of College District funds, regardless of the funding source.

A purchase order is a contract that legally binds the College District to purchase goods and services.

Purchasing Method

The Board delegates to the College President or designee the authority to determine the method of purchasing in accordance with state and federal law.

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the College President or designee shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

Competitive Sealed Proposals

If competitive sealed proposals are chosen as the purchasing method, the College President or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time for opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

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Permissive Bids

Purchases of goods and services for which bidding is neither required nor prohibited by law shall be subject to the following bidding conditions. Requirements shall be based on total dollar value of order as follows:

- Less than \$50,000 – One quote or bid shall be required.
- \$50,000 or more – Bids in this category shall be solely handled by the purchasing department in accordance with applicable law and in compliance with the formal bidding policy and procedures.
- Purchases that exceed \$25,000 – Purchases must be approved by the appropriate budget manager, vice president, and College President, when applicable. All purchases that exceed \$25,000 shall require approval by the appropriate vice president.
- Federal Grant Purchases – A minimum of three proposals shall support procurements supported by federal grant funds when expenditures are anticipated to be equal to or greater than \$10,000 in compliance with Education Departmental General Administration Regulations (EDGAR) and Title II of the Uniform Grant Guidance regulations.
- Interlocal/Purchasing Cooperatives – The competitive bid requirements as set forth in Texas Education Code 44.031 may be established by utilizing an interlocal or purchasing cooperative vendor. The term "purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors. A local government may enter into a contract to purchase supplies and services, with the exception of construction-related goods or services and at the discretion of the College President or designee.

Electronic Bids or
Proposals

Bids or proposals that the College District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Awarding Bids

In addition to legal requirements, the vice president for fiscal affairs or designee shall receive and open the bids at a public meeting and make tabulations thereof, secure evaluations from the appropriate team, and send a written recommendation to the College President for consideration and submission to the Board

PURCHASING AND ACQUISITION

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for contract award approval for sealed competitive bids, competitive sealed proposals, and/or other purchases in the amount of \$50,000 or more.

**Delinquent
Franchise Taxes**

Each corporation contracting with the College District shall certify that its franchise taxes are current. If the corporation is exempt from payment of franchise taxes or is an out-of-state corporation not subject to Texas franchise tax, it shall certify a statement to that effect. Making a false statement as to corporate franchise tax status shall be considered a material breach of the contract and shall be grounds for cancellation of the contract.

**Purchase
Commitments**

All purchase commitments shall be made by the College President or designee, in accordance with administrative procedures, including the College District's purchasing procedures.

**Procurement Card
Purchasing**

The College District shall use procurement card (P-Card) purchasing to assist end-users with an alternate and convenient purchasing method for the purchase of goods and services not otherwise obtainable using the normal purchasing process. The College District shall issue a P-Card to a College District employee or department to use when purchasing nonrestricted goods and services in accordance with administrative procedures and the College District's P-Card Guide. The College District administrator overseeing the P-Card program shall ensure the program complies with all applicable federal, state, and local laws and regulations. A College District employee and his or her supervisor shall be accountable for the safekeeping and authorized use of the P-Card in compliance with all applicable administrative procedures and the College District's P-Card Guide.

**Responsibility for
Debts**

The Board shall assume responsibility for debts incurred in the name of the College District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the College District's purchasing procedures. [See CC] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control; persons making unauthorized purchases shall assume full responsibility for all such debts.

Personal Purchases

College District employees shall not be permitted to purchase supplies or equipment for personal use with College District funds.

SITE MANAGEMENT
SECURITY

CHA
(LOCAL)

**College District
Police Department**

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a College District police department and shall employ and commission peace officers.

Jurisdiction

The jurisdiction of College District peace officers shall include all counties in which property is owned, leased, rented, or otherwise under the control of the College District.

Police Authority

While within the jurisdiction set out in this policy, peace officers employed and commissioned by the College District shall have all the powers, privileges, and immunities of peace officers. Subject to limitations in law, College District peace officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the College District and protect the property of the College District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District police officers may serve search warrants in connection with College District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce College District policies, rules, and regulations on College District property or at College District functions.
6. Investigate violations of College District policies, rules, and regulations as requested by the College President and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the College President.
8. Carry out all other duties as directed by the chief of police or College President.

SITE MANAGEMENT
SECURITY

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Temporary Assignment	College District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state and federal laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Outside Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police or College President or designee.
Relationship with Outside Agencies	The College District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the College President or designee shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Use of Force	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
<u>By Drone</u> High-Speed Pursuit	<u>The College District shall not use force by means of a drone.</u> Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Officer Training	All College District officers shall receive at least the minimum amount of education and training required by law.
<u>Peace Officer Leave</u> Department Regulations Manual	<u>For provisions regarding mental health leave and quarantine leave for peace officers, see DEC.</u> To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the College President or designee shall review the manual annually and make any appropriate revisions.
Racial Profiling	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Peace officers employed by the College District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.

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SECURITY

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(LOCAL)

Complaints

Complaints against a College District police officer shall be in writing on a form provided by the College District and shall be signed by the person making the complaint. In accordance with law, the College District shall provide to the police officer a copy of the complaint. [See Complaint Against Peace Officer at CHA(LEGAL)]

Appeals regarding this complaint process shall be filed in accordance with DGBA, FLD, or GB, as appropriate.

Key Distribution and Security

Distribution of the institution's keys shall be made based on an employee's need for access to campus facilities and approval of the College President or designee.

Responsibility

Responsibility for the security of keys lies with the person to whom they are issued. Under no circumstances shall campus keys be loaned or given to anyone who is not authorized access under this policy. Campus keys are not to be copied or distributed except under the conditions of this policy.

The loss of campus keys must be immediately reported to the police department. Keys shall be replaced after a waiting period of five working days from the date of report.

Duty keys, when assigned, shall be secured at the end of the shift.

All campus keys issued to a person must be returned to the police department upon the employee's separation from employment.

All locks and hardware used to secure doors and College District property shall be issued by the College District. Locks not so issued shall be removed, except for personal lockers.

College District Identification Card

For the purposes of enhancing security, verifying status, and facilitating access to College District facilities or services, the College District shall issue all current members of the College District a valid college photo identification card.

A College District-issued photo identification card must be shown upon request by any College District employee.

Weapons Prohibited

The College District prohibits the possession or exhibition of prohibited weapons or ammunition, as defined by law, on College District property or while representing the College District at off-site activities sponsored by the College District. [See FLBF(LEGAL) and GFA(LEGAL)]

Exception

Peace officers employed by the College District and those from other agencies who are on College District property for official law enforcement purposes shall be exempt from this prohibition.

Additionally, no violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as a part of an approved College District course or activity, either on or off campus, that is supervised by proper authorities and involves the use of firearms, ammunition, or dangerous chemicals. For any authorized course or activity, the firearms must be unloaded and transported in a carrying case or tote bag.

SITE MANAGEMENT
SECURITY

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(LOCAL)

**College District
Police Department**

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2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, College District police officers may serve search warrants in connection with College District-related investigations in compliance with the Texas Code of Criminal Procedure.
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4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce College District policies, rules, and regulations on College District property or at College District functions.
6. Investigate violations of College District policies, rules, and regulations as requested by the College President and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the College President.
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SITE MANAGEMENT
SECURITY

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(LOCAL)

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Officer Training	All College District officers shall receive at least the minimum amount of education and training required by law.
Peace Officer Leave	For provisions regarding mental health leave and quarantine leave for peace officers, see DEC.
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SITE MANAGEMENT
SECURITY

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(LOCAL)

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Duty keys, when assigned, shall be secured at the end of the shift.

All campus keys issued to a person must be returned to the police department upon the employee's separation from employment.

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A College District-issued photo identification card must be shown upon request by any College District employee.

Weapons Prohibited

The College District prohibits the possession or exhibition of prohibited weapons or ammunition, as defined by law, on College District property or while representing the College District at off-site activities sponsored by the College District. [See FLBF(LEGAL) and GFA(LEGAL)]

Exception

Peace officers employed by the College District and those from other agencies who are on College District property for official law enforcement purposes shall be exempt from this prohibition.

Additionally, no violation of this policy occurs when the use, possession, or display of an otherwise prohibited weapon takes place as a part of an approved College District course or activity, either on or off campus, that is supervised by proper authorities and involves the use of firearms, ammunition, or dangerous chemicals. For any authorized course or activity, the firearms must be unloaded and transported in a carrying case or tote bag.

SITE MANAGEMENT
WEAPONS

CHF
(LOCAL)

Firearms

The College District prohibits the use, possession, or display of a firearm on College District property or at a College District-sponsored or -related activity in violation of law and College District regulations. This prohibition shall not apply to firearms at the Lemuel B. Powell Memorial Firearms Training Center.

Concealed Carry

A license holder may carry a concealed handgun on or about his or her person while on College District property or in any buildings or properties owned, leased, or rented by the College District except in areas that have been deemed gun-free zones under this policy.

This policy applies to faculty, staff, students, visitors, individuals, and organizations doing business on behalf of the College District or while on College District premises or on properties owned, leased, or rented by the College District. In accordance with law, this policy shall not apply to commissioned peace officers.

*General
Provisions*

A license holder shall be responsible for concealing and carrying the handgun in a manner that does not allow it to be visible to another person in whole or part.

A license holder shall have sole responsibility to secure his or her handgun in accordance with law.

A handgun shall be carried in a manner that prevents accidental discharge.

An employee who is not required to carry a firearm as part of his or her assigned duties, but chooses to carry a concealed weapon as a license holder does so outside the scope of the duties and responsibilities of his or her employment with the College District. An employee who chooses to carry or use a firearm is acting in the employee's own accord and not as an agent or representative of the College District. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity that the individual may otherwise be entitled to as a College District employee.

A license holder must display his or her License to Carry a Handgun (LTC) when directed by a law enforcement officer in accordance with law. An individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by the College District, except as required by law. With the exception of authorized College District police department personnel, no College District employee shall inquire whether or not a person is carrying a concealed weapon or whether the person is a license holder.

SITE MANAGEMENT
WEAPONS

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(LOCAL)

<i>Gun-Free Zones</i>	The College President and the Board shall determine whether a building or area is a gun-free zone. License holders shall be prohibited from carrying concealed handguns in accordance with law and this policy, and in accordance with the following.
Permanent	The following buildings, areas, and spaces meet the requirements of a gun-free zone on a constant, daily basis: • Building #2 / Testing Center and COM Learning Center – League City East; and • Building #5 / COM Main Campus – Lab School.
Temporary	A temporary gun-free zone is a building, room, or area that meets the requirements of a gun-free zone periodically when a specific event occurs so as to make it a gun-free zone for that period of time. The following shall be temporary gun-free zones for the period of time they meet the above requirements: • On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event; • Premises of a polling place during early voting and/or on election day; and • Campus facilities used for religious services.
Notice	Gun-free zones shall have written notice conspicuously placed at the entrance and must be clearly visible giving notice that the premises is a prohibited conceal carry location or gun-free zone. Notice for the gun-free zone must be given on a card, document, or sign that contains exact language in accordance with law. An individual who, without authorization, tampers with, defaces, modifies, or removes a notice provided pursuant to this policy shall be subject to disciplinary action, including trespass from campus, suspension, or termination of employment or a business relationship and may be subject to criminal prosecution.
Application to Establish or Modify Gun-Free Zones	The College President or designee shall review applications to establish or modify gun-free zones. The application must contain the exact area to be added or modified, a rationale for the request based on the gun-free zone criteria, and a plan for where required signage is to be placed. The College President shall determine if the gun-free zone request should be forwarded to the Board. The College President or designee shall suggest amendments to the list of gun-free zones. The College President's decision to forward the request to the Board shall be final.

SITE MANAGEMENT
WEAPONS

CHF
(LOCAL)

Request to
Review
Prohibited Area
Decision

A license holder may request review of the decision to prohibit concealed carry. The request shall be submitted in writing to the College President or designee and describe why allowing concealed carry at the location or activity does not present a safety concern. The College President or designee may request additional information. The requestor shall be informed of the decision no later than 15 business days upon receipt of the request and shall include the rationale for the decision to not move the request forward to the Board. The College President's decision to forward the request to the Board shall be final.

*Report to State
Legislature*

In accordance with law, no later than September 1 of each even-numbered year, the College District shall submit a report to the legislature that describes the rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus and explains the reasons the College District established those provisions.

**Other Weapons ~~and~~
Devices Prohibited**

The College District prohibits the use, possession, or display of any location-restricted knives, ~~clubs~~knife, ~~club~~, knuckles, firearm silencers, or prohibited weapons~~weapon~~, as defined by law, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the College President~~College President~~ or designee.

Additionally, the following weapons are prohibited on College District property or at any College District-sponsored or -related activity:

1. Fireworks of any kind;
2. Incendiary devices;
3. Instruments designed to expel a projectile with the use of pressurized air, like a BB gun;
4. Razors;
5. Chains; or
6. Martial arts throwing stars.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

Violations

Employees and students found to be in violation of this policy shall be subject to disciplinary action. [See DH, FM, and FMA]

SITE MANAGEMENT
WEAPONS

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Publication

The College District shall publish this policy annually in the employee and student handbooks and on a webpage dedicated to the carrying of concealed handguns on campus premises. In addition, contracts for use of College District facilities shall include pertinent provisions of this policy.

SITE MANAGEMENT
WEAPONS

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(LOCAL)

Firearms

The College District prohibits the use, possession, or display of a firearm on College District property or at a College District-sponsored or -related activity in violation of law and College District regulations. This prohibition shall not apply to firearms at the Lemuel B. Powell Memorial Firearms Training Center.

Concealed Carry

A license holder may carry a concealed handgun on or about his or her person while on College District property or in any buildings or properties owned, leased, or rented by the College District except in areas that have been deemed gun-free zones under this policy.

This policy applies to faculty, staff, students, visitors, individuals, and organizations doing business on behalf of the College District or while on College District premises or on properties owned, leased, or rented by the College District. In accordance with law, this policy shall not apply to commissioned peace officers.

*General
Provisions*

A license holder shall be responsible for concealing and carrying the handgun in a manner that does not allow it to be visible to another person in whole or part.

A license holder shall have sole responsibility to secure his or her handgun in accordance with law.

A handgun shall be carried in a manner that prevents accidental discharge.

An employee who is not required to carry a firearm as part of his or her assigned duties, but chooses to carry a concealed weapon as a license holder does so outside the scope of the duties and responsibilities of his or her employment with the College District. An employee who chooses to carry or use a firearm is acting in the employee's own accord and not as an agent or representative of the College District. An employee whose possession, storage, or use of a handgun results in personal injury or property damage is personally liable for the injury or damage, and is not entitled to immunity that the individual may otherwise be entitled to as a College District employee.

A license holder must display his or her License to Carry a Handgun (LTC) when directed by a law enforcement officer in accordance with law. An individual is not required to disclose whether he or she is a license holder in order to participate in any program or service offered by the College District, except as required by law. With the exception of authorized College District police department personnel, no College District employee shall inquire whether or not a person is carrying a concealed weapon or whether the person is a license holder.

SITE MANAGEMENT
WEAPONS

CHF
(LOCAL)

<i>Gun-Free Zones</i>	The College President and the Board shall determine whether a building or area is a gun-free zone. License holders shall be prohibited from carrying concealed handguns in accordance with law and this policy, and in accordance with the following.
Permanent	The following buildings, areas, and spaces meet the requirements of a gun-free zone on a constant, daily basis: • Building #2 / Testing Center and COM Learning Center – League City East; and • Building #5 / COM Main Campus – Lab School.
Temporary	A temporary gun-free zone is a building, room, or area that meets the requirements of a gun-free zone periodically when a specific event occurs so as to make it a gun-free zone for that period of time. The following shall be temporary gun-free zones for the period of time they meet the above requirements: • On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the license holder is a participant in the event and a handgun is used in the event; • Premises of a polling place during early voting and/or on election day; and • Campus facilities used for religious services.
Notice	Gun-free zones shall have written notice conspicuously placed at the entrance and must be clearly visible giving notice that the premises is a prohibited conceal carry location or gun-free zone. Notice for the gun-free zone must be given on a card, document, or sign that contains exact language in accordance with law. An individual who, without authorization, tampers with, defaces, modifies, or removes a notice provided pursuant to this policy shall be subject to disciplinary action, including trespass from campus, suspension, or termination of employment or a business relationship and may be subject to criminal prosecution.
Application to Establish or Modify Gun-Free Zones	The College President or designee shall review applications to establish or modify gun-free zones. The application must contain the exact area to be added or modified, a rationale for the request based on the gun-free zone criteria, and a plan for where required signage is to be placed. The College President shall determine if the gun-free zone request should be forwarded to the Board. The College President or designee shall suggest amendments to the list of gun-free zones. The College President's decision to forward the request to the Board shall be final.

SITE MANAGEMENT
WEAPONS

CHF
(LOCAL)

Request to
Review
Prohibited Area
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A license holder may request review of the decision to prohibit concealed carry. The request shall be submitted in writing to the College President or designee and describe why allowing concealed carry at the location or activity does not present a safety concern. The College President or designee may request additional information. The requestor shall be informed of the decision no later than 15 business days upon receipt of the request and shall include the rationale for the decision to not move the request forward to the Board. The College President's decision to forward the request to the Board shall be final.

*Report to State
Legislature*

In accordance with law, no later than September 1 of each even-numbered year, the College District shall submit a report to the legislature that describes the rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus and explains the reasons the College District established those provisions.

**Other Weapons and
Devices Prohibited**

The College District prohibits the use, possession, or display of any location-restricted knives, clubs, knuckles, firearm silencers, or prohibited weapons, as defined by law, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the College President or designee.

Additionally, the following weapons are prohibited on College District property or at any College District-sponsored or -related activity:

1. Fireworks of any kind;
2. Incendiary devices;
3. Instruments designed to expel a projectile with the use of pressurized air, like a BB gun;
4. Razors;
5. Chains; or
6. Martial arts throwing stars.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

Violations

Employees and students found to be in violation of this policy shall be subject to disciplinary action. [See DH, FM, and FMA]

Publication

The College District shall publish this policy annually in the employee and student handbooks and on a webpage dedicated to the carrying of concealed handguns on campus premises. In addition, contracts for use of College District facilities shall include pertinent provisions of this policy.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CKD
(LOCAL)

**College District
Contribution**

The College District shall contribute the following amounts to the health insurance premiums for employees eligible to participate in the Texas Employees Uniform Group Insurance Program:

1. For an eligible full-time employee who works at least 30 hours per week, 100 percent to the premiums for the employee and 50 percent to the premiums for that employee's eligible dependents.
2. For an eligible part-time employee who works less than 30 hours per week, 50 percent to the premiums for the employee and 25 percent to the premiums for that employee's eligible dependents.

The Board may allocate funds as part of the annual budget development and adoption process for contributions to employee premiums for any additional health and life insurance programs available to employees.

Ineligibility of
Employees
Performing Services
Outside Texas

If at least 75 percent of an employee's services are performed outside Texas, then the employee may not participate in the Texas Employees Uniform Group Insurance Program unless the employee was employed by the College District on August 31, 1999, and is otherwise eligible. The College District will provide competitive marketplace health insurance options for an ineligible employee in accordance with College District regulations.

Outside Texas

An employee's services are performed outside Texas if they are performed while the employee is located outside Texas and do not include instruction to any College District student who is located in-state.

**Continuation
Coverage**

The College District shall continue its contribution toward the cost of the employee's group health insurance coverage while the employee is on paid leave or, if applicable, while the employee is on family and medical leave. [See DEC]

The College District shall not otherwise expend public funds for group health insurance coverage of an employee who is not on paid leave status. However, an employee who is not on paid leave status or Family and Medical Leave Act (FMLA) leave shall be allowed to continue group health insurance coverage, at his or her own expense, for the period specified in the College District's group health insurance plan.

INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

CKD
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FACILITIES CONSTRUCTION

CM
(LOCAL)

**Compliance with
Law**

~~The College President~~The College President or designee shall establish procedures ensuring that all facilities within the College District comply with applicable laws and local building codes.

**Construction
Contracts**

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the ~~College President~~College President shall recommend the project delivery/contract award method that ~~the College President~~she determines provides the best value to the College District. [See CM series]

For construction contracts valued at or above ~~\$25,000, the College President~~\$25,000, the College President shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the ~~College President~~College President and consistent with law and policy. [See also CF]

Emergency
Exception

In the event of a catastrophe, emergency, or natural disaster affecting the College District, the Board delegates to the College President the authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff. The College President shall report to the Board at the next regular meeting any contract made under this authority.

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to executing any changes in the approved plans or in the actual construction of the facility.

**Project
Administration**

All construction projects shall be administered by the College President or designee.

~~The College President~~The College President or designee shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The College District shall not make final payments for the construction or the supervision of construction until the work has been completed and the College District has accepted the work.

FACILITIES CONSTRUCTION

CM
(LOCAL)

Compliance with Law

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COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Note: For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

**Leave
Administration**

The College President or designee shall develop administrative regulations associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

Definitions

The term “immediate family” is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the FMLA, the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Fiscal Year

“Fiscal year” is defined as September 1 through August 31.

Family Emergency

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

Academic Year

An “academic year” for purposes of earning, use, or recording of leave shall mean the term of an employee’s annual employment as set by the College District for the employee’s usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the College District. Such conditions typically require prolonged

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Availability

The College District shall make state personal leave for the current year available for use at the beginning of the academic year. Sick leave shall be made available as earned.

Earning Leave

An employee shall not earn any form of paid leave when the employee is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

Deductions

Leave Without Pay

The College District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration

*Employed for
Less Than Full
Year*

If an employee separates from employment with the College District before the employee's last scheduled workday, or begins employment after the first scheduled workday, paid leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last scheduled workday of the academic year, the employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

*Employed for Full
Year*

If an employee uses more paid leave than he or she earned and remains employed with the College District through his or her last scheduled workday, the College District shall deduct the cost of the excess leave hours from the employee's pay in accordance with administrative regulations.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or College President; or
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Sick Leave

Each full-time employee shall earn paid sick leave in accordance with administrative regulations and based on the date of hire. In general, the following shall apply:

- Employees in positions normally requiring nine months of service shall earn 72 hours per academic year.
- Employees in positions normally requiring ten and one-half months of service shall earn 84 hours per academic year.
- Employees in positions normally requiring 12 months of service shall earn 96 hours per academic year.

Sick leave shall accumulate to a maximum of 960 hours.

Sick leave shall only be used after any applicable compensatory time has been exhausted for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
5. Contribution to the sick leave bank.

Sick Leave Bank

The College District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time.

The College President or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per academic year a member employee may receive from the sick leave bank;

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the College President or appropriate administrator.

**Mental Health Leave
for Peace Officers**

A College District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which a peace officer may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

**Quarantine Leave for
Peace Officers and
Emergency Medical
Technicians**

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Family and Medical Leave	FMLA leave shall run concurrently with applicable paid leave or compensatory time, as applicable.
Twelve-Month Period	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins.
Combined Leave for Spouses	When both spouses are employed by the College District, the College District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The College District shall limit military caregiver leave to a combined total of 26 weeks.
Intermittent or Reduced Schedule Leave	The College District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Personal Leave	Each full-time employee shall earn 24 hours of paid leave per fiscal year to conduct personal business in accordance with administrative regulations. Personal leave shall be noncumulative.
Request for Personal Leave	The employee shall submit a written request for use of personal leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or College District operations. Earned compensatory time shall be used before any available personal leave.
Vacation	Each full-time employee in a position normally requiring 12 months of service and employed after June 30, 2012, shall earn vacation leave at the rate of eight hours per calendar month. After completing seven years of continuous service with the College District, each eligible employee shall earn vacation leave at the rate of ten hours per calendar month.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Each employee hired on or before June 30, 2012, shall continue to earn vacation leave in accordance with the following:

1. Each full-time employee in a position normally requiring 12 months of service shall accumulate vacation leave at the rate of one and two-thirds day (13.3 hours) per calendar month of service, which shall equal 20 working days of vacation leave per year.
2. Each other benefits-eligible employee who is not employed on a full-time basis shall earn vacation leave on a prorated basis.

Earned, unused vacation leave may be rolled over from one fiscal year to the next up to a maximum of 240 accrued hours at the end of any fiscal year. All accrued vacation leave over 240 hours shall be forfeited if not used by the end of the fiscal year unless an employee is prevented from taking vacation leave for the convenience of the College District. Exceptions to the forfeiture of vacation leave shall only be granted by the College President upon recommendation by the appropriate vice president. The maximum payout for accrued vacation leave shall be limited to 240 hours. An employee terminated for cause shall not be eligible to receive a payout for accrued vacation leave.

Request for
Vacation Leave

An employee shall submit a written request for use of vacation leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny vacation leave, the supervisor or designee shall consider the effect of the employee's absence on the educational program or College District operations.

The College District shall not approve vacation for more leave hours than have been accumulated. Any unapproved use of vacation leave or use beyond accumulated and available paid vacation leave shall result in deductions from the employee's pay.

Earned compensatory time shall be used before any available vacation leave.

Development Leave

A faculty member [see definition at DEC(LEGAL) Development Leaves of Absence] may be granted faculty development leave for study, research, writing, field observations, or other suitable purpose.

Eligibility

To qualify for development leave, a faculty member must serve at least three consecutive academic years performing full-time academic duty as an instructor or as an assistant, associate, or full professor, or an equivalent rank. The work need not include teaching.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Alternatively, the faculty member may qualify for development leave as an administrator if the faculty member has had significant administrative duties relating to the operation of the College District for more than four years.

Application

To be granted development leave for the subsequent academic year, a faculty member must apply to the College President by March 1 on a signed and dated form created by the administration. The application shall contain:

1. The requested effective date and duration of leave.
2. A description of the specific purpose for which the leave is requested.
3. An explanation as to how the leave is consistent with the mission and purpose of the College District and the benefit of the leave to the College District.
4. An assurance that the faculty member intends to return to the College District following the completion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave, if approved, and that, if the faculty member does not return, the employee shall repay the College District for any benefits paid to or on behalf of the employee during the leave period.
5. Any other information deemed appropriate by the College President.

Approval Procedure

A development leave committee shall be elected annually from the general faculty membership on a date determined by the College President to be no later than the application deadline. The committee shall be composed of ten members and shall elect a chair during the first meeting. The chair shall be responsible for scheduling and presiding over each meeting of the committee.

After reviewing the applications for development leave, the committee chair shall forward the committee's recommendation to the College President. After review of the committee's recommendation, the College President shall make a recommendation as to which applications should be granted for consideration at a Board meeting to occur before the end of the spring semester. No more than six percent of the College District's faculty members may be on development leave at any one time.

The College President shall inform the applicants of the final determination by the Board.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Duration and Compensation	Development leave shall be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary.
<i>Exception</i>	If the faculty member qualifies for development leave as an administrator, the Board may grant development leave at the faculty member's full, regular salary for one year.
Outside Employment	A faculty member granted development leave is prohibited from accepting employment with another employer without permission of the Board.
Return to Work	The faculty member must agree to return to the College District following the conclusion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave and if not, to repay the College District for any benefits paid to or on behalf of the faculty member during the leave period.
Report	Upon returning from development leave, the faculty member must report to the Board in writing regarding whether the purpose of the leave was fulfilled with a description regarding the manner in which it was fulfilled or if it was not fulfilled, the reasons why the leave was not fulfilled.
Bereavement Leave	An employee shall be granted up to 24 hours of paid bereavement leave upon the death of a member of the employee's immediate family. The employee shall provide appropriate documentation. Bereavement leave shall be noncumulative.
Emergency Leave	An employee shall be granted up to five days of paid emergency leave upon the occurrence of a disaster, as declared by a federal or state official or the College President as authorized by the Board, on the employee's primary residence in accordance with administrative regulations. Emergency leave shall be noncumulative.
Request for Emergency Leave	The employee shall submit a written request for use of emergency leave to the employee's immediate supervisor or designee in accordance with administrative regulations.
Workers' Compensation	Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance.
	An absence due to a work-related injury or illness shall be designated as FMLA leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Paid Leave Offset

The College District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. An eligible employee may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. The employee may choose to discontinue use of the available paid leave in partial-day increments at any time. [See CKE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College District and shall not be deducted from the employee's pay or leave balance.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Note: For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

**Leave
Administration**

The College President or designee shall develop administrative regulations associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

Definitions

The term “immediate family” is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the FMLA, the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Fiscal Year

“Fiscal year” is defined as September 1 through August 31.

Family Emergency

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full-time or part-time.

Academic Year

An “academic year” for purposes of earning, use, or recording of leave shall mean the term of an employee’s annual employment as set by the College District for the employee’s usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the College District. Such conditions typically require prolonged

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Availability

The College District shall make state personal leave for the current year available for use at the beginning of the academic year. Sick leave shall be made available as earned.

Earning Leave

An employee shall not earn any form of paid leave when the employee is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

Deductions

Leave Without Pay

The College District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

Leave Proration

*Employed for
Less Than Full
Year*

If an employee separates from employment with the College District before the employee's last scheduled workday, or begins employment after the first scheduled workday, paid leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last scheduled workday of the academic year, the employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

*Employed for Full
Year*

If an employee uses more paid leave than he or she earned and remains employed with the College District through his or her last scheduled workday, the College District shall deduct the cost of the excess leave hours from the employee's pay in accordance with administrative regulations.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or College President; or
3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Sick Leave

Each full-time employee shall earn paid sick leave in accordance with administrative regulations and based on the date of hire. In general, the following shall apply:

- Employees in positions normally requiring nine months of service shall earn 72 hours per academic year.
- Employees in positions normally requiring ten and one-half months of service shall earn 84 hours per academic year.
- Employees in positions normally requiring 12 months of service shall earn 96 hours per academic year.

Sick leave shall accumulate to a maximum of 960 hours.

Sick leave shall only be used after any applicable compensatory time has been exhausted for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
5. Contribution to the sick leave bank.

Sick Leave Bank

The College District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time.

The College President or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per academic year a member employee may receive from the sick leave bank;

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the College President or appropriate administrator.

**Mental Health Leave
for Peace Officers**

A College District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which a peace officer may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

**Quarantine Leave for
Peace Officers and
Emergency Medical
Technicians**

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The College President shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Family and Medical Leave	FMLA leave shall run concurrently with applicable paid leave or compensatory time, as applicable.
Twelve-Month Period	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins.
Combined Leave for Spouses	When both spouses are employed by the College District, the College District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The College District shall limit military caregiver leave to a combined total of 26 weeks.
Intermittent or Reduced Schedule Leave	The College District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Personal Leave	Each full-time employee shall earn 24 hours of paid leave per fiscal year to conduct personal business in accordance with administrative regulations. Personal leave shall be noncumulative.
Request for Personal Leave	The employee shall submit a written request for use of personal leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or College District operations. Earned compensatory time shall be used before any available personal leave.
Vacation	Each full-time employee in a position normally requiring 12 months of service and employed after June 30, 2012, shall earn vacation leave at the rate of eight hours per calendar month. After completing seven years of continuous service with the College District, each eligible employee shall earn vacation leave at the rate of ten hours per calendar month.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Each employee hired on or before June 30, 2012, shall continue to earn vacation leave in accordance with the following:

1. Each full-time employee in a position normally requiring 12 months of service shall accumulate vacation leave at the rate of one and two-thirds day (13.3 hours) per calendar month of service, which shall equal 20 working days of vacation leave per year.
2. Each other benefits-eligible employee who is not employed on a full-time basis shall earn vacation leave on a prorated basis.

Earned, unused vacation leave may be rolled over from one fiscal year to the next up to a maximum of 240 accrued hours at the end of any fiscal year. All accrued vacation leave over 240 hours shall be forfeited if not used by the end of the fiscal year unless an employee is prevented from taking vacation leave for the convenience of the College District. Exceptions to the forfeiture of vacation leave shall only be granted by the College President upon recommendation by the appropriate vice president. The maximum payout for accrued vacation leave shall be limited to 240 hours. An employee terminated for cause shall not be eligible to receive a payout for accrued vacation leave.

Request for
Vacation Leave

An employee shall submit a written request for use of vacation leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny vacation leave, the supervisor or designee shall consider the effect of the employee's absence on the educational program or College District operations.

The College District shall not approve vacation for more leave hours than have been accumulated. Any unapproved use of vacation leave or use beyond accumulated and available paid vacation leave shall result in deductions from the employee's pay.

Earned compensatory time shall be used before any available vacation leave.

Development Leave

A faculty member [see definition at DEC(LEGAL) Development Leaves of Absence] may be granted faculty development leave for study, research, writing, field observations, or other suitable purpose.

Eligibility

To qualify for development leave, a faculty member must serve at least three consecutive academic years performing full-time academic duty as an instructor or as an assistant, associate, or full professor, or an equivalent rank. The work need not include teaching.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

Alternatively, the faculty member may qualify for development leave as an administrator if the faculty member has had significant administrative duties relating to the operation of the College District for more than four years.

Application

To be granted development leave for the subsequent academic year, a faculty member must apply to the College President by March 1 on a signed and dated form created by the administration. The application shall contain:

1. The requested effective date and duration of leave.
2. A description of the specific purpose for which the leave is requested.
3. An explanation as to how the leave is consistent with the mission and purpose of the College District and the benefit of the leave to the College District.
4. An assurance that the faculty member intends to return to the College District following the completion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave, if approved, and that, if the faculty member does not return, the employee shall repay the College District for any benefits paid to or on behalf of the employee during the leave period.
5. Any other information deemed appropriate by the College President.

Approval Procedure

A development leave committee shall be elected annually from the general faculty membership on a date determined by the College President to be no later than the application deadline. The committee shall be composed of ten members and shall elect a chair during the first meeting. The chair shall be responsible for scheduling and presiding over each meeting of the committee.

After reviewing the applications for development leave, the committee chair shall forward the committee's recommendation to the College President. After review of the committee's recommendation, the College President shall make a recommendation as to which applications should be granted for consideration at a Board meeting to occur before the end of the spring semester. No more than six percent of the College District's faculty members may be on development leave at any one time.

The College President shall inform the applicants of the final determination by the Board.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Duration and Compensation	Development leave shall be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary.
<i>Exception</i>	If the faculty member qualifies for development leave as an administrator, the Board may grant development leave at the faculty member's full, regular salary for one year.
Outside Employment	A faculty member granted development leave is prohibited from accepting employment with another employer without permission of the Board.
Return to Work	The faculty member must agree to return to the College District following the conclusion of the development leave to serve for a period equal to the amount of time the faculty member received for development leave and if not, to repay the College District for any benefits paid to or on behalf of the faculty member during the leave period.
Report	Upon returning from development leave, the faculty member must report to the Board in writing regarding whether the purpose of the leave was fulfilled with a description regarding the manner in which it was fulfilled or if it was not fulfilled, the reasons why the leave was not fulfilled.
Bereavement Leave	An employee shall be granted up to 24 hours of paid bereavement leave upon the death of a member of the employee's immediate family. The employee shall provide appropriate documentation. Bereavement leave shall be noncumulative.
Emergency Leave	An employee shall be granted up to five days of paid emergency leave upon the occurrence of a disaster, as declared by a federal or state official or the College President as authorized by the Board, on the employee's primary residence in accordance with administrative regulations. Emergency leave shall be noncumulative.
Request for Emergency Leave	The employee shall submit a written request for use of emergency leave to the employee's immediate supervisor or designee in accordance with administrative regulations.
Workers' Compensation	Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance.
	An absence due to a work-related injury or illness shall be designated as FMLA leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Paid Leave Offset The College District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. An eligible employee may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. The employee may choose to discontinue use of the available paid leave in partial-day increments at any time. [See CKE]

Court Appearances Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College District and shall not be deducted from the employee's pay or leave balance.

PROFESSIONAL DEVELOPMENT

DK
(LOCAL)

**Professional
Development**

The College District provides and supports professional development for all employees.

Each employee shall meet the professional development standards described by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) as well as any professional development required of the employee by state or federal law or administrative regulations.

**Professional
Development Plan**

The College District requires that each benefits-eligible employee prepare a written annual professional development plan as a component of the individual performance evaluation process. Completed professional development activities and the use of those activities to improve performance shall also be documented as a component of the individual performance evaluation process. [See DLA]

**Cybersecurity
Training**

The College President or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. The College President shall verify and report to DIR, in the form required by DIR, the compliance of each employee required to complete the program. The College President may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The College President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

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The College President shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

TERMINATION OF EMPLOYMENT
RESIGNATION

DMD
(LOCAL)

**General
Requirements**

All resignations shall be submitted in writing to the College President~~College President~~ or other person designated by the Board in accordance with this policy~~designee~~ at least ten days prior to separating from service with the College District. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

Contract Employees

End of Contract
Term

If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the College President or other person designated by the Board.

Any employee serving under a term contract may resign the employee's~~this or her~~ position and leave the employment of the College District effective at the end of the contract term without penalty, provided the employee submits a letter of resignation, in accordance with administrative regulations and the provisions at General Requirements~~GENERAL REQUIREMENTS~~, above.

The College President or other person designated by Board action~~The College President or designee~~ shall be authorized to accept a term contract employee's resignation effective at the end of the contract term.

Prior to End of the
Contract Term

An employee serving under a term contract wishing to resign prior to the end of the contract term must submit a letter of resignation in accordance with the provisions at General Requirements~~GENERAL REQUIREMENTS~~. The College President shall be authorized to accept resignations prior to the end of the contract term.

At-Will Employees

The College President~~College President or designee~~ shall be authorized to accept the resignation of an at-will employee at any time. The College President may delegate to other administrators the authority to accept a resignation of an at-will employee.

Board Report

At the next Board meeting, the College President~~College President~~ shall inform the Board of contract employees who have resigned since the last Board meeting.

**Withdrawal of
Resignation**

Once submitted and accepted, the resignation of an employee serving under a term contract may not be withdrawn without the consent of the College President.

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INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

Course Load

The standard course load for a student for the fall or spring semester shall be 15–17 semester credit hours (SCH). The standard course load for an eight-week session shall be six–eight SCH. The standard course load for a three-week mini-session shall be three–six SCH.

The standard student course load for the summer semester shall be eight SCH for each five-week session or 16 SCH for the full ten-week summer session.

Only under exceptional circumstances will a student be permitted to register for more than the standard course load. Students wishing to take a course load above the standard course load must get approval, on a case-by-case basis, from the vice president for instruction, vice president for student services, or dean.

**Limitation on
Number of Dropped
Courses**

A College District student shall not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

**Exceptions for
Good Cause**

A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student; ~~or~~

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

	7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; <u>or</u>. 8. <u>A disaster declared by the governor that prevents or limits in-person course attendance for a period that significantly affects the student's ability to participate in coursework.</u>
Exception for Reenrolled Students	A qualifying reenrolled student may drop a seventh course in accordance with law.
<u>Exception for COVID-19 Pandemic</u>	<u>A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.</u>
Procedures	The College President shall develop procedures to implement this policy and shall publish the procedures in the College District catalog.

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

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2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

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8. A disaster declared by the governor that prevents or limits in-person course attendance for a period that significantly affects the student's ability to participate in coursework.

Exception for
Reenrolled
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Exception for
COVID-19
Pandemic

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Procedures

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

Note: This policy addresses complaints of sex and gender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, including gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy.

Definitions

Discrimination against a student is defined as conduct directed at a student on the basis of sex that adversely affects the student.

Sex or Gender
Discrimination

Sexual Harassment

Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the educational environment for students should be free from inappropriate conduct of a sexual or gender-based nature by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional and shall not be tolerated and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including separation from the College District.

By an Employee

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

the College District's educational program or activities (i.e., hostile environment).

*By Another
Student or Others*

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Domestic
Violence*

"Domestic violence" means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

Gender-Based
Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

Prohibited Conduct	In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.
Complainant	In this policy, the term “complainant” refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District’s educational program or activity.
Respondent	In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.
Confidential Employee	A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.
Reporting Procedures	A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.
Student Report	Any student who believes that ~~the student~~ ~~or she~~ has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator, the College President, or another employee, or submit the report electronically through the College District’s website. A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.
Exception	Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

Employee Report	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the College President or designee. A report against the College President must also be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.
<i>Exceptions</i>	
Disclosure at Event	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.
Employee Subject to Confidentiality Rules	Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.
<u>Peace Officer</u>	<u>A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.</u>
Prior Report	A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.
Anonymous Report	A report may be made anonymously online. Many who choose this option are third-party reporters or just want to document the incident. Depending on the information provided, the College District's ability to respond may be limited.
Amnesty	The College District encourages the reporting of incidents that violate this policy and/or regulation. The use of alcohol or drugs shall not be a deterrent to reporting an incident. When conducting the investigation, the College District's primary focus shall be

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LOCAL)

addressing the alleged misconduct and not on alcohol and drug violations that may be discovered or disclosed. The College District does not condone underage drinking; however, the College District shall extend limited amnesty from punitive sanctioning in the case of drug or alcohol use to the parties, witnesses, and others who report incidents, provided that they are acting in good faith in such capacity. The College District may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

Title IX Coordinator Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator or the deputy Title IX coordinators. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended and related state and federal laws:

Title IX Coordinator: Dr. Sarah David, Director of Institutional Equity

Address: 1200 Amburn Road, Texas City, TX 77591

Telephone: (409) 933-8413

Email: [Title IX Coordinator email¹](#)

Webpage: [Title IX/Sexual Misconduct webpage²](#)

Responsible Employees All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Consolidate Reports When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.

Advisor Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.

Conflict of Interest Prohibited No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

Training A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.

Days "Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a

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document is filed is “day zero.” The following business day is “day one.”

**Extension of
Timelines**

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.

**Investigation of the
Report**

The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall assess any request not to investigate and immediately authorize or undertake an investigation and notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint. If the complaint does not rise to the level of a policy violation, the appropriate parties shall be notified.

If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District policies, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

*Request Not to
Investigate*

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice

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must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.
College District Investigation	The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney. The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

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The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or
Regulatory
Investigation

If a law enforcement agency notifies the College District that a criminal investigation has been initiated, the College District may confer with the agency, as appropriate. The existence of a criminal investigation does not eliminate the College District's responsibility to conduct a prompt, thorough, and impartial investigation and shall not cause a material delay in the College District's duty to promptly investigate a complaint. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

**Concluding the
Investigation**

Absent extenuating circumstances, a request by a law enforcement agency to delay its investigation may be granted to the extent it does not adversely impact the College District's duty to promptly and fairly conduct its own investigation and/or institute necessary interim measures to mitigate or prevent further harm.

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

Notification of the
Report

The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the parties promptly following receipt. Either party may appeal the outcome as described below.

**College District
Action**

The Title IX coordinator shall submit the investigation report and any response from the parties to the dean of students promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The dean of students or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing

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shall be conducted in accordance with law and College District procedures.

After the hearing, the dean of students or designee shall determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the dean of students or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The dean of students or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the dean of students or designee determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action including, but not limited to, reprimand, probation, suspension, and expulsion, reasonably calculated to address the conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in FM for students or DH and DM series for employees;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the party who engaged in prohibited conduct;
- Permitting the students involved to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and

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- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if both parties consent, and if the complaint does not allege sexual assault, informal resolution may be pursued. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

*Improper
Conduct*

If the dean of students or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

**Dismissal of
Complaint**

**Mandatory
Dismissal**

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

**Permissive
Dismissal**

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the dean of students or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, a person who makes a report, and witnesses. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.

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Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
Failure to Report and False Claims	An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Appeal	If the dean of students or designee determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President. A conference with the College President shall be scheduled within ten days of the notice of determination.
Discipline or Corrective Action	
<i>Students</i>	
Suspension	
Expulsion	If the dean of students or designee determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President to schedule an expulsion hearing before the Board.
Other Action	If the dean of students or designee determines that the student committed prohibited conduct that warrants other discipline or corrective action, the dean of students or designee shall inform the student that the student may appeal the determination to the College President within ten days.
<i>Employee</i>	
Suspension Without Pay or Termination of Contract Employees	If the dean of students or designee determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the dean of students or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Other Action	If the dean of students or designee determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the dean of students or designee shall inform the employee that the employee may appeal the determination within ten days in accordance with DGBA.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

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Complaints Filed
with OCR

A party shall be informed of ~~the party's~~^{his or her} right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

Records Retention

Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]

**Access to Policy,
Procedures, and
Related Materials**

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment, College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

¹ Title IX Coordinator email: <mailto:TitleIX@com.edu>

² Title IX/Sexual Misconduct webpage: <https://www.com.edu/titleix>

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Note: This policy addresses complaints of sex and gender discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, including gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy.

Definitions

Discrimination against a student is defined as conduct directed at a student on the basis of sex that adversely affects the student.

Sex or Gender
Discrimination

Sexual Harassment

Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the educational environment for students should be free from inappropriate conduct of a sexual or gender-based nature by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional and shall not be tolerated and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including separation from the College District.

By an Employee

Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct (i.e., quid pro quo sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from

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the College District's educational program or activities (i.e., hostile environment).

*By Another
Student or Others*

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Domestic
Violence*

"Domestic violence" means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household; destroying the student's property; threatening to commit suicide or homicide if the student ends the relationship; tracking the student; attempting to isolate the student from friends and family; threatening a student's spouse or partner; or encouraging others to engage in these behaviors.

Gender-Based
Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

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Prohibited Conduct	In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.
Complainant	In this policy, the term “complainant” refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District’s educational program or activity.
Respondent	In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.
Confidential Employee	A “confidential employee” is a person who holds a professional license requiring confidentiality, such as a counselor or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.
Reporting Procedures	A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.
Student Report	Any student who believes that the student has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator, the College President, or another employee, or submit the report electronically through the College District’s website. A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation. A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement. It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.
<i>Exception</i>	Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.

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Employee Report	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of when or where the incident occurred, shall immediately notify the Title IX coordinator and shall take any other steps required by this policy. Additionally, the employee may report to the College President or designee. A report against the College President must also be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.
<i>Exceptions</i>	
Disclosure at Event	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.
Employee Subject to Confidentiality Rules	Absent the student's consent, or unless required by law, a confidential employee shall only be required to disclose the type of incident reported and may not disclose information that would violate the student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.
Peace Officer	A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.
Prior Report	A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.
Anonymous Report	A report may be made anonymously online. Many who choose this option are third-party reporters or just want to document the incident. Depending on the information provided, the College District's ability to respond may be limited.
Amnesty	The College District encourages the reporting of incidents that violate this policy and/or regulation. The use of alcohol or drugs shall not be a deterrent to reporting an incident. When conducting the investigation, the College District's primary focus shall be

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addressing the alleged misconduct and not on alcohol and drug violations that may be discovered or disclosed. The College District does not condone underage drinking; however, the College District shall extend limited amnesty from punitive sanctioning in the case of drug or alcohol use to the parties, witnesses, and others who report incidents, provided that they are acting in good faith in such capacity. The College District may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

Title IX Coordinator Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator or the deputy Title IX coordinators. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended and related state and federal laws:

Title IX Coordinator: Dr. Sarah David, Director of Institutional Equity

Address: 1200 Amburn Road, Texas City, TX 77591

Telephone: (409) 933-8413

Email: [Title IX Coordinator email¹](#)

Webpage: [Title IX/Sexual Misconduct webpage²](#)

Responsible Employees All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with Title IX.

Consolidate Reports When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.

Advisor Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.

Conflict of Interest Prohibited No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.

Training A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.

Days "Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a

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document is filed is “day zero.” The following business day is “day one.”

**Extension of
Timelines**

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.

**Investigation of the
Report**

The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant. The Title IX coordinator shall assess any request not to investigate and immediately authorize or undertake an investigation and notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint. If the complaint does not rise to the level of a policy violation, the appropriate parties shall be notified.

If the Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District policies, the Title IX coordinator shall refer the complaint for consideration under the appropriate policy.

*Request Not to
Investigate*

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

Notice to Parties

The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice

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must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.

If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.

Informal Resolution	The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator or designee may facilitate that resolution within ten days. If the Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator shall authorize or undertake an investigation.
Supportive Measures	If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; housing and dining modifications; temporary removal from an education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.
College District Investigation	The investigation may be conducted by the Title IX coordinator or designee or by a third party designated by the College District, such as an attorney. The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

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The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.

At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.

Criminal or
Regulatory
Investigation

If a law enforcement agency notifies the College District that a criminal investigation has been initiated, the College District may confer with the agency, as appropriate. The existence of a criminal investigation does not eliminate the College District's responsibility to conduct a prompt, thorough, and impartial investigation and shall not cause a material delay in the College District's duty to promptly investigate a complaint. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.

**Concluding the
Investigation**

Absent extenuating circumstances, a request by a law enforcement agency to delay its investigation may be granted to the extent it does not adversely impact the College District's duty to promptly and fairly conduct its own investigation and/or institute necessary interim measures to mitigate or prevent further harm.

The investigation shall be completed within a reasonable time, not to exceed 30 days from the date of the report.

The investigator shall prepare a written report of the investigation. The investigation report shall be filed with the Title IX coordinator within five days following the completion of the investigation.

Notification of the
Report

The Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the parties promptly following receipt. Either party may appeal the outcome as described below.

**College District
Action**

The Title IX coordinator shall submit the investigation report and any response from the parties to the dean of students promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.

The dean of students or designee shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days, following the receipt of the investigation report. The hearing

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shall be conducted in accordance with law and College District procedures.

After the hearing, the dean of students or designee shall determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the dean of students or designee shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The dean of students or designee shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the dean of students or designee determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action including, but not limited to, reprimand, probation, suspension, and expulsion, reasonably calculated to address the conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in FM for students or DH and DM series for employees;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the party who engaged in prohibited conduct;
- Permitting the students involved to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and

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- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if both parties consent, and if the complaint does not allege sexual assault, informal resolution may be pursued. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.

*Improper
Conduct*

If the dean of students or designee determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

**Dismissal of
Complaint**

**Mandatory
Dismissal**

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

**Permissive
Dismissal**

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or the dean of students or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, a person who makes a report, and witnesses. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any person for the purpose of interfering with a right or privilege under this policy; the complainant; or a person who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct.

A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.

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Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
Failure to Report and False Claims	An employee who fails to make a required report or a student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Appeal	If the dean of students or designee determines that a student committed prohibited conduct that warrants a suspension, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President. A conference with the College President shall be scheduled within ten days of the notice of determination.
Discipline or Corrective Action	
<i>Students</i>	
Suspension	
Expulsion	If the dean of students or designee determines that the student committed prohibited conduct that warrants expulsion, the official shall forward the determination and all evidence collected during the investigation and hearing to the College President to schedule an expulsion hearing before the Board.
Other Action	If the dean of students or designee determines that the student committed prohibited conduct that warrants other discipline or corrective action, the dean of students or designee shall inform the student that the student may appeal the determination to the College President within ten days.
<i>Employee</i>	
Suspension Without Pay or Termination of Contract	If the dean of students or designee determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the dean of students or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Employees	
Other Action	If the dean of students or designee determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the dean of students or designee shall inform the employee that the employee may appeal the determination within ten days in accordance with DGBA.
Other Appeals	All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

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Complaints Filed with OCR	A party shall be informed of the party's right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment, College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.

¹ Title IX Coordinator email: <mailto:TitleIX@com.edu>

² Title IX/Sexual Misconduct webpage: <https://www.com.edu/titleix>

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Definitions

Definitions of terms used in this policy shall be as follows.

Student

A "student" shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.

Premises

The "premises" of the College District is defined as all real property over which the College District has possession and control.

Scholastic Dishonesty

"Scholastic dishonesty" shall include, but not be limited to, cheating, plagiarism, and collusion.

"Cheating" shall include, but not be limited to:

1. Copying from another student's test or class work;
2. Using test materials not authorized by the person administering the test;
3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of any event intended to be graded;
5. Substituting for another student, or permitting another student to substitute for oneself ~~one's self~~, to complete any event intended to be graded;
6. Falsifying documentation submitted for purposes of obtaining a grade or course credit; and
7. Altering the contents of a test or any assigned grades.

"Plagiarism" shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own written work.

"Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

Disorderly Conduct

"Disorderly conduct" shall include any of the following activities occurring on premises owned or controlled by the College District:

1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

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2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.
4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.

Responsibility

Each student shall be charged with notice and knowledge of, and shall be required to comply with, the contents and provisions of the College District's rules and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. Each student shall be expected to:

1. Demonstrate courtesy, even when others do not;
2. Behave in a responsible manner, always exercising self-discipline;
3. Attend all classes, regularly and on time;
4. Prepare for each class and take appropriate materials and assignments to class;
5. Obey all classroom rules;

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6. Respect the rights and privileges of students, faculty, other College District staff, and others;
7. Respect the property of others, including College District property and facilities; and
8. Cooperate with and assist the College District staff in maintaining safety, order, and discipline.

Prohibited Conduct

Federal, State, and
Local Law

Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook shall be prohibited.

Prohibited Weapons
and Devices

Possession, distribution, sale, or use of firearms, ~~unless otherwise permitted by CHF(LOCAL)~~, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices, as described in violation of law or College District policies and procedures CHF, ~~without prior approval~~ shall be prohibited, except firearms related to activities at the Lemuel B. Powell Memorial Firearms Training Center. [See CHF]

Drugs and Alcohol

Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.

Debts

Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited.

Disruptions

"Disorderly conduct," as defined above, or disruptive behavior shall be prohibited.

Behavior Targeting
Others

The following behavior targeting others shall be prohibited:

1. Threatening another person, including a student or employee;
2. Intentionally, knowingly, or negligently causing physical harm to any person;
3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, and FFE as appropriate]
4. Hazing with or without the consent of a student; [See FLBC]
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and
6. Endangering the health or safety of members of the College District community or visitors to the premises.

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Property	The following behavior regarding property shall be prohibited: 1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others; 2. Stealing from the College District or others; and 3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.
Directives	Failure to comply with directives given by College District personnel and failure to provide identification when requested to do so by College District personnel shall be prohibited.
Tobacco and E-cigarettes	Use of tobacco products or e-cigarettes on College District property without authorization shall be prohibited. [See FLBD]
<i>Exception</i>	Tobacco and e-cigarette use is permitted in private vehicles on College District property.
Misuse of Technology	The following behavior regarding misuse of technology shall be prohibited: 1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources; 2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses; 3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission; 4. Using the internet or other electronic communications to threaten College District students, employees, or others; 5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal; 6. Using email or websites to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, visitors, or others; and 7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could

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threaten the safety of the College District, students, employees, visitors, or others.

Dishonesty

The following behavior regarding dishonesty shall be prohibited:

1. Scholastic dishonesty, as defined above;
2. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;
3. Intentionally or knowingly providing false information to the College District; and
4. Intentionally or knowingly falsifying records, passes, or other College District-related documents.

Gambling and Other Conduct

Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.

Discipline

A student shall be subject to discipline, including suspension, in accordance with FM and FMA if the student violates this policy:

1. While on College District premises;
2. While attending a College District activity; or
3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

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Definitions of terms used in this policy shall be as follows.

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“Cheating” shall include, but not be limited to:

1. Copying from another student’s test or class work;
2. Using test materials not authorized by the person administering the test;
3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of any event intended to be graded;
5. Substituting for another student, or permitting another student to substitute for oneself, to complete any event intended to be graded;
6. Falsifying documentation submitted for purposes of obtaining a grade or course credit; and
7. Altering the contents of a test or any assigned grades.

“Plagiarism” shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another’s work and the unacknowledged submission or incorporation of it in one’s own written work.

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STUDENT RIGHTS AND RESPONSIBILITIES
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6. Respect the rights and privileges of students, faculty, other College District staff, and others;
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4. Hazing with or without the consent of a student; [See FLBC]
5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and
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Directives	Failure to comply with directives given by College District personnel and failure to provide identification when requested to do so by College District personnel shall be prohibited.
Tobacco and E-cigarettes	Use of tobacco products or e-cigarettes on College District property without authorization shall be prohibited. [See FLBD]
<i>Exception</i>	Tobacco and e-cigarette use is permitted in private vehicles on College District property.
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Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence shall be prohibited.

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A student shall be subject to discipline, including suspension, in accordance with FM and FMA if the student violates this policy:

1. While on College District premises;
2. While attending a College District activity; or
3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.

PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LOCAL)

Requests for public information shall be made to the College District by one of the following methods:

1. Hand delivery;
2. U.S. mail to 1200 Amburn Road, Texas City, TX 77591~~200 Amburn Road, Texas City, TX 77591~~; or
3. Email at piarequests@com.edu.
- ~~3. Email at piarequests@com.edu.~~

**Suspension of
Public Information
During a
Catastrophe**

In the event a catastrophe, as defined by law, significantly impacts the College District such that the catastrophe directly causes the inability of the College District to comply with the requirements of the Texas Public Information Act (PIA), the Board shall suspend the applicability of the ~~PIA~~Texas Public Information Act to the College District for the time permitted by law and provide the required notices to the attorney general and the public. The Board shall extend an initial suspension period as necessary in accordance with law. [See GCB(LEGAL)]

**Charging for
Personnel Time**

In addition to other labor charges permitted by, and in accordance with law, the College District shall charge a requestor for additional personnel time spent producing information for the requestor after College District personnel have collectively spent:

1. Thirty-six hours of time during the College District's fiscal year; or
2. Fifteen hours of time during a one-month period.

PUBLIC INFORMATION PROGRAM
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**Suspension of
Public Information
During a
Catastrophe**

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2. Fifteen hours of time during a one-month period.



PRESIDENT'S OFFICE

MEMORANDUM

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: February 28, 2022

Subject: TASB Legal Policy Update 42

Included for review and information are TASB issued updates to legal policies related to Instruction, Student Services and Public Information.

ATTACHMENT

- 1) TASB Update 42 – *Instruction, Student Services and Public Information* legal policies

Explanatory Notes

Community College Policy Reference Manual Update 42

Community College Policy Reference Manual

EBB(LEGAL)

ALTERNATE METHODS OF INSTRUCTION: OFF CAMPUS INSTRUCTION

At Workforce Education or Programs Requested by Employers, HB 4361 permits a college district to agree with an employer to provide credit or noncredit workforce education or a lower-division program to the college district's students off-campus at a location requested by the employer without first obtaining the approval of a higher education regional council, regardless of whether the location is in the institution's service region or area, consistent with the policy's provisions.

ECC(LEGAL)

INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES

SB 165 adds disaster declarations to the requirement that a college district permit a student to drop courses beyond the existing limit of six for Good Cause. College districts are also prohibited from counting toward the course drop limit calculation a course dropped during the 2020 spring semester or summer term or the 2020-21 academic year due to a limit or prohibition on in-person class attendance in response to the COVID-19 pandemic.

In addition, language has been removed regarding Block Scheduling to reflect the repeal of Coordinating Board rules following the expiration of the underlying statute.

EFA(LEGAL)

CURRICULUM DESIGN: INSTRUCTIONAL PROGRAMS AND COURSES

At Texas Common Course Numbering System, this legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code.

Additional amendments are to conform to TASB style.

EFAA(LEGAL)

INSTRUCTIONAL PROGRAMS AND COURSES: ACADEMIC COURSES

This legally referenced policy has been updated throughout to reflect the repeal and replacement of the Administrative Code course transfer, core curriculum, and field of study curricula provisions.

EFB(LEGAL)

CURRICULUM DESIGN: DEGREES AND CERTIFICATES

Language has been added to this legally referenced policy to reflect recently adopted Coordinating Board rules addressing the development of a Recommended Course Sequence. Further information is available on the Coordinating Board's [Recommended Course Sequence website](#).

EFBA(LEGAL)

DEGREES AND CERTIFICATES: ASSOCIATE DEGREES AND CERTIFICATES

At Academic Certificate, this legally referenced policy has been updated to reflect the repeal and replacement of Administrative Code provisions.

EFBB(LEGAL)

DEGREES AND CERTIFICATES: BACCALAUREATE DEGREES

HB 885 permits Navarro College to offer a bachelor's degree in nursing if approved under existing provisions applicable to community colleges with larger taxable property valuations.

HB 3348 removes previous Limitations and permits all college districts that are eligible to offer bachelor's degrees to offer up to five degrees at a time.

EG(LEGAL)

ACADEMIC ACHIEVEMENT

This legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code Field of Study provisions.

Explanatory Notes

Community College Policy Reference Manual Update 42

Community College Policy Reference Manual

EGA(LEGAL)

ACADEMIC ACHIEVEMENT: GRADING AND CREDIT

At Course Credit for Entering Freshmen Students, beginning in spring 2022, SB 1227 prohibits a college district from requiring a College-Level Examination Program (CLEP) exam score to award credit in a lower-division course that is higher than the minimum recommended by the American Council on Education, unless certain criteria are met.

HB 33 amends existing provisions guiding the determination by a college district as to whether to grant a student Course Credit for Military Training toward a degree. The bill applies the same standards to credit awarded for a certificate.

In addition, changes to language and citations in response to the repeal and replacement of Administrative Code provisions have been made throughout the Transfer of Credit and Nondiscrimination sections.

EGC(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

This legally referenced policy has been updated to conform with statute and TASB style.

EI(LEGAL)

TESTING PROGRAMS

This legally referenced policy has been updated to reflect recently adopted Coordinating Board rules addressing exemptions to the Texas Success Initiative Assessment (TSIA) based on High School Equivalency Examination scores.

HB 4545 addresses the TSIA exemptions granted to students based on performance on End-of-Course Assessments adopted by the Texas Education Agency for Algebra II and English III.

EJA(LEGAL)

MISCELLANEOUS INSTRUCTIONAL POLICIES: OTHER INSTRUCTIONAL INITIATIVES

A citation has been updated in this legally referenced policy in accordance with HB 3607.

FA(LEGAL)

EQUAL EDUCATIONAL OPPORTUNITY

At Access for Religious Organizations During Disasters, HB 525 provides that a religious organization's religious and other related activities are essential activities, including during a declared state of disaster. A college district may not prohibit a religious organization from engaging in activities or discharging its faith-based mission and purpose at any time.

Additional amendments are to conform with TASB style.

FC(LEGAL)

ATTENDANCE

SB 937 amends provisions requiring a college district to excuse a student's absence due to "active" Military Service to encompass all forms of "required" military service, including annual training, inactive drill time, and similar activities.

FEB(LEGAL)

FINANCING EDUCATION: WORK STUDY

This legally referenced policy has been updated to reflect changes to Federal Work-Study Program regulations made in response to *Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012 (2017), and federal guidance.

Explanatory Notes

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FFC(LEGAL)

STUDENT WELFARE: STUDENT-SUPPORT SERVICES

At Support for Transfer Students, this legally referenced policy has been updated to reflect the repeal and replacement of the Administrative Code course transfer provisions.

FFDA(LEGAL)

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION: SEX AND SEXUAL VIOLENCE

At Campus Peace Officers, SB 1371 resolves a conflict in statute, clarifying that a college district peace officer may only include the type of incident in a report of sexual harassment, sexual assault, dating violence, or stalking submitted by the officer to the Title IX coordinator if the victim completes a pseudonym form and may not reveal the victim's identifying information.

FJ(LEGAL)

STUDENT RECORDS

SB 279 requires a college district to include contact information for the National Suicide Prevention Life-line and the Crisis Text Line on each Student Identification Card and permits the inclusion of certain other health and safety information.

FLA(LEGAL)

STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

A cross reference has been added in the Note for further information relevant to student expression and facilities use.

HB 1239 prohibits a college district or public official from issuing an order that closes or has the effect of closing Places of Worship.

FLBD(LEGAL)

STUDENT CONDUCT: TOBACCO USE

SB 248 amends the definition of E-cigarette to include a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by the prior e-cigarette definition.

GA(LEGAL)

ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

At Access for Religious Organizations During Disasters, HB 525 provides that a religious organization's religious and other related activities are essential activities, including during a declared state of disaster. A college district may not prohibit a religious organization from engaging in activities or discharging its faith-based mission and purpose at any time.

In addition, citations have been amended based on changes from HB 3607 and to conform to TASB style.

GC(LEGAL)

PUBLIC INFORMATION PROGRAM

HB 1154 redesignates statutes, resulting in a citation change.

GCA(LEGAL)

PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION

SB 1 of the second special session requires Communications with Voting Systems Vendors to be public under the PIA unless a certain Exception applies.

HB 1082 and SB 841 adds honorably retired college district peace officers and elected board members to the list of those individuals whose Personal Information and Contact Information must remain confidential.

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HB 2357, as well as HB 4173 from the 86th Legislative Session, make certain Crime Victim Information confidential.

HB 3597 provides that a document related to a college district's multihazard EOP is subject to public disclosure if it enables an individual to verify that the plan addresses the five stages of emergency management instead of just four.

In addition, some citations have been updated based on changes from HB 3607, citations and language have been amended to conform to TASB style, and a cross reference has been added at Contracting Information.

GCB(LEGAL) PUBLIC INFORMATION PROGRAM: REQUESTS FOR INFORMATION

At Production of Public Information During Office Closure, SB 1225 requires a college district to make good faith efforts to continue to respond to public information requests when its administrative offices are closed, with certain exceptions.

At Temporary Suspension of Requirements During Catastrophe, the bill also limits a college district's authority to initially suspend the PIA to only one instance for each catastrophe and permits only one extension of the suspension, resulting in a maximum possible suspension of 14 consecutive calendar days for any single catastrophe. A catastrophe does not include a period when staff is required to work remotely because the governmental body's physical office is closed, but staff can still access information electronically.

In addition, citations and language have been amended based on changes from HB 3607 and to conform to TASB style, and a cross reference has been added at Request to Contracting Entity.

GD(LEGAL) COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

A cross reference has been added in the Note for further information relevant to community expression and facilities use.

HB 1239 prohibits a college district or public official from issuing an order that closes or has the effect of closing Places of Worship.

Additional amendments are to conform with TASB style.

GG(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES

At Cybersecurity Training for Contractors, SB 800 provides that contractors required by a state agency to complete a cybersecurity training program must verify completion by August 31st each year. Additional amendments are to conform with statute.

GGC(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES: STATE GOVERNMENTAL AUTHORITIES

At Notice to the State Regarding Contracts, SB 1 requires college districts to report certain contract information for certain contract values to the LBB. Citations were also updated in response to the bill.

GGD(LEGAL) RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES: FEDERAL GOVERNMENTAL AUTHORITIES

SB 780 authorizes a college district to enter into an intergovernmental support agreement with a branch of the U.S. armed forces to provide installation-support services to a military installation located in Texas.

Explanatory Notes

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GH(LEGAL)

RELATIONS WITH SCHOOLS AND DISTRICTS

SB 1277 requires that Dual Credit Agreements between college districts and school districts designate an employee of either entity to provide academic advising to a student who enrolls in a dual credit course prior to the start of the course. The bill applies to agreements entered into or renewed on or after September 1, 2021.

SB 1677 repeals the requirements that a school district identified by the Coordinating Board and TEA collaborate with a college district or other institution of higher education to develop plans to increase the school district's students' enrollment in higher education.

GL(LEGAL)

RELATIONS WITH BUSINESSES AND THE COMMUNITY

This legally referenced policy has been updated to reflect amendments to Texas Workforce Commission rules related to the Skills Development Fund.

SB 4 prohibits college districts from entering into certain Contracts with Professional Sports Teams unless the agreements include a written verification that the team will play the national anthem at the beginning of each preseason, regular season, and postseason game held at the team's home venue or other facility controlled by the team for the event.

At Restricted Use of Individual-Identifying Information, SB 475 prohibits a college district from using global positioning system technology, including contact tracing, or technology designed to obtain biometric identifiers to acquire, retain, or disseminate information that identifies an individual or the individual's location.

Citations have been amended throughout based on changes from HB 3607.



PRESIDENT'S OFFICE

MEMORANDUM

To: Board of Trustees

From: Dr. Warren Nichols, President

Date: February 28, 2022

Subject: TASB Legal Policy Update 42

Included for review and information are TASB issued updates to legal policies related to Instruction, Student Services and Public Information.

ATTACHMENT

- 1) TASB Update 42 – *Instruction, Student Services and Public Information* legal policies

An institution of higher education, including a college district, may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the Coordinating Board. An institution must certify to the Coordinating Board that a course offered for credit outside the state meets the Coordinating Board's academic criteria. An institution shall include the certification in submitting any other reports required by the Coordinating Board. *Education Code 61.0512(g)*

Definitions

Clinical Course

A "clinical course" is an academic credit course that is a health-related, work-based learning experience that enables the student to apply specialized occupational theory, skills, and concepts. *19 TAC 4.272(4)*

Clinical Facility

A "clinical facility" is a health-care facility that provides learning experiences for students. *19 TAC 4.272(5)*

Continuing
Education Course

A "continuing education course" is a non-credit higher education technical course offered for continuing education units (CEUs), has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. *19 TAC 4.272(8)*

Non-Credit Course

A "non-credit course" is a course that results in the award of CEUs as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. *19 TAC 4.272(17)*

Off-Campus Course

An "off-campus course" means a course in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are outside the service area. *19 TAC 4.272(18)*

Off-Campus Degree
or Certificate
Program

An "off-campus degree or certificate program" is a program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through off-campus courses. *19 TAC 4.272(19)*

Off-Campus
Instruction

"Off-campus instruction" is the formal educational process in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are sites outside of the service area. *19 TAC 4.272(20)*

Out-of-State / Out-
of-Country Courses
and Programs

"Out-of-state/out-of-country courses and programs" are academic credit courses and programs delivered outside Texas/United States to individuals or groups who are not regularly enrolled on-campus students. Out-of-state and out-of-country courses do not receive formula funding. *19 TAC 4.272(21)*

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

Regular On-Campus Student	A “regular on-campus student” is a student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding and more than 50 percent of coursework is primarily taken at an institution's main campus or on one or more of the campuses within a multi-campus community college system. <i>19 TAC 4.272(26)</i>
Self-Supporting Courses and Programs	“Self-supporting courses and programs” are academic credit courses and programs whose semester credit hours are not submitted for formula funding. <i>19 TAC 4.272(27)</i>
Study-in-America Courses	“Study-in-America courses” are off-campus, academic credit instruction, which is delivered outside Texas but in the United States primarily to regular on-campus students. <i>19 TAC 4.272(30)</i>
Study-Abroad Courses	“Study-abroad courses” are off-campus, academic credit instruction, which is delivered outside the United States primarily to regular on-campus students. <i>19 TAC 4.272(31)</i>
Workforce Continuing Education Course	“Workforce continuing education course” is a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or avocational purposes which is not supported by state funding. <i>19 TAC 4.272(32)</i>
Applicability of Subchapter Q	Administrative Code Title 19, Chapter 4, Subchapter Q governs the following types of instruction offered by institutions of higher education: academic credit courses, clinical courses, degree and certificate programs, and formula-funded workforce continuing education provided by a community college outside the boundaries of its service area through off-campus instruction; academic credit courses and programs offered by any public institution of higher education outside of Texas, including Study-Abroad, Study-in-America, out-of-state, and out-of-country courses; and self-supporting courses and programs that are offered through off-campus instruction. Administrative Code Title 19, Chapter 4, Subchapter Q does not apply to continuing education, except for formula-funded workforce continuing education, provided by public two-year colleges. <i>19 TAC 4.273</i>
Standards and Criteria	The following provisions apply to all institutions, including college districts, covered under 19 Administrative Code Chapter 4, Subchapter Q, unless otherwise specified:
Generally	1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

2. For off-campus programs and self-supporting programs, the parent institution shall notify all potentially affected area institutions in accordance with Coordinating Board policy and procedures.
3. Institutions shall report enrollments, courses, and graduates associated with self-supporting offerings as required by the commissioner.
4. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.
5. Students shall be provided academic support services appropriate for off-campus instruction such as academic advising, career counseling, library, and other learning resources.
6. Off-campus instruction sites shall be of sufficient quality for the delivery methods and courses offered.

19 TAC 4.274

Off-Campus
Programs

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. An institution offering an off-campus degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
4. Each degree program offered off-campus shall be approved by the institution's governing board or the board's institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.
5. Institutions shall require that students (except for students in out-of-country programs) enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home

institution. Out-of-country students shall meet equivalent standards for admission into programs.

19 TAC 4.275

**Off-Campus
Courses**

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q, unless otherwise specified:

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.
2. Prior Coordinating Board approval may be required before an institution may offer courses in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. Study-in-America and Study-Abroad courses offered by institutions of higher education, or by an approved consortium composed of Texas public institutions, must be reported to the Coordinating Board in the manner prescribed by the commissioner in order for the semester credit hours or contact hours generated in those courses to receive formula funding.
4. All courses shall meet the quality standards applicable to on-campus courses.
5. Institutions shall report to the Coordinating Board and shall notify all potentially affected area institutions of all off-campus courses and programs in accordance with Coordinating Board policy and procedures.
6. Except for students in out-of-country courses, students shall satisfy the same requirements for enrollment in an academic credit course as required of on-campus students. Out-of-country students shall be assessed for academic guidance purposes.
7. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

19 TAC 4.276

**Off-Campus Program
and Course Faculty**

The following standards and criteria apply to faculty teaching in programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution

to select and evaluate faculty responsible for on-campus courses.

2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching off-campus or self-supporting courses.
3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

19 TAC 4.277

Regional Councils

Public community colleges shall submit for the appropriate regional council's review all off-campus lower-division courses proposed for delivery to sites outside their service areas. All institutions of higher education, including community colleges, shall provide notice to the Higher Education Regional Councils when planning to offer requested off-campus and/or electronic to groups dual credit courses in the council's service area. *19 TAC 4.278(f), (j)*

With the exception of 19 Administrative Code 4.278(e), (i), and (j), regional councils in each of the ten uniform state service regions shall make recommendations to the commissioner and shall resolve disputes regarding plans for lower-division courses and programs proposed by public institutions. *19 TAC 4.278(b)*

Each regional council shall make recommendations to the commissioner regarding off-campus courses and programs proposed for delivery within its uniform state service region in accordance with the consensus views of council members, except for courses and programs proposed to be offered by public community colleges in their designated service areas and courses and programs governed by the provisions of 19 Administrative Code 4.278(e), (i), and (j). *19 TAC 4.278(d)*

A public community college may enter into an agreement to offer dual credit courses with a high school located in the service area of another public community college without additional regional council approval. [For more information on dual credit, see GH] *19 TAC 4.278(e)*

Clinical Courses

Universities, health-related institutions, public community and technical colleges, and Lamar state colleges may offer clinical courses at clinical facilities without regional council approval if each of the following criteria is met:

1. The student(s) enrolled in the clinical course is already employed by the clinical facility;

2. The institution receives written verification from the clinical facility that there will be no reduction in the number of clinical opportunities available for use by area institutions; and
3. The institution of higher education notifies the appropriate regional council(s) of the clinical course and provides the regional council(s) with written verification from the clinical facility that the course will not reduce the number of clinical opportunities available for use by area institutions.

19 TAC 4.278(h)

**Workforce
Education or
Programs
Requested by
Employers**

An institution of higher education may enter into an agreement with an employer to provide a credit or noncredit off-campus workforce education or lower-division program to the institution's students at a site requested by the employer without the approval of a higher education regional council, regardless of whether the site at which the program would be offered is located within the institution's uniform state service region or, if the institution is a public junior college, within the junior college district's service area, if:

1. The employer has solicited an agreement to offer the program at that site with another institution of higher education that offers the same or substantially equivalent coursework as that requested by the employer;
2. The proposed site for the off-campus program is located within the uniform state service region in which the institution described by item 1 is located or, if the institution is a public junior college, within the junior college district's service area; and
3. The institution of higher education described by item 1 does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks after the employer's initial written solicitation requesting the institution to offer the program.

Education Code 51.981

Formula Funding

Institutions, including college districts, shall report off-campus courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter Q.

Institutions shall not submit for formula-funding courses in out-of-state or out-of-country programs, nor shall they submit self-supporting courses for formula funding.

Institutions shall not submit non-state-funded, lower-division credit courses to regional councils.

Institutions shall not jeopardize or diminish the status of formula-funded, on-campus courses and programs in order to offer self-supporting courses. Self-supporting courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.

For courses not submitted for formula funding, institutions shall charge fees that are equal to or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

Fee Reports

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 4.279

Limit on Enrollment	To ensure the quality of student learning, institutions, including college districts, should not allow students to carry more courses in any term (that is, regular or shortened semester), that would allow them to earn more than one semester credit hour per week over the course of the term. Institutions should have a formal written policy for addressing any exceptions to this paragraph. 19 TAC 4.6 (b)–(c)
Adding / Dropping Courses	Courses at public community colleges may be added by students up to and including the official census date. A student may not enroll in a course after that date. Courses at public community colleges may be dropped and a student entitled to a refund of tuition and fees as outlined under 19 Administrative Code 21.5 [see FD]. <i>Education Code 130.009; 19 TAC 9.31</i>
Limitation on the Number of Dropped Courses	This section applies only to an undergraduate student who drops a course at an institution of higher education, including a college district, and only if: 1. The student was able to drop the course without receiving a grade or incurring an academic penalty; 2. The student's transcript indicates or will indicate that the student was enrolled in the course; and 3. The student is not dropping the course in order to withdraw from the institution. An institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under the circumstances described above. The governing board of an institution of higher education may adopt a policy under which the maximum number of courses a student is permitted to drop under circumstances described above is less than six courses. <i>Education Code 51.907(b)–(d), 19 TAC 4.3(11), .10(a)</i>
Exceptions Good Cause	An institution of higher education shall permit an undergraduate student to drop more courses than the six courses permitted to be dropped under Education Code 51.907(c) or the courses permitted to be dropped under a board policy adopted under Education CodeSection 51.907(d) if ~~the student shows~~ good cause exists for dropping more than that number, including but not limited to ~~a showing of:~~

1. The student's showing of:

- ~~1.a.~~ A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
- ~~2.b.~~ The student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;
- ~~3.c.~~ The death of a person who is either considered to be a member of the student's family or is otherwise considered to have a sufficiently close relationship to the student, as defined below, that the person's death is considered to be a showing of good cause;
- ~~4.d.~~ The active duty service as a member of the Texas National Guard or the Armed Forces of the United States of either the student or a person who is considered to be a member of the student's family or a person who is otherwise considered to have a sufficiently close relationship to the student, as described below;
- ~~5.e.~~ The change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
- ~~6.f.~~ Other good cause as determined by the institution of higher education; **or**

~~Education Code 51.907(e); 19 TAC 4.9(a)~~

- 2. A disaster declared by the governor under Government Code 418.014 resulting in a bar or limit on in-person course attendance at the institution of a duration that significantly affects the student's ability to participate in coursework, as determined in accordance with a rule adopted under Education Code 51.907(e).**

Notwithstanding any other provision in Section 51.907, an institution of higher education may not count toward the number of courses permitted to be dropped under Section 51.907(c) or a policy adopted under Section 51.907(d) a course dropped by a student during the 2020 spring semester or summer term or the 2020–2021 academic year because of a bar or limit on in-person course attendance at the institution during the applicable semester or term due to the coronavirus disease (COVID-19) pandemic.

Education Code 51.907(e), (e-2); 19 TAC 4.9(a)

Definitions	For purposes of this exception, a “member of the student’s family” is defined to be the student’s spouse, child, grandchild, father, mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, stepparent, stepchild, or stepsibling. A “person who is otherwise considered to have a sufficiently close relationship to the student” is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student for approval by the institution, on a case-by-case basis. <i>19 TAC 4.9(b)</i>
Policy for Determining Good Cause Required	Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as described above and shall provide a copy of the policy to the Coordinating Board. Each institution of higher education shall publish the policy adopted in its catalogue and other print and internet-based publications as appropriate for timely notification of students. <i>19 TAC 4.9(d)–(e)</i>
<i>Reenrolled Students</i>	An institution of higher education shall permit an undergraduate student a total of more than six dropped courses if the enrollment is for a student who qualifies for a seventh course enrollment, who: 1. Has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student’s reenrollment; and 2. Successfully completed at least 50 semester credit hours of coursework at an institution of higher education that are not exempt from the limitation on formula funding set out in 19 Administrative Code 13.104(1)–(6) before that break in enrollment. <i>Education Code 51.907(e-1); 19 TAC 4.9(a)</i>
Determining Number of Courses Dropped	In determining the number of courses dropped by a student for purposes of this section, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if: 1. Concurrent enrollment in both courses is required; and

2. In dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled.

Education Code 51.907(f)

Block Scheduling

Definitions

*Block-Scheduled
Program*

~~“Block-scheduled program” is a Coordinating Board-approved associate of applied science degree or credit-bearing certificate program in the fields of allied health, nursing, or career education and technology utilizing block scheduling. 19 TAC 9.662(4)~~

Block Scheduling

~~“Block scheduling” is co-registration in a group of courses equal to a full-time load related to a specific program of study or major to facilitate schedule predictability from semester to semester and encourage timely degree completion. 19 TAC 9.662(1)~~

Full-Time Load

~~“Full-time load” is the number of semester credit hours a student is required to complete per semester to complete the program in the amount of time the degree or certificate represents. As examples, a Level I certificate should be completed in one year or less; a Level II certificate should be completed in less than two years; and an associate degree should be completed in two years. 19 TAC 9.662(3)~~

Required to Offer

~~To facilitate timely degree completion by students at public junior colleges, from among the allied health, nursing, and career and technology associate degree or certificate programs offered by a public junior college, the college shall establish, for at least five of these programs not previously offered as a block-schedule curriculum, a block-schedule curriculum under which:~~

- ~~1. Courses required for a student's enrollment in the program as a full-time student are offered each semester in scheduled blocks, such as a morning, full-day, afternoon, evening, or weekend block-schedule, designed to provide scheduling predictability from semester to semester to students enrolled in the program; and~~
- ~~2. Students may enroll in an entire block-schedule curriculum offered under the program in a semester, rather than enrolling in individual courses leading toward the degree or certificate.~~

~~Clinical, practicum, and other externships may deviate from the block-schedule.~~

~~Each public junior college shall publish in advance of each semester the available block-schedule curricula for each associate degree or certificate program described above offered by the college for that semester.~~

~~Education Code 130.0095; 19 TAC 9.663-.665~~

~~Hardship Exception~~	~~If a public junior college does not offer the minimum number of block-scheduled programs as described by 19 Administrative Code Chapter 9, Subchapter M, the institution must provide detailed written documentation to the Coordinating Board describing the reason why offering the required number of programs creates a hardship for the institution and how students would be impacted by offering additional block-scheduled programs. Factors creating an institutional hardship may include, but are not limited to, programmatic accreditation requirements; statutory requirements; number of students enrolled in the program; availability of faculty; or availability of classroom, laboratory, or other types of instructional/experiential spaces. The Coordinating Board will review the documentation provided and make a determination to approve or deny a request to not offer the minimum number of block-scheduled programs as defined by Subchapter M. 19 TAC 9.666~~

**Annual List of
Courses**

Each governing board, including each college district governing board, shall submit to the Coordinating Board once each year on dates designated by the Coordinating Board a comprehensive list by department, division, and school of all courses, together with a description of the content, scope, and prerequisites of all those courses, that will be offered by each institution under the supervision of the governing board during the following academic year. The list for each institution must also specifically identify any course included in the common course numbering system under Education Code 61.832 that has been added to or removed from the institution's list for the current academic year, and the board shall distribute that information as necessary to accomplish the purposes of ~~Education Code~~ **Section** 61.832. Each governing board must certify at the time of submission that the institution does not:

1. Prohibit the acceptance of transfer credit based solely on the accreditation of the sending institution; or
2. Include language in any materials published by the institution, whether in printed or electronic form, suggesting that such a prohibition exists.

After the comprehensive list of courses is submitted by a governing board, the governing board shall submit on dates designated by the Coordinating Board any changes in the comprehensive list of courses to be offered, including any changes relating to offering a course included in the common course numbering system. The Coordinating Board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved.

Education Code 61.052

Course Schedule

Each institution of higher education, including each college district, shall, for each semester or academic term, compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students. A textbook list must be included with the course schedule. Both must be posted in accordance with Education Code 51.452 [see EDA]. *Education Code 51.452*

**Online Posting
Requirement**

Each institution of higher education, including each college district but excluding each medical and dental unit, shall make available to the public on the institution's internet website the following information for each undergraduate classroom course offered for credit by the institution:

1. A syllabus that satisfies any standards adopted by the institution; provides a brief description of each major course requirement, including each major assignment and examination; includes the measurable learning outcomes for the course, as defined in 19 Administrative Code 4.104; lists any required or recommended reading; and provides a general description of the subject matter of each lecture or discussion. If multiple sections of a course use an identical syllabus with identical assignments and readings, only one syllabus shall be posted.
2. A curriculum vitae of each regular instructor, including each instructor of record for each section of the course, that lists at least all institutions of higher education attended, with the degree(s) earned; all previous teaching positions, including the names of the institutions, the position, beginning and ending dates; and a list of significant professional publications relevant to the academic positions held, including full citation data for each entry. The curriculum vitae may include the instructor's professional contact information, such as office telephone number, work address, and institutional email address. The curriculum vitae may not include any personal information, including the instructor's home address or home telephone number.
3. The departmental budget report. If a course is offered through a unit other than a department — such as a program, college, or institute — substitute the budget for that unit as appropriate. If the institution posts general budget data on its website in which the information required by statute is reported, it may substitute a hyperlink to that data in place of a separate departmental budget report. The budget report shall include detail for the most recent academic year for which data are available; income from all sources; and a summary by functional categories such as salaries and wages, travel, and the like (as defined by the National Association of College and University Business Officers).

Education Code 51.974(a)-(a-1); 19 TAC 4.227(a)(2)–(3), (9), .228(a)–(b)

Definitions

*Instructor(s) of
Record*

The “instructor(s) of record” is the primary instructor or co-instructors of a course who are responsible for the course content and the assignment of final grades. This includes tenured and tenure-track faculty, lecturers, adjuncts, and graduate assistants who are not working under the supervision of an instructor of record. It does not include guest lecturers or others who may be brought in to teach less than 50 percent of the class sessions. *19 TAC 4.227(5)*

<i>Undergraduate Classroom Course</i>	An “undergraduate classroom course” is any lower- or upper-division credit course offered to five or more students. This includes on-campus, off-campus, distance education, and dual credit courses (including those taught on high school campuses). It excludes courses with highly variable subject content that are tailored specifically to individual students, such as Independent Study and Directed Reading courses. It excludes laboratory, practicum, or discussion sections that are intrinsic and required parts of larger lecture courses and are directly supervised by the same instructor(s) of record for those large courses. <i>19 TAC 4.227(10)</i>
Accessibility	This course information must be accessible from the institution’s internet website home page by use of not more than three links. The information must be searchable by keywords and phrases and accessible to the public without requiring registration or use of a username, a password, or another user identification. <i>Education Code 51.974(b); 19 TAC 4.228(c)</i>
Time Frame for Posting	The institution shall make the online course information available not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered. The institution shall continue to make the information available on the institution’s internet website until at least the second anniversary of the date on which the institution initially posted the information. <i>Education Code 51.974(c); 19 TAC 4.228(c)</i>
Updating Information	The institution shall update the online course information as soon as practicable after the information changes at least once for every semester in which the course is offered. <i>Education Code 51.974(d); 19 TAC 4.228(c)</i>
Designation of Responsible Administrator	The governing body of the institution shall designate an administrator to be responsible for ensuring the implementation of the posting requirement. The administrator may assign duties under this section to one or more administrative employees. <i>Education Code 51.974(e); 19 TAC 4.228(f)</i>
Report Required	Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution’s compliance with the posting requirement to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education. <i>Education Code 51.974(f); 19 TAC 4.228(f)</i>
Minimum Length of Courses	Traditionally delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

Institutions of higher education, including college districts, may offer a course in a nontraditional way, for example, over the internet or through a shortened, intensive format, that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

19 TAC 4.6(a), (d)–(e)

**Texas Common
Course Numbering
System**

~~Institutions of higher education~~ Each institution, including each college ~~districts~~ district, shall include the applicable course numbers from the Texas Common Course Numbering System (TCCNS) in its printed and electronic catalogs, course listings, and any other appropriate informational resources, and in the application of the provisions of 19 Administrative Code Chapter 4, Subchapter B ~~(Transfer of Credit, Core Curriculum, and Field of Study Curricula)~~. Institutions that do not use the TCCNS taxonomy as their sole means of course numbering shall publish the following information in their printed and electronic catalogs, course listings, and any other appropriate informational resources:

1. The TCCNS prefix and number must be displayed immediately adjacent to the institutional course prefix and number [e.g., ENG 101 (ENGL 1301)] at the beginning of each course description; and
2. The printed and electronic catalogs shall include a chart, table, or matrix, alphabetized by common course prefix, listing all common courses taught at the institution by both the common and local course number. For printed catalogs, the chart, table, or matrix should be referenced in a table of contents and/or a subject index.

Each institutional catalog shall include an explanation of the TCCNS and the significance of TCCNS courses for transfer purposes.

For good cause, the commissioner may approve an exemption from the requirements of this section.

19 TAC 4.3537

Learning Outcomes

To foster a transparent student learning environment at institutions of higher education and to facilitate the universal articulation of undergraduate courses that are transferable for credit among all institutions of higher education, each institution of higher education, including each college district, shall identify, adopt, and make available for public inspection measurable learning outcomes for each undergraduate course, as defined in 19 Administrative Code 4.103(3), offered by the institution other than:

1. A course with a highly variable subject content that is tailored specifically to an individual student, such as an independent study or directed reading course; or
2. A laboratory, practicum, or discussion section that is an intrinsic and required component of a lecture course.

An institution of higher education may adopt learning outcomes for a course that are the same as or based on those identified for that course by the institution's recognized accrediting agency.

Statements of the measurable learning outcomes shall be kept on file for at least two years after the course is taught and made available for public inspection upon request to the provost's office of each institution.

If the institution is in compliance with 19 Administrative Code 4.225–4.228 (relating to Public Access to Course Information), then the institution is also in compliance with this section since learning outcomes are required to be a part of each course syllabus posted on the institution's website.

Education Code 51.96851(b)–(c); 19 TAC 4.104(b)–(c)

Measurable
Learning Outcomes

“Measurable learning outcomes” are defined as the knowledge and skills a student is expected to acquire or achieve upon completion of a course. Measurement may be quantitative or qualitative, depending upon the subject matter of the course. 19 TAC 4.103(2)

**State-Funded
Courses**

State funding shall be provided for lower-division academic courses at public community colleges, public technical colleges, or public state colleges if such courses:

1. Are approved for inclusion in the Lower-Division Academic Course Guide Manual (ACGM);
2. Have been reviewed and approved by Coordinating Board staff in accordance with the criteria for unique need courses [see 19 Administrative Code 9.74]; and
3. Are consistent with the TCCNS.

19 TAC 9.73(a)

Course Report

Not later than March 1 of each year and in the form prescribed by the Coordinating Board, each public junior college shall provide to the Coordinating Board and the Legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college.

A report required by this section must include the total number of:

1. Courses attempted and completed at the college, including the total number of semester credit hours for those courses, disaggregated by whether the course is in the Workforce Education Course Manual or its successor adopted by the Coordinating Board or the Lower-Division Academic Course Guide Manual or its successor adopted by the Coordinating Board;
2. Courses attempted and completed at the college that are not in the recommended core curriculum developed by the Coordinating Board under Education Code 61.822; and
3. Dual credit courses, including courses for joint high school and junior college credit under Education Code 130.008, attempted and completed at the college.

Education Code 51.4034

Notice of Licensing Requirements

An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

1. The potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
2. The current guidelines issued under Occupations Code 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;
3. Any other state or local restriction or guideline used by a licensing authority to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
4. The right to request a criminal history evaluation letter under Occupations Code 53.102.

The entity shall provide the required notice to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the required notice to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

1. Refund the amount of any tuition paid by the individual to the entity; and
2. Pay to the individual an amount equal to the total of the following, as applicable:
 - a. The amount of any application fees paid by the individual to the licensing authority; and
 - b. The amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

Occupations Code 53.152–.153

**Lower-Division
Courses**

Each institution of higher education that offers lower-division courses must offer at least 45 semester credit hours of academic courses that are substantially equivalent to courses listed in the Lower Division Academic Course Guide Manual (ACGM) including those that fulfill the lower-division portion of the institution's core curriculum. 19 TAC 4.25(b)

Core Curriculum

Definition

"Core curriculum" means the curriculum in liberal arts, humanities, and sciences and political, social, and cultural history that all undergraduate students of an institution of higher education, including a college district, are required to complete before receiving an academic undergraduate degree. *Education Code 61.821(1)*

Recommendation

The Coordinating Board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop a recommended core curriculum of at least 42 semester credit hours (SCH), including a statement of the content, component areas, and objectives of the core curriculum. At least a majority of the members of any advisory committee shall be faculty members of an institution of higher education. An institution shall consult with the faculty of the institution before nominating or recommending a person to the Coordinating Board as the institution's representative on an advisory committee. *Education Code 61.822(a-1)*

Adoption

Each institution of higher education shall adopt a core curriculum of no less than 42 SCH, including specific courses comprising the curriculum. The core curriculum shall be consistent with the common course numbering system approved by the Coordinating Board and with the statements, recommendations, and rules issued by the Coordinating Board.

No institution may adopt a core curriculum of more than 42 SCH. No upper-division course shall be approved to fulfill a foundational component area requirement in the core curriculum if it is substantially comparable in content or depth of study to a lower-division course listed in the ~~Lower-Division Academic Course Guide Manual~~ ACGM.

In offering its Coordinating Board-approved core curriculum, an institution of higher education must list only those courses that have been approved by the Coordinating Board as compliant with the Texas Core Curriculum.

Education Code 61.822(b); 19 TAC 4.28(a), .29, .31

Revisions

An institution of higher education, ~~including a college district~~, may request changes to its core curriculum annually. One comprehensive request may be submitted each academic year, on a schedule

that suits the institution's needs. An institution should follow the procedures posted on the Coordinating Board's website to modify its core curriculum by adding or deleting courses and must provide information to justify the requested changes.

The institution will receive a letter from Coordinating Board staff giving notice of approval of the proposed changes and/or indicating any changes that do not meet provisions of the current core curriculum, and identifying an effective date for any approved change(s). Upon receiving an approval letter from Coordinating Board staff, the institution shall make any required changes to its core curriculum and will document those changes in institutional publications.

19 TAC 4.31

Component Areas	Each institution of higher education, ~~including each college district,~~ that offers an undergraduate academic degree program shall develop its core curriculum by using the Coordinating Board-approved purpose, core objectives, and foundational component areas of the Texas Core Curriculum. <i>19 TAC 4.28(b)</i>
<i>Purpose</i>	Through the Texas Core Curriculum, students will gain a foundation of knowledge of human cultures and the physical and natural world, develop principles of personal and social responsibility for living in a diverse world, and advance intellectual and practical skills that are essential for all learning. <i>19 TAC 4.28(b)(1)</i>
<i>Core Objectives</i>	Through the Texas Core Curriculum, students will prepare for contemporary challenges by developing and demonstrating the following core objectives: 1. Critical Thinking Skills: to include creative thinking, innovation, inquiry, and analysis, evaluation, and synthesis of information; 2. Communication Skills: to include effective development, interpretation, and expression of ideas through written, oral, and visual communication; 3. Empirical and Quantitative Skills: to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusions; 4. Teamwork: to include the ability to consider different points of view and to work effectively with others to support a shared purpose or goal; 5. Personal Responsibility: to include the ability to connect choices, actions, and consequences to ethical decision-making; and

6. Social Responsibility: to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.

19 TAC 4.28(b)(2)

*Foundational
Component
Areas (36 SCH)*

Each institution's core curriculum will be composed of courses that adhere to the content description, core objectives, and SCH requirements for a specific component area. The foundational component areas are:

1. Communication (6 SCH):
 - a. Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively.
 - b. Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Personal Responsibility.
2. Mathematics (3 SCH):
 - a. Courses in this category focus on quantitative literacy in logic, patterns, and relationships.
 - b. Courses involve the understanding of key mathematical concepts and the application of appropriate quantitative tools to everyday experience.
 - c. The following three Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, and Empirical and Quantitative Skills.
3. Life and Physical Sciences (6 SCH):
 - a. Courses in this category focus on describing, explaining, and predicting natural phenomena using the scientific method.
 - b. Courses involve the understanding of interactions among natural phenomena and the implications of scientific principles on the physical world and on human experiences.

- c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Teamwork.
- 4. Language, Philosophy, and Culture (3 SCH):
 - a. Courses in this category focus on how ideas, values, beliefs, and other aspects of culture express and affect human experience.
 - b. Courses involve the exploration of ideas that foster aesthetic and intellectual creation in order to understand the human condition across cultures.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.
- 5. Creative Arts (3 SCH):
 - a. Courses in this category focus on the appreciation and analysis of creative artifacts and works of the human imagination.
 - b. Courses involve the synthesis and interpretation of artistic expression and enable critical, creative, and innovative communication about works of art.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Social Responsibility.
- 6. American History (6 SCH):
 - a. Courses in this category focus on the consideration of past events and ideas relative to the United States, with the option of including Texas History for a portion of this component area.
 - b. Courses involve the interaction among individuals, communities, states, the nation, and the world, considering how these interactions have contributed to the development of the United States and its global role.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.

7. Government/Political Science (6 SCH):
 - a. Courses in this category focus on consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas.
 - b. Courses involve the analysis of governmental institutions, political behavior, civic engagement, and their political and philosophical foundations.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.
8. Social and Behavioral Sciences (3 SCH):
 - a. Courses in this category focus on the application of empirical and scientific methods that contribute to the understanding of what makes us human.
 - b. Courses involve the exploration of behavior and interactions among individuals, groups, institutions, and events, examining their impact on the individual, society, and culture.
 - c. The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Social Responsibility.

Each student must meet the number of SCH in each foundational component area; however, an institution receiving a student in transfer is not required to apply to the fulfillment of a foundational component area requirement SCH beyond the number of SCH specified in a foundational component area.

A course may only apply to a single foundational component area. If the SCH for a course in a foundational component exceed the number of SCH allotted in that foundational component area, the excess SCH must **either** be applied to the Component Area Option **or as part of the specific degree requirements, such that the additional SCH will not increase the number of required SCH to complete the degree.**

No upper-division course shall be approved to fulfill a foundational component area requirement in the core curriculum if it is substantially comparable in content or depth of study to a lower-division course listed in the ACGM.

19 TAC 4.28(a)(2), (b)(3), (f)–(g)

Component Area Option (6 SCH) Except as provided below, each course designated to complete the Component Area Option must meet the definition and Core Objectives specified in one of the foundational component areas outlined above.

As an option for up to three semester credit hours of the Component Area Option, an institution may certify that the course(s) meet(s) the definition specified for one or more of the foundational component areas and include(s) a minimum of three Core Objectives, including Critical Thinking Skills, Communication Skills, and one of the remaining Core Objectives of the institution's choice. For the purposes of gaining approval for or reporting a Component Area Option course, an institution is not required to notify the Coordinating Board of the specific foundational component area(s) and Core Objectives associated with the course(s).

19 TAC 4.28(b)(4)

Applicability

Any student who first enrolls in an institution of higher education following high school graduation in fall 2014 or later shall be subject to the current Texas Core Curriculum requirements.

Any student who is admitted under the terms of the Academic Fresh Start program and who first enrolls under that admission in fall 2014 or later shall be subject to the current Texas Core Curriculum requirements.

Any student who first enrolled in an institution of higher education prior to fall 2014 shall, after consultation with an academic advisor, have the choice to:

1. Complete the core curriculum requirements in effect in summer 2014; or
2. Transition to the current core curriculum requirements, in which case, previously completed core curriculum courses shall be applied to the current core curriculum requirements under the same terms as those that apply to a student who transfers from one institution to another. The student shall then complete the remaining requirements under the current core curriculum.

19 TAC 4.28(b)(5)

Concurrent Enrollment

A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum requirements in effect for the institution at which the student is classified as a degree-seeking student. A student who is concurrently enrolled at more than one institution of higher education may be classified as

a degree-seeking student at only one institution. If a student maintains continuous enrollment from a spring semester to the subsequent fall semester at an institution at which the student has declared to be seeking a degree, the student remains a degree-seeking student at that institution regardless of the student's enrollment during the intervening summer session(s) at another institution. [See EFB(LEGAL)] 19 TAC 4.28(d)

Substitutions and
Waivers

No institution or institutional representative may approve course substitutions or waivers of the institution's core curriculum requirements for any currently enrolled student, except that the institution may, on a case-by-case basis, approve an accommodation of a specific core curriculum foundational component area requirement for a student with a medically documented learning disability. 19 TAC 4.28(j)–(k)

~~For transfer students, see EGA(LEGAL). For students with learning disabilities, see EFCA(LEGAL).~~

Notice

Each institution must publish and make readily available to students its core curriculum requirements stated in terms consistent with the Texas Common Course Numbering System. 19 TAC 4.28(i)

~~For transfer students, see EGA(LEGAL). For students with learning disabilities, see EFCA(LEGAL).~~

Transcripts

All undergraduate student transcripts should indicate whether a student has completed the core curriculum satisfactorily and which courses satisfied a requirement of the institution's core curriculum. Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) must identify each completed core curriculum course on students' transcripts, in order to indicate courses utilized to satisfy core curriculum foundational component area requirements, as follows:

1. Communication = 010;
2. Mathematics = 020;
3. Life and Physical Sciences = 030;
4. Language, Philosophy and Culture = 040;
5. Creative Arts = 050;
6. American History = 060;
7. Government/Political Science = 070;
8. Social and Behavioral Sciences = 080; and

9. Component Area Option = 090.

19 TAC 4.28(h)

Evaluation of Core
Curricula

Each public institution of higher education, including a college district, shall evaluate its core curriculum through the assessment of the core objectives on an ongoing basis, reporting the results of the assessment to the Coordinating Board every ten years on the schedule that accords with the institution's accreditation reaffirmation self-study report to the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or its successor. The evaluation and report must include:

1. A description of the assessment process for each of the six core objectives;
2. An explanation of measures, methodology, frequency, and the timeline of assessment activities;
3. The criteria and/or targets used to benchmark the attainment of the six core objectives;
4. The results of the assessment, including evidence of the level of attainment targeted and achieved for each of the six core objectives;
5. An analysis of the results, including an interpretation of assessment information; and
6. Any actions planned, including how the results and analysis of the assessment process will be used to improve student learning and achievement.

Education Code 61.824; 19 TAC 4.30

Field of Study
Curriculum

The Coordinating Board, with the assistance of advisory committees composed of representatives of institutions of higher education, shall develop field of study curricula. Each advisory committee shall be equitably composed of representatives of institutions of higher education. Each university system or institution of higher education, including each college district, which offers a degree program for which a field of study curriculum is proposed shall be offered participation on the advisory committee for that particular field of study. At least a majority of the members of any advisory committee named under this section shall be faculty members of an institution of higher education. An institution shall consult with the faculty of the institution before nominating or recommending a person to the Coordinating Board as the institution's representative on an advisory committee.

“Field of study curriculum” means a set of courses that will satisfy the lower division requirements for a bachelor’s degree in a specific academic area at a general academic teaching institution.

Education Code 61.821(2), .823; 19 TAC 4.21(7)

Evaluation of Field
of Study Curricula

Every five years, following the same timetable as the regular accreditation reports sent to the SACSCOC or its successor, each public institution of higher education, **including each college district**, shall review and evaluate its policies and practices regarding the acceptance and application of credit earned as part of a Coordinating Board-approved field of study curriculum, and report the results of that evaluation to the Coordinating Board. The evaluation should include:

1. The extent to which the institution's compliance with the acceptance of transfer credit through field of study curricula is being achieved;
2. The extent to which the institution's application to the appropriate degree program of credit earned as part of a Coordinating Board-approved field of study curriculum facilitates academic success; and
3. The effectiveness of field of study curricula in the retention and graduation of transfer students in those degree programs that have Coordinating Board-approved field of study curricula.

Each institution's evaluation report must contain at least the following:

1. **A listing of the institution's degree programs or tracks that have Coordinating Board-approved field of study curricula;**
2. **A description of the institution's policies and practices regarding applicable Coordinating Board-approved field of study curricula, including admission-point evaluation of transfer credit, advising practices (including catalogue and website information on existing field of study curricula and advising/counseling practices for enrolled students), and transcribing practices to field of study curriculum participation and completion; and**
3. **A chart or table showing the number of total transfer students for each degree program that has a Coordinating Board-approved field of study curriculum, for each of the last five years; the chart should indicate year-by-year the percentage of students who transferred having com-**

pleted the applicable field of study curriculum, the percentage of students who transferred without having completed the applicable field of study curriculum, and any information about progress toward graduation or graduation rates that can compare transfer student performance with non-transfer student performance during the evaluation period.

19 TAC 4.~~33~~36(a)

**Government or
Political Science**

Every college and university receiving state support or state aid from public funds, including a college district, shall provide a course of instruction in government or political science that includes consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. This course shall have a credit value of not less than six semester hours or its equivalent. A college and university receiving state support or state aid from public funds shall not grant a degree or an academic certificate to any person unless the person has credit for such a course. The college or university may determine that a student has satisfied this requirement in whole or in part on the basis of credit granted to the student by the college or university for a substantially equivalent course completed at another accredited college or university or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its equivalent toward satisfaction of this requirement for substantially equivalent work completed by the student in the program of an approved senior Reserve Officers' Training Corps (ROTC) unit. *Education Code 51.301*

**American or Texas
History**

A college or university receiving state support or state aid from public funds, including a college district, may not grant a degree or an academic certificate to any student unless the student has credit for six semester hours or its equivalent in American History. A student is entitled to submit as much as three semester hours of credit or its equivalent in Texas History in partial satisfaction of this requirement. The college or university may determine that a student has satisfied this requirement in whole or part on the basis of credit granted to the student by the college or university for a substantially equivalent course completed at another accredited college or university, or on the basis of the student's successful completion of an advanced standing examination administered on the conditions and under the circumstances common for the college or university's advanced standing examinations. The college or university may grant as much as three semester hours of credit or its

equivalent toward satisfaction of this requirement for work completed by a student in the program of an approved senior ROTC unit. *Education Code 51.302*

**Counseling and
Social Work**

The curricula of medical, dental, nursing, allied health, counseling, and social work degree programs of institutions of higher education, including college districts, shall:

1. Include information about methods of transmission and methods of prevention of HIV infection and information about federal and state laws, rules, and regulations concerning HIV infection and AIDS.
2. Give special attention to the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

Education Code 51.919(e)

**Mexican-American
Studies**

The governing board of a public junior college district located in one or more counties with a substantial and growing Mexican-American population shall evaluate the demand for and feasibility of establishing a Mexican-American studies program or other coursework in Mexican-American studies at one or more junior colleges in the district. With approval of the Coordinating Board, the governing board may establish a Mexican-American studies program or other coursework in Mexican-American studies at any of those colleges if the governing board determines that such a program or coursework is desirable and feasible. *Education Code 130.0102*

**Degree-Seeking
Students**

A student who is concurrently enrolled at more than one institution of higher education may be classified as a degree-seeking student at only one institution.

If a student maintains continuous enrollment from a spring semester to the subsequent fall semester at an institution at which the student has declared to be seeking a degree, the student remains a degree-seeking student at that institution regardless of the student's enrollment during the intervening summer session(s) at another institution.

19 TAC 4.28(d)(2)–(3)

**Recommended
Course Sequence**

Each institution of higher education, including each college district, ~~shall~~**must** develop at least one recommended course sequence for each undergraduate certificate or degree program offered by the institution. Each ~~recommended~~ course sequence **developed by the institution of higher education** must:

1. Identify all required lower-division courses for ~~the applicable~~**each** certificate or degree program, **if applicable**;
2. Include for each course, if applicable:
 - a. The **Texas Common Course Numbering System (TCCNS)** course number ~~or course equivalent under the common course numbering system approved by the Coordinating Board under Education Code 61.832~~; and
 - b. The course equivalent in the Lower-Division Academic Course Guide Manual ~~or its successor adopted by the Coordinating Board~~;**(ACGM)**;
3. Be designed to enable a full-time student to obtain a certificate or degree, as applicable, within, **two years** for a 60-hour degree or certificate program, ~~two~~**four** years, ~~or~~ for a 120-hour degree program, ~~four years~~**or a comparable time frame, for an approved certificate or degree program that requires credit hours other than those specified in this item**; and
4. Include ~~at least one~~**at least one** specific sequence in which courses should be ~~completed~~**taken** to ensure completion of the applicable program within the time frame described by item 3.

Education Code 51.96852(b); 19 TAC 4.362(7)–(8), .363(a)–(b)

**Submission to
Coordinating
Board**

Each institution of higher education shall: **provide to the Coordinating Board a recommended course sequence for each undergraduate certificate and degree program offered by the institution.**

~~Include~~ The Coordinating Board will provide institutions of higher education a template and instructions¹ for submitting the recommended course sequences of undergraduate certificate and degree programs. Institutions must submit the recommended course sequences of undergraduate certificate and degree programs annually in accordance with the instructions and template and must include the following information, if applicable:

1. Recommended course sequences must identify all courses required for completion by a student to attain each undergraduate certificate or degree; and
2. For all courses that an institution includes in a recommended course sequence, the institution must identify the ACGM courses, as appropriate, using the TCCNS course numbers and rubrics.

On an annual basis, institutions shall review course sequences for accuracy and submit any revisions or changes to the Coordinating Board during the designated time period.

Education Code 51.96852(c); 19 TAC 4.364

Publication

~~1.~~ Each institution shall publish the recommended course sequences in the institution's course catalog ~~and~~. Each institution shall publish recommended course sequences on the institution's internet website; ~~and not later than August 1 of each year.~~

~~2. Submit the recommended course sequences to the Coordinating Board as provided by Coordinating Board rule.~~

Education Code 51.96852(b) ~~(c)~~; 19 TAC 4.363(c)

Compensatory Courses

Courses designated as compensatory in the Lower-Division Academic Course Guide Manual may not be used to satisfy degree requirements. Such courses may be used as co-requisites or prerequisites for degree courses as determined by local institutions. 19 TAC 9.76

Alternative Methods of Program Mastery for Military Members

The Coordinating Board may approve an institution of higher education recognized by the Coordinating Board to offer a degree in coordination with the Texas Military Department that uses alternative methods of determining mastery of program content, including competency-based education.

To be eligible for a degree approved under this section, a person must:

1. Have graduated from high school or received the equivalent of a high school diploma;
2. Satisfy the minimum active military service obligation to the Texas military forces for a degree plan as follows:
 - a. For an associate degree, two years of service;
 - b. For a baccalaureate degree, four years of service; and
 - c. For a graduate degree, six years of service; and
3. Complete and meet the standards of the degree plan.

Education Code 61.0521(b)–(c)

Low-Producing Degree Programs

The Coordinating Board may review the number of degrees or certificates awarded through a degree or certificate program every four years or more frequently, at the Coordinating Board's discretion. The Coordinating Board shall review each degree or certificate program offered by an institution of higher education at least every ten years after a new program is established using the criteria prescribed by Education Code 61.0512(c). *Education Code 61.0512(d)–(e); 19 TAC Ch. 4, Subch. R*

Definition

A “low-producing degree program” is a degree program that does not meet the minimum standard for degrees awarded in the program. For career technical certificates, associate, and bachelor's programs, the minimum standard is an average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.

Completers of career technical certificate programs that are reported under the same CIP code as an existing applied associate's degree program will be counted as completers of the corresponding applied associate's degree program for purposes of determining low-producing status. Academic associate degree programs are not considered to be low producing if they lead to transfer into four-year programs.

19 TAC 4.287(4), 288(c)–(d)

Consequences

The Coordinating Board may not order the consolidation or elimination of any degree or certificate program offered by an institution of higher education. Coordinating Board staff may recommend to the institution's governing board the closure of any non-exempt degree program which has been on the annual list of low-producing programs for three or more consecutive years. If the governing board does not accept the recommendation to close the program, then the university system or, where a system does not exist, the institution, must identify the program recommended for closure on

the next legislative appropriations request submitted by the system or institution. If a system or institution is required to identify a degree program on its legislative appropriations request, the system or institution should also develop a plan to allow the degree program to achieve the minimum standard for the degree awarded, or if the standard is not attainable, provide a rationale describing the merits of continuing the degree program. *Education Code 61.0512(f); 19 TAC 4.290*

¹ Coordinating Board, Recommended Course Sequence:
<https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/transfer-resources/recommended-course-sequence/>

Definitions

Academic Associate Degree

An “academic associate degree” is an associate degree that will satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. *19 TAC 9.1(1)*

Academic Courses

“Academic courses” are semester credit courses included or allowed under the provisions of the Lower-Division Academic Course Guide Manual designed for college transfer to institutions of higher education in completion of associate and baccalaureate degree programs. *19 TAC 9.1(2)*

Applied Associate Degree

An “applied associate degree” is an associate degree intended to lead directly to employment following graduation and may satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. *19 TAC 9.1(3)*

Associate Degree Program

An “associate degree program” is a grouping of courses designed to lead the individual directly to employment in a specific career or to transfer to an upper-level baccalaureate program. This specifically refers to the associate of arts (AA), associate of science (AS), associate of applied arts (AAA), associate of applied science (AAS), and associate of occupational studies (AOS) degrees. The term “applied” in an associate degree name indicates a program designed to qualify students for immediate employment. *19 TAC 9.1(4)*

Career Technical / Workforce Program

“Career technical/workforce program” is an applied associate degree program or a certificate program for which semester credit hours, quarter credit hours, or continuing education units are awarded and which is intended to prepare students for immediate employment or a job upgrade in a specific occupation. *19 TAC 9.1(5)*

Certificate Program

“Certificate program” means workforce programs designed for entry-level employment or for upgrading skills and knowledge within an occupation. Certificate programs serve as building blocks and exit points for AAS degree programs. *19 TAC 9.1(7)*

Continuing Education Unit or CEU

A “continuing education unit or CEU” is defined as ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education. *19 TAC 9.1(11)*

Technical Courses or Programs

“Technical courses or programs” mean workforce education courses or programs for which semester/quarter credit hours are awarded. *19 TAC 9.1(28)*

Workforce Continuing Education Course	“Workforce continuing education course” means a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or vocational purposes and is not supported by state funding. <i>19 TAC 9.1(31)</i>
Workforce Education	“Workforce education” means career technical/workforce courses and programs for which semester/quarter credit hours and/or CEUs are awarded and vocational courses and programs for which CEUs are awarded. Workforce career technical/workforce education courses and programs prepare students for immediate employment or a job upgrade within specific occupational categories. <i>19 TAC 9.1(32)</i>
Academic Associate Degree Programs	An academic associate degree may be called an associate of arts (AA), an associate of science (AS), or an associate of arts in teaching (AAT) degree. <i>19 TAC 9.183(a)</i>
AA Only	The AA is the default title for an academic associate degree program if the college district offers only one type of academic degree program. <i>19 TAC 9.183(a)(1)</i>
AA and AS	If a college district offers both AA and AS degrees, the degree programs may be differentiated in one of two ways, including: 1. The AA program may have additional requirements in the liberal arts and/or the AS program may have additional requirements in disciplines such as science, mathematics, or computer science; or 2. The AA program may serve as a foundation for the bachelor of arts (BA) degree and the AS program for the bachelor of science (BS) degree. Each academic associate degree must provide a clearly-articulated curriculum that can be associated with a discipline or field of study leading to a baccalaureate degree, and must be identified as such in the institution's program inventory. <i>19 TAC 9.183(a)(2)</i>
AAT	The AAT is a specialized academic associate degree program designed to transfer in its entirety to a baccalaureate program that leads to initial Texas teacher certification. This title should only be used for an associate degree program that consists of a Coordinating Board-approved AAT curriculum. <i>19 TAC 9.183(a)(3)</i>
Semester Credit Hours	Academic associate degree programs must consist of 60 semester credit hours (SCH). If the number of SCH required to complete a

proposed academic associate's degree exceeds 60, the institution must provide detailed written documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-hour limit. The Coordinating Board will review the documentation provided and make a determination to approve or deny a request to exceed the 60-hour limit. Institutions of higher education must be in compliance with this subsection on or before the 2015 fall semester. *19 TAC 9.183(b)–(c)*

Curriculum

Except as provided below, academic associate degree programs must incorporate the institution's approved core curriculum as prescribed by 19 Administrative Code 4.28, relating to Core Curriculum, and 19 Administrative Code 4.29, relating to Core Curricula Larger than 42 SCH.

1. A college may offer a specialized academic associate degree that incorporates a Coordinating Board-approved field of study curriculum as prescribed by 19 Administrative Code 4.32, relating to Field of Study Curricula, and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH; or
2. A college may offer a specialized academic associate degree that incorporates a voluntary statewide transfer compact and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.
3. A college that has a signed articulation agreement with a General Academic Teaching Institution to transfer a specified curriculum may offer a specialized AA or AS, but not AAT, degree program that incorporates that curriculum.

19 TAC 9.183(d)

New Academic
Associate Degree
Programs

New academic associate degree programs shall be approved if all of the conditions set out below are met.

The institution shall certify that the following criteria have been met:

1. The program has institution and governing board approval.
2. There is recent evidence of both short-term and long-term student demand for the program.
3. Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.
4. The institution has an enrollment management plan for the program.

5. If the program does not follow a Coordinating Board-approved field of study curriculum or a Coordinating Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process to establish transfer of credit articulation agreements for the program with senior-level institutions.
6. The program is designed to be consistent with the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), other applicable accrediting agencies, and is in compliance with applicable licensing authority requirements.
7. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.
8. The program complies with all applicable provisions contained in divisions of 19 Administrative Code Chapter 9, Subchapter J and adheres to the Standards for Academic Associate Degree Programs approved by the Coordinating Board.

The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.

The Coordinating Board delegates to the commissioner final approval authority for all certificate programs, applied associate degree programs, and academic associate degrees that meet board policies for approval as outlined in the Guidelines for Instructional Programs in Workforce Education and 19 Administrative Code Chapter 9, Subchapter J. The commissioner may delegate this final authority.

19 TAC 9.184(a)

Audits

The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the requirements of 19 Administrative Code Chapter 9, Subchapter J.

19 TAC 9.184(b)

**Multidisciplinary
Studies Associate
Degree Program**

The governing board of each public junior college district shall establish a multidisciplinary studies associate degree program which meets the requirements of 19 Administrative Code Chapter 9, Subchapter L at each junior college in the district. A multidisciplinary studies associate degree program is a coordinating board-approved associate of arts or associate of science degree composed of the college's core curriculum and enough additional courses to equal 60 semester credit hours (SCH). The SCH beyond the core curriculum must be selected by the student, in consultation with an academic adviser, and transfer to a specific field of study or major at a university of the student's choice.

A multidisciplinary studies associate degree program established at a junior college under 19 Administrative Code 9.553 must require a student to successfully complete:

1. The junior college's core curriculum adopted under Education Code 61.822(b); and
2. After completion of the core curriculum described above, the courses selected by the student in the student's completed degree plan accounts for all remaining credit hours required for the completion of the degree program; and
3. Emphasizes the student's transition to a particular four-year college or university that the student chooses; and prepare for the student's intended field of study or major at the four-year college or university.

Education Code 130.0104(a)–(b); 19 TAC 9.552(5), .553.–554

Academic Certificate

Institutions of higher education, including college districts, are encouraged to develop undergraduate academic certificate programs of less than degree length. Undergraduate academic certificates may be awarded upon the completion of:

1. The Coordinating Board-approved core curriculum of the institution;
2. A Coordinating Board-approved field of study curriculum; or
3. Fifty percent of the courses specified in a voluntary statewide transfer compact.

Undergraduate academic certificates ~~that~~**which** meet one of the criteria above require Coordinating Board notification and are automatically approved.

*19 TAC 4.~~36~~**38**, 9.185*

**Career Technical /
Workforce Degree
and Certificate
Programs**

Requests for new associate degree and certificate programs shall be made in accordance with the procedures stipulated in 19 Administrative Code 9.93(b), below.

Public two-year colleges shall request new associate degree and certificate programs using the appropriate degree program request form. Public two-year colleges must submit documentation sufficient to establish that the new program meets all of the criteria listed below. Coordinating Board staff will review all requests for new programs within five business days of receipt. If Coordinating Board staff determines that the request is incomplete and additional information or documentation is needed, the institution must respond with all of the requested information or documentation within ten working days or the request will be returned to the institution. An institution may resubmit a request that was incomplete as soon as it has obtained the requested information or documentation.

New associate degree and certificate programs shall be approved if all of the following conditions are met, provided that the number of SCH required to complete a proposed associate degree program does not exceed 60 SCH.

1. The institution shall certify that:
 - a. The program has institutional and governing board approval.
 - b. The institution has researched and documented current job market need for the program and/or that the program would lead to opportunities for further education.
 - c. There is recent evidence of both short-term and long-term student demand for the program.
 - d. Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.
 - e. Basic and career technical/workforce skills have been integrated into the curriculum.
 - f. The institution has an enrollment management plan for the program.
 - g. The institution has or will initiate a process to establish articulation agreements for the program with secondary and/or senior-level institutions.
 - h. The program is designed to be consistent with the standards of the SACSCOC, and with the standards of other

- applicable accrediting agencies, and is in compliance with appropriate licensing authority requirements.
- i. The program would not unnecessarily duplicate existing programs at other institutions.
 - j. Representatives from private sector business and industry have been involved in the creation of the program through participation in an advisory committee.
 - k. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.
 - l. New costs during the first five years of the program would not exceed \$2 million.
 - m. The institution has an improvement plan in place for all career technical/workforce programs that do not currently meet Coordinating Board standards for both graduation and placement.
 - n. The appropriate Higher Education Regional Council has been notified in writing of the proposal for a new program, and no unresolved objections to the program have been reported.
 - o. Skill standards recognized by the Texas Skill Standards Board, if they exist for the discipline, have been reviewed and considered for inclusion in the curriculum for the program.
2. If a proposed two-year career technical/workforce education program or certificate program meets the stipulated conditions, the institution shall submit a request to the assistant commissioner for workforce, academic affairs and research to add the program. If a proposed program does not meet the stipulated conditions, the institution must submit a proposal using the standard electronic new program application process.
 3. If the number of SCH required to complete a proposed associate's program exceeds 60, the institution must provide detailed written documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-hour limit. The Coordinating Board will review the documentation provided and make a determination to approve or deny a request to exceed the 60-

hour limit. Institutions of higher education must be in compliance with this paragraph on or before the 2015 fall semester.

4. The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.
5. If objections to the proposed program are received by the Coordinating Board staff, the proposed program shall not be implemented until all objections are resolved.

The commissioner shall forward a program to the Coordinating Board for consideration at an appropriate quarterly meeting if either of the following conditions is met: the proposed program is the subject of an unresolved grievance or dispute between institutions; or the commissioner has disapproved the proposed program and the institution has requested a Coordinating Board review.

19 TAC 9.93(a)–(b), (e)

Revisions

Revision of an existing associate degree or certificate program shall be approved if all of the requirements above at item 1 at Career Technical / Workforce Degree and Certificate Programs are met. To request a change of Classification of Instructional Programs (CIP) code for an existing degree or certificate program, the institution shall notify the Coordinating Board staff and certify that the revised program meets the requirements listed above at item 1. If the revision of an existing degree or certificate program meets the conditions stipulated at item 1, the institution shall submit a request to the assistant commissioner for academic affairs and research to revise the program. The Coordinating Board staff shall update the institution's program inventory accordingly. If a program revision does not meet the conditions stipulated, the institution shall submit a revision request using the standard electronic program revision request process. *19 TAC 9.93(f)–(i)*

Audits

The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the

	requirements in 19 Administrative Code Chapter 9, Subchapter E. <i>19 TAC 9.93(m)</i>
Administrative Officials	All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the SACSCOC. <i>19 TAC 9.93(j)</i>
Faculty and Staff	Faculty and staff must be approved by the postsecondary institution. <i>19 TAC 9.93(k)</i>
Limitation on SCH Requirements	To earn an associate degree, a student may not be required by an institution of higher education, including a college district, to complete more than the minimum number of SCH required for the degree by the SACSCOC or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional SCH for the degree. The Coordinating Board may review one or more of an institution's associate degree programs to ensure compliance with this section. This section does not apply to an associate degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester. This provision does not prohibit the institution from reducing the number of SCH the student must complete to receive the degree. <i>Education Code 61.05151</i>
State Funding	No funds appropriated to any public two-year college or other institution providing certificate or associate degree programs shall be expended for any program that has not been approved by the commissioner or the assistant commissioner for workforce, academic affairs and research or, when applicable, by the Coordinating Board. <i>19 TAC 9.96</i>

The Coordinating Board may authorize public junior colleges to offer baccalaureate degree programs as provided by Education Chapter 130, Subchapter L. Offering a baccalaureate degree program under Subchapter L does not otherwise alter the role and mission of a public junior college.

All baccalaureate degree programs offered at public junior colleges must comply with the provisions of 19 Administrative Code Chapter 9, Subchapter N. A public junior college offering a baccalaureate degree program under Subchapter N must meet all applicable accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) of a Level II institution.

Degree programs offered under Education Code Chapter 130, Subchapter L and 19 Administrative Code Chapter 9, Subchapter N are subject to the continuing approval of the Coordinating Board.

Education Code 130.302, .306(c); 19 TAC 9.673(a)–(b), (e)–(f)

Definitions

Baccalaureate
Degree Programs

“Baccalaureate degree programs” means any grouping of subject matter courses consisting of at least 120 semester credit hours which, when satisfactorily completed by a student, will entitle that student to a degree from a public junior college, public senior college or university, or a medical or dental unit. *19 TAC 9.672(1)*

Bachelor of Applied
Arts and Science

A “Bachelor of Applied Arts and Science (BAAS)” builds on an Associate of Applied Science (AAS) degree, as defined in 19 Administrative Code 9.1 [see EFBA], combined with enough additional core curriculum courses and upper-level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May also be called a Bachelor of Applied Technology (BAT) or Bachelor of Applied Science (BAS). *19 TAC 9.672(2)*

Pilot Project

“Pilot project” refers to a public junior college authorized by the Coordinating Board to offer a baccalaureate degree before January 1, 2017. *19 TAC 9.672(10)*

Positive
Assessment of the
Overall Financial
Health of a District

“Positive assessment of the overall financial health of a district” means a score of 2.0 or higher on the composite financial index as produced by the Coordinating Board in the annual Community College Financial Condition Report. (As required by the General Appropriations Act, 85th Texas Legislature, Article III, Public Community/Junior Colleges, Rider 12 and any successor(s) thereto). *19 TAC 9.672(11)*

**Former Pilot
Program Participants**

The Coordinating Board shall authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs. *Education Code 130.303(a)*

Applied Science

The Coordinating Board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and have demonstrated a workforce need. *Education Code 130.303(b)*

Dental Hygiene

The Coordinating Board shall authorize baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. *Education Code 130.304*

Criteria

In determining whether a public junior college may offer baccalaureate degree programs and what degree programs may be offered, the Coordinating Board shall:

1. Apply the same criteria and standards the Coordinating Board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and
2. Consider the following factors:
 - a. Whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and
 - b. The ability of the junior college to support the degree programs with student enrollment and the adequacy of the junior college's facilities, faculty, administration, libraries, and other resources.

Before a baccalaureate degree program can be offered at a public junior college, these additional requirements must be met:

1. Workforce need for the degree program must be documented in the region served by the junior college;
2. How the degree program would complement the other programs and course offerings of the junior college; and

3. Documentation of program success for the underlying associate degree, such as licensure pass rates, employment placement rates, and completion rates.

A public junior college may be approved to offer a baccalaureate degree program only if its junior college district:

1. Has a taxable property valuation of not less than \$6 billion based on the preceding year's calculations as determined by the county's appraisal district. This valuation shall include the valuation of the taxing district as well as any branch campus maintenance tax valuations; and
2. Has received a positive assessment of the overall financial health, as defined in 19 Administrative Code 9.672, on the most recent Community College Financial Condition Report. If changes to financial reporting, mandated by external financial governing bodies as defined in Section 9.672 directing financial reporting processes, or other extraordinary factors have a short-term impact to the assessment of the financial health of the institution, the Coordinating Board may, at the commissioner's discretion:
 - a. Use the most recent report not impacted by the mandated changes; or
 - b. Calculate the financial health correcting for the mandated changes or extraordinary factors.

The Coordinating Board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

Education Code 130.307(a)–(b), (d); 19 TAC 9.673(d), .674(a)–(b), .675(b)

Nursing Degree

Before a public junior college may offer a baccalaureate degree program in nursing, the institution shall:

1. Provide evidence to the Coordinating Board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space and documentation from each clinical site provider indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit;

2. Establish that the corresponding associate degree nursing program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores for the previous three years;
3. Be a bachelor of science degree program that meets the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and
4. Be accredited or seeking accreditation by a national nursing accrediting body recognized by the United States Department of Education.

A public junior college offering a baccalaureate degree program in the field of nursing must demonstrate to the coordinating board that it will maintain or exceed the 2016–17 academic year enrollment level of the institution's associate degree nursing program each academic year until the 2021–22 academic year. The institution must receive program approval from the Texas Board of Nursing.

Education Code 130.308; 19 TAC 9.676

Navarro College

The requirement of Education Code 130.307(b)(1) does not apply to a public junior college for the purpose of offering a baccalaureate degree program in nursing approved under Education Code 130.308 if its junior college district:

1. **Has a taxable property valuation amount of not less than \$4 billion in the preceding year; and**
2. **Does not have a four-year institution of higher education located in a county in which the district is located.**

Education Code 130.307(b-1)

Application

Before a public junior college may be authorized to offer a baccalaureate degree program, the public junior college must submit a report to the Coordinating Board that includes:

1. A long-term financial plan for receiving accreditation from the SACSCOC;
2. A long-term plan for faculty recruitment that:
 - a. Indicates recruitment strategies and the ability to pay the increased salaries of doctoral faculty; and

- b. Ensures the program would not draw faculty employed by a neighboring institution offering a similar program; and
3. Detailed information on the manner of program and course delivery.

Before a public junior college may offer a baccalaureate degree program, the institution must provide at least three articulation agreements with general academic teaching institutions or medical and dental units that:

1. Provide detailed information regarding existing course transfer and dual enrollment pathways, detailing the maximum number of students that can be served by the agreements, and
2. Explain why existing facilities and resources cannot be expanded to meet workforce need, and
3. Documentation that the established articulation agreements are at capacity, or
4. The reasons why no articulation agreements have been established.

Education Code 130.307(c); 19 TAC 9.674(c), .675(a)

Limitations

A public junior college offering a baccalaureate degree program ~~may not offer more than three baccalaureate degree programs at any time. Education Code 130.306(b); 19 TAC 9.673(c)~~

Exception

~~A public junior college offering a baccalaureate degree program~~ under Education Code **Chapter 130.303(a), Subchapter L** may not offer more than five baccalaureate degree programs at any time. *Education Code 130.306(a)*

Articulation Agreement

Each public junior college that offers a baccalaureate degree program must enter into a teach-out agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program.

The Coordinating Board may require a general academic teaching institution or medical and dental unit that offers a comparable baccalaureate degree program to enter into an articulation agreement with the public junior college.

Each public junior college that offers a baccalaureate program must inform all students who enroll in the program covered by the

articulation agreement about the opportunity to complete the degree at a general academic teaching institution or medical and dental unit.

Education Code 130.309; 19 TAC 9.675(c)–(e)

Funding

A baccalaureate degree program may be funded solely by a public junior college's proportionate share of state appropriations under Education Code 130.003, local funds, and private sources. This provision does not require the legislature to appropriate state funds to support a baccalaureate degree program.

The Coordinating Board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under Education Chapter 130, Subchapter L used to determine a public junior college's proportionate share of state appropriations under Section 130.003 in the same manner as a lower division course in a corresponding field unless the college participated in a pilot project to offer baccalaureate degree programs.

In its recommendations to the legislature relating to state funding for public junior colleges, the Coordinating Board shall recommend that a public junior college that participated in a pilot project to offer baccalaureate degree programs receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under this subchapter as that provided to a general academic teaching institution for substantially similar courses.

Education Code 130.310(a); 19 TAC 9.677(a)–(d)

Tuition and Fees

A public junior college may not charge a student enrolled in a baccalaureate degree program tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field. This provision does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project to offer baccalaureate degree programs. *Education Code 130.310(c); 19 TAC 9.677(f)*

Report

Each public junior college offering a baccalaureate degree program shall conduct a review of each baccalaureate degree program offered and prepare a biennial report on the operation, quality, and effectiveness of the baccalaureate degree programs in a format specified by the Coordinating Board. A copy of the report shall be delivered to the Coordinating Board by January 1 of each odd-numbered year. *Education Code 130.011; 19 TAC 9.678*

Transcripts

Student transcripts shall contain a record of each state-funded course attempted by a student at the transcribing institution, including a college district. This includes all courses for which the student was enrolled as of the official census date each term, including developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated.

The student transcript or an addendum to the transcript certified by the appropriate institutional official shall contain a record of the student's status in regard to the Texas Success Initiative (TSI). The document should include the status for each section of a test taken for TSI purposes (reading, mathematics, writing) with information as to how the student met the TSI requirement. The information provided should enable receiving institutions to use the transcript or the addendum as a single source of information to determine the student's TSI status.

Student transcripts created after September 1, 2000, should be maintained by the institutions in a format suitable for electronic interchange. The format of transcripts shall be the format that is used to store the most transcripts by Texas institutions of higher education as of September 1, 1998, or another format adopted by a majority of the members of the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

Student transcripts or an addendum to the transcript certified by the appropriate institutional official shall identify all courses completed in satisfaction of the core curriculum as specified in 19 Administrative Code 4.28(h) (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula).

19 TAC 4.7(a)–(d) [See also FJ, Transcript Notation of Ineligibility to Reenroll]

Field of Study

Each institution must note **the selected Texas core curriculum component and discipline foundation courses components of the** field of study curriculum courses on student transcripts as recommended by TACRAO. *19 TAC 4.32(~~e~~)*

**Course Credit for
Entering Freshmen
Students**

Each institution of higher education, including each college district, that offers freshmen-level courses shall adopt and implement a policy to grant undergraduate course credit to entering freshmen students who have successfully completed the International Baccalaureate (IB) Diploma Program, who have achieved required scores on one or more examinations in the Advanced Placement (AP) Program or the College-Level Examination Program (CLEP), or who have successfully completed one or more courses offered through concurrent enrollment in high school and at an institution of higher education.

In the policy, the institution shall:

1. Establish the institution's conditions for granting course credit, including the minimum required scores on CLEP examinations, AP examinations, and examinations for courses constituting the IB Diploma Program; and
2. Based on the correlations between subject matter and content of courses offered by each institution of higher education and the subject matter and content of courses and examinations in the IB Diploma Program, the AP Program, and the CLEP as identified by the Coordinating Board, in consultation with the Texas Education Agency, under Education Code 51.968(f), identify the specific course credit or other academic requirements of the institution, including the number of semester credit hours or other course credit, that the institution will grant to a student who successfully completes the diploma program, who successfully completes a course through concurrent enrollment, or who achieves required scores on CLEP examinations or AP examinations.

In establishing the minimum required score on an AP examination for granting course credit for a particular lower-division course, an institution of higher education may not require a score of more than three unless the institution's chief academic officer determines, based on evidence, that a higher score on the examination is necessary to indicate a student is sufficiently prepared to be successful in a related, more advanced course for which the lower-division course is a prerequisite.

In establishing the minimum required score on a CLEP examination for granting course credit for a particular lower-division course, an institution of higher education may not require a score higher than the minimum score recommended by the American Council on Education for granting course credit for that examination unless the institution's chief academic officer determines, based on evidence, that a higher score on

the examination is necessary to indicate that a student is sufficiently prepared to be successful in a related, more advanced course for which the lower-division course is a prerequisite.

Education Code 51.968(c)-(c-12), (f)

Each institution of higher education shall report its policy to the Coordinating Board and shall include a copy of the policy with the institution's undergraduate student application materials, including application materials available on the institution's internet website.

On request of an applicant for admission as an entering freshman, the institution of higher education, based on information provided by the applicant, shall determine and notify the applicant regarding:

1. The amount and type of any course credit that would be granted to the applicant under the policy; and
2. Any other academic requirement that the applicant would satisfy under the policy.

Except as otherwise provided above, an institution of higher education shall grant at least 24 semester credit hours (SCH) or equivalent course credit in appropriate subject areas to an entering freshman student for successful completion of the IB Diploma Program. The institution may grant fewer than 24 SCH if the student received a score of less than four on an examination administered as part of the diploma program. The institution may grant fewer credit hours only with respect to courses that are substantially related to the subject of that examination.

Education Code 51.968(b)-(e)

Course Credit for Military Training

An institution of higher education, including a college district, shall consider, in determining whether to award course credit toward a degree or certificate offered by the institution for the student's completion of certain military training:

1. Any official military record presented to the institution by the student that describes the substance of the training completed by the student and verifies the student's successful completion of that training; and
2. Whether the substance of that training satisfies the purpose of the course for which the student seeks credit as described in the institution's course catalog.

This section applies to a student who is admitted to the institution, including a student who has been readmitted to the institution under Education Code 51.9242. [See FBA(LEGAL)]

Education Code 51.3041

**Course Credit for
Military Service**

An institution of higher education, including a college district, shall award to an undergraduate student who is admitted to the institution, including a student who is readmitted under Education Code 51.9242, course credit for all physical education courses required by the institution for an undergraduate degree and for additional semester credit hours, not to exceed 12, that may be applied to satisfy any elective course requirements for the student's degree program for courses outside the student's major or minor if the student graduated from a public or private high school accredited by a generally recognized accrediting organization or from a high school operated by the U.S. Department of Defense and is an honorably discharged former member of the Armed Forces of the United States who completed at least two years of service in the Armed Forces or was discharged because of a disability.

This section does not prohibit an institution of higher education from awarding additional course credit for a student's military service as the institution considers appropriate.

An institution of higher education may adopt rules requiring reasonable proof from a student of the fact and duration of the student's military service and of the student's military discharge status.

Education Code 51.3042

Transfer of Credit

Transfer of Lower-
Division Course
Credit

~~The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee established under Education Code 51.3521. [See GI] Education Code 51.352(f)~~

In its course catalogs and on its website, each institution of higher education, **including each college district**, shall publish guidelines addressing the practices of the institution regarding the transfer of course credit. In the guidelines, the institution must identify a course by using the common course numbering system approved by the Coordinating Board. *Education Code 61.830*

Administrative Code Title 19, Chapter 4, Subchapter B applies specifically to academic courses and degree programs and does not apply to technical courses or technical degree programs. 19 TAC 4.24(d), .25(c)

Transfer of Lower-
Division Course
Credit

All successfully completed lower-division academic courses that are identified by the Texas Common Course Numbering System **(TCCNS)** and published in the Lower-Division Academic Course Guide —Manual **(ACGM)** shall be fully transferable among public

institutions and shall be substituted for the equivalent course at the receiving institution. Except in the case of courses belonging to a Coordinating Board-approved ~~Field~~field of ~~Study Curriculum~~,study curriculum (FOSC), applicability of transferred courses to requirements for specific degree programs is determined by the receiving institution. **All institutions of higher education must accept transfer of credit for successfully completed courses identified in 19 Administrative Code 4.25(a) and (b) [see EFAA] as applicable to an associate or baccalaureate degree in the same manner as credit awarded to non-transfer students in that degree program. 19 TAC 4.24(a), .25(c)**

Each institution of higher education shall identify in its undergraduate catalog each lower-division course that is substantially equivalent to an academic course listed in the current edition of the ~~Lower Division Academic Course Guide Manual~~.**ACGM. 19 TAC 4.24(a), .25(a)**

~~Responsibilities for universities regarding requirements and limitations on transfer~~ **Each institution must accept the same number of lower-division courses, penalties for noncompliance with semester credit hours from transfer students as required for non-transfer rules, and resolution of students in the same baccalaureate program; however:**

1. **An institution is not required to accept in transfer** ~~disputes are found in the~~ **more semester credit hours in the major area of a degree program than the number set out in any applicable Coordinating Board-approved field of study curriculum for that program.**
2. **In any degree program for which there is no Coordinating Board-approved field of study curriculum, an institution is not required to accept in transfer more lower-division course credit in the major applicable to a baccalaureate degree than the institution allows its non-transfer students in that major.**
3. **An institution of higher education is not required to transfer credit in courses in which the student earned a "D" in the student's field of study curriculum courses, core curriculum courses, or major.**

An institution of higher education is not required to accept in transfer, or apply toward a degree program, more than sixty-six (66) semester credit hours of lower-division academic credit. Institutions of higher education, however, may choose to accept additional semester credit hours.

19 TAC 4.25(d)–(f)

Noncompliance

If it is determined by the Coordinating Board that an institution inappropriately or unnecessarily required a student to re-take a course that is substantially equivalent to a course already taken at another institution, in violation of the provisions of 19 Administrative Code 4.25, formula funding for credit hours in the repeated course will be deducted from the institution's appropriation. 19 TAC 4.26, and 4.27.

Notice of Limits

Two-year public colleges shall notify students who intend to transfer to baccalaureate degree programs of possible limitations on lower-division coursework that may be applied toward a baccalaureate degree program at a general academic teaching institution. Notification to students must occur no later than the semester or term during which students are expected to accumulate the 39th semester credit hour of academic coursework.

The notification shall include 19 Administrative Code 4.25(f) (~~relating to Requirements and Limitations~~) and may include additional transfer information that will help students make informed decisions about coursework.

Colleges may notify students either through the mail or through electronic means targeted directly at affected students such as electronic mail, pop-up notices on an electronic registration or advising page, or information included in the students' grade reports. Listing the information on lower-division transfer limits in the institution's catalog, while strongly recommended, is not sufficient to satisfy the requirements of this section.

19 TAC 9.77

Transfer of Core Curriculum

Completed Core Curriculum

If a student successfully completes the 42-hour SCH core curriculum at ~~ana~~ Texas public institution of higher education, that block of courses must be substituted ~~for the receiving institution's core curriculum~~ in transfer to any other Texas public institution of higher education for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution. *Education Code 61.822(c); 19 TAC 4.28(c)*

A Core Curriculum Not Completed

Except as specified in 19 Administrative Code 4.28(f), a student who transfers from one institution of higher education to another without completing the core curriculum of the sending institution must receive academic credit from the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of

	credit for these courses, the student may be required to satisfy ~~fur-~~ ~~ther~~ the remaining course requirements in the core curriculum of the receiving institution. <i>Education Code 61.822(d); 19 TAC 4.28(e)</i>
Foundation Component Areas	Each student must meet the number of SCH in each foundational component area; however, an institution receiving a student in transfer is not required to apply to the fulfillment of a foundational component area requirement SCH beyond the number of SCH specified in a foundational component area. <i>19 TAC 4.28(f)</i>
Transfers from Out-of-State	For ~~a student~~ students who ~~transfers~~ transfer to a public institution from a college or university that is not a Texas public institution of higher education, courses the student completed prior to admission should be evaluated to determine whether they apply to one of the institution's core curriculum component areas. Only those courses the institution has accepted for transfer that can demonstrate fulfill- ment of the foundational component area content descriptions, core objectives, and SCH required for the appropriate foundational component area or areas should be applied to the institution's core curriculum. <i>19 TAC 4.28(j)</i>
Transfer of Field of Study Curriculum	~~If a student successfully completes a field of study curriculum de-~~ ~~veloped by the Coordinating Board, that block of courses must be~~ ~~substituted in transfer to a general academic teaching institution for~~ ~~that institution's lower-division requirements for the degree pro-~~ ~~gram for the field of study into which the student transfers, and the~~ ~~student must receive full academic credit toward the degree pro-~~ ~~gram for the block of courses transferred.~~ A student wh ~~o~~ a student transfers from one institution of higher education to another without completing the field of study curricu- lum <del> of the sending institution must receive academic credit from,</del> the receiving institution must grant academic credit in the field of study curriculum for each of the courses that the student has successfully completed in the field of study curriculum of the send- ing institution. ~~Following receipt of~~ After granting the student credit for these courses, the ~~student~~ institution may ~~be require-~~ ~~d~~ require the student to ~~satisfy further course complete addi-~~ tional requirements in the receiving institution's program, as long as those requirements do not duplicate course content the student previously completed through the field of study cur- riculum <del> of the receiving institution..</del> <i>Education Code 61.823(c);</i> <i>19 TAC 4.32(d)</i> ~~<i>Education Code 61.823(b) (c); 19 TAC 4.32(b) (c)</i>~~
Transfer Dispute Resolution	Institutions of higher education shall follow the following proce- dures in the resolution of credit transfer disputes involving lower-di- vision courses:

1. If an institution of higher education does not accept course credit earned by a student at another institution of higher education, the receiving institution shall give written notice to the student and to the sending institution that **it intends to deny the** transfer of the course credit ~~is denied~~ and shall include in that notice the reasons for ~~denying the credit. Attached to the written notice shall be these~~ **denial. The receiving institution must attach the** procedures for resolution of transfer disputes for lower-division courses, ~~accompanied by clear instructions outlining the~~ **as outlined in this section to notice. The notice and** procedure ~~for appealing the decision to the commissioner must include:~~
 - a. **Clear instructions for appealing the decision to the commissioner; and**
 - b. **The name and contact information for the designated official at the receiving institution who is authorized to resolve the credit transfer dispute.**
2. A student who receives notice as specified in item 1 may dispute the denial of credit by contacting a designated official at either the sending or the receiving institution.
- ~~1.3.~~ **3.** The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with ~~Coordinating Board rules and guidelines~~ **this section.**
- ~~2.4.~~ **4.** If the ~~transfer dispute is not resolved to the satisfaction of the student or the sending institution within 45 days after the date~~ **is not satisfied with the resolution of the credit transfer dispute**, the student ~~received written notice of denial, or~~ the sending institution may notify the commissioner in writing of the request for transfer dispute resolution, ~~and the.~~ **A receiving** institution that denies the course credit for transfer shall notify the commissioner in writing of its denial and the reasons for the denial **not later than the 45th day after the date the receiving institution provided the required notice of the transfer credit denial under item 1.**

The commissioner or the commissioner's designee shall make the final determination about a ~~dispute concerning the~~ **credit transfer of course credit dispute** and give written notice of the determination to the ~~involved~~ student and institutions. **The decision is not a contested case. The commissioner's decision is final and may not be appealed.**

The Coordinating Board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the commissioner or the commissioner's designee.

If a receiving institution has cause to believe that a course being presented by a student for transfer from another ~~school~~ institution is not of an acceptable level of quality, it should first contact the sending institution and attempt to resolve the problem. In the event that the two institutions are unable to come to a satisfactory resolution, the receiving institution may notify the commissioner, who may investigate the course. If its quality is found to be unacceptable, the Coordinating Board may discontinue funding for the course. ~~Each institution of higher education shall publish in its course catalogs the procedures specified above.~~

Each institution of higher education shall publish in its course catalogs the procedures specified in this section.

Nondiscrimination

Education Code 61.826; 19 TAC 4.27

**Transfer
Agreements**

The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee established under Education Code 51.3521. [See GI] Education Code 51.352(f)

Nondiscrimination

Nothing in 19 Administrative Code Chapter 4, Subchapter B restricts the authority of an institution of higher education to adopt its own grading policies so long as it treats transfer students and native students in the same manner. ~~19 TAC 4.24(b)~~

Institutional policies regarding acceptance of credit for correspondence courses, credit-by-examination, and other credit-earning instruments must be consistent with the Southern Association of Colleges and Schools Commission on Colleges' (SACSCOC) guidelines and must treat transfer students and native students in the same manner.

19 TAC 4.24(b)–(c)

**Withdrawal for
Military Service**

If a student withdraws from an institution of higher education, including a college district, because the student is called to active military service, the institution, at the student's option, shall:

- ~~3.1.~~ Grant a student, who is eligible under the institution's guidelines, an incomplete grade in all courses by designating "withdrawn-military" on the student's transcript; or
- ~~4.2.~~ As determined by the instructor, assign an appropriate final grade or credit to a student who has satisfactorily completed a substantial amount of coursework and demonstrated sufficient mastery of the course material.

Education Code 54.006(f)

**ROTC Courses
Counted for
Enrollment Status**

To the extent it will not adversely affect the accreditation status of an institution of higher education with the appropriate accrediting agency, the governing board of the institution, including a college district, shall count courses in which a student enrolls for the purposes of a Reserve Officers' Training Corp (ROTC) program, including courses for which the student does not receive course credit toward the student's degree, in determining whether the student is enrolled as a full-time student. *Education Code 51.9112(c)*

**Graduation
Requirements for
Transfer Students**

Each institution of higher education, including each college district, shall permit a student who transfers from another Texas public institution of higher education to choose a catalog for the purpose of specifying graduation requirements, based upon the dates of attendance at the receiving **institution** and **at the** transferring ~~institution~~**institution**, in the same manner that a ~~nontransfer~~**non-transfer** student may choose a catalog. **Each Texas public institution of higher education shall include information about graduation requirements under a particular catalog in its official publications, including print and electronic catalogs. 19 TAC 4.25(g)**

**Associate Degree for
Certain Former
Students**

After receiving student information from a general academic teaching institution under Education Code 61.833(c) or (c-1), a lower-division institution of higher education, including a college district, shall review the information and, if the lower-division institution of higher education determines the student has earned the credits required to receive an associate degree awarded by the lower-division institution of higher education, may award the student the degree. **Education Code 61.833(d)**

Annual Report

Annually, each lower-division institution of higher education shall produce a report recording the number of degrees awarded by the institution in the previous academic year under this section. An institution shall make the report publicly available and submit the information to a reverse transfer data-sharing platform. "Reverse transfer data-sharing platform" means the National Student Clearinghouse or a similar national electronic data sharing and exchange platform operated by an agent of the institution that meets nationally accepted standards, conventions, and practices.

Education Code 61.833(a)(2), (d), (f)

**Reporting on
Completion and
Transfer-out Rates**

Required Rate
Calculations

An institution annually must prepare the completion or graduation rate of its certificate- or degree-seeking, first-time, full-time undergraduate students. In calculating the completion or graduation rate, an institution must count as completed or graduated:

1. Students who have completed or graduated by the end of the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation from their program has lapsed; and
2. Students who have completed a program described in 34 C.F.R. 668.8(b)(1)(ii), or an equivalent program, by the end of the 12-month period ending August 31 during which 150 percent of normal time for completion or graduation from that program has lapsed.

An institution that determines that its mission includes providing substantial preparation for students to enroll in another eligible institution must prepare the transfer-out rate of its certificate- or degree-seeking, first-time, full-time undergraduate students. In calculating the transfer-out rate, an institution must count as transfer-out students who by the end of the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation from the program in which they were enrolled has lapsed, have not completed or graduated but have subsequently enrolled in any program of an eligible institution for which its program provided substantial preparation.

34 C.F.R. 668.45(a)(1)–(2), (b)–(c)

Optional Rate
Calculations

In addition to calculating the completion or graduation rate, an institution may, but is not required to:

1. Calculate a completion or graduation rate for students who transfer into the institution;
2. Calculate a completion or graduation rate for students described in 34 C.F.R. (d)(1)(i)–(iv); and
3. Calculate a transfer-out rate as specified below, if the institution determines that its mission does not include providing substantial preparation for its students to enroll in another eligible institution.

34 C.F.R. 668.45(f)

Basis for Rate
Calculations

*Institutions Using
the Semester,
Trimester, or
Quarter System*

An institution that offers a predominant number of its programs based on semesters, trimesters, or quarters must base its completion or graduation rate, retention rate, and, if applicable, transfer-out rate calculations, on the cohort of certificate- or degree-seeking, first-time, full-time undergraduate students who enter the institution during the fall term of each year.

An institution that offers a predominant number of its programs based on semesters, trimesters, or quarters must count as an entering student a first-time undergraduate student who is enrolled as of October 15, the end of the institution's drop-add period, or another official reporting date as defined in 34 C.F.R. 668.41(a).

34 C.F.R. 668.45(a)(3)(i), (4)(i)

Other Institutions

An institution that does not offer a predominant number of its programs based on semesters, trimesters, or quarters must base its completion or graduation rate, retention rate, and, if applicable, transfer-out rate calculations, on the cohort of certificate- or degree-seeking, first-time, full-time undergraduate students who enter

the institution between September 1 of one year and August 31 of the following year.

Those institutions must count as an entering student a first-time undergraduate student who is enrolled for at least 15 days, in a program of up to, and including, one year in length or 30 days, in a program of greater than one year in length.

34 C.F.R. 668.45(a)(3)(ii), (4)(ii)

Exceptions

For the purpose of calculating a completion or graduation rate and a transfer-out rate, an institution may:

1. Exclude students who have left school to serve in the Armed Forces; have left school to serve on official church missions; have left school to serve with a foreign aid service of the federal government, such as the Peace Corps; are totally and permanently disabled; or are deceased.
2. In cases where the students who have left school to serve in the Armed Forces, to serve on official church missions, or to serve with a foreign aid service of the federal government represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of those students by adding to the 150 percent time-frame they normally have to complete or graduate, the time period the students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the federal government.

34 C.F.R. 668.45(d)

Presentation of
Rates

If the number of students in such group or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student, completion or graduation rate information must be disaggregated by:

1. Gender;
2. Each major racial and ethnic subgroup (as defined in IPEDS);
3. Recipients of a Federal Pell Grant;
4. Recipients of a Federal Family Education Loan or a Federal Direct Loan (other than an Unsubsidized Stafford Loan made under the Federal Family Education Loan Program or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant; and

5. Recipients of neither a Federal Pell Grant nor a Federal Family Education Loan or a Federal Direct Loan (other than an Unsubsidized Stafford Loan made under the Federal Family Education Loan Program or a Federal Direct Unsubsidized Loan).

If such number is not sufficient for such purpose, i.e., is too small to be meaningful, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

With respect to the requirement above to disaggregate the completion or graduation rate information by the receipt or nonreceipt of federal student aid, students shall be considered to have received the aid in question only if they received such aid for the period specified in 34 C.F.R. 668.45(a)(3).

34 C.F.R. 668.45(a)(6)

Deadline

An institution must make available its completion or graduation rate and, if applicable, transfer-out rate, no later than the July 1 immediately following the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation has elapsed for all of the students in the group on which the institution bases its completion or graduation rate and, if applicable, transfer-out rate calculations. *34 C.F.R. 668.45(a)(5)*

Waiver

The U.S. Secretary of Education grants a waiver of the requirements of this section dealing with completion and graduation rate data to any institution that is a member of an athletic association or conference that has voluntarily published completion or graduation rate data, or has agreed to publish data, that the Secretary determines are substantially comparable to the data required by this section. An institution that receives a waiver must still comply with the requirements of 34 C.F.R. 668.41(d)(3) and (f). An institution, or athletic association or conference applying on behalf of an institution, that seeks a waiver must submit a written application to the Secretary that explains why it believes the data the athletic association or conference publishes are accurate and substantially comparable to the information required by this section. *34 C.F.R. 668.45(e)*

Texas Success Initiative (TSI)

An institution of higher education, including a college district, shall assess, by an instrument approved in 19 Administrative Code 4.56, the academic skills of each entering, non-exempt undergraduate student as defined in 19 Administrative Code 4.53(24) to determine the student's readiness to enroll in freshman-level academic coursework prior to enrollment of the student. An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.

An institution offering collegiate-level credit to students via a Multi-Institution Teaching Center (MITC) or a university system center, or to in-state students by distance learning delivery systems shall ensure that students are assessed as required by this policy.

Education Code 51.333; 19 TAC 4.55(a), (d)–(e)

Definitions*Basic Academic Skills Education*

“Basic academic skills education” means non-course competency-based developmental education programs and interventions designed for students whose performance falls significantly below college readiness standards. *Education Code 51.331(b)(1)*

Corequisite

“Corequisite,” also known as corequisite or mainstreaming, is an instructional strategy whereby undergraduate students as defined in 19 Administrative Code 4.53(24) are co-enrolled or concurrently enrolled in a developmental education course or NCBO, as defined in 19 Administrative Code 4.53(18), below, and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. Participation in the entry-level freshman course is not contingent upon performance in the developmental education component of the corequisite. *19 TAC 4.53(7)*

Course Pairing

“Course pairing” is an instructional strategy whereby students are co-enrolled in a developmental education course and the entry-level freshman course of the same subject matter within the same semester. The developmental component provides support aligned directly with the learning outcomes, instruction, and assessment of the entry-level freshman course, and makes necessary adjustments as needed in order to advance students' success in the entry-level freshman course. *19 TAC 4.53(8)*

Developmental Coursework and / or Intervention

“Developmental coursework and/or intervention” means non-degree-credit coursework and/or activity designed to address a student's strengths and needs in the areas of reading, writing, integrated reading and writing (IRW), mathematics, and student success. *19 TAC 4.53(9)*

<i>Entry-Level Course</i>	“Entry-level course” (sometimes referred to as entry-level freshman coursework or freshman-level academic coursework) means any course for academic credit in which a freshman student typically enrolls and comprises college-level content. The course shall not have prerequisites and is open to any student meeting TSI standards as defined in 19 Administrative Code 4.57, below, and/or meeting at least one of the exemptions or waivers as defined in 19 Administrative Code 4.54, below. These courses (or their local equivalent in the Texas Common Core Numbering System) may include, but are not limited to: ENGL 1301, HIST 1301, PSYC 2301, GOVT 2305/2306, MATH 1314/1414/1324/1332/1342, SOCI 1301, PHIL 1301, SPCH 1311/1315, COSC 1301, HUMA 1301, ARTS 1301, and BIOL 1306/1406. <i>19 TAC 4.53(13)</i>
<i>Mathematics Pathway Models</i>	“Mathematics Pathway Models” are developmental and basic academic skills coursework/interventions that prepare students for academic/workforce training programs and careers. <i>19 TAC 4.53(15)</i>
<i>Non-Course-Competency-Based Developmental Education Interventions</i>	“Non-course-competency-based developmental education interventions,” also known as non-semester-length interventions or NCBO, are interventions that use learning approaches designed to address a student’s identified weaknesses and effectively and efficiently prepare the student for college-level work. These interventions must be overseen by an instructor of record, must not fit traditional course frameworks, and cannot include advising or learning support activities already connected to a traditional course; interventions may include, but are not limited to, tutoring, supplemental instruction, or labs. <i>19 TAC 4.53(18)</i>
Exceptional Circumstances	Under exceptional circumstances, an institution may permit a student to enroll in freshman-level academic coursework without assessment but shall require the student to be assessed not later than the end of the first semester of enrollment in entry-level freshman coursework. <i>19 TAC 4.55(a)</i>
Pre-Assessment	Prior to the administration of an approved instrument, a test administrator shall provide to the student a pre-assessment activity(ies) that addresses at a minimum the following components in an effective and efficient manner, such as through workshops, orientations, and/or online modules: 1. Importance of assessment in students’ academic career. 2. Assessment process and components, including practice with feedback of sample test questions in all disciplinary areas. 3. Developmental education options including corequisite, course-pairing, non-course-based, modular, and other non-conventional interventions.

4. Institutional and/or community student resources (e.g., supplemental instruction, tutoring, transportation, childcare, and financial aid).

19 TAC 4.55(b)

Assessment
Instruments

Effective fall 2013, the Texas Success Initiative Assessment (TSIA) is the only Coordinating Board-approved assessment instrument used under Administrative Code Title 19. The TSIA, Version 2.0 (TSIA2) will replace the TSIA on January 11, 2021, at which time the TSIA2 will be the only Coordinating Board-approved assessment instrument offered under Administrative Code Title 19. Test administrators of the TSI assessment must follow the requirements and processes for test administration as set forth by the Coordinating Board and the test vendor. *Education Code 51.334(a); 19 TAC 4.56*

Minimum Standards
TSIA Standards

Effective the institution's first class day of fall 2017, the following minimum college readiness standards (also known as "cut scores") for reading, mathematics, and writing on the TSIA shall be used by an institution to determine a student's readiness to enroll in freshman-level academic coursework:

1. Reading 351;
2. Mathematics 350; and
3. Writing:
 - a. A placement score of at least 340, and an essay score of at least 4; or
 - b. A placement score of less than 340 and an ABE Diagnostic level of at least 4 and an essay score of at least 5.

Education Code 51.334(b)–(c); 19 TAC 4.57(a)

TSIA2 Standards

Effective January 11, 2021, the following minimum college readiness standards (also known as "cut scores") for English Language Arts Reading (ELAR) and mathematics on the TSIA2 shall be used by an institution to determine a student's readiness to enroll in entry-level freshman coursework:

1. Mathematics (for college-level coursework with mathematics-intensive designation by the offering institution):
 - a. A College Readiness Classification (CRC) score of at least 950; or
 - b. A CRC score below 950 and a Diagnostic level of 6.

2. ELAR (for college-level coursework with reading, writing, or reading and writing-intensive designation by the offering institution):
 - a. A CRC score of at least 945 and an essay score of at least 5; or
 - b. A CRC score below 945 and a Diagnostic level of 5 or 6 and an essay score of at least 5.

Education Code 51.334(b)–(c); 19 TAC 4.57(b)

*Application of
Standards*

Institutions should use the TSI Assessment (TSIA or TSIA2) diagnostic results, along with other holistic factors, in their consideration of courses and/or interventions addressing the educational and training needs of undergraduate students not meeting the college readiness standards above.

An institution shall not require higher or lower college readiness standards on any or all portions of the TSI assessment (TSIA or TSIA2) to determine a student's readiness to enroll in any entry-level freshman coursework.

For a student with an existing plan for academic success as required in 19 Administrative Code 4.58, the institution must revise the plan as needed to align with the college readiness standards as defined above.

Both TSI assessment (TSIA or TSIA2) results are valid for the purposes of Administrative Code Title 19 for five years from the date of testing.

Education Code 51.334(b)–(c); 19 TAC 4.57(c)–(f)

Advising Program

Each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work. *Education Code 51.335(b)*

*Failure to Meet
Minimum Standards*

For holistic placement of non-exempt undergraduate students not meeting standards as defined in 19 Administrative Code 4.57(a) (relating to College Ready Standards), above, institutions shall use for determination of appropriate courses and/or interventions the TSI assessment results and accompanying Diagnostic Profile, along with consideration of one or more of the following:

1. High school grade point average/class ranking;
2. Prior academic coursework and/or workplace experiences;
3. Non-cognitive factors (e.g., motivation, self-efficacy); and

4. Family-life issues (e.g., job, childcare, transportation, finances).

For each undergraduate student who fails to meet the minimum passing standards described in 19 Administrative Code 4.57, above, an institution shall establish a program to advise the student regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework and determine a plan, working with the student, for academic success, which shall include developmental education and may include provisions for enrollment in appropriate non-developmental coursework. Institutions must ensure developmental education courses and interventions meet at minimum the criteria set forth in the Lower Division Academic Course Guide Manual (ACGM).

For undergraduate students enrolled in a corequisite model who fail to satisfactorily complete the freshman-level course, the institution of higher education must:

1. Review the plan developed for the student under this section and, if necessary, work with the student to revise the plan; and
2. Offer to the student a range of competency-based education programs to assist the student in becoming ready to perform freshman-level academic coursework in the applicable subject area(s).

Students enrolled in a mathematics pathway model (e.g., New Mathways Project, modular/Emporium models, etc.) must be clearly informed of the consequences of successful completion of this model which will result in meeting the mathematics college readiness standard only for specific college credit courses and that changing degree plans may require additional developmental education coursework/interventions.

19 TAC 4.55(c), .58(a)–(b), (d), (f)

Readiness Education Plan

If a student fails to meet the assessment standards described above, the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The plan must be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework [see EFAC].

The commissioner may by rule require a college district to adopt uniform standards for the placement of a student under Education Code 51.336.

Each plan for academic success shall:

1. Be designed on an individual basis to provide the best opportunity for each student to succeed in obtaining his or her career and/or academic goals. At a minimum, the individual plan shall address:
 - a. Career advising;
 - b. Course-based and/or non-course-based developmental education options;
 - c. Campus and/or community student-support services/resources;
 - d. Degree plan or plan of study;
 - e. Regular interactions between student and designated point of contact (e.g., adviser, faculty member, peer and/or community mentor, and the like);
 - f. Registration for next semester/next steps; and
 - g. Differentiated placement.
2. Provide to the student a description of the appropriate developmental education considered necessary to ensure the readiness of that student to perform freshman-level academic coursework.
3. Provide to the student an appropriate measure for determining readiness to perform freshman-level academic coursework, as described in 19 Administrative Code 4.59, below.

Education Code 51.335(a), .336(a); 19 TAC 4.58(b)

Determination of Readiness

An institution shall determine when a student is ready to perform entry-level freshman coursework using:

1. Developmental education coursework and/or intervention learning outcomes developed by the Coordinating Board based on the Texas College and Career Readiness Standards;
2. Student performance on one or more appropriate assessments, including scores resulting from a student's retaking of the TSI assessment; and

3. Student qualification for one or more TSI exemptions as outlined in 19 Administrative Code 4.54.

As indicators of readiness, institutions shall consider, as appropriate:

1. Performance in developmental education.
2. Performance in appropriate nondevelopmental coursework, including successfully completed college-level coursework in a related field using AP scores, IB scores, CLEP scores, and/or grades earned through dual credit, as determined by the receiving institution.

An institution may enroll a non-exempt, undergraduate student who has not met the college readiness standard on the TSI assessment and is not otherwise exempt in an entry-level freshman course if the student is co-enrolled in developmental education, as defined in 19 Administrative Code 4.53(7). Successful completion of the entry-level freshman course is demonstration of the student's college readiness, independent of his/her performance in co-enrolled developmental education.

A student may retake an assessment instrument, subject to availability, at any time to determine readiness to perform entry-level freshman coursework.

An institution shall, as soon as practicable and feasible, indicate a student's readiness in reading, mathematics, and writing on the transcript of each student. Student readiness in mathematics is indicated as either:

1. Ready for any entry-level freshman mathematics coursework; or
2. Ready only for non-Algebra intensive courses, including MATH 1332/1342/1442 or their local equivalent.

Education Code 51.337; 19 TAC 4.59

Reporting

At the end of each semester, the institution shall report to the Coordinating Board the following information for undergraduate students: social security number, semester credit hours, grade points earned, ethnicity, gender, date of birth, TSI status, initial assessment instrument, score on initial assessment, type of developmental education received for each area (reading, mathematics, writing), and grade in first related nondevelopmental course.

Institutions shall analyze and report to the Coordinating Board on the annual Developmental Education Program Survey (DEPS) the

fiscal and/or instructional impacts of the following on student outcomes, along with other success-related topics as requested:

1. Technological delivery of developmental education courses that allows students to complete coursework;
2. Diagnostic assessments to determine a student's specific educational needs to allow for appropriate developmental instruction;
3. Modular developmental education course materials;
4. Use of tutors and instructional aides to supplement developmental education course instruction as needed for particular students;
5. Internal monitoring mechanisms used to identify a student's area(s) of academic difficulty; and
6. Periodic updates of developmental education course materials.

An institution of higher education that administers an assessment instrument to students under Education Code Chapter 51, Subchapter F-1 shall report to each school district from which assessed students graduated high school all available information regarding student scores and performance on the assessment instrument and student demographics.

Education Code 51.342; 19 TAC 4.60(a)–(b)

Exemptions for Certain Students

Any student who has been determined to be exempt in mathematics, reading, and/or writing shall not be required to enroll in developmental coursework and/or interventions in the corresponding area of exemption.

The following students shall be exempt from the requirements of Administrative Code Title 19, including the TSI, whereby exempt students shall not be required to provide any additional demonstration of college readiness and shall be allowed to enroll in any entry-level freshman course as defined in 19 Administrative Code 4.53(12):

SAT or ACT Scores

1. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:
 - a. ACT: composite score of 23 with a minimum of 19 on the English test shall be exempt for both the reading and writing sections of the TSI assessment, and/or 19 on the

mathematics test shall be exempt for the mathematics section of the TSI assessment; or

b. SAT:

- (1) SAT administered prior to March 5, 2016: a combined critical reading (formerly “verbal”) and mathematics score of 1070 with a minimum of 500 on the critical reading test shall be exempt for both reading and writing sections of the TSI assessment; a combined critical reading (formerly “verbal”) and mathematics score of 1070 with a minimum of 500 on the mathematics test shall be exempt for the mathematics section of the TSI assessment.
- (2) SAT administered on or after March 5, 2016: a minimum score of 480 on the Evidenced-Based Reading and Writing (EBRW) test shall be exempt for both reading and writing sections of the TSI Assessment; a minimum score of 530 on the mathematics test shall be exempt for the mathematics section of the TSI Assessment. There is no combined score.
- (3) Mixing or combining scores from the SAT administered prior to March 5, 2016, and the SAT administered on or after March 5, 2016, is not allowable.

High School
Equivalency
Examination

- c. **GED: minimum score of 165 on the Mathematical Reasoning subject test shall be exempt for the mathematics section of the TSI Assessment. A minimum score of 165 on the Reasoning Through Language Arts (RLA) subject test shall be exempt for the English Language Arts Reading (ELAR) section of the TSI Assessment.**
- d. **HiSET: minimum score of 15 on the Mathematics subtest shall be exempt for the mathematics section of the TSI Assessment. A minimum score of 15 on the Reading subtest and a minimum score of 15 on the Writing subtest, including a minimum score of 4 on the essay, shall be exempt for the ELAR section of the TSI Assessment.**

Education Code 51.338(b), (h); 19 TAC 4.54(a), (d)

*State
Assessments*

2. For a period of five years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:

TAKS	a. On the eleventh grade exit-level Texas Assessment of Knowledge and Skills (TAKS) with a minimum scale score of 2200 on the mathematics section and/or a minimum scale score of 2200 on the English language arts section with a writing subsection score of at least 3, shall be exempt from the TSI assessment required under Title 19 for those corresponding sections; or
End-of-Course Assessments	b. ~~STAAR end-of-course (EOC)~~ STAAR end-of-course (EOC) adopted under Education Code 39.0238 for Algebra II and English III, as that section existed before repeal by H.B. 4545, Acts of the 87th Legislature, Regular Session, 2021, with a minimum Level 2 score of 4000 on the English III shall be exempt from the TSI assessment required under this title for both reading and writing, and a minimum Level 2 score of 4000 on the Algebra II EOC shall be exempt from the TSI assessment required under this title for the mathematics section.
<i>Education Code 51.338(c)–(d); 19 TAC 4.54(a)(3)</i>	
College-Level Experience	3. A student who has graduated with an associate or baccalaureate degree from an institution of higher education. 4. A student who transfers to an institution from a public, private, or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework as determined by the receiving institution. 5. A student who has previously attended any institution and has been determined to have met readiness standards by that institution. For students meeting non-Algebra intensive readiness standards in mathematics as defined in 19 Administrative Code 4.59 (relating to determination of readiness to perform entry-level freshman coursework), institutions may choose to require additional preparatory coursework/interventions for Algebra intensive courses, including MATH 1314/1324/1414 or their local equivalent. It is the institution's responsibility to ensure that students are clearly informed of the consequences of successful completion of a mathematics pathways model which results in meeting the mathematics college readiness standard only for specific entry-level freshman mathematics courses. 6. A student who is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit

hours or the equivalent) at a public junior college, a public technical institute, or a public state college.

Education Code 51.332(1)–(3); 19 TAC 4.54(a)

*College Prep
Courses*

7. A student who successfully completes a college preparatory course under Education Code 28.014 is exempt for a period of 24 months from the date of high school graduation with respect to the content area of the course. The student must enroll in the student's first college-level course in the exempted content area in the student's first year of enrollment in an institution of higher education. This exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course. Additionally, an institution of higher education may enter into a Memorandum of Understanding with a partnering institution of higher education to accept the exemption for the college preparatory course.

Students with a TSI exemption for a college preparatory course who earn less than a C in the students' first college-level course in the exempted content area must be advised of non-course-based options for becoming college ready, such as tutoring or accelerated learning.

Education Code 51.338(e)–(f); 19 TAC 4.54(a), .58(e)

*Military
Experience*

8. A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or for at least the three-year period preceding enrollment, as a member of a reserve component of the armed forces of the United States; or
9. A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States.

Education Code 51.332(4)–(5); 19 TAC 4.54(a)

*Not Seeking a
Credential*

An institution of higher education may exempt a non-degree-seeking or non-certificate-seeking student. *Education Code 51.338(a); 19 TAC 4.54(b)*

~~*High School
Equivalency
Examination*~~

~~A student who has achieved a score set by the board on a high school equivalency examination administered under Education Code 7.111 is exempt from the requirements of Education Code~~

~~Chapter 51, Subchapter F-1. The commissioner by rule shall establish the period for which an exemption under this provision is valid. Education Code 51.338(h)~~

ESOL Waiver

An institution may grant a temporary waiver from the required assessment for students with demonstrated limited English proficiency in order to provide appropriate English Speakers of Other Languages/English as a Second Language (ESOL/ESL) coursework and interventions. The waiver must be removed after the student attempts 15 credit hours of developmental ESOL coursework at a public junior college or prior to enrolling in entry-level freshman coursework, whichever comes first, at which time the student would be administered the TSI assessment. Funding limits as defined in Education Code 51.340 for developmental education still apply. Developmental education is not available for high school students. 19 TAC 4.54(c)

Student Privacy

Institutions of higher education, **including college districts**, must ensure that the Texas Success Initiative is administered in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any state law relating to the privacy of student information. 19 TAC 4.63

Constitution Day

Each educational institution that receives federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year for the students served by the educational institution. *Pub. L. 108-447, Section 111, Division J (Dec. 8, 2004)*

Texas Girls in STEM Day

March 1 is designated as Texas Girls in STEM Day to celebrate and encourage the participation of girls in this state in fields related to science, technology, engineering, and mathematics.

Texas Girls in STEM Day shall be regularly observed by appropriate ceremonies, activities, and programs in public institutions of higher education, including college districts, to:

1. Encourage girls in this state to consider career fields in science, technology, engineering, and mathematics; and
2. Celebrate and honor the women of this state who have excelled in those fields.

Gov't Code 662.~~071~~073

Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.

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Section I: Generally

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

An officer or employee of a political subdivision, including a college district, who is acting or purporting to act in an official capacity may not, because of the student's race, religion, color, sex, or national origin, refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the political subdivision; refuse to grant a benefit to the person; or impose an unreasonable burden on the person. *Civ. Prac. & Rem. Code 106.001(a)*

Section II: Religious Freedom

A governmental entity, including a college district, shall make no law prohibiting the free exercise of religion. *U.S. Const. Amends. I, XIV*

A government agency, including a college district, may not substantially burden a student's free exercise of religion, unless the government agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Association with a Religious Organization

Notwithstanding any other law, a governmental entity, including a college district, may not take any adverse action against any person, as defined by Government Code 2400.001(4), based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

"Adverse action" means any action taken by a governmental entity 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.

Gov't Code 2400.001(1), .002 [See GA]

Access for Religious Organizations During Disasters

A governmental entity may not:

1. 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
2. During a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Gov't Code 2401.002(b) [See GA]

Section III: Discrimination on the Basis of Sex

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681; 34 C.F.R. 106.31*

Educational programs and activities include:

1. Housing. *34 C.F.R. 106.32*
2. Comparable facilities. *34 C.F.R. 106.33*
3. Access to course offerings. *34 C.F.R. 106.34*
4. Counseling. *34 C.F.R. 106.36*
5. Financial assistance. *34 C.F.R. 106.37*
6. Employment assistance to students. *34 C.F.R. 106.38*
7. Health and insurance benefits and services. *34 C.F.R. 106.39*
8. Athletics. *34 C.F.R. 106.41*

Pregnancy and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40(a)*

Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools*, 503 U.S. 60 (1992) [See also FFDA]

<i>Definition of Sexual Harassment</i>	Sexual harassment of students is conduct that is so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. Sexual harassment does not include simple acts of teasing and name-calling, however, even when the comments target differences in gender. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
<i>Employee–Student Sexual Harassment</i>	An official of an educational entity who has authority to address alleged harassment by employees on the entity’s behalf shall take corrective measures to address the harassment or abuse. <u><i>Gebser v. Lago Vista Indep. Sch. Dist.</i></u> , 524 U.S. 274 (1998)
<i>Student–Student Sexual Harassment</i>	An educational entity must reasonably respond to known student-on-student harassment where the harasser is under the entity’s disciplinary authority. <u><i>Davis v. Monroe County Bd. of Educ.</i></u> , 526 U.S. 629 (1999)
Clery Act—Campus Sexual Assault Programs	An institution’s Clery Act annual security report [see GCC] must include a statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported. The statement must include: 1. A description of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as described below at Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking; 2. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about: a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order; b. How and to whom the alleged offense should be reported; c. Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to: (1) Notify proper law enforcement authorities, including on-campus and local police;

- (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - (3) Decline to notify such authorities; and
 - d. Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
- 3. Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will:
 - a. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in the Violence Against Women Act of 1994, 42 U.S.C. 13925(a)(20); and
 - b. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;
- 4. A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
- 5. A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- 6. An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as described below at Procedures for Institutional Disciplinary Action; and

7. A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in items 1 through 6 of this list.

20 U.S.C. 1092(f)(8); 34 C.F.R. 668.46(b)(11)

*Programs to
Prevent Dating
Violence,
Domestic
Violence, Sexual
Assault, and
Stalking*

An institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking. The statement must include:

1. A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include:
 - a. A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in 34 C.F.R. 668.46(a) [see Definitions];
 - b. The definition of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction [see Penal Code 22.011, 22.021, 42.072; Family Code 71.0021, 71.004];
 - c. The definition of "consent," in reference to sexual activity, in the applicable jurisdiction;
 - d. A description of safe and positive options for bystander intervention;
 - e. Information on risk reduction; and
 - f. The information described in 34 C.F.R. 668.46(b)(11) and 34 C.F.R. 668.46(k)(2); and
2. A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described at item 1.

An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information required to be included in the statement.

34 C.F.R. 668.46(j)

Awareness Programs	“Awareness programs” means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration. 34 C.F.R. 668.46(j)(2)(i)
Bystander Intervention	“Bystander intervention” means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. 34 C.F.R. 668.46(j)(2)(ii)
Ongoing Prevention and Awareness Campaigns	“Ongoing prevention and awareness campaigns” means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in item 1, above. 34 C.F.R. 668.46(j)(2)(iii)
Primary Prevention Programs	“Primary prevention programs” means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. 34 C.F.R. 668.46(j)(2)(iv)
Risk Reduction	“Risk reduction” means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. 34 C.F.R. 668.46(j)(2)(v)
<i>Procedures for Institutional Disciplinary Action</i>	An institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in 34 C.F.R. 668.46(a), and that: 1. Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances

of an allegation of dating violence, domestic violence, sexual assault, or stalking;

2. Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
3. Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and
4. Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
5. Provides that the proceedings will:
 - a. Include a prompt, fair, and impartial process from the initial investigation to the final result;
 - b. Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - c. Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
 - d. Not limit the choice of adviser or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
 - e. Require simultaneous notification, in writing, to both the accuser and the accused, of:
 - (1) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - (2) The institution's procedures for the accused and the victim to appeal the result of the institutional

disciplinary proceeding, if such procedures are available;

(3) Any change to the result; and

(4) When such results become final.

34 C.F.R. 668.46(k)

Compliance with 34 C.F.R. 668.46(k) does not constitute a violation of Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. *34 C.F.R. 668.46(l)*

Prompt, Fair,
and Impartial
Proceeding

“Prompt, fair, and impartial proceeding” includes a proceeding that is:

1. Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
2. Conducted in a manner that:
 - a. Is consistent with the institution's policies and transparent to the accuser and accused;
 - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
3. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

34 C.F.R. 668.46(k)(3)(i)

Adviser

“Adviser” means any individual who provides the accuser or accused support, guidance, or advice. *34 C.F.R. 668.46(k)(3)(ii)*

Proceeding

“Proceeding” means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. *34 C.F.R. 668.46(k)(3)(iii)*

Result	“Result” means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding FERPA, the result must also include the rationale for the result and the sanctions. <i>34 C.F.R. 668.46(k)(3)(iv)</i>

Definitions

Dating Violence	“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Domestic Violence	“Domestic violence” is a felony or misdemeanor crime of violence committed: 1. By a current or former spouse or intimate partner of the victim; 2. By a person with whom the victim shares a child in common; 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or 5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and 34 C.F.R. 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

34 C.F.R. 668.46(a)

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

“Programs to prevent dating violence, domestic violence, sexual assault, and stalking” means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

1. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in 34 C.F.R. 668.46(j)(2).

34 C.F.R. 668.46(a)

Sexual Assault

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program and included in Appendix A of 34 C.F.R. Part 668, Subpart D. *34 C.F.R. 668.46(a)*

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

34 C.F.R. 668.46(a)

**Section IV:
Discrimination on
the Basis of Race,
Color, or National
Origin**

No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which 34 C.F.R. Part 100 applies.

A recipient under any program to which Part 100 applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

1. Deny an individual any service, financial aid, or other benefit provided under the program;
2. Provide any service, financial aid, or other benefit to an individual that is different, or is provided in a different manner, from that provided to others under the program;
3. Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so that is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in 34 C.F.R. 100.3(c)); or
7. Deny a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

A recipient, in determining the types of services, financial aid, or other benefits, or facilities that will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subject-

ing individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

42 U.S.C. 2000d; 34 C.F.R. 100.3(a)–(b)

**Section V:
Discrimination on
the Basis of Age**

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance. *42 U.S.C. 6102; 34 C.F.R. 110.10*

Exceptions

*Normal Operation
or Statutory
Objective*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

1. Age is used as a measure or approximation of one or more other characteristics;
2. The other characteristic or characteristics must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity;
3. The other characteristic or characteristics can be reasonably measured or approximated by the use of age; and
4. The other characteristic or characteristics are impractical to measure directly on an individual basis.

34 C.F.R. 110.12

*Reasonable
Factors Other
Than Age*

A recipient is permitted to take an action otherwise prohibited by 34 C.F.R. 110.10 that is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective. *34 C.F.R. 110.13*

*Special Benefits
for Children and
the Elderly*

If a recipient operating a program or activity provides special benefits to the elderly or to children, the use of age distinctions is presumed to be necessary to the normal operation of the program or activity, notwithstanding the provisions of 34 C.F.R. 110.12. *34 C.F.R. 110.16*

<i>Affirmative Action</i>	Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age. <i>34 C.F.R. 110.15</i>
Notice	A recipient shall notify its beneficiaries, in a continuing manner, of information regarding the provisions of the Age Discrimination Act of 1975 and the associated regulations. <i>34 C.F.R. 110.25(b)</i>
Section VI: Discrimination on the Basis of Disability	Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. <i>42 U.S.C. 12132; 28 C.F.R. 35.130</i>
ADA	
Section 504	Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. <i>29 U.S.C. 794(a)</i>
Disability	"Disability" means, with respect to an individual: 1. A physical or mental impairment that substantially limits one or more major life activities of an individual; 2. A record of having such an impairment; or 3. Being regarded as having such an impairment. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The term "disability" does not include: 1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; 2. Compulsive gambling, kleptomania, or pyromania; or 3. Psychoactive substance use disorders resulting from current illegal use of drugs. <i>42 U.S.C. 12102(1), (4)(C)–(D); 28 C.F.R. 35.108(a), (d), (g)</i>

*Regarded as
Having Such an
Impairment*

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 28 C.F.R. 35.108(f)*

Transitory and
Minor

Item 3 in the definition of “Disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. *42 U.S.C. 12102(3)(B); 28 C.F.R. 35.108(d)(1)(ix), (f)(2)*

*Mitigating
Measures*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy.

The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. 12102(4)(E); 28 C.F.R. 35.108(d)(1)(viii), (4)

*Major Life
Activities*

“Major life activities” include, but are not limited to:

1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and
2. The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function

includes the operation of an individual organ within a body system.

In determining whether an impairment substantially limits a major life activity, the term “major” shall not be interpreted strictly to create a demanding standard. Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

42 U.S.C. 12102(2); 28 C.F.R. 35.108(c)–(d)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Physical or mental impairment does not include homosexuality or bisexuality.

28 C.F.R. 35.108(b)

*Qualified Individual
with a Disability*

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

*Individual with a
Disability*

“Individual with a disability” means a person who has a disability. The term individual with a disability does not include an individual

	who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use. <i>28 C.F.R. 35.104</i>
Student with a Disability	A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such an impairment, or is being regarded as having such an impairment. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. <i>29 U.S.C. 705(20)(B); 42 U.S.C. 12102(1), (3)–(4)</i>
Reasonable Modification	A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of “disability” at <i>28 C.F.R. 35.108(a)(1)(iii)</i>. <i>28 C.F.R. 35.130(b)(7)</i>
Communications	A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary

aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. 28 C.F.R. 35.160

*Auxiliary Aids
and Services*

“Auxiliary aids and services” include:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;
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*

Title 28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity 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. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her de-

signee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Direct Threat

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

28 C.F.R. 35.104

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Services Inventory

The Coordinating Board shall maintain an inventory of all postsecondary educational programs and services provided for persons with intellectual and developmental disabilities by institutions of higher education. The Coordinating Board shall:

1. Post the inventory on the Coordinating Board's internet website in an easily identifiable and accessible location;
2. Submit the inventory to TEA for inclusion in the transition and employment guide under Education Code 29.0112; and
3. Update the inventory at least once every two years.

At times prescribed by the Coordinating Board, each institution of higher education, including each college district, shall report to the Coordinating Board all programs and services described above provided by that institution.

Education Code 61.0663

**Section VII:
Retaliation**

No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)*

**Section VIII:
Handgun License as
Proof of
Identification**

A person may not deny the holder of a concealed handgun license issued under Government Code Chapter 411, Subchapter H access to goods, services, or facilities, except as provided by Transportation Code 521.460 (regarding motor vehicle rentals) or in regard to the operation of a motor vehicle, because the holder has or presents a concealed handgun license rather than a driver's license or other acceptable form of personal identification.

This section does not affect the requirement under Government Code 411.205 that a person present a driver's license or identification certificate in addition to a concealed handgun license.

Business and Commerce Code 506.001

Excused Absences

Each institution of higher education, including each college district, shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. *19 TAC 4.4(b)*

Religious Holy Days

A “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20.

An institution of higher education, including a college district, shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this section may not be penalized for that absence and shall be allowed to take an examination or complete an assignment within a reasonable time after the absence.

Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution’s policies and procedures relating to other excused absences.

If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined above, or if there is a similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and the instructor shall abide by the decision of the chief executive officer or his or her designee.

A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

Education Code 51.911; 19 TAC 4.4, 9.24

Military Service

This section applies only if a student enrolled in an institution of higher education, including a college district, fails to attend classes or engage in other required activities because the student is called to **active required** military service that is of a reasonably brief duration, as determined by rule adopted by the Coordinating Board, and the student chooses not to withdraw as authorized by Education Code 54.006(f). [See EGA(LEGAL)] *Education Code 51.911(b)*

ActiveRequired
Military Service

“**ActiveRequired** military service” includes **activerequired** service in the Armed Forces of the United States or in the National Guard or the Texas State Guard. *Education Code 51.9111(a)(2); 19 TAC 4.3(1)*

Excused Absence
for **ActiveRequired**
Military Service

Upon notice from a student, an institution of higher education shall excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in **activerequired** military service to which the student is called, including travel associated with the service. A student whose absence is excused may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. *Education Code 51.9111(c); 19 TAC 4.8(a)–(b)*

Policies and
Procedures

Each institution shall adopt a policy that includes:

1. The retention of a student’s coursework completed during the portion of the course prior to the student being called to active military service;
2. The course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
3. A definition of a reasonable time after the absence for the completion of assignments and examinations;
4. Procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
5. A dispute resolution process regarding the policy.

Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of coursework following an excused absence under this section.

19 TAC 4.8(c), (e)

Maximum

The maximum period for which a student may be excused under this section shall be no more than 25 percent of the total number of

class meetings or the contact hour equivalent, not including the final examination period, for the specific course or courses in which the student is currently enrolled at the beginning of the period of active military service. *Education Code 51.9111(d); 19 TAC 4.8(d)*

Notification to SEVIS

A public institution of higher education, including a college district, that is certified by the U.S. Secretary of Homeland Security to enroll a foreign student admitted into the United States under a nonimmigrant F or M visa shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if:

1. A student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or
2. The institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance.

Education Code 51.9091

**Federal Work-Study
Program**

The purpose of the federal work-study program (FWS) is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving federal student financial assistance to participate in community service activities that will benefit the nation and engender in the students a sense of social responsibility and commitment to the community. The program shall be administered by the U.S. Department of Education and participating institutions of higher education in accordance with 20 U.S.C. Chapter 28, Subchapter IV, Part C and 34 C.F.R. 675.1-.28. *20 U.S.C. 1087-51, -53(a); 34 C.F.R. 675.1-.28*

Eligible Student

A student at an institution of higher education is eligible to receive part-time employment under the FWS program for an award year if the student:

1. Meets the relevant eligibility requirements contained in 34 C.F.R. 668.32;
2. Is enrolled or accepted for enrollment as an undergraduate, graduate, or professional student at the institution; and
3. Has financial need as determined in accordance with Part F of Title IV of the Higher Education Act (HEA). ~~A member of a religious order (an order, community, society, agency, or organization) who is pursuing a course of study at an institution of higher education is considered to have no financial need if that religious order has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being; requires its members to forego monetary or other support substantially beyond the support it provides; and directs the members to pursue the course of study or provides subsistence support to its members.~~

34 C.F.R. 675.9

Eligible Employer

A student may be employed under the FWS program by the institution in which the student is enrolled; a federal, state, or local public agency; a private nonprofit organization; or a private for-profit organization.

Regardless of the student's employer, the student's work must be governed by employment conditions, including pay, that are appropriate and reasonable in terms of type of work; geographical region; employee proficiency; and any applicable federal, state, or local law.

FWS employment may not:

1. Impair existing service contracts;
2. Displace employees;
3. Fill jobs that are vacant because the employer's regular employees are on strike;
4. Involve the construction, operation, or maintenance of **so much of** any ~~part of a~~ facility **as is** used or **is** to be used for **instruction that is predominantly devotional and religious or as a place for** religious worship ~~or sectarian instruction, except to the extent that excluding such work would impose a substantial burden on a person's exercise of religion~~; or
5. Include employment for the U.S. Department of Education.

34 C.F.R. 675.20(a)–(c)

Academic Credit

A student may be employed under the FWS program and also receive academic credit for the work performed. Those jobs include, but are not limited to, work performed when the student is enrolled in an internship; enrolled in a practicum; or employed in a research, teaching, or other assistantship.

A student employed in an FWS job and receiving academic credit for that job may not be:

1. Paid less than ~~he or she~~ **the student** would be if no academic credit were received;
2. Paid for receiving instruction in a classroom, laboratory, or other academic setting; and
3. Paid unless the employer would normally pay the person for the same position.

34 C.F.R. 675.20(d)

Notice of
Employment
Opportunities

To participate in the FWS program, an institution of higher education shall enter into a participation agreement with the U.S. Secretary of Education. The agreement provides that, among other things, the institution shall inform all eligible students of the opportunity to perform community services and consult with local non-profit, governmental, and community-based organizations to identify those opportunities. *34 C.F.R. 675.8*

**Texas College Work-
Study Program**

Any public, private, or independent institution of higher education, including a college district, is eligible to participate in the Texas College Work-Study Program in accordance with Education Code Chapter 36, Subchapter E and 19 Administrative Code Chapter 22, Subchapter G. *19 TAC 22.128(3), .129(a)(1)*

Mentorship
Program

In accordance with Education Code 56.079 and 19 Administrative Code Chapter 22, Subchapter G, the Coordinating Board shall administer a work-study student mentorship program under which students who are enrolled at participating eligible institutions and who meet the eligibility requirements for employment in the Texas College Work-Study Program may be employed by participating entities under the Texas College Work-Study Program to:

1. Mentor students at participating eligible institutions or high school students in participating school districts;
2. Counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve student access to higher education; or
3. Support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction.

A "participating entity" is an eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under 19 Administrative Code Chapter 22, Subchapter G to participate in the mentorship program.

Education Code 56.079; 19 TAC 22.128(6)

Institution
Requirements
Generally

To participate in the program, an institution must:

1. Provide part-time employment to an eligible student in non-partisan and nonsectarian activities;
2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
3. Use program positions only to supplement and not supplant positions normally filled by persons not eligible to participate in the work-study program; and
4. Provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Education Code 56.074(b); 19 TAC 22.129(c)

*Mentorship
Program*

To participate in the mentorship program:

1. An institution must file with the Coordinating Board a memorandum of understanding detailing the roles and responsibilities of each participating entity.
2. An institution must provide not less than ten percent of an employed mentor's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds. Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide ten percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.
3. A participating entity, other than an institution of higher education, benefiting from the services of the mentor must provide funding in an amount at least equal to the amount of the institution's contribution. The participating entity's contribution may be satisfied through in-kind contributions, if acceptable by the institution. Participating entities benefiting from the service of mentors enrolled at institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the mentorship program requirement to provide matching funds, if the institution has provided the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

Additional criteria for participation and program requirements for the mentorship program shall be determined and set forth in commissioner's policies.

19 TAC 22.129(d)–(e)

Eligible Student

To be eligible for employment in the program, a person must:

1. Be a Texas resident as defined by Coordinating Board rules;
2. Be enrolled for at least the number of hours required of a half-time student, and be seeking a degree or certification in an eligible institution;
3. Establish financial need in accordance with Coordinating Board procedures;
4. Have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law; and

5. If participating in the Mentorship Program, receive appropriate training and supervision as determined by the commissioner or Coordinating Board staff.

A person is not eligible to participate in the program if the person concurrently receives an athletic scholarship.

Education Code 56.075; 19 TAC 22.130

Eligible Off-Campus
Employer

An eligible institution may enter into agreements with off-campus employers that participate in the program. To be eligible to participate, an off-campus employer must:

1. Provide part-time employment to an eligible student in non-partisan and nonsectarian activities;
2. Provide, insofar as is practicable, employment to an eligible student that is related to the student's academic interests;
3. Use program positions only to supplement and not to supplant positions normally filled by persons not eligible to participate in the work-study program; and
4. Unless eligible for a waiver of matching funds under 19 Administrative Code 22.131, provide not less than 25 percent of an employed student's wages and 100 percent of other employee benefits for the employed student from sources other than federal college work-study program funds, if the employer is a nonprofit entity; or
5. Provide not less than 50 percent of an employed student's wages and 100 percent of other employee benefits for the employed student, if the employer is a profit-making entity.

Institutions eligible to receive Title III funds from the U.S. Department of Education are exempted from the program requirement to provide 25 percent of an employed student's wages, if they provide the Coordinating Board with a copy of a current Title III eligibility letter from the U.S. Department of Education.

For the mentorship program, an eligible institution must file, in conjunction with the participating school district(s) or nonprofit organization(s), a memorandum of understanding with the Coordinating Board.

Education Code 56.076; 19 TAC 22.131

Approval

Each approved institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the commissioner. An institution must be approved by April 1 in order

	for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year. <i>19 TAC 22.129(b)</i>
List of Work-Study Employment Opportunities	Institutions participating in the program must establish and maintain an online list of work-study employment opportunities available on campus, sorted by department as appropriate, and ensure that the list is easily accessible to the public and prominently displayed on the institution's website. <i>Education Code 56.080; 19 TAC 22.129(f)</i>
Funds	At the beginning of each year or upon request by the institution, the year's full allocation of funds needed for immediate disbursement to students will be provided to each participating institution for use in reimbursing students for their work. Institutions will have until February 20 or the first workday thereafter if it falls on a holiday or a weekend to encumber all funds allocated to them.
<i>Distribution</i>	
Texas College Work-Study Program Funds	Unless given specific permission by the Coordinating Board to use funds for summer awards, schools will be required to utilize their original state work-study allocation of funds for employment during the nine-month academic year (fall and spring terms). However, institutions may use reallocated funds for summer awards, but the funds must be expended by August 31 of the fiscal year. <i>19 TAC 22.2, .133(c)–(e)</i>
Mentorship Program Funds	The Coordinating Board shall allocate program funds to participating institutions according to criteria established by the commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution. Institutions shall have until a date specified by the commissioner to encumber all funds allocated. Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements. <i>19 TAC 22.134</i>
<i>Transfer</i>	Institutions participating in the Texas Educational Opportunity Grant and Texas College Work-Study Programs, in accordance with instructions from the Coordinating Board, may transfer current fiscal year funds up to the lesser of ten percent or \$20,000 between these programs. This threshold applies to the program from which the funds are transferred. Such transfers must occur by July 1 of the current fiscal year. Institutions participating in both the Texas College Work-Study Program and the Work-Study Student Mentorship Program, in accordance with instructions from the Coordinating Board, may transfer

current fiscal year funds up to 25 percent between the two programs. This threshold applies to the program from which the funds are transferred. Such transfers must occur by July 1 of the current fiscal year.

19 TAC 22.11(b)

**Discrimination on
the Basis of Sex**

A recipient of federal funding that assists any agency, organization, or person in making employment available to any of its students shall assure itself that such employment is made available without discrimination on the basis of sex; and shall not render such services to any agency, organization, or person that discriminates on the basis of sex in its employment practices.

A recipient that employs any of its students shall not do so in a manner that violates 34 C.F.R. Part 106, Subpart E.

34 C.F.R. 106.38

**Support for Transfer
Students**

Each institution of higher education that admits undergraduate transfer students shall provide support services appropriate to meet the needs of transfer students. These support services should be comparable to those provided to non-transfer students regularly enrolled at the institution, including an orientation program similar to that provided for entering freshman enrollees. [See EGA] 19 TAC 4.25(e)

Support for Veterans

Each institution of higher education, including each college district, shall cooperate with the Texas Veterans Commission to provide information, as permitted by law, related to student veterans at the institution, provide access to veteran resource centers or other student meeting areas, and otherwise support the work of veterans' education counselors. *Gov't Code 434.303*

Note: This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, including the Clery Act, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

FFDA
(LEGAL)

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Section I: Title IX

Definitions

Complainant

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

Respondent

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

*Education
Program or
Activity*

For the purposes of 34 C.F.R. 106.44, 34 C.F.R. 106.30, and 34 C.F.R. 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. *34 C.F.R. 106.44(a)*

*Sexual
Harassment*

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

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

34 C.F.R. 106.30(a)

Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

The phrase “document filed by a complainant” means a document or electronic submission, such as by electronic mail or through an online portal provided for this purpose by the recipient, that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

34 C.F.R. 106.30(a)

*Actual
Knowledge*

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.

“Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX coordinator as described in 34 C.F.R. 106.8(a).

34 C.F.R. 106.30(a)

*Supportive
Measures*

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.30(a)

Notice of
Nondiscrimination

Each recipient must notify persons entitled to a notification under 34 C.F.R. 106.8(a) that the recipient does not discriminate on the basis of sex in the education program or activity that it operates,

and that it is required by Title IX and 34 C.F.R. Part 106 not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission and employment, unless 34 C.F.R. Part 106, Subpart C does not apply, and that inquiries about the application of Title IX and 34 C.F.R. Part 106 to such recipient may be referred to the recipient's Title IX coordinator, to the Assistant Secretary, or both. *34 C.F.R. 106.8(b)(1)*

Title IX Coordinator Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under 34 C.F.R. Part 106, which employee must be referred to as the "Title IX coordinator." *34 C.F.R. 106.8(a)*

Grievance Procedures A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by 34 C.F.R. Part 106 and a grievance process that complies with 34 C.F.R. 106.45 for formal complaints. These requirements apply only to sex discrimination occurring against a person in the United States. *34 C.F.R. 106.8(c)–(d)*

Process for Formal Complaints
Conflict of Interest Prohibited A recipient's grievance process must require that any individual designated by a recipient as a Title IX coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. *34 C.F.R. 106.45(b)*

Training A recipient must ensure that Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in 34 C.F.R. 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in 34 C.F.R. 106.45(b)(6).

A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in 34 C.F.R. 106.45(b)(5)(vii).

Any materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

34 C.F.R. 106.45(b)

Time Frames	A recipient's grievance process must include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. <i>34 C.F.R. 106.45(b)</i>
Presumption of Responsibility Prohibited	A recipient's grievance process must include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. <i>34 C.F.R. 106.45(b)</i>
Information Subject to Privilege	A recipient's grievance process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. <i>34 C.F.R. 106.45(b)</i>
Evaluation of Evidence and Credibility Determinations	A recipient's grievance process must require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness. <i>34 C.F.R. 106.45(b)</i>
Standard of Evidence	A recipient's grievance process must state whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against em-

	ployees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment. <i>34 C.F.R. 106.45(b)</i>
Supportive Measures	A recipient's grievance process must describe the range of supportive measures available to complainants and respondents. <i>34 C.F.R. 106.45(b)</i>
Sanctions and Remedies	A recipient's grievance process must treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with 34 C.F.R. 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in 34 C.F.R. 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. A recipient's grievance process must describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility. <i>34 C.F.R. 106.45(b)</i>
Appeals	A recipient's grievance process must include the procedures and permissible bases for the complainant and respondent to appeal. <i>34 C.F.R. 106.45(b)</i>
Additional Procedures	Any provisions, rules, or practices other than those required by Section 106.45 that a recipient adopts as part of its grievance process for handling formal complaints of sexual harassment, as defined in 34 C.F.R. 106.30, must apply equally to both parties. <i>34 C.F.R. 106.45(b)</i>
Reporting	Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX coordinator. <i>34 C.F.R. 106.8(a)</i>

*Formal Complaint
Filing*

A formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX coordinator under 34 C.F.R. 106.8(a), and by any additional method designated by the recipient. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.

Where the Title IX coordinator signs a formal complaint, the Title IX coordinator is not a complainant or otherwise a party under 34 C.F.R. Part 106 or under 34 C.F.R. 106.45, and must comply with the requirements of 34 C.F.R. Part 106, including 34 C.F.R. 106.45(b)(1)(iii).

34 C.F.R. 106.30(a)

Consolidation of
Complaints

A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. *34 C.F.R. 106.45(b)(4)*

Notice of
Allegations

Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:

1. Notice of the recipient's grievance process that complies with 34 C.F.R. 106.45, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in 34 C.F.R. 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under Section 106.30, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under 34 C.F.R. 106.45(b)(5)(iv), and may inspect and review evidence under Section 106.45(b)(5)(vi). The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the recipient decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to item 2, above, the recipient must provide notice of the additional allegations to the parties whose identities are known.

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

Response to Sexual
Harassment

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

A recipient's response must treat complainants and respondents equitably by offering supportive measures to a complainant, and by following a grievance process that complies with 34 C.F.R. 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The U.S. Department of Education may not deem a recipient to have satisfied the recipient's duty to not be deliberately indifferent under 34 C.F.R. Part 106 based on the recipient's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

*Response to
Formal Complaint*

In response to a formal complaint, a recipient must follow a grievance process that complies with 34 C.F.R. 106.45. With or without a formal complaint, a recipient must comply with 34 C.F.R. 106.44(a).

A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX.

34 C.F.R. 106.44(b), .45(a)

Informal Resolution

A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent

with 34 C.F.R. 106.45. Similarly, a recipient may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient:

1. Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Investigation

When investigating a formal complaint and throughout the grievance process, a recipient must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section.
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
4. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing, if a hearing is required under this section or otherwise provided, or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings	For postsecondary institutions, the recipient's grievance process must provide for a live hearing. <i>34 C.F.R. 106.45(b)(6)(i)</i>
<i>Conduct of Hearing</i>	Live hearings pursuant to this section may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. <i>34 C.F.R. 106.45(b)(6)(i)</i>
<i>Cross-Examination</i>	At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under 34 C.F.R. 106.45(b)(5)(iv) to otherwise restrict the extent to which advisors may participate in the proceedings. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. <i>34 C.F.R. 106.45(b)(6)(i)</i>
Relevance	Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. <i>34 C.F.R. 106.45(b)(6)(i)</i>

Refusal to Submit to Cross-Examination	If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. 34 C.F.R. 106.45(b)(6)(i)
<i>Recording</i>	Recipients must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. 34 C.F.R. 106.45(b)(6)(i)
Determination Regarding Responsibility	The decision-maker(s), who cannot be the same person(s) as the Title IX coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in 34 C.F.R. 106.45(b)(1)(vii). The written determination must include: 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 C.F.R. 106.30; 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; 3. Findings of fact supporting the determination; 4. Conclusions regarding the application of the recipient's code of conduct to the facts; 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and 6. The recipient's procedures and permissible bases for the complainant and respondent to appeal. The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an

appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX coordinator is responsible for effective implementation of any remedies.

34 C.F.R. 106.45(b)(7)

Dismissal of
Complaint

The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in 34 C.F.R. 106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX or 34 C.F.R. Part 106; such a dismissal does not preclude action under another provision of the recipient's code of conduct.

The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to this section, the recipient must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

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

Appeals

A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A recipient may offer an appeal equally to both parties on additional bases. As to all appeals, the recipient must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in 34 C.F.R. 106.45(b)(1)(iii);
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Confidentiality

The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Retaliation
Prohibited

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or 34 C.F.R. Part 106, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Part 106. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or Part 106, constitutes retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under 34 C.F.R. 106.8(c).

The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under 34 C.F.R. Part 106 does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71

Removal or Leave

Nothing in 34 C.F.R. Part 106 precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Nothing in 34 C.F.R. Part 106, Subpart D precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with 34 C.F.R. 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)–(d)

Publication

*Title IX
Coordinator and
Notice of Non-
discrimination*

The recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX coordinator. *34 C.F.R. 106.8(a)*

Each recipient must prominently display the contact information required to be listed for the Title IX coordinator and the policy described in 34 C.F.R. 106.8(b)(1) on its website, if any, and in each handbook or catalog that it makes available to persons entitled to a notification under 34 C.F.R. 106.8(a).

A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on

the basis of sex except as such treatment is permitted by Title IX or 34 C.F.R. Part 106.

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

*Grievance
Procedures and
Process*

A recipient must provide to persons entitled to a notification under 34 C.F.R. 106.8(a) notice of the recipient's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond. *34 C.F.R. 106.8(c)*

*Training
Materials*

A recipient must make the materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, or if the recipient does not maintain a website, the recipient must make these materials available upon request for inspection by members of the public. *34 C.F.R. 106.45(b)(10)*

Recordkeeping

A recipient must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under 34 C.F.R. 106.45(b)(6)(i), any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

For each response required under 34 C.F.R. 106.44, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The

documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

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

Section II: State Law

Definitions

*Dating Violence,
Sexual Assault,
and Stalking*

"Dating violence," "sexual assault," and "stalking" have the same meanings assigned by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f)(6)(A). *Education Code 51.251(2), .281(2); 19 TAC 3.3(c)*

*Sexual
Harassment*

"Sexual harassment" means unwelcome, sex-based verbal or physical conduct that:

1. In the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2. In the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities.

Education Code 51.251(5), .281(4); 19 TAC 3.3(e)

Employee

"Employee of a postsecondary educational institution" does not include a student enrolled at the institution. *Education Code 51.251(3)*

*Course and
Scope of
Employment*

"Course and scope of employment" means an employee performing duties in the furtherance of the institution's interests. *19 TAC 3.3(b)*

*Sexual Assault
Policy*

Each postsecondary educational institution, including each college district, shall adopt a policy on sexual harassment, sexual assault, dating violence, and stalking applicable to each enrolled student and each employee of the institution and have the policy approved by the institution's governing body. The policy must include:

1. Definitions of prohibited behavior;
2. Sanctions for violations;
3. Protocol for reporting and responding to reports of sexual harassment, sexual assault, dating violence, and stalking that complies with the electronic reporting requirement in 19 Administrative Code 3.7;

4. Interim measures to protect victims of sexual harassment, sexual assault, dating violence, or stalking pending the institution's disciplinary process, including protection from retaliation, and any other accommodations or supportive measures available to those victims at the institution. This section is not intended to limit an institution's ability to implement accommodations to others as needed; and
5. A statement regarding:
 - a. The importance of a victim of sexual harassment, sexual assault, dating violence, or stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;
 - b. The right of a victim of sexual harassment, sexual assault, dating violence, or stalking to report the incident to the institution and to receive a prompt and equitable resolution of the report; and
 - c. The right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

As part of the protocol for responding to reports of sexual harassment, sexual assault, dating violence, and stalking adopted under this section, each postsecondary educational institution shall:

1. To the greatest extent practicable based on the number of counselors employed by the institution, ensure that each alleged victim or alleged perpetrator of an incident of a sexual harassment, sexual assault, dating violence, and stalking and any other person who reports such an incident are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident; and
2. Notwithstanding any other law, allow an alleged victim or alleged perpetrator of an incident of sexual harassment, sexual assault, dating violence, and stalking to drop a course in which both parties are enrolled without any academic penalty.

Education Code 51.282(a), (e); 19 TAC 3.4(a), (d)(2)(C)

Review

Each postsecondary educational institution shall review its sexual harassment, sexual assault, dating violence, and stalking policy at least each biennium and revise the policy as necessary and obtain approval from the institution's governing board. *Education Code 51.282(f); 19 TAC 3.4(e)*

<i>Distribution</i>	Each postsecondary educational institution shall make its policy on sexual harassment, sexual assault, dating violence, and stalking available to students, faculty, and staff members by: 1. Including the policy in the student handbook and personnel handbook or the institution's equivalent(s); and 2. Creating and maintaining a web page dedicated solely to the policy that is easily accessible through a clearly identifiable link on the institution's homepage. <i>Education Code 51.282(b); 19 TAC 3.4(b)</i>
Responsible Employee	Each postsecondary educational institution shall designate one or more employees to act as responsible employees for purposes of Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq and inform each student enrolled at the institution of the designated responsible employees. <i>Education Code 51.290(a); 19 TAC 3.14(a)</i>
Reporting <i>Employee Reporting Required</i>	An employee of a postsecondary educational institution who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident shall promptly report the incident to the institution's Title IX coordinator or deputy Title IX coordinator. The employee is required to report an incident regardless of when or where the incident occurred. Institutions may establish additional reporting avenues to comply with this section provided that the reports are promptly routed to the Title IX coordinator or deputy Title IX coordinator. <i>Education Code 51.252(a); 19 TAC 3.5(a)</i>
Exception from Reporting	A person is not required to make a report under this section concerning: 1. An incident in which the person was a victim of sexual harassment, sexual assault, dating violence, or stalking; 2. An incident of which the person received information due to a disclosure made at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by a student organization affiliated with the institution; or

3. A sexual harassment, sexual assault, dating violence, or stalking incident in which the person has either learned of the incident during the course of his or her institution's review or process or has confirmed with the person or office overseeing the review or process, that the incident has been previously reported.

Education Code 51.252(d); 19 TAC 3.5(d)

Contents of
Report

The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident. *Education Code 51.252(b); 19 TAC 3.5(b)*

Limitations on
Reporting

*Designated
Confidential
Employees*

Each postsecondary educational institution shall designate one or more employees as persons to whom students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking and inform each student enrolled at the institution of the designated confidential employees.

A confidential employee designated under this section may not disclose any communication made by a student to the employee unless the student consents to the disclosure or the employee is required to make the disclosure under 19 Administrative Code 3.5(c), state law, or federal law.

Absent consent from the reporting student, an employee designated by the institution as a person with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking shall only state the type of incident reported and may not include any information that would violate a student's expectation of privacy.

Education Code 51.252(c), .290(a), (c); 19 TAC 3.5(c), .14

*Confidential
Employees
Under Other
Law*

Absent consent from the reporting individual, an employee who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking under circumstances that render the employee's communications confidential or privileged under other law shall only state the type of incident reported and may not include any information that would violate an expectation of privacy. *Education Code 51.252(c); 19 TAC 3.5(c)*

*Medical
Providers*

Absent consent from the victim(s), an employee who receives information regarding an incident of sexual harassment, sexual assault, dating violence, or stalking in the course and scope of employment as a health-care provider, mental health-care provider, or other medical provider shall only state the type of incident reported

and may not include any information that would violate an expectation of privacy. *Education Code 51.291(d); 19 TAC 3.5(c)*

**Campus
Peace
Officers**

A campus peace officer employed by a postsecondary educational institution who receives information regarding an incident described by Education Code 51.252(a) from an alleged victim who chooses to complete a pseudonym form described by Code of Criminal Procedure Article 58.102, 58.152, 58.202, or 58.252 shall, in making a report, state only the type of incident reported and may not include the victim's name, phone number, address, or other information that may directly or indirectly reveal the victim's identity. *Education Code 51.252(c-1)*

**Multiple
Confidential
Employees**

When multiple confidential employees receive information about the same incident (e.g., student health center or counseling center), only a single report stating the type of incident is required. *19 TAC 3.5(c)*

**Reporting
Under Other
Law**

These limitations on disclosure do not affect the employee's duty to report an incident under any other law, including but not limited to, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f), Family Code 261.101, or Health and Safety Code 611.004. *Education Code 51.290(c); 19 TAC 3.5(c)*

**Failure to Report
or False Report**

A person commits an offense if the person is required to make a report under Education Code 51.252 and knowingly fails to make the report or with the intent to harm or deceive, knowingly makes a report under ~~Education Code~~Section 51.252 that is false.

A postsecondary educational institution shall terminate the employment of an employee whom the institution determines in accordance with the institution's disciplinary procedure to have committed the offense.

Education Code 51.255(a), (c); 19 TAC 3.8

Student Advocate

A postsecondary educational institution may designate one or more students enrolled at the institution as student advocates to whom other students enrolled at the institution may speak confidentially concerning sexual harassment, sexual assault, dating violence, and stalking. The institution shall notify each student enrolled at the institution of the student advocate(s) designated under this section.

A student advocate designated under this section may not disclose any communication made by a student to the advocate unless the student consents to the disclosure or the advocate is required to make the disclosure under state or federal law.

Education Code 51.290(b)–(c); 19 TAC 3.15

*Electronic
Reporting*

Each postsecondary educational institution shall provide an option for a student enrolled at or an employee of the institution to electronically report to the institution an allegation of sexual harassment, sexual assault, dating violence, or stalking committed against or witnessed by the student or employee, regardless of the location at which the alleged offense occurred. The electronic reporting option must:

1. Allow for anonymous reporting; and
2. Be easily accessible via a clearly identifiable link on the institution's website home page.

A protocol for reporting sexual assault adopted under Education Code 51.282 must comply with this section.

Education Code 51.283(a)–(c); 19 TAC 3.7

*Reporting on
Reports*

Title IX
Coordinator

Not less than once every three months, the Title IX coordinator of a postsecondary educational institution shall submit to the institution's chief executive officer a written report on the reports received for the institution's reporting period under 19 Administrative Code 3.5, including information regarding:

1. The investigation of those reports;
2. The disposition, if any, of any disciplinary processes arising from those reports; and
3. The reports for which the institution determined not to initiate a disciplinary process, if any.

The Title IX coordinator or deputy Title IX coordinator of a postsecondary educational institution shall immediately report to the institution's chief executive officer an incident reported to the coordinator under Section 3.5 if the coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

Education Code 51.253(a)–(b); 19 TAC 3.6(a)–(b)

Chief Executive
Officer

At least once annually, during each fall or spring semester, the chief executive officer of a postsecondary educational institution shall submit to the institution's governing body and post on the institution's internet website a report concerning the reports received under 19 Administrative Code 3.5. The chief executive officer report may not identify any person and must include:

1. The number of reports received under Section 3.5;

2. The number of investigations conducted as a result of those reports;
3. The disposition, if any, of any disciplinary processes arising from those reports;
4. The number of those reports for which the institution determined not to initiate a disciplinary process, if any; and
5. Any disciplinary actions taken under 19 Administrative Code 3.8.

If for any semester a postsecondary educational institution has fewer than 1,500 enrolled students, the chief executive officer of the institution shall submit and post a report required for that semester only if more than five reports were received under ~~19 Administrative Code~~ **Section 3.5** during that semester.

Education Code 51.253(c)–(d); 19 TAC 3.6(c)–(d)

Investigations

Request Not to Investigate

If an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking reported to a postsecondary educational institution requests the institution not to investigate the alleged incident, the institution may investigate the alleged incident in a manner that complies with the confidentiality requirements under Education Code 51.291 and 19 Administrative Code 3.17. In determining whether to investigate the alleged incident, the institution shall consider:

1. The seriousness of the alleged incident;
2. Whether the institution has received other reports of sexual harassment, sexual assault, dating violence, or stalking committed by the alleged perpetrator or perpetrators;
3. Whether the alleged incident poses a risk of harm to others; and
4. Any other factors the institution determines relevant.

If a postsecondary educational institution decides not to investigate an alleged incident of sexual harassment, sexual assault, dating violence, or stalking based on the alleged victim's request not to investigate, the institution shall take any reasonable steps the institution determines necessary and consistent with the institution's policy and applicable law to protect the health and safety of the institution's community in relation to the alleged incident.

Education Code 51.285(a)–(b); 19 TAC 3.9(a)–(b)

<i>Notice of Decision</i>	A postsecondary educational institution shall inform an alleged victim of an incident of sexual harassment, sexual assault, dating violence, or stalking who requests the institution not to investigate the alleged incident of the institution's decision whether to investigate the alleged incident. <i>Education Code 51.285(c); 19 TAC 3.9(c)</i>
Confidentiality	Unless waived in writing by the person, the identity of a person described below is confidential and not subject to disclosure under the Public Information Act (PIA) and may be disclosed only to: 1. Persons employed by or under contract with the postsecondary educational institution to which the report is made who are necessary to conduct an investigation or the report or any related hearings; 2. A law enforcement officer as necessary to conduct a criminal investigation of the report; 3. A health-care provider in an emergency, as determined necessary by the institution; 4. The person or persons alleged to have perpetrated the incident, to the extent required by other law; and 5. Potential witnesses to the incident as necessary to conduct an investigation of the report and to the extent required by other law. The protections provided by this section apply to: 1. An alleged victim; 2. A person who reports an incident to an institution; 3. A person who sought guidance from the institution concerning an incident; 4. A person who participated in the institution's investigation of an incident; or 5. A person who is alleged in a report made to an institution to have committed or assisted in the commission of sexual harassment, sexual assault, dating violence, or stalking, if after completing an investigation, the institution determines the report to be unsubstantiated or without merit. <i>Education Code 51.256, .291(a), (c); 19 TAC 3.17</i>
Retaliation Prohibited <i>Employees</i>	A postsecondary educational institution may not discipline or otherwise discriminate against an employee who in good faith makes a report as required by 19 Administrative Code 3.5 or cooperates

with an investigation, a disciplinary process, or a judicial proceeding relating to a required report made by the employee. *Education Code 51.257(a); 19 TAC 3.18(a)*

Exception

The prohibition does not apply to an employee who:

1. Reports an incident of sexual harassment, sexual assault, dating violence, and stalking perpetrated by the employee; or
2. Cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the employee perpetrated an incident of sexual harassment, sexual assault, dating violence, and stalking.

Education Code 51.257(b); 19 TAC 3.18(b)

Any Person

A person acting in good faith who reports or assists in the investigation of a report of an incident described by 19 Administrative Code 3.5 or who testifies or otherwise participates in a disciplinary process or judicial proceeding arising from a report of such an incident may not be subjected to any disciplinary action by the postsecondary educational institution at which the person is enrolled or employed for any violation by the person of the institution's policy or code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. This provision does not apply to a person who perpetrates or assists in the perpetration of the incident reported under Section 3.5. *Education Code 51.254; 19 TAC 3.5(e)–(f)*

Awareness

*Orientation on
Policy*

Each postsecondary educational institution shall require each entering freshman or undergraduate transfer student to attend an orientation on the institution's sexual harassment, sexual assault, dating violence, and stalking policy before or during the first semester or term of enrollment at the institution. The institution shall establish the format and content of the orientation. The orientation may be provided online and must include the statements described by 19 Administrative Code 3.4(a)(5). *Education Code 51.282(c); 19 TAC 3.4(c)*

*Prevention and
Outreach
Program*

Each postsecondary educational institution shall develop and implement a comprehensive prevention and outreach program on sexual harassment, sexual assault, dating violence, and stalking for enrolled students and employees of the institution. The program must:

1. Address a range of strategies to prevent sexual harassment, sexual assault, dating violence, and stalking, including a public awareness campaign; a victim empowerment program; primary prevention; bystander intervention; and risk reduction; and

2. Provide students with information regarding the protocol for reporting incidents of sexual harassment, sexual assault, dating violence, and stalking, including the name, office location, and contact information of the institution's Title IX coordinator, by:
 - a. Emailing the information to each student at the beginning of each semester or other academic term; and
 - b. Including the information in the institution's orientation, which may be provided online.

Education Code 51.282(d); 19 TAC 3.4(d)

Equal Access

In implementing the requirements under 19 Administrative Code Chapter 3, Subchapter A, a postsecondary educational institution shall, to the greatest extent practicable, ensure equal access for students enrolled at or employees of the institution who are persons with disabilities. The institution shall make reasonable efforts to consult with a disability services office of the institution, advocacy groups for people with disabilities, and other relevant stakeholders to assist the institution with complying with the institution's duties under this section. *Education Code 51.293; 19 TAC 3.16*

Memoranda of Understanding

To facilitate effective communication and coordination regarding allegations of sexual harassment, sexual assault, dating violence, and stalking at the institution, a postsecondary educational institution shall enter into one or more memoranda of understanding with an entity from one or more of the following categories:

1. Local law enforcement agencies;
2. Sexual harassment, sexual assault, dating violence, or stalking advocacy groups; and
3. Hospitals or other medical resource providers.

Education Code 51.289; 19 TAC 3.13

Compliance

The chief executive officer of each postsecondary educational institution shall annually certify in writing to the Coordinating Board, in October of each year, that the institution is in substantial compliance with Education Code Chapter 51, Subchapter E-2. The Coordinating Board shall make available to institutions a required template for the certification, which satisfies the requirements of this section.

If the Coordinating Board determines that a postsecondary educational institution is not in substantial compliance with Subchapter E-2 and Education Code Chapter 51, Subchapter E-3, the Coordinating Board may assess an administrative penalty against the institution in an amount not to exceed \$2 million. In determining the

amount of the penalty, the Coordinating Board shall consider the nature of the violation and the number of students enrolled at the institution.

If the Coordinating Board assesses an administrative penalty against a postsecondary educational institution, the Coordinating Board shall provide to the institution written notice of the Coordinating Board's reasons for assessing the penalty. A postsecondary educational institution assessed an administrative penalty may appeal the penalty in the manner provided by Government Code Chapter 2001. A postsecondary educational institution may not pay the administrative penalty using state or federal money.

Education Code 51.258(a)–(e), .292(a)–(d); 19 TAC 3.19(a)–(e)

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Section I: Education Records**Education Records Defined**

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution, including a college district, or by a person acting for such agency or institution.

The term “education records” does not include:

1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
2. Records of a law enforcement unit of an educational agency or institution created by the law enforcement unit for a law enforcement purpose and maintained by the law enforcement unit, but not:
 - a. Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or
 - b. Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.
3. Records relating to an individual who is employed by an educational agency or institution, that are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in ~~his or her~~ **the individual's** professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and

- c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
- 5. Records that are created or received by an educational agency or institution after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
- 6. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g(a)(4); 34 C.F.R. 99.3

Privacy Rule for
Non-Education
Records

A covered entity under the Health Insurance Portability and Accountability Act (HIPAA) must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record.

Covered Entity

“Covered entity” means:

- 1. A health plan.
- 2. A health-care clearinghouse.
- 3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C.F.R. Subtitle A, Subchapter C. [See CKD]

45 C.F.R. 160.103, 164.501

**Section II: Access,
Disclosure, and
Amendment**

Definitions

*Alleged
Perpetrator of a
Crime of Violence*

“Alleged perpetrator of a crime of violence” is a student who is alleged to have committed acts that would, if proven, constitute any of the following offenses or attempts to commit the following offenses that are defined in FJ(EXHIBIT):

- 1. Arson;
- 2. Assault offenses;
- 3. Burglary;
- 4. Criminal homicide—manslaughter by negligence;
- 5. Criminal homicide—murder and nonnegligent manslaughter;
- 6. Destruction/damage/vandalism of property;
- 7. Kidnapping/abduction;
- 8. Robbery; or
- 9. Forcible sex offenses.

34 C.F.R. 99.39

<i>Alleged Perpetrator of a Nonforcible Sex Offense</i>	“Alleged perpetrator of a nonforcible sex offense” means a student who is alleged to have committed acts that, if proven, would constitute statutory rape or incest. These offenses are defined in FJ(EX-HIBIT). <i>34 C.F.R. 99.39</i>
<i>Attendance</i>	“Attendance” includes, but is not limited to: 1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and 2. The period during which a person is working under a work-study program. <i>34 C.F.R. 99.3</i>
<i>Authorized Representative</i>	“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in <i>34 C.F.R. 99.31(a)(3)</i> to conduct— with respect to federal- or state-supported education programs— any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs. <i>34 C.F.R. 99.3</i>
<i>Disclosure</i>	“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record. <i>34 C.F.R. 99.3</i>
<i>Education Program</i>	“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, adult education, and any program that is administered by an educational agency or institution. <i>34 C.F.R. 99.3</i>
<i>Eligible Student</i>	“Eligible student” means a student who has reached 18 years of age or is attending an institution of postsecondary education. <i>34 C.F.R. 99.3</i>
<i>Final Results</i>	“Final results” means a decision or determination, made by an honor court or council, committee, commission, or other entity authorized to resolve disciplinary matters within the institution. The disclosure of final results must include only the name of the student, the violation committed, and any sanction imposed by the institution against the student. <i>34 C.F.R. 99.39</i>

<i>Parent</i>	“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. <i>34 C.F.R. 99.3</i>
<i>Personally Identifiable Information</i>	“Personally identifiable information” includes, but is not limited to: 1. The student’s name; 2. The name of the student’s parent or other family members; 3. The address of the student or student’s family; 4. A personal identifier, such as the student’s biometric record, defined as a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting), social security number; or student number; 5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name; 6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or 7. Information requested by a person who the educational agency or institution, including a college district, reasonably believes knows the identity of the student to whom the education record relates. <i>34 C.F.R. 99.3</i>
<i>Record</i>	“Record” means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche. <i>34 C.F.R. 99.3</i>
<i>Sanction Imposed</i>	“Sanction imposed” means a description of the disciplinary action taken by the institution, the date of its imposition, and its duration. <i>34 C.F.R. 99.39</i>
<i>Signed and Dated Written Consent</i>	“Signed and dated written consent” may include a record and signature in electronic form that: 1. Identifies and authenticates a particular person as the source of the electronic consent; and 2. Indicates such person’s approval of the information contained in the electronic consent. <i>34 C.F.R. 99.30(d)</i>

*Violation
Committed*

“Violation committed” means the institution rules or code sections that were violated and any essential findings supporting the institution’s conclusion that the violation was committed. *34 C.F.R. 99.39*

*Access by Student
and Parents*

Access to the education records of a student who is or has been in attendance in an educational agency or institution, including a college district, shall be granted to the student and to the parent of a student who is a dependent for tax purposes. *34 C.F.R. 99.10*

When a student becomes an eligible student, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents an educational agency or institution from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency. [See Access by Other Persons, below]

34 C.F.R. 99.5(a), .31(a)

*Exceptions**Component of
an Institution*

An individual who is or has been a student at an educational institution and who applies for admission at another component of that institution does not have rights under this policy with respect to records maintained by that other component, including records maintained in connection with the student's application for admission, unless the student is accepted and attends that other component of the institution. *34 C.F.R. 99.5(c)*

*Records of
Other Students*

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. *34 C.F.R. 99.12(a)*

*Financial Rec-
ords and Confi-
dential Letters of
Recommendation*

A postsecondary institution does not have to permit a student to inspect and review education records that are:

1. Financial records, including any information those records contain, of ~~his or her~~ **the student's** parents;
2. Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and
3. Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:

- a. The student has waived ~~his or her~~the right to inspect and review those letters and statements; and
- b. Those letters and statements are related to the student's admission to an educational institution; application for employment; or receipt of an honor or honorary recognition.

The waiver of the right to inspect and review confidential letters and confidential statements of recommendation described above is valid only if the educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and the waiver is made in writing and signed by the student, regardless of age. If a student has waived ~~his or her~~the student's rights as described above, the educational institution shall give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and use the letters and statements of recommendation only for the purpose for which they were intended.

The waiver may be revoked with respect to any actions occurring after the revocation. The revocation must be in writing.

20 U.S.C. 1232g(a)(1); 34 C.F.R. 99.12(b)–(c)

Access by Other Persons

An educational agency or institution, including a college district, may disclose personally identifiable information from an education record of a student without the written consent required by 34 C.F.R. 99.30 if the disclosure meets one or more of the following conditions:

School Officials

1. The disclosure is to other school officials, including faculty, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that the outside party:

- a. Performs an institutional service or function for which the agency or institution would otherwise use employees;
- b. Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
- c. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36

*Officials of Other
Schools*

2. The disclosure is to officials of another school, school system, or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. An educational agency or institution that discloses an education record under this provision shall:
 - a. Make a reasonable attempt to notify the eligible student at the last known address of the eligible student, unless:
 - (1) The disclosure is initiated by the eligible student; or
 - (2) The annual notification of the agency or institution under 34 C.F.R. 99.7 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
 - b. Give the eligible student, upon request, a copy of the record that was disclosed; and
 - c. Give the eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C to challenge the content of the record.

34 C.F.R. 99.31, .34

*Authorized
Governmental
Representatives*

3. The disclosure is to authorized representatives of the officials or agencies headed by the comptroller general of the United States, the attorney general of the United States, the secretary of education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-

supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs.

Financial Aid

4. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid; determine the amount of the aid; determine the conditions for the aid; or enforce the terms and conditions of the aid.

Juvenile Justice Officials

5. 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:
 - a. Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve the student whose records are released, or
 - b. After November 19, 1974, if:
 - (1) The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
 - (2) The officials and authorities to whom such information is disclosed certify in writing to the educational agency or institution 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.

Organizations Conducting Studies

6. The disclosure is to organizations conducting studies for or on behalf of educational agencies or institutions to develop, validate, or administer predictive tests, administer student aid programs, and improve instruction. An educational agency or institution may disclose personally identifiable information only if the study is conducted in a manner that does not permit personal identification of students and their parents by individuals other than representatives of the organization who have legitimate interests in the information. The information must be destroyed when no longer needed for the purposes for which the study was conducted.

The educational agency or institution must enter into a written agreement with the organization that:

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

A college district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the college district in accordance with the requirements of 34 C.F.R. 99.33(b).

The educational agency or institution is not required to initiate a study or agree with or endorse the conclusions or results of the study.

*Accrediting
Organizations*

- 7. The disclosure is to accrediting organizations to carry out their accrediting functions.

*Subpoenaed
Records*

- 8. The disclosure is to comply with a judicial order or lawfully issued subpoena. The educational agency or institution may disclose information only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:
 - a. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
 - b. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the

information furnished in response to the subpoena not be disclosed; or

- c. An ex parte court order obtained by the U.S. Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

Courts

- 9. If an educational agency or institution initiates legal action against a parent or student, the educational agency or institution may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the educational agency or institution to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against an educational agency or institution, the educational agency or institution may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the educational agency or institution to defend itself.

Health and Safety Emergency

- 10. The disclosure is in connection with a health or safety emergency. An educational agency or institution may disclose personally identifiable information from an education record to appropriate persons, including the parents of an eligible student, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the U.S. Department of Education will not substitute its judgment for that of the educational agency or institution in evaluating the circumstances and making its determination.

Directory Information

- 11. The disclosure is information the educational agency or institution has designated as "directory information," under the conditions described below.

<i>Alleged Victim</i>	12. The disclosure, subject to the requirements in 34 C.F.R. 99.39, is to a victim of an alleged perpetrator of a crime of violence or a nonforcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the institution of postsecondary education with respect to that alleged crime or offense. The institution may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed.
<i>Associated with Disciplinary Proceeding</i>	13. The disclosure, subject to the requirements in 34 C.F.R. 99.39, is in connection with a disciplinary proceeding at an institution of postsecondary education. The institution must not disclose the final results of the disciplinary proceeding unless it determines that: a. The student is an alleged perpetrator of a crime of violence or nonforcible sex offense; and b. With respect to the allegation made against him or her, the student has committed a violation of the institution's rules or policies. The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This section applies only to disciplinary proceedings in which the final results were reached on or after October 7, 1998.
<i>Violation of Federal, State, or Local Law</i>	14. The disclosure is to a parent of a student at an institution of postsecondary education regarding the student's violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance if: a. The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and b. The student is under the age of 21 at the time of the disclosure to the parent. This section does not supersede any provision of state law that prohibits an institution of postsecondary education from disclosing information.
<i>Sex Offenders</i>	15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C.

14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines.

20 U.S.C. 1232g(b)(1)–(2), (6), (i)–(j); 34 C.F.R. 99.31(a)(1)–(7), (9)–(11), (13)–(16), .35–.39

Request Procedure	The educational agency or institution, including a college district, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request. The educational agency or institution shall respond to reasonable requests for explanations and interpretations of the records. <i>34 C.F.R. 99.10(b)–(c)</i>
Inspection and Review	If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, including a college district, shall provide the parent or eligible student with a copy of the records requested; or make other arrangements for the parent or eligible student to inspect and review the requested records. <i>34 C.F.R. 99.10(d)</i>
Destruction of Records	The educational agency or institution, including a college district, shall not destroy any education records if there is an outstanding request to inspect and review the records under 34 C.F.R. 99.10. <i>34 C.F.R. 99.10(e)</i>
De-Identified Records	An educational agency or institution, or a party that has received education records or information from education records, may release the records or information without the consent after the removal of all personally identifiable information provided that the educational agency or institution or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. <i>34 C.F.R. 99.31(b)(1)</i>
<i>Education Research</i>	An educational agency or institution, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that: 1. An educational agency or institution or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;

2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

*34 C.F.R. 99.31(b)(2)*Authenticating
Requestors'
Identities

An educational agency or institution, including a college district, must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the agency or institution discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

Release of
Academic
Information

An institution of higher education, including a college district, may request the submission of a signed consent form authorizing the institution to release academic course, grade, and credit information with each request from a student for a release of the student's transcript by the institution.

An institution of higher education, or a school district that offers international baccalaureate courses, dual credit courses, or any other course for which an institution of higher education may award students enrolled at the district college course credit, including course credit awarded by examination, may release student information to an institution of higher education for purposes of transferring course credit to that institution or enabling the awarding of course credit by that institution, in accordance with federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act (FERPA) of 1974, 20 U.S.C. Section 1232g, and any state law relating to the privacy of student information.

An institution of higher education may release student information in accordance with the applicable provision above through:

1. The National Student Clearinghouse; or
2. A similar electronic data sharing and exchange platform operated by an agent of the institution or district that meets nationally accepted standards, conventions, and practices.

*Education Code 51.9715*Electronic Student
Records System

Each school district, open-enrollment charter school, and institution of higher education, including each college district, shall participate in an electronic student records system that satisfies the standards

approved by the commissioner of education and the commissioner of higher education.

The electronic student records system must permit an authorized state or school district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

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

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

Education Code 7.010(b)–(c), (f)

Transfer Not
Permitted

An educational agency or institution, including a college district, may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The officers, employees, and agents of a party that receives the information may use the information, but only for the purposes for which the disclosure was made. *34 C.F.R. 99.33(a)*

34 C.F.R. 99.33(a) does not apply to disclosures made to parents of dependent students under 34 C.F.R. 99.31(a)(8), to disclosures made pursuant to court orders, lawfully issued subpoenas, or litigation under 34 C.F.R. 99.31(a)(9), to disclosures of directory information under 34 C.F.R. 99.31(a)(11), to disclosures made to a parent or student under 34 C.F.R. 99.31(a)(12), to disclosures made in connection with a disciplinary proceeding under 34 C.F.R. 99.31(a)(14), to disclosures made to parents under 34 C.F.R.

99.31(a)(15) regarding a violation of law or policy, or to disclosures concerning sex offenders under 34 C.F.R. 99.31(16). It also does not apply to information that postsecondary institutions are required to disclose under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. 1092(f), to the accuser and accused regarding the outcome of any campus disciplinary proceeding brought alleging a sexual offense. 34 C.F.R. 99.31(a)(8)–(9), (11)–(12), (14)–(16), .33(c)

An educational agency or institution shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33(a), unless the disclosure is made under Sections 99.31(a)(8), (9), (11), (12), (14), (15), and (16), and to information that postsecondary institutions are required to disclose under the Clery Act to the accuser and accused regarding the outcome of any campus disciplinary proceeding brought alleging a sexual offense. 34 C.F.R. 99.33(d)

This section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The educational agency or institution has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed in 34 C.F.R. 99.31(a)(3) has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

Record of Access to Student Record

An educational agency or institution, including a college district, must maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

For each request or disclosure, the record must include the parties who have requested or received personally identifiable information from the education records and the legitimate interests the parties

had in requesting or obtaining the information. An educational agency or institution must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's or eligible student's request to review the record of access described above.

An educational agency or institution must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health and Safety Emergency, above]:

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

If an educational agency or institution discloses personally identifiable information from education records with the understanding authorized under 34 C.F.R. 99.33(b) [see Transfer Not Permitted], the record of the disclosure required under this section must include:

1. The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and
2. The legitimate interests under 34 C.F.R. 99.31, which each of the additional parties has in requesting or obtaining the information.

The requirement to record a request does not apply if the request was from, or the disclosure was to, the parent or eligible student; a school official under 34 C.F.R. 99.31(a)(1); a party with written consent from the eligible student; a party seeking directory information; or a party seeking or receiving records in accordance with a subpoena or ex parte order under 34 C.F.R. 99.31(a)(9)(ii)(A) through (C).

The following parties may inspect the record relating to each student:

1. The parent or eligible student.
2. The school official or ~~his or her~~ **the official's** assistants who are responsible for the custody of the records.
3. Those parties authorized in 34 C.F.R. 99.31(a)(1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.32

Right to Amend
Records

If an eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, ~~he or she~~ **the student** may ask the educational agency or institution, including a college district, to amend the record. The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request. If the educational agency or institution decides not to amend the record as requested, it shall inform the eligible student of its decision and of ~~his or her~~ **the student's** right to a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall amend the records accordingly and inform the eligible student of the amendment in writing. If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the eligible student of the right to place a statement in the records commenting on the contested information or stating why ~~he or she~~ **the student** disagrees with the decision of the agency or institution, or both.

If an educational agency or institution places a statement in the education records of a student, the agency or institution shall maintain the statement with the contested part of the record for as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

20 U.S.C. 1232g(a)(2); 34 C.F.R. 99.20–.21

Fees for Copies

Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution, including a college district, may charge a fee for a copy of an education record that is made for the parent or eligible student. An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student. *34 C.F.R. 99.11*

Annual Notification
of Rights

Each educational agency or institution, including each college district, shall annually notify eligible students currently in attendance of their rights under FERPA of 1974.

The notice must inform each eligible student that the student has the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. Department of Education a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the Act and 34 C.F.R. part 99.

The notice must include all of the following:

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

An educational agency or institution may provide this notice by any means that are reasonably likely to inform the eligible students of their rights.

An educational agency or institution shall effectively notify eligible students who are disabled.

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

Section III: Directory Information

Directory Information Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended. Directory information" does not include a student's:

1. Social security number; or

2. Student identification (ID) number, except:
 - a. A student ID number, user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or
 - b. A student ID number or other unique personal identifier that is displayed on a student ID badge, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

20 U.S.C. 1232g(a)(5)(A); 34 C.F.R. 99.3

Disclosure of
Directory
Information

An educational agency or institution, including a college district, may disclose directory information if it has given public notice to eligible students in attendance at the agency or institution of:

1. The types of personally identifiable information that the agency or institution has designated as directory information.
2. An eligible student's right to refuse to let the agency or institution designate any or all of that information about the student as directory information.
3. The period of time within which the eligible student has to notify the agency or institution in writing that ~~he or she~~ **the student** does not want any or all of those types of information about the student designated as directory information.

20 U.S.C. 1232g(a)(5)(B); 34 C.F.R. 99.37(a)

Specific Parties

In its public notice to eligible students in attendance at the agency or institution, an educational agency or institution may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. When an educational agency or institution specifies that disclosure of directory information will be limited to specific parties, for specific purposes, or both, the educational agency or institution must limit its directory information disclosures to those specified in its public notice. 34 C.F.R. 99.37(d)

<i>In Class</i>	An eligible student may not use the right of refusal to opt out of directory information disclosures to prevent an educational agency or institution from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled. <i>34 C.F.R. 99.37(c)</i>
<i>Student ID Card or Badge</i>	An eligible student may not use the right of refusal to opt out of directory information disclosures to prevent an educational agency or institution from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information under 34 C.F.R. 99.3 and that has been properly designated by the educational agency or institution as directory information in the public notice described above. <i>34 C.F.R. 99.37(c)</i>
<i>Former Students</i>	An educational agency or institution may disclose directory information about former students without complying with the notice and opt out conditions above. However, the agency or institution must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request. <i>34 C.F.R. 99.37(b)</i>
<i>Confirmation of Identity or Records</i>	An educational agency or institution may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records. <i>34 C.F.R. 99.37(e)</i>
Section IV: Miscellaneous Provisions	Each postsecondary educational institution, including each college district, will publish its process for transcript notations. "Ineligible to reenroll" will be defined by the notating postsecondary educational institution.
Transcript Notation of Ineligibility to Reenroll	For students ineligible to reenroll in a postsecondary educational institution for a non-academic or non-financial reason, including, but not limited to disciplinary actions, each postsecondary educational institution must include on the student's transcript a notation stating the student is ineligible to reenroll in the postsecondary educational institution for a non-academic or non-financial reason. The postsecondary educational institution must use language to indicate the student is ineligible to reenroll in the institution, regardless of instructional modality. The postsecondary educational institution is neither required nor prohibited from stating the specific reason for ineligibility.

Upon request by a student, a postsecondary educational institution may remove from a student's transcript a notation required under this section if the student becomes eligible to reenroll in the postsecondary educational institution or the postsecondary educational institution determines that good cause exists to remove the notation.

Education Code 51.9364(a)–(b), (d); 19 TAC 3.30, 4.7(e)

**Student
Identification Card**

Each student identification card issued by an institution of higher education:

- 1. Must have printed on the card the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line; and**
- 2. May have printed on the card the contact information for:**
 - a. The campus police department or security for the campus at which the student to whom the card is issued regularly attends classes or, if the campus does not have a campus police department or security, a local nonemergency police contact;**
 - b. The campus health clinic for the campus at which the student to whom the card is issued regularly attends classes or, if the campus does not have a health clinic, a local health clinic; and**
 - c. A local suicide prevention hotline, if available.**

Education Code 51.91941

~~Note:~~ **Note:** For additional legally referenced material relating to this subject matter, see FA(LEGAL). For information on employee expression on campus, see DGC. For information on community expression on campus, see GD. For use of the college district's mail system, see CHE.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A "traditional public forum" includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985). An institution's property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental interest if a sufficient number of alternative communication channels are available. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983)

Designated Public Forum

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. *Christian Legal Society v. Martinez*, 130 S.Ct. 2971 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be

viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "non-public forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

Time, Place, and
Manner Restrictions

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

An institution of higher education, including a college district, shall:

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

Time, Place, and
Manner Restrictions

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section, available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Places of Worship

A government agency, including a college district, 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. "Place of worship" means a building or grounds where religious activities are conducted. Civ. Prac. & Rem. Code 110.001(a), .0031

Definitions

Cigarette

"Cigarette" means a roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco and that is not a cigar. *Health and Safety Code 161.081(1); Tax Code 154.001*

E-cigarette

"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. **or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision.** The term "e-cigarette" does not include a prescription medical device unrelated to the cessation of smoking. -The term "e-cigarette" includes:

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

Health and Safety Code 161.081(1-a)

Tobacco Product

"Tobacco product" means:

1. A cigar;
2. Smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;
3. Chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;
4. Snuff or other preparations of pulverized tobacco; or
5. An article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.

Health and Safety Code 161.081(5); Tax Code 155.001

**Possession and Use
Prohibited**

Unless subject to an exception under law, an individual who is younger than 21 years of age commits an offense if the individual:

1. Possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
2. Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain

possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

Health and Safety Code 161.252

**Regulation
Prohibited**

A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by Health and Safety Code Chapter 161, Subchapter H. *Health and Safety Code 161.089*

**Nondiscrimination
Generally**

No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. *U.S. Const. Amend. XIV*

An officer or employee of a political subdivision of the state, including a college 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 issue to the person a license, permit, or certificate;
2. Revoke or suspend the person's license, permit, or certificate;
3. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state;
4. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state;
5. Refuse to grant a benefit to the person;
6. Impose an unreasonable burden on the person; or
7. Refuse to award a contract to the person.

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

**Religious Freedom
Free Exercise**

A governmental entity, including a college district, shall make no law prohibiting the free exercise of religion. *U.S. Const. Amends. I, XIV*

A government agency may not substantially burden a person's free exercise of religion. This restriction does not apply if the governmental agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. ~~[See also DAA and FA]~~ *Civ. Prac. and Rem. Code 110.003(a)–(b)*

**Sincerely Held
Religious Belief**

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 may not be required 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*

A refusal to provide services, accommodations, facilities, goods, or privileges under Family Code 2.601 is not the basis for a civil or

criminal cause of action or any other action by this state or a political subdivision of this state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from any protected organization or individual. *Family Code 2.602*

Association with a
Religious
Organization

Notwithstanding any other law, a governmental entity, including a college 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

"Adverse action" means any action taken by a governmental entity 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.

Gov't Code 2400.001(1)

Person

"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.

Gov't Code 2400.001(4)

Religious Organization	“Religious organization” means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b). <i>Gov’t Code 2400.001(5)</i>
<i>Exception for Prohibited Contracts or Investments</i>	This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapter 808 or ~~2270~~ 2271. [See CF] <i>Gov’t Code 2400.0015</i>
Access for Religious Organizations During Disasters	A governmental entity, including a college district, 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. <i>Gov’t Code 2401.002(b)</i>
Definitions	
Disaster	“Disaster” has the meaning assigned by Government Code 418.004. <i>Gov’t Code 2401.001(1)</i>
Religious Organization	“Religious organization” means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b). <i>Gov’t Code 2401.001(4)</i>
Person	“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. <i>Gov’t Code 2401.001(3)</i>
Discrimination on the Basis of Sex	No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. [See also DAA and FA] 20 U.S.C. 1681; 34 C.F.R. 106.31
Discrimination on the Basis of Race, Color, or National Origin	No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. [See also DAA and FA] 42 U.S.C. 2000d

**Discrimination on
the Basis of
Disability—Federal
Prohibition**

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Disability

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

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

The term “disability” does not include:

1. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
2. Compulsive gambling, kleptomania, or pyromania; or
3. Psychoactive substance use disorders resulting from current illegal use of drugs.

42 U.S.C. 12102(1), (4)(C)–(D); 28 C.F.R. 35.108(a), (d), (g)

***Regarded as
Having Such an
Impairment***

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. *42 U.S.C. 12102(3)(A); 28 C.F.R. 35.108(f)*

Transitory and Minor	Item 3 in the definition of “Disability,” above, (“regarded as having such an impairment”) shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. <i>42 U.S.C. 12102(3)(B); 28 C.F.R. 35.108(d)(1)(ix), (f)(2)</i>
Mitigating Measures	The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; learned behavioral or adaptive neurological modifications; or psychotherapy, behavioral therapy, or physical therapy. The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. “Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error. “Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image. <i>42 U.S.C. 12102(4)(E); 28 C.F.R. 35.108(d)(1)(viii), (4)</i>
Major Life Activities	“Major life activities” include, but are not limited to: 1. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and 2. The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system. In determining whether an impairment substantially limits a major life activity, the term “major” shall not be interpreted strictly to cre-

ate a demanding standard. Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

42 U.S.C. 12102(2); 28 C.F.R. 35.108(c), (d)

*Physical or
Mental
Impairment*

“Physical or mental impairment” means:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Physical or mental impairment does not include homosexuality or bisexuality.

28 C.F.R. 35.108(b)

*Qualified Individual
with a Disability*

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

*Individual with a
Disability*

“Individual with a disability” means a person who has a disability. The term “individual with a disability” does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use. *28 C.F.R. 35.104*

*Reasonable
Modification*

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to

avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

A public entity is not required to provide a reasonable modification to an individual who meets the definition of “disability” solely under the “regarded as” prong of the definition of “disability” at 28 C.F.R. 35.108(a)(1)(iii).

28 C.F.R. 35.130(b)(7)

Communications

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. *28 C.F.R. 35.160*

Auxiliary Aids and Services

“Auxiliary aids and services” include:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information

technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;

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*

Title 28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity 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. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Direct Threat

The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

28 C.F.R. 35.104

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Notice

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of ~~28 C.F.R. Chapter I,~~ Part 35 and its applicability to the

	services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the ADA and ~~28 C.F.R. Chapter I~~ , Part 35. <i>28 C.F.R. 35.106</i>
Compliance Coordinator	A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under ~~28 C.F.R. Chapter I~~ , Part 35, including any investigation of any complaint communicated to it alleging its noncompliance with ~~28 C.F.R. Chapter I~~ , Part 35 or alleging any actions that would be prohibited under ~~28 C.F.R. Chapter I~~ , Part 35. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated. <i>28 C.F.R. 35.107(a)</i>
Complaint Procedures ADA	A public entity that employs 50 or more persons shall adopt and publish grievance procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited by ~~28 C.F.R. Chapter I~~ , Part 35. [See GB] <i>28 C.F.R. 35.107(b)</i>
Section 504	A recipient of federal financial assistance 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 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations). Such procedures need not be established with respect to complaints from applicants for employment. [See GB] <i>34 C.F.R. 104.7(b), .11</i>
Discrimination on the Basis of Disability—State Prohibition Non-Discrimination	No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance. The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to: 1. Comply with Government Code Chapter 469; 2. Make reasonable accommodations in policies, practices, and procedures; or 3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility. <i>Human Resources Code 121.003(c)–(d)</i>

<i>Regulations</i>	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. <i>Human Resources Code 121.003(e)</i>
	Note: For information regarding access by service or assistance animals and miniature horses to public facilities, see FAA(LEGAL).
Retaliation	No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. <i>34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)</i>
Social Security Numbers	It shall be unlawful for any local government agency, including a college district, to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security account number. <i>5 U.S.C. 552a Note; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974)</i>
Exceptions	The above provision does not apply with respect 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. The disclosure of a social security number to any federal, state, or local agency 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 college district's jurisdiction. <i>5 U.S.C. 552a Note; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974); 26 C.F.R. 301.6109-1(a)(1)</i>
Statement of Uses	A college 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; Pub. L. No. 93-579, 7, 88 Stat. 1896 (1974)

**Right to Express
Breast Milk**

A mother is entitled to breast-feed her baby or express breast milk in any location in which the mother's presence is otherwise authorized. *Health and Safety Code 165.002*

**Handgun License as
Proof of
Identification**

A person may not deny the holder of a concealed handgun license issued under Government Code Chapter 411, Subchapter H access to goods, services, or facilities, except as provided by Transportation Code 521.460 (regarding motor vehicle rentals) or in regard to the operation of a motor vehicle, because the holder has or presents a concealed handgun license rather than a driver's license or other acceptable form of personal identification.

This section does not affect the requirement under Government Code 411.205 that a person present a driver's license or identification certificate in addition to a concealed handgun license.

Business and Commerce Code 507.001

**Publication of
College District's
Contact Information**

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website the political subdivision's contact information, including a mailing address, telephone number, and email address. *Gov't Code 2051.~~151~~,
~~152~~201(a)-(b)(1); Tax Code 26.18*

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**Section I: Public
Information
Generally**

It is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

Access to public information is addressed by the Public Information Act (PIA), Government Code Chapter 552. This chapter shall be liberally construed in favor of granting a request for information.

Gov't Code 552.001

Definitions

*Public
Information*

"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 governmental body, including a college district board of trustees;
2. For a governmental body and the governmental body:
 - 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 governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

The definition of "public information" 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.

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 governmental body 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 governmental body, and pertains to official business of the governmental body.

Gov't Code 552.002(a)–(a-2)

Official Business

"Official business" means any matter over which a governmental body has any authority, administrative duties, or advisory duties.
Gov't Code 552.003(2-a)

Availability of Public Information	Public information is available to the public at a minimum during the normal business hours of the governmental body. <i>Gov't Code 552.021</i>
Information That Must Be Disclosed Unless Confidential Under Law	Without limiting the amount or kind of information that is public information under the PIA, the following categories of information are public information and not excepted from required disclosure unless made confidential under the PIA or other law: 1. A completed report, audit, evaluation, or investigation made of, for, or by the governmental body, except by provided in Government Code 552.108. 2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body. 3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body. 4. The name of each official and the final record of voting on all proceedings of the board. 5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a governmental body, on completion of the estimate. 6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Tax Code Chapter 151. 7. A description of an agency's central and field organizations, including the established places at which the public may obtain information, submit information or requests, and obtain decisions; the employees from whom the public may obtain information, submit information or requests, or obtain decisions; and the methods by which the public may obtain information, submit information or requests, or obtain decisions. 8. A statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures. 9. A rule of procedure, 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.

10. A substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency.
11. Each amendment, revision, or repeal of information described in items 7–10.
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases.
13. A policy statement or interpretation that has been adopted or issued by an agency.
14. Administrative staff manuals and instructions to staff that affect a member of the public.
15. Information regarded as open to the public under an agency's policies.
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
17. Information that is also contained in a public court record.
18. A settlement agreement to which a governmental body is a party.

Gov't Code 552.022

*Contracts for
Lobbying
Services*

Information related to contracts for lobbying services required to be displayed on a political subdivision's internet website under Government Code 2254.030 is public information subject to disclosure under the PIA. *Gov't Code 2254.030(c)*

*Contracting
Information*

Contracting information is public and must be released unless excepted from disclosure under the PIA.

"Contracting information" means the following information maintained by a governmental body or sent between a governmental body 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 governmental body;
2. Solicitation or bid documents relating to a contract with a governmental body;
3. Communications sent between a governmental body 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 governmental body 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 governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

Gov't Code 552.~~003(7), 1.0222(a)~~0222(a), .003(1-a) [See CM for construction contract evaluation document disclosures]

*Investment
Information*

The categories of information held by a governmental body relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the PIA. Gov't Code 552.0225(b)

*Expenditures for
a Security
System*

Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under the PIA. Gov't Code 418.182(b)

*Security
Cameras in
Private Offices*

Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, is public information and is not excepted from required disclosure under the PIA unless the security camera is located in an individual personal residence for which the state provides security or is in use for surveillance in an active criminal investigation. Gov't Code 418.182(c)

*Body-Worn
Cameras*

Information recorded by a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to disclosure under the PIA. Information recorded by a body-worn camera and held by a law enforcement agency under Occupations Code Chapter 1701, Subchapter N is not subject to disclosure under the PIA. A recording is confidential and excepted from the requirements of Government Code, Chapter 552 if the recording:

1. Was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and
2. Does not relate to a law enforcement purpose.

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization

from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Occupations Code 1701.661(c)–(d), (f), (h)

**Permitted
Viewing**

A permitted viewing of a recording under Occupations Code 1701.660(a-1) is not considered to be a release of public information for purposes of the PIA. *Occupations Code 1701.660(a-1)*

**Communications with Voting
Systems
Vendors**

A written letter, email, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor is not confidential, is public information for purposes of the PIA, and is not subject to an exception to disclosure provided by the PIA other than Government Code Sections 552.110 and 552.1101. *Election Code 121.004(a)*

Exception

A written letter, email, or other communication between a public official and a voting systems vendor is excepted from disclosure under Government Code Chapter 552 if the communication discloses information, data, or records relating to the security of elections critical infrastructure. *Election Code 121.004(b)*

**Section II:
Information that is
Confidential**

**Certified Agenda or
Recording of a
Closed Meeting**

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3). *Gov't Code 551.104(c)*

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

**Personal
Information**

~~**Employee /
Board Member**~~

**Employees and
Officials**

Each employee, with the exception of a **current or honorably retired** peace officer ~~or~~, security **officer, or elected public** officer to whom Government Code 552.1175 applies, or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to information in the custody of the governmental body 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 employee and official and each former employee and official shall state that person's choice to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body.

If the employee or official or former employee or official chooses not to allow public access to the information the information is protected under Government Code Chapter 552, Subchapter C and the governmental body may redact the information from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. If an employee or official or a former employee or official fails to state the person's choice within the 14-day period, the information is subject to public access.

An employee or official or former employee or official of a governmental body who wishes to close or open public access to the information may request in writing that the main personnel officer of the governmental body close or open access.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.024; ~~Tex.~~ Att'y Gen. ORD-530 (1989)

***Elected Public
Officers and
Peace Officers /
Security Officers***

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of any **elected public officer, current or honorably retired** peace officer as defined by Code of Criminal Procedure article 2.12, commissioned security officer as defined by Occupations Code 1702.002, or other individual to whom Government Code 552.1175 applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under Government Code Chapter 552 if the individual to whom the information relates:

1. Chooses to restrict public access to the information; and
2. Notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

The choice remains valid until rescinded in writing by the individual.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175 [For officer information excepted under Government Code 552.117, see Section III: Information Excepted from Public Disclosure]

*Disaster Fund
Recovery
Recipients*

Information maintained by a governmental body is confidential and may not be disclosed to the public under the PIA if it relates to:

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;
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
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.

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.

Gov't Code 552.160

Student Records

Information is confidential and excepted from the requirements of the PIA if it is a student record at an educational institution funded wholly or partly by state revenue. The record shall be made available on the request of the educational institution personnel, the student involved, or the student's parent, guardian, or spouse or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

The PIA does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g. This section does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. [See FL]

Gov't Code 552.114(b)–(c), .026

Redaction

An educational institution may redact information covered under Government Code 552.114(b) from information disclosed under the PIA without requesting a decision from the attorney general. *Gov't Code 552.114(d)*

Exception

If an applicant for admission to an educational institution described by ~~Government Code~~ **Section** 552.114(b), above, or a parent or legal guardian of a minor applicant to an educational institution described by ~~Government Code~~ **Section** 552.114(b), above, requests information in the record of the applicant, the educational institution shall disclose any information that is related to the applicant's application for admission and was provided to the educational institution by the applicant. *Gov't Code 552.114(e)*

Student Record

"Student record" means:

1. Information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)); or
2. Information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Gov't Code 552.114(a)

Protected Health Information

Protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the PIA. *Gov't Code 552.002*

Out-of-State Health-Care Information

Information obtained by a governmental body 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 the requirements of the PIA. *Gov't Code 552.159—162*

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 governmental body 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 governmental body may redact information that must be withheld as described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov’t Code 552.136

Confidential
Investment
Information

All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Government Code 552.0225(b) is confidential and excepted from the requirements of the PIA.

Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of the PIA, except to the extent it is subject to disclosure under the following provision.

All information regarding a governmental body’s direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)–(9), (11), or (13)–(16) is confidential and excepted from the requirements of the PIA. This provision does not

apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities. This provision applies to information regarding a direct purchase, holding, or disposal of restricted securities by the Texas growth fund, created under Texas Constitution Article XVI, Section 70 that is not listed in Government Code 552.0225(b).

Gov't Code 552.143(a)–(c)

Email Addresses

Confidential

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the PIA. Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release. *Gov't Code 552.137(a)–(b)*

Exceptions

This section does not apply to an email address:

1. Provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;
2. Provided to a governmental body by a vendor who seeks to contract with the governmental body 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 the governmental body in the course of negotiating the terms of a contract or potential contract;
4. Provided to the governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license or receiving orders or decisions from a governmental body. "License" includes the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.

This section does not prohibit a governmental body from disclosing an email address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137(c)–(d), 2001.003(2)

Participant in Address Confidentiality Program	Information relating to a participant in the Address Confidentiality Program ~~for Victims~~ to assist a victim of ~~Family Violence, Sexual Assault~~ family violence, sexual assault or ~~Abuse, Stalking~~ abuse, stalking, or ~~Trafficking~~ trafficking of ~~Persons~~ persons under Code of Criminal Procedure Chapter ~~56~~ 58, Subchapter ~~CB~~ is confidential, except as provided by Code of Criminal Procedure ~~56.90~~ 58.061, and may not be disclosed under the PIA. Code of Criminal Procedure ~~56.88~~ 58.060
Crime Victim Information	A completed and returned pseudonym form as provided by Code of Criminal Procedure Chapter 58 is confidential and may not be disclosed to any person except as provided by Chapter 58. Code of Criminal Procedure Chapter 58
Pseudonym Form	
Certain Identifying Information	Information is confidential and excepted from the requirements of the PIA if the information identifies an individual as: 1. A victim of: a. An offense under Penal Code 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25; or b. An offense that is part of the same criminal episode, as defined by Penal Code 3.01 as an offense described by item a; or 2. A victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed.
Exception	Gov't Code 552.1315(a) Information under this provision may be disclosed: 1. To any victim identified by the information, or to the parent or guardian of a victim described by item 2, above, who is identified by the information; 2. To a law enforcement agency for investigative purposes; or 3. In accordance with a court order requiring the disclosure. Gov't Code 552.1315(b)
Employees Who Are Victims of Certain Crimes	An employee of a governmental body who is also a victim under Code of Criminal Procedure Chapter ~~56, Subchapter B~~ 56B, regardless of whether the employee has filed an application for compensation under that ~~subchapter~~ chapter, may elect whether to allow public access to information held by the attorney general's office or governmental body 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 governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make ~~an~~**the** 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)–(e)

*Victim Impact
Statement*

The following information that is held by a governmental body or filed with a court and that is contained in a victim impact statement or was submitted for purposes of preparing a victim impact statement is confidential:

1. The name, social security number, address, and telephone number of a crime victim; and
2. Any other information the disclosure of which would identify or tend to identify the crime victim.

“Crime victim” means a person who is a victim as defined by Code of Criminal Procedure ~~56.32~~**56B.003**.

“Victim impact statement” means a victim impact statement under Code of Criminal Procedure ~~56.03~~**Chapter 56A, Subchapter D**.

Gov't Code 552.1325

***Child Victim
Information***

A public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim, as described by Code of Criminal Procedure 58.101, 58.155, or 58.201, younger than 17 years of age or of a victim, as described by Code of Criminal Procedure 58.251, younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. Code of Criminal Procedure 58.105, .155, .205, .255

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 the requirements of the PIA, unless the records are disclosed:

1. Because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;
2. Under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a district court that disclosure of the record is necessary to protect the public safety or the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

A record of a library or library system that is excepted from required disclosure under this section is confidential.

Gov't Code 552.124

Certain Products,
Devices, and
Processes

In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under the PIA, or otherwise:

1. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, **including a college district**, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.
2. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.

Education Code 51.914(a)

Research	Information maintained by or for an institution of higher education that would reveal the ~~college district's~~ institution's plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the PIA, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. <i>Education Code 51.914(b)</i>
Research and Development Facility	The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, is confidential and is not subject to disclosure under the PIA if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state. <i>Education Code 51.914(a)</i>
Compliance Investigations	The following are confidential: 1. Information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and 2. Information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit. Information is excepted from disclosure under the PIA if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation. <i>Education Code 51.971(c), (e)</i>
Exceptions	~~This section~~ Education Code 51.971(c) does not apply to information related to an individual who consents to disclosure of the information. Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:

1. A law enforcement agency or prosecutor;
2. A governmental agency responsible for investigating the matter that is the subject of a compliance report, including the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or
3. An officer or employee of an institution of higher education or compliance officer who is responsible under institutional policy for a compliance program investigation or for reviewing a compliance program investigation.

A disclosure to an individual listed above is not a voluntary disclosure for purposes of Government Code 552.007. [See AF]

Education Code 51.971(d), (f)–(g)

Computer Network
Security

Information is excepted from the requirements of the PIA 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, system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body'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 governmental body; 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.

Item 4 does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053.

Information may be disclosed to a bidder if the governmental body 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 (requiring disclosure to any person).

Gov't Code 552.139

Security System Specifications, Operations, and Locations	Except as provided by Government Code 418.182(b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. <i>Gov't Code 418.182(a)</i>
Emergency Alert System	The personal identifying information obtained from an individual for the purpose of the emergency alert system of a college district, including an email address or telephone number, is confidential and not subject to disclosure under the PIA. [See CGC] <i>Education Code 51.218(e)</i>
Sensitive Crime Scene Image	A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of a governmental body, including a college district, is confidential and excepted from the requirements of Government Code 552.021, and a governmental body may not permit a person to view or copy the image except as provided by Government Code 552.1085. <i>Gov't Code 552.1085(c)</i>
Military Discharge Records	A military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 75 years following the date it is recorded with or otherwise comes into the possession of the governmental body in accordance with Government Code Section 552.140 or in accordance with a court order. A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained. <i>Gov't Code 552.140</i>
Retirement System Information	Records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system under a retirement plan or program administered by the retirement system that are in the custody of another governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure. <i>Gov't Code 552.0038</i>
Election Judge or Clerk Information	An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of the PIA. <i>Election Code 32.076(a)</i>

Exception

An email address or phone number described by Election Code 32.076(a), above, shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or
2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076(b)

**Section III:
Information
Excepted from
Public Disclosure**

The PIA does not prohibit a governmental body or its officer for public information voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov't Code 552.007*

Except for social security numbers as provided by Government Code 552.147, the confidentiality provisions of ~~this chapter~~ **Government Code Chapter 552**, or other law, information that is not confidential, but is excepted from required disclosure under the PIA, 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 governmental body. This paragraph does not limit the authority of a governmental body to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Confidential
Information

Information is excepted from the requirements of the PIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Personnel File

Information is excepted from the requirements of the PIA 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 an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under the PIA. *Gov't Code 552.102*

Substantial Threat
of Physical Harm

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of the PIA if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Litigation

Information is excepted from the requirements of the PIA if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which

an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party. The state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court. Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under the PIA only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. *Gov't Code 552.103*

Competition or
Bidding

Information is excepted from the requirements of the PIA if a governmental body demonstrates that release of the information would harm its interest by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body 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. Except as provided below, the requirement of Government Code 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under the PIA unless expressly confidential under law does not apply to information that is excepted from required disclosure under this provision. *Gov't Code 552.104(a)–(b)*

*Exception for
Entertainment
Events*

The exception to disclosure for information related to competition or bidding under Government Code 552.104(b) does not apply to information described by Government Code 552.022 relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds. A person, including a governmental body, may not include a provision in a contract related to an event described by this ~~subsection~~ **provision** that prohibits or would otherwise prevent the disclosure of information described by this subsection. A contract provision that violates this ~~subsection~~ **provision** is void.

Gov't Code 552.104(c)

Location or Price of
Property

Information is excepted from the requirements of the PIA 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 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 and Working Papers	A draft or working paper involved in the preparation of proposed legislation is excepted from the requirements of the PIA. <i>Gov't Code 552.106</i>
Legal Matters	Information is excepted from the requirements of the PIA if it is information the attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or a court by order has prohibited disclosure of the information. <i>Gov't Code 552.107</i>
Law Enforcement Information	Information held by a law enforcement agency that deals with detection, investigation, or prosecution of crime is excepted from the requirements of the PIA if: 1. Release of the information would interfere with the detection, investigation, or prosecution of crime; 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; or 3. It is information relating to a threat against a peace officer collected or disseminated under Government Code 411.048. 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 the requirements of the PIA 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. This section does not except from the requirements of the PIA information that is basic information about an arrested person, an arrest, or a crime. <i>Gov't Code 552.108</i>
Private Correspondence and Communications	Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of the PIA. <i>Gov't Code 552.109</i>
Contracting Information <i>Trade Secrets</i>	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). <i>Gov't Code 552.110(b)</i>

<i>Proprietary Information</i>	Information submitted to a governmental body 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 that the information relates to demonstrates based on specific factual evidence that the information is proprietary information under Government Code 552.1101. <i>Gov't Code 552.1101</i>
<i>Commercial or Financial Information</i>	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 are excepted from the requirements of the PIA. <i>Gov't Code 552.110(b)</i>
<i>Exception</i>	The exceptions to disclosure provided by Government Code 552.110 and 552.1101 do not apply to the following types of contracting information: 1. A contract described by Government Code 2261.253(a), excluding any information that was properly redacted under Section 2261.253(e); 2. A contract described by Government Code 322.020(c), excluding any information that was properly redacted under Section 322.020(d); 3. The following contract or offer terms or their functional equivalent: a. Any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price; b. A description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract; c. The delivery and service deadlines; d. The remedies for breach of contract; e. The identity of all parties to the contract; f. The identity of all subcontractors in a contract; g. The affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor; h. The execution dates; i. The effective dates; and

- j. The contract duration terms, including any extension options; or
- 4. Information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding a breach of contract, a contract variance or exception, a remedial action, an amendment to a contract, any assessed or paid liquidated damages, a key measures report, a progress report, and a final payment checklist.

Gov't Code 552.0222(6)

Agency Memoranda An interagency or intraagency memorandum or letters that would not be available by law to a party in litigation with the agency is excepted from the requirements of the PIA. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*

Audit Working Paper An audit working paper of an audit of the state auditor or the auditor of an institution of higher education is excepted from the requirements of the PIA. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of the PIA.

"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.

Gov't Code 552.116

Contact Information Information is excepted from the requirements of the PIA if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following ~~person~~persons, or that reveals whether the person has family members:

- 1. A current or former official or employee of a governmental body, except as otherwise provided by Government Code 552.024.
- 2. ~~A~~A current or honorably retired peace officer as defined by Code of Criminal Procedure 2.12, regardless of whether the officer complies with Government Code 552.024 or 552.1175, as applicable.

3. A commissioned security officer as defined by Occupations Code 1702.002, regardless of whether the officer complies with Sections 552.024 or 552.1175, as applicable.
4. **An elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable.**
- ~~4.5.~~ Other officials listed under Government Code 552.117.

Gov't Code 552.117 [For officer information that is confidential under Government Code 552.1175, see Section II: Information that is Confidential]

Photographs of
Peace Officers

A photograph that depicts a peace officer, as defined by Code of Criminal ~~Procedures~~ **Procedure** 2.12, the release of which would endanger the life or physical safety of the officer is excepted from the requirements of the PIA, unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

A photograph excepted from disclosure as described above may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code 552.119

Test Items

Test items developed by a state-funded educational institution. A test item developed by a licensing agency or governmental body is excepted from the requirements of the PIA. *Gov't Code 552.122*

Rare Books and
Original
Manuscripts

A rare book or original manuscript that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA. *Gov't Code 552.120*

Documents Held for
Historical Research

An oral history interview, personal paper, unpublished letter, or organizational record of a nongovernmental entity that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA to the extent that the ar-

chival and manuscript repository and the donor of the interview, paper, letter, or record agree to limit disclosure of the item. *Gov't Code 552.121*

Chief Executive
Officer Applicants

The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of the PIA except that the governing board of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the employment of the person. *Gov't Code 552.123*

Motor Vehicle
Record Information

Information is excepted from the requirements of the PIA 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, or another state or country or a local agency authorized to issue an identification document.

Information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730- **(the Motor Vehicle Records Disclosure Act)**.

Subject to ~~Transportation Code~~ Chapter 730- ~~(the Motor Vehicle Records Disclosure Act)~~, a governmental body may redact information described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general under Government Code Chapter 552, Subchapter G. If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

A governmental body that redacts or withholds information as described above shall provide the following information to the requestor on a form prescribed by the attorney general: a description of the redacted or withheld information; a citation to Government Code 552.130; and instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

Gov't Code 552.130

Commercial Book
or Publication

A governmental body is not required under the PIA to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body 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 a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information. A governmental body 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 governmental body.

Gov't Code 552.027

Social Security
Numbers

The social security number of a living person is excepted from the requirements of the PIA, but is not confidential under Government Code 552.147 and this section does not make the social security number of a living person confidential under the PIA or other law. A governmental body may redact the social security number of a living person from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a)–(b)*

Donor Information

The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of the PIA. This provision does not except from required disclosure other information relating to the described gifts, grants, and donations, including the amount or value of an individual gift, grant, or donation. *Gov't Code 552.1235*

Safety and Security
Audit

Any document or information collected, developed, or produced during a safety and security audit conducted under Education Code 37.108(b) is not subject to disclosure under the PIA [see CG].

*Multihazard
Emergency
Operations Plan
Exception*

A document relating to a public junior college district's multihazard emergency operations plan [see CGC] is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Texas Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;

2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the ~~four~~five phases of emergency management under Education Code 37.108(a);
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;
5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the district has completed a safety and security audit under Education Code 37.108(b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees; and
7. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months.

Education Code 37.108(c-1)–(c-2)

*Cybersecurity
Information*

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

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

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

6 U.S.C. 1504(d)(3) [See CS]

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Note: For records retention under the Local Government Records Act, see CIA.

**Section I: Officer for
Public Information
and Required
Notices**

Duties

The chief administrative officer of a governmental body, including a college district, is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with the Public Information Act (PIA), Government Code Chapter 552. *Gov't Code 552.201(a), .202*

An officer for public information is responsible for the release of public information as required by the PIA. Each officer for public information, subject to penalties provided by the PIA, 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 as 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 governmental body;
 - b. The officer for public information 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 for public information is unable to comply with the duties imposed by this chapter without obtaining the information from the temporary custodian; and
 - d. The temporary custodian has not provided the information to the officer for public information or the officer's agent.

The officer is not responsible for the use made of the information by the requestor or the release of information after it is removed from a record as a result of an update, a correction, or a change of status of the person to whom the information pertains.

Gov't Code 552.203–.204 [See CIA]

Public Information
Act Training

The officer for public information of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under the PIA not later than the 90th day after the date the public official assumes the person's duties as a public official.

The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity.

A governmental body shall maintain and make available for public inspection the record of the public information coordinator's completion of the training.

A public official may designate a public information coordinator to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the PIA.

Gov't Code 552.012(a)–(e)

Sign

An officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a governmental body, including a college district, and the procedures for inspecting or obtaining a copy of public information under the PIA. The officer shall display the sign at one or more places in the administrative offices of the governmental body where it is plainly visible to:

1. Members of the public who request public information in person under the PIA; and
2. Employees of the governmental body whose duties include receiving or responding to requests under the PIA.

Gov't Code 552.205(a)

**Section II: Access to
Public Information**

Procedural Rules

A governmental body, including a college district, may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. The rules may not be inconsistent with any provision of the PIA. *Gov't Code 552.230*

It shall be the policy of a governmental body 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)*

Submission of
Written Requests

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

1. U.S. mail, electronic mail, hand delivery; or
2. Any other appropriate method approved by the governmental body, including:
 - a. Facsimile transmission; and
 - b. Electronic submission through the governmental body's internet website.

A governmental body is considered to have approved a method described above only if the governmental body includes a statement that a request for public information may be made by that method on the PIA sign required to be displayed or the governmental body's internet website.

Gov't Code 552.234(a)–(b)

*Designated
Address*

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

A governmental body that posts the mailing address and electronic mail address designated by the governmental body as above on the governmental body's internet website or that prints those addresses on the PIA sign required to be displayed 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 by Government Code 552.234(a)(4) that has been approved by the governmental body.

Gov't Code 552.234(c)–(d)

Request Form

A governmental body that allows requestors to use the attorney general form described by [Government Code 552.235\(a\)](#) and maintains an internet website shall post the form on its website.
Gov't Code 552.235(b)

Treatment of Requests	The officer for public information or the officer's agent may not make an inquiry of a requestor except to establish proper identification or to ask the requestor to narrow or clarify the request as provided by Government Code 552.222(b) or (c) [see Requests to Clarify or Narrow, below]. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or the officer's agent shall give to a requestor all reasonable comfort and facility for the full exercise of the right granted by the PIA. <i>Gov't Code 552.222(a), .223–.224</i>
Requests for Contracting Information	Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a governmental body that: 1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body; or 2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body. ~~Government Code~~Section 552.371 applies to a written request for public information received by a governmental body that is 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 governmental body. <i>Gov't Code 552.371(a)–(b)</i>
<i>Request to Contracting Entity</i>	A governmental body that receives a written request for information described above shall request that the entity provide the information to the governmental body. The governmental body must send the request in writing to the entity not later than the third business day after the date the governmental body receives the written request described above. [See CM for more information on disclosing construction contract evaluation documents to offeror] <i>Gov't Code 552.371(c)</i>
Location of Access	An officer for public information complies with the request to promptly produce public information under the PIA by: 1. Providing the information for inspection or duplication in the offices of the governmental body [see Time for Examination, below]; or

2. Sending copies of the public information by first class U.S. mail, if the person requesting the information 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 Costs and Charges, below].

The PIA does not authorize a requestor to remove an original copy of a public record from the office of a governmental body.

Gov't Code 552.221(b), .226

Online Access

In addition to the methods of production described by Government Code 552.221(b), an officer for public information for a governmental body complies with Government Code 552.221(a) by referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the governmental body 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 governmental body must supply the information in the manner required by Section 552.221(b).

If an officer for public information for a governmental body provides by email an internet location or URL address as permitted 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 provided by Section 552.221(b).

Gov't Code 552.221(b-1)-(b-2)

Time for Response

An officer for public information of a governmental body 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 governmental body, including a college district, may not automatically withhold for ten business days public information not excepted from disclosure.

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the of-

ficer 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(a), (c)–(d); ~~Tex.~~ Atty. Gen. ORD-664 (2000)

*Release of
Deidentified
Information*

An agency of this state, including a college district, shall provide written notice to a person to whom the agency releases deidentified information that the information is deidentified information.

"Deidentified information" means information with respect to which the holder of the information has made a good faith effort to remove all personal identifying information or other information that may be used by itself or in combination with other information to identify the subject of the information. The term includes aggregate statistics, redacted information, information for which random or fictitious alternatives have been substituted for personal identifying information, and information for which personal identifying information has been encrypted and for which the encryption key is maintained by a person otherwise authorized to have access to the information in an identifiable format.

"Personal identifying information" means information that alone or in conjunction with other information identifies an individual, including an individual's:

1. Name, social security number, date of birth, or government-issued identification number;
2. Mother's maiden name;
3. Unique biometric data, including the individual's fingerprint, voice print, and retina or iris image;
4. Unique electronic identification number, address, or routing code; and
5. Telecommunication access device as defined by Penal Code 32.51.

Business and Commerce Code 506.001(2)–(3), .002(a), .021(1)

*Requests to Clarify
or Narrow*

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

If a large amount of information has been requested, the governmental body, including a college district, may discuss with the requestor how the scope of a request might be narrowed, but the governmental body may not inquire into the purpose for which the information will be used.

Gov't Code 552.222(b)

*Motor Vehicle
Record*

If the information requested relates to a motor vehicle record, the officer for public information or the officer's agent may require the requestor to provide additional identifying information sufficient for the officer or the officer's agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. "Motor vehicle record" has the meaning assigned that term by Transportation Code 730.003. *Gov't Code 552.222(c)*

*Request
Considered
Withdrawn*

If, by the 61st day after the governmental body sends the written request for clarification or discussion under Government Code 552.222(b) or an officer for public information or agent sends a written request for additional information under Government Code 552.222(c) the governmental body, officer for public information, or agent, as applicable, does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor. A written request for clarification or discussion on the written request for additional information must include a statement as to the consequences of failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(d)–(e)*

*Responding by
Mail or Email*

If the requestor's request for public information included the requestor's physical or mailing address, the request may not be considered withdrawn unless the governmental body, or officer for public information, or agent, as applicable, sends the request for clarification or discussion on the written request for additional information to that address by certified mail.

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

1. The governmental body, officer for public information, or agent, as applicable, 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 governmental body, officer for public information, or agent, as applicable, 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(f)–(g)

*Time for
Examination*

A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete

the examination of information within ten business days after the date the custodian of the information makes the information available and does not file a request for additional time, the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer for public information a written request for additional time. The officer for public information shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer for public information a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer for public information if the information is needed for use by the governmental body, including a college district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.225

Request
Considered
Withdrawn

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body 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. *Gov't Code 552.221(e)*

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 governmental body, including a college district, shall provide a copy in the requested medium if:

1. The governmental body has the technological ability to produce a copy of the requested information in the requested medium;
2. The governmental body is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information will not violate the terms of any copyright agreement between the governmental body and a third party.

If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the governmental body shall provide a copy in another medium that is acceptable to the requestor. A governmental body is

not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

Gov't Code 552.228(b)–(c)

*Requests
Requiring
Programming or
Manipulation*

A governmental body shall provide the requestor a written statement described below, if the governmental body determines:

1. That responding to a request for public 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 its ongoing 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 must 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 the PIA [see GCB(EXHIBIT)]; and
5. A statement of the anticipated time required to provide the information in the requested form.

Gov't Code 552.231(a)–(b)

*Response Time
When
Programming or
Manipulation Is
Required*

The governmental body shall provide the written statement to the requestor within 20 days after the date of the governmental body's receipt of the request. The governmental body has an additional ten days to provide the statement if the governmental body gives written notice to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed. *Gov't Code 552.231(c)*

Further Action

On providing the written statement to the requestor as described above, the governmental body 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 to the governmental body that the requestor:

1. Wants the governmental body to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the governmental body agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

Gov't Code 552.231(d)–(d-1)

*Processing of
Requests*

The officer for public information of a governmental body shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A governmental body shall maintain a file containing all written statements issued under the PIA in a readily accessible location. *Gov't Code 552.231(e)*

Repetitious or
Redundant
Requests

A governmental body, including a college district, that determines that a requestor has made a request for information for which the governmental body has previously furnished copies to the requestor or made copies available to the requestor on payment of the applicable charges under Government Code Chapter 552, Subchapter F, shall respond to the request, in relation to the information for which copies have been already furnished or made available, in accordance with ~~this section~~ **Government Code 552.232**, except that:

1. ~~This section~~ **Section 552.232** does not prohibit the governmental body from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The governmental body is not required to comply with this section in relation to information that the governmental body simply furnishes or makes available to the requestor again in accordance with the request.

If the governmental body selects this option, the governmental body is not required to comply with the procedures described below.

~~Gov't Code~~ **Section 552.232(a)**

~~This section~~ does not apply to information for which the governmental body has not previously furnished copies to the requestor

or made copies available to the requestor on payment of applicable charges under Subchapter F. A request by the requestor for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, shall be treated in the same manner as any other request for public information under the PIA. ~~Gov't Code 552.232(d)~~

Gov't Code 552.232(a), (d)

Procedures

The governmental body shall certify to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available to the requestor on payment of applicable charges under Subchapter F. 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 governmental body received the requestor's original request for that information;
3. The date the governmental body 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 the officer's agent making the certification.

Gov't Code 552.232(b)

**Section III: Attorney
General Decisions**

A governmental body, including a college 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 the PIA, must ask for a decision from the attorney general about whether the information is within the exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Submission to Attorney General, below]. **Gov't Code 552.301(a)**

Time for Request

The governmental body must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after receiving the written request. If a governmental body does not timely request an attorney general decision and provide the requestor with the information required by Government Code 552.301(d) and (e-1) [see,

Statement to Requestor, below], the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code 552.301(b), .302*

A governmental body may only request an attorney general decision if the governmental body reasonably believes that the requested information is excepted from required disclosure. *Tex. Atty. Gen. ORD-665 (2000)*

Calculating
Timelines

*Receipt of
Request from
Requestor*

For the purposes of Government Code Chapter 552, Subchapter G regarding attorney general decisions, if a governmental body receives a written request by U.S. mail and cannot adequately establish the actual date on which the governmental body received the request, the written request is considered to have been received by the governmental body on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

*Submission by
Mail*

When Subchapter G 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 U.S. 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(a)

*Electronic
Submissions*

When 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 the document is submitted to the attorney general through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a person or governmental body to submit information to the attorney general by mail under Government Code 552.308.

When Subchapter G requires the attorney general to deliver a notice, decision, or other document within a specified period, the re-

quirement is met in a timely fashion if the document is electronically transferred by the attorney general electronically within that period.

Gov't Code 552.309

Previous
Determinations

Same Information

A governmental body, including a college district, must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under the PIA is within an exception under the PIA if the governmental body 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 under the PIA that is not excepted. This exception applies to specific information that is again requested from a governmental body after the attorney general has previously issued a decision regarding the precise information or records at issue. The law, facts, and circumstances that formed the basis of the prior ruling must not have since changed. *Gov't Code 552.301(f); ~~Tex.~~ Att'y Gen. ORD-673 (2001)*

Exception

A governmental body 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 under Subchapter G if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the PIA 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)

Categories of
Information

A governmental body 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 the type of governmental body from which the information is requested;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;

3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

~~Tex.~~ Att'y Gen. ORD-673 (2001)

A governmental body that relies on any previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying.

A governmental body may withhold from public disclosure the categories of personnel records listed at Texas Attorney General Open Records Decision 684 (2010).

~~Tex.~~ Att'y Gen. ORD-684 (2010)

A governmental body may withhold from public disclosure personally identifiable, non-directory information in "education records" as defined in the Family Education Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g [see FL]. ~~Tex.~~ Att'y Gen. ORD-634 (1995)

*Statement to
Requestor*

A governmental body that requests an attorney general decision must provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the governmental body 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 governmental body's written communication to the attorney general asking for the decision or, if a governmental body's written communication to the attorney general discloses the requested information, a redacted copy of that written communication.

Gov't Code 552.301(d)

*Submission to
Attorney General*

A governmental body that requests an attorney general decision must within a reasonable time but not later than the 15th business day after the date of receiving the written request:

1. Submit to the attorney general all of the following:

- a. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
 - b. A copy of the written request for information;
 - c. A signed statement as to the date on which the written request for information was received by the governmental body or evidence sufficient to establish that date; and
 - d. A copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested.
2. Label that copy of specific information or of the representative samples to indicate which exceptions apply to which parts of the copy.

A governmental body that submits written comments to the attorney general shall send a copy of the comments to the requestor not later than the 15th business day after the governmental body receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(e)–(e-1)

Unless the information requested is confidential by law, the governmental body may disclose the requested information to the public or the requestor before the attorney general makes a final determination that the requested information is public or, if suit is filed under this chapter, before a final determination that the requested information is public has been made by the court with jurisdiction over the suit, except as otherwise provided by Government Code 552.322. *Gov't Code 552.303(a)*

Electronic
Submission

A governmental body that requests a decision from the attorney general about whether requested public information is excepted from public disclosure may submit that request for decision to the attorney general through the attorney general's designated electronic filing system. The governmental body's request for decision must comply with the requirements of Government Code 552.301.

The deadlines in Government Code 552.301 and 552.303 are met if the governmental body timely submits the required documents and other materials through the attorney general's designated electronic filing system within the time prescribed.

The governmental body must comply with the requirements of Government Code 552.301(d) and (e-1) and 552.305 regardless of

whether the request for attorney general decision is submitted electronically or through another permissible method of submission.

To use the attorney general's designated electronic filing system, the governmental body must agree to and comply with the terms and conditions of use as outlined on the attorney general's designated electronic filing system website.

The confidentiality of Government Code 552.3035 applies to information submitted under ~~Government Code~~ **Section** 552.301(e)(1)(D) through the attorney general's designated electronic filing system.

1 TAC 63.22

*Additional
Information*

If the attorney general determines that information in addition to that required by ~~Government Code~~ **Section** 552.301 is necessary to render a decision, the attorney general shall give written notice of that fact to the governmental body. The governmental body shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If a governmental body does not comply with the attorney general's request, the information that is the subject of a person's request to the governmental body and regarding which the governmental body fails to timely submit to the attorney general is presumed to be subject to required public disclosure and must be released unless there exists a compelling reason to withhold the information. *Gov't Code 552.303(c)–(e)*

*Privacy or
Property Interests*

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101, 552.110, 552.114, 552.131, or 552.143, a governmental body may decline to release the information for the purpose of requesting an attorney general decision. A person whose interests may be involved, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. The governmental body may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code 552.305(a)–(c)*

*Notice to Owner
of Proprietary
Information*

If release of a person's proprietary information may be subject to exception under Government Code 552.101, 552.110, 552.1101, 552.113, 552.131, or 552.143, a governmental body that requests an attorney general decision shall make a good faith attempt to notify that person of the request for the attorney general decision. The notice must:

1. Be in writing and be sent within a reasonable time not later than the tenth business day after the date the governmental body receives the request for information; and
2. Include:
 - a. A copy of any written request for information, if any, received by the governmental body; and
 - b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit in writing to the attorney general within a reasonable time, not later than the tenth business day after the date the person receives the notice, each reason the person has as to why the information should be withheld and a letter, memorandum, or brief in support of that reason.

Gov't Code 552.305(d)

Exception—
Contracting
Information

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

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

A submission and copy described above [see Submission to Attorney General, above] is considered timely if submitted to the attorney general, or sent to the requestor, not later than the 18th business day after the date the governmental body receives the written request. *Gov't Code 552.371(d)(3)–(4)*

The presumption that information is subject to disclosure [see Time for Request, above] does not apply if the governmental body:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain the information from the contracting entity;
2. Is unable to meet a deadline described by Government Code 552.371(d) because the contracting entity failed to provide the information to the governmental body not later than the 13th business day after the day the governmental body received the written request for the information; and

3. Complies with the requirements of those subsections not later than the eighth business day after the governmental body 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 governmental body under Government Code 552.301 regarding information the governmental body maintains, including contracting information. *Gov't Code 552.371(f)*

Section IV: Charges Regarding Public Information Requests

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. 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.

Charges for providing a copy of public information are considered to accrue at the time the governmental body, including a college district, advises the requestor that the copy is available on payment of the applicable charges.

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A governmental body may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

Gov't Code 552.261(a), (d)–(e), .262(a)

50 Pages or Less

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public 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. *Gov't Code 552.261(a), (c)*

Statement of Labor Costs

If the charge for providing a copy of public information includes costs of labor, the requestor may require the governmental body's officer for public information or the officer's 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 for public information or the officer's agent,

and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor. *Gov't Code 552.261(b)*

Attorney General's
Rules

The rules adopted by the attorney general shall be used by each governmental body in determining charges for providing copies of public information and in determining the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. [See GCB(EXHIBIT)]

A governmental body 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 but may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the governmental body requests an exemption.

Gov't Code 552.262(a); 1 TAC 70.1(b)

Exemptions

A governmental body may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the attorney general and must state the reason for the exemption. If the attorney general determines that good cause exists for exempting a governmental body from a part or all of the rules, the attorney general shall give written notice of the determination to the governmental body within 90 days of the request. On receipt of the determination, the governmental body may amend its charges for providing copies of public information or its charge, deposit, or bond required for making public information that exists in a paper record available for inspection according to the attorney general's determination. *Gov't Code 552.262(c)*

Statement of
Estimated 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 will result in the imposition of a charge under Government Code 552.271 that exceeds \$40, the governmental body 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 governmental body regarding the alternative method. A governmental body must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and of the rights granted by

that entire section and give the requestor the information needed to respond, including:

1. That the requestor must provide the governmental body with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor's choice which type of address to provide;
2. That the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the time and manner required by this section; and
3. That the requestor may respond to the statement by delivering the written response to the governmental body by mail, in person, by facsimile transmission if the governmental body is capable of receiving documents transmitted in that manner, or by electronic mail if the governmental body has an electronic mail address.

If the governmental body later determines, but before it makes the copy or the paper record available, that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the governmental body shall send to the requestor a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

Gov't Code 552.2615(a), (c)

*Requestor's
Response*

A request described by Government Code 552.2615(a), above, is considered to have been withdrawn by the requestor if the requestor does not respond in writing to the itemized statement by informing the governmental body within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

Gov't Code 552.2615(b)

Actual Charges

If the actual charges that a governmental body imposes for a copy of public information, or for inspecting a paper record under Government Code 552.271, exceeds \$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.

Gov't Code 552.2615(d)

*Timing of
Deadlines*

An itemized statement or updated itemized statement is considered to have been sent by the governmental body to the requestor on the date that:

1. The statement is delivered to the requestor in person;
2. The governmental body deposits the properly addressed statement in the U.S. mail; or
3. The governmental body transmits the properly addressed statement by electronic mail or facsimile transmission, if the requestor agrees to receive the statement by electronic mail or facsimile transmission, as applicable.

A requestor is considered to have responded to the itemized statement or the updated itemized statement on the date that:

1. The response is delivered to the governmental body in person;
2. The requestor deposits the properly addressed response in the U.S. mail; or
3. The requestor transmits the properly addressed response to the governmental body by electronic mail or facsimile transmission.

The time deadlines do not affect the application of a time deadline imposed on a governmental body for requesting a decision by the attorney general under the PIA.

Gov't Code 552.2615(e)–(g)

Deposit or Bond

An officer for public information or the official's 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 for public information or the officer's agent has provided the requestor with the written itemized statement required by Government Code 552.2615 [see Statement of Estimated Charges, above] detailing the estimated charge for providing the copy; and

2. The charge for providing the copy of the public information specifically required by the requestor is estimated by the governmental body to exceed \$100, if the governmental body has more than 15 full-time employees, or \$50, if the governmental body has fewer than 16 full-time employees.

The officer for public information or the officer's 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.

For the purposes of charging for providing copies of public information under Government Code Chapter 552, Subchapter F or for requesting an attorney general's opinion under Government Code Chapter 552, Subchapter G, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section. A requestor who fails to make a required deposit or post a bond before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

Gov't Code 552.263(a)–(b), (e)–(f)

Modified Request If a requestor modifies the 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 governmental body receives the written modified request. *Gov't Code 552.263(e-1)*

Unpaid Amounts An officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts owing to the governmental body in relation to previous requests that the requestor has made under the PIA 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 the officer's agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

A governmental body that receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the governmental body as provided under Government Code 552.261(b) may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

Documentation of Unpaid Amounts	The governmental body must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond. The documentation is subject to required public disclosure under the PIA. <i>Gov't Code 552.263(d)</i>
Waivers	A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body 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 governmental body of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the governmental body may waive the charge. <i>Gov't Code 552.267</i>
Government Publication	The cost provisions described above do not apply to a publication that is compiled and printed by or for a governmental body for public dissemination. If the cost of the publication is not determined by state law, a governmental body may determine the charge for providing the publication. The governmental body may provide the publication free of charge if state law does not require a certain charge. <i>Gov't Code 552.270</i>
Section V: Inspection of Public Information	If the requestor does not request a copy of public information, a charge may not be imposed for making available for inspection any public information that exists in a paper record, except as set forth below. <i>Gov't Code 552.271(a)</i>
Confidential Information	If a requested page contains confidential information that must be edited from the record before the information can be made available for inspection, the governmental body may charge for the cost of making a photocopy of the page from which confidential information must be edited. No charge other than the cost of the photocopy may be imposed. <i>Gov't Code 552.271(b)</i>
Payment, Deposit, or Bond	An officer for public information or the officer's 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 public 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. <i>Gov't Code 552.271(c)</i>

*Certain Small
Governmental
Bodies*

If a governmental body has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The public 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 the officer's agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

Electronic Records

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, the governmental body 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. A charge under this section must be assessed in accordance with the PIA.

If public information exists in an electronic form on a computer owned or leased by a governmental body 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 government-owned or government-leased computer before the information is copied. If public information exists in an electronic form on a computer owned or leased by a governmental body and if the public has direct access to that computer through a computer network or other means and the information requires processing, programming, or manipulation before it can be electronically copied, a governmental body may impose charges in accordance with the PIA.

If information is created or kept in an electronic form, a governmental body is encouraged to explore options to separate out confidential information and to make public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272(a)–(d)

**Section VI:
Miscellaneous
Provisions**

**Public Information
on a Privately-
Owned Device**

A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:

1. Forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under ~~Government Code~~ **Section** 552.004(a).

Gov't Code 552.004(b) [See CIA]

**Public Information
Maintained by
Temporary
Custodians**

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the governmental body not later than the tenth day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information. The governmental body is considered to receive the request for that information on the date the information is surrendered or returned to the governmental body. *Gov't Code 552.233(b), (d)*

***Disciplinary
Action***

A temporary custodian's failure to surrender or return public information is grounds for disciplinary action by the governmental body that employs the temporary custodian or any other applicable penalties provided by the PIA or other law.

Gov't Code 552.233(c)

***Records
Retention***

The provisions of Government Code Chapter 441 and Local Government Code Title 6, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian. [See CIA] *Gov't Code 552.004(c)*

***No Property
Right to Public
Information***

A current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity. *Gov't Code 552.233(a)*

"Temporary custodian" means an officer or employee of a governmental body 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 of the governmental body or the officer's agent. The term includes a former officer or employee of a governmental body 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 of the governmental body or the officer's agent. *Gov't Code 552.003(7)*

**Production of
Public Information
During Office
Closure**

If a governmental body closes its physical offices, but requires staff to work, including remotely, then the governmental body 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, pursuant to the PIA while its administrative offices are closed. *Gov't Code 552.2211(a)*

**Temporary
Suspension of
Requirements
During Catastrophe**

The requirements of the PIA do not apply to a governmental body during a suspension period determined by the governmental body if the governmental body is currently **significantly** impacted by a catastrophe **such that the catastrophe directly causes the inability of a governmental body to comply with the requirements of the PIA** and complies with the requirements of Government Code 552.~~233~~.2325. *Gov't Code 552.2325(b)*

Catastrophe

"Catastrophe" means a condition or occurrence that **directly** interferes with the ability of a governmental body to comply with the PIA, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snowstorm;
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.

Gov't Code 552.~~233~~2325(a)-(b)

**Suspension
Period**

A governmental body may suspend the applicability of the requirements of the PIA to the governmental body for an initial suspension period. **The governmental body may suspend the applicability of the requirements of the PIA under this section only once for each catastrophe.** The initial suspension period 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 governmental body submits notice to the office of the attorney general ~~under Government Code 552.233(c);~~; and

2. Ends not later than the seventh day after the date the governmental body submits that notice.

Gov't Code 552.2332325(d)

**Limit on
Suspension
Periods**

A governmental body that initiates a suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as prescribed below. Gov't Code 552.2325(f)

**Extension of
Suspension
Period**

A governmental body may extend an initial suspension period if the governing body determines that the governing body 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. The governing body must submit notice of the extension to the office of the attorney general on the form prescribed by the office ~~under Government Code 552.233(j). Gov't Code 552.233(e).~~

The combined suspension period for a governmental body filing under this section may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Gov't Code 552.2325(e), (g)

**Requests
Received During
Catastrophe**

Notwithstanding another provision of the PIA, a request for public information received by a governmental body during a suspension period determined by the governmental body is considered to have been received by the governmental body on the first business day after the date the suspension period ends. Requests are tolled until the first business day after the date the suspension period ends.
Gov't Code 552.233(g)–(h)2325(i)–(j)

**Notice to
Attorney General**

A governmental body that elects to suspend the applicability of the requirements of the PIA to the governmental body must submit notice to the office of the attorney general that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of PIA requirements during the initial suspension period determined under Government Code 552.2332325(d). The notice must be on the form prescribed by the office of the attorney general ~~under Government Code 552.233(j).~~ *Gov't Code 552.2332325(c)*

**Notice to the
Public**

A governmental body that suspends the applicability of the requirements of the PIA to the governmental body under Government Code 552.2332325 must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the governmental body is required to post a notice under the Open Meetings Act (OMA). The governmental body must maintain

	the notice of the suspension during the suspension period. Gov't Code 552. ~~233~~ (~~f~~ 2325(h)
<i>End of Suspension</i>	Upon conclusion of any suspension period initiated pursuant to Government Code 552.2325, the governmental body shall immediately resume compliance with all requirements of the PIA. Gov't Code 552.2325(m)
Large or Frequent Requests <i>Personnel Time</i>	A governmental body, including a college district, may establish reasonable monthly and yearly limits on the amount of time that personnel of the governmental body 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 the fiscal year of the governmental body. A monthly time limit may not be less than 15 hours for a requestor for a one-month period. Gov't Code 552.275(a)–(b)
Request by Minor	In determining whether a time limit applies, any time spent complying with a request for public information 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(c)
<i>Exception</i>	~~This section~~ Government Code 552.275 does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for: 1. Dissemination by a news medium or communication service provider, including an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or 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 2. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004. ~~This section~~ Section 552.275 does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state. This section does not apply if the requestor is a

representative of a publicly funded legal services organization that is exempt under Internal Revenue Code 501(c)(3).

"Communication service provider" has the meaning assigned by Civil Practice and Remedies Code 22.021.

"News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including print; television; radio; photographic; mechanical; electronic; and other means, known or unknown, that are accessible to the public.

Gov't Code 552.275(j)–(m)

*Written
Statement of
Personnel Time*

If a governmental body establishes a time limit, each time the governmental body complies with a request for public information, the governmental body 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 yearly or monthly period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement provided by the requestor. *Gov't Code 552.275(d)*

*Written Estimate
of Charges*

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 established time limit, the governmental body 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 tenth 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. *Gov't Code 552.275(e)*

Additional Time

If the governmental body determines that additional time is required to prepare the written estimate and provides the requestor with a written statement of that determination, the governmental body must provide the written estimate as soon as practicable, but

on or before the tenth day after the date the governmental body provided the statement. *Gov't Code 552.275(f)*

*Acceptance of
Charges*

If a governmental body provides a requestor with the written estimate and the time limits prescribed by [Section 552.275\(a\)](#) regarding the requestor have been exceeded, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the governmental body provided the written estimate, the requestor submits payment of the amount stated in the written estimate.

If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the requestor's pending request for public information.

Gov't Code 552.275(g)–(h)

*Waived or
Reduced
Charges*

This section does not prohibit a governmental body from providing a copy of public information without charge or at a reduced rate under Government Code 552.267, or from waiving a charge for providing a copy of public information under Section 552.267 [see Waivers, above]. *Gov't Code 552.275(i)*

Failure to Pay

This provision applies only to a request made by a requestor who has made a previous request to a governmental body that has not been withdrawn, for which the governmental body has located and compiled documents in response, and for which the governmental body has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request. A governmental body is not required to locate, compile, produce, or provide copies of documents or prepare a written estimate in response to a new request until the date the requestor pays each unpaid written estimate in connection with a previous request or withdraws the previous request to which the written estimate applies. *Gov't Code 552.275(e-1)*

Filing Suit to
Withhold
Information

The only suit a governmental body, including a college 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 governmental body must bring the suit not later than the 30th calendar day after the date the governmental body receives the de-

cision of the attorney general determining that the requested information must be disclosed to the requestor. If the governmental body does not bring suit within that period, the governmental body shall comply with the decision of the attorney general. If the governmental body wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), suit must be filed not later than the tenth calendar day after receipt of a decision by the attorney general that the information is public.

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

Requests for Body-
Worn Camera
Recordings

*Contents of
Request*

A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body-worn camera:

1. The date and approximate time of the recording;
2. The specific location where the recording occurred; and
3. The name of one or more persons known to be a subject of the recording.

A failure to provide all of the information required to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

Occupations Code 1701.661(a)–(b)

*Response to
Requests*

A law enforcement agency may:

1. Seek to withhold information subject to Occupations Code 1701.661(d) in accordance with procedures provided by Government Code 552.301;
2. Assert any exceptions to disclosure in the PIA or other law; or
3. Release information requested in accordance with Occupations Code 1701.661(a) after the agency redacts any information made confidential under the PIA or other law.

Occupations Code 1701.661(e)

*Request for
Attorney General
Decision*

Notwithstanding Government Code 552.301(b) [see Time for Request, above], a governmental body's request for a decision from the attorney general about whether a requested body-worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request. ~~Occupations Code 1701.662(a)~~

Notwithstanding Government Code 552.301(d) [see Statement to Requestor, above], a governmental body's response to a requestor regarding a requested body-worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request. ~~Occupations Code 1701.662(b)~~

Notwithstanding Government Code 552.301(e) [see Submission to Attorney General, above], a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body-worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request. ~~Occupations Code 1701.662(c)~~

Notwithstanding Government Code 552.301(e-1) [see Submission to Attorney General, above], a governmental body's submission to a requestor of the information required by that subsection regarding a requested body-worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request. ~~Occupations 1701.662(d)~~

Occupations Code 1701.662(a)–(d)

*Response to
Voluminous
Public
Information
Requests*

Notwithstanding Government Code 552.221(d) [see Time for Response, above], an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Occupations Code 1701.661(a) is considered to have promptly produced the information for purposes of Section 552.221 if the officer takes the actions required under Section 552.221 before the 21st business day after the date of receipt of the written request.

"Voluminous request" includes:

1. A request for body-worn camera recordings from more than five separate incidents;
2. More than five separate requests for body-worn camera recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or
3. A request or multiple requests from the same person in a 24-hour period for body-worn camera recordings that, taken together, constitute more than five total hours of video footage.

Occupations Code 1701.663

Note: For additional legally referenced material relating to this subject matter, see [GA\(LEGAL\)](#). For information on employee expression on campus, see DGC. For information on student expression on campus, see FLA. For use of the college district's mail system, see CHE.

Prohibited Acts

An officer or employee of the state or of a political subdivision of the state, including a college 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 state or of a political subdivision of the state;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
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)

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis*Traditional Public Forum*

A "traditional public forum" includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985) An institution's property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution's property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the "strict scrutiny" standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental

interest if a sufficient number of alternative communication channels are available. Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983)

*Designated
Public Forum*

A “designated public forum” is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. Widmar v. Vincent, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

*Limited Public
Forum*

A “limited public forum” is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. Christian Legal Society v. Martinez, 130 S.Ct. 2971 (2010); Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum’s nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a “non-public forum.” Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

*Time, Place, and
Manner Restrictions*

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

An institution of higher education, including a college district, shall:

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

**Time, Place, and
Manner Restrictions**

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

*Education Code 51.9315(d)***Policy Required**

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others; and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

*Education Code 51.9315(f)*Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

*Education Code 51.9315(h)*Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook,

	providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. <i>Education Code 51.9315(i)</i>
Report	Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. <i>Education Code 51.9315(k)</i>
Fees for Use	The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by such board. <i>Education Code 130.123(c)</i>
Facilities as Polling Places	The entity, including a college district, that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located. If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the entity that owns or controls the building shall determine which authority may use the building. <i>Election Code 43.031(c)</i> No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of an election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i>
Electioneering	"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114. <i>Election Code 61.003(b)(1), 85.036(f)(2)</i>
<i>During the Regular Voting Period</i>	A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party. The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit

electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003(a)–(a-1)

*During Early
Voting*

During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located. A person commits an offense if the person electioneers in violation of this provision.

The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 85.036(a)–(b), (d)

**Political Party
Conventions**

No charge may be made for the use of a public building for a precinct, county, or senatorial district convention except for reimbursement for the actual expenses resulting from use of the building for the convention. The reimbursing authority is entitled to an itemized statement of expenses before making remittance. A person commits an offense if the person assesses a charge for the use of a public building for a precinct, county, or senatorial district convention in violation of this provision. *Election Code 174.0631*

Places of Worship

A government agency, including a college district, 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. “Place of worship” means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

**Search and Rescue
Dogs**

“Search and rescue dogs” mean canines that are trained or being trained to assist a nationally recognized search and rescue agency in search and rescue activities. *Health and Safety Code 785.001(4)*

Public Facility

The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility. The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog. The discrimination prohibited by this section includes:

1. Refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;
2. A ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and
3. Failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

Health and Safety Code 785.002(a)–(b), (d)

Transportation

The owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within this state, or an employee or other agent of the owner, manager, or operator, may not:

1. Refuse to accept as a passenger a search and rescue dog or the dog's handler; or
2. Require the dog's handler to pay an additional fare because of the search and rescue dog.

Health and Safety Code 785.002(c)

Housing

A search and rescue dog's handler is entitled to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limitation established by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog. *Health and Safety Code 785.002(f)*

Handler

"Handler" means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.001(1)*

Credentials

A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.005*

Responsibilities

A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable

to other causes brought for the redress of injuries caused by animals. The handler of a search and rescue dog is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations. *Health and Safety Code 785.004(a)–(b)*

Policy A policy relating to the use of a public facility by a designated class of persons from the general public may not prohibit the use of the particular public facility by a search and rescue dog or the dog's handler. *Health and Safety Code 785.002(e)*

Penalty A person who violates Health and Safety Code 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000. It is a defense to prosecution that the actor requested the search and rescue dog handler's credentials under Health and Safety Code 785.005 and the handler failed to provide the actor with the credentials. *Health and Safety Code 785.003*

LobbyingRestrictions on Use
of State Funds*Generally*

A political subdivision, including a college district, or private entity that receives state funds may not use the funds to pay:

1. Lobbying expenses incurred by the recipient of the funds;
2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305;
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or
4. A person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 556.0055(a)

*To Employ
Lobbyists*

A state agency, including a college district, may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Government Code Chapter 305 to register as a lobbyist. Except for an institution of higher education, including a college district, a state agency may not use any money under its control to employ or contract with an individual who is required by Government Code Chapter 305 to register as a lobbyist.

A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This provision does not apply to the payment by a state agency of membership fees under Government Code Chapter 81.

Gov't Code 556.005(a)–(b)

*To Influence
Passage or
Defeat of a
Measure*

A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure. This restriction does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request. A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing permitted information is subject to immediate termination of employment. *Gov't Code 556.006–.007*

*To Compensate
an Officer or
Employee*

A state agency may not use appropriated money to compensate a state officer or employee who violates Government Code 556.005 or 556.006(a) or who is subject to termination under Government Code 556.007. *Gov't Code 556.008*

<i>Exception</i>	Government Code Chapter 556 does not prohibit the payment of reasonable dues to an organization that represents student interests before the legislature or the U.S. Congress from that portion of mandatory student service fees that is allocated to the student government organization at an institution of higher education. A mandatory student service fee may not be used to influence the outcome of an election. <i>Gov't Code 556.002(b)</i>
<i>Information on Restrictions</i>	A state agency shall provide each officer and employee of the agency a copy of Government Code 556.004 [see BBBB], 556.005, 556.006, 556.007, and 556.008 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection. <i>Gov't Code 556.009</i>
Disclosure and Itemization of Lobbying Expenditures	A political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on the political subdivision's internet website the following regarding contracts for services that would require a person to register as a lobbyist under Government Code Chapter 305: 1. The execution dates; 2. The contract duration terms, including any extension options; 3. The effective dates; 4. The final amount of money the political subdivision paid in the previous fiscal year; and 5. A list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year. In lieu of displaying the items described above that would require a person to register as a lobbyist under Government Code Chapter 305, a political subdivision may post on the political subdivision's internet website the contract for those services. <i>Gov't Code 2254.030(a)–(b)</i>
Disclosure of Federal-Level Lobbyists	An agency or political subdivision of the state, including a college district, shall report to the Office of Federal-State Relations any contract between the agency or political subdivision and a federal-level government relations consultant. A state agency or political subdivision 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:

1. The name of the consultant or consulting firm;
2. The issue on which the consultant was hired to consult; and
3. The amount of compensation paid or to be paid to the consultant under the contract.

This section does not apply to a political subdivision whose federal-level government relations consultant is required by other law to disclose, report, and make available the required information to the public and a federal or state entity.

Gov't Code 751.016

Dual Usage Educational Complex

In accordance with Education Code 130.0103, the board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities, including counties and municipalities located in whole or in part in the service area of the junior college district. [See GH and GI] *Education Code 130.0103(a)*

Cybersecurity Training for Contractors

A state agency, including a college district, shall require any contractor who has access to a state computer system or database to complete a cybersecurity training program certified under Government Code 2054.519 as selected by the agency. The cybersecurity training program must be completed by a contractor during the term of the contract and during any renewal period. ~~The~~**Required completion of the** cybersecurity training program must be included in the terms of a contract awarded by a state agency to a contractor.

"Contractor" includes a subcontractor, officer, or employee of the contractor.

Gov't Code 2054.5192(a)–(d)

Verification of Completion

A contractor required to complete a cybersecurity training program under this section shall verify completion of the program to the contracting state agency. The person who oversees contract management for the agency shall:

1. ~~Report~~**Not later than August 31 of each year, report** the contractor's completion to the Department of Information Resources (DIR); and
2. Periodically review agency contracts to ensure compliance with this section.

Gov't Code 2054.5192(e)

Note: For more information on cybersecurity training, including a list of certified cybersecurity training programs and compliance reporting requirements, see DIR's website at [Certified Cybersecurity Training Programs](#).¹

¹ Certified Cybersecurity Training Programs: <https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154>

**Conference Center in
or Near a State Park**

The Texas Parks and Wildlife Commission may enter into a joint agreement with the governing board of an institution of higher education, including a college district, to finance and build a conference center and other appropriate related facilities to be located in or near a state park. A facility built under this section must be operated cooperatively to provide benefits to the department and the institution of higher education in accomplishing the purposes of the department and the institution. The commission and an institution of higher education may use any funds, property, or other assets available to finance and build a facility under this section. *Parks and Wildlife Code 13.0046*

**Notice to the State
Regarding Contracts**

Definition

"Contract" includes a contract, grant, or agreement, including a revenue generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education, including a college district.

"Contract" includes an amendment, modification, renewal or extension which increases a contract's value from a value less than or equal to \$50,000 to a value greater than \$50,000.

"Contract" does not include a contract with a value of less than or equal to \$50,000.

General Appropriations Act, 86th87th Leg., R.S., HS.B. 1, IX-3536

Contracts
Exceeding \$50,000

Before the 30th calendar day after awarding a contract or granting an amendment, modification, renewal, or extension, a state agency or institution of higher education shall report to the Legislative Budget Board (LBB) in the manner prescribed by the LBB all contracts, amendments, modifications, renewals, and extensions to which the agency or institution was a party.

A state agency or institution of higher education receiving an appropriation under the General Appropriations Act shall report a contract pursuant to this section without regard to source of funds or method of finance associated with the expenditure, including a contract for which only non-appropriated funds will be expended.

General Appropriations Act, 86th87th Leg., R.S., HS.B. 1, IX-3536

Additional Notice
Regarding
Contracts for
Services Exceeding
\$1 Million

For contracts with an initial award value greater than \$1 million, a state agency or institution of higher education shall provide notice of a contract for services for which the expected total value of the contract subsequent to amendment or renewal exceeds the total value of the initial contract award by ten percent or more, in accordance with procedures established by the LBB, to:

1. The governor;
2. The lieutenant governor; and
3. The speaker of the house of representatives.

A state agency or institution of higher education must provide the notice required under this provision not later than the 30th day after the date of the disclosure or discovery that the expected total value of the contract subsequent to amendment or renewal exceeds the total value of the initial contract award by ten percent. The notice must include:

1. The amount of the cost increase;
2. The reason for the cost increase; and
3. Any opportunity the state agency had to lessen the cost or to purchase the service from another vendor after the first dollar of the increased cost was discovered or disclosed to the agency or institution.

General Appropriations Act, ~~86th~~87th Leg., R.S., ~~HS.B. 1, IX-3537~~

**Additional Notice
Regarding
Contracts
Exceeding \$10
Million and Certain
Contracts
Exceeding \$1
Million**

"Contract" includes a contract, grant or agreement, including a revenue-generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education.

Until providing notice that satisfies the requirements of this provision, an agency or institution of higher education that is appropriated funds in the General Appropriations Act may not expend any funds to make a payment on a contract if the expected amount of the contract exceeds or may reasonably be expected to exceed either of the following thresholds:

1. Ten million dollars; or
2. One million dollars in the case of a contract awarded:
 - a. As a result of an emergency or following an emergency procedure allowed by statute; or
 - b. Without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes required by statute, rule, or ordinary and commonly recognized state policies and procedures.

An agency or institution of higher education may not expend funds to make a payment on a contract under this provision until the notice required in this provision is provided to the LBB as required by the General Appropriations Act, Article IX, Section 7.11.

General Appropriations Act, 87th Leg., R.S., S.B. 1, IX-40

**Military and Naval
Training**

The governing board of any state-supported institution of higher education, including a college district, may request the U.S. Department of Defense to establish and maintain courses in military and naval training qualifying male student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board. *Education Code 51.304*

**Intergovernmental
Support Agreements
with U.S. Armed
Forces**

In accordance with the provisions that apply to an interlocal contract under Government Code Chapter 791, a local government, including a college 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. 2679, to provide installation-support services to a military installation located in this state.

The term “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.

Gov’t Code 793.001–.002; 10 U.S.C. 2679(e)(1)

Note: For information regarding required cybersecurity training for contractors, see GG.

Facilities

Dual Usage Educational Complex

The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities.

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the Coordinating Board.

The junior 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 district and the other participating entities under the terms of the cooperative agreement.

Education Code 130.0103

Design or Construction of an Instructional or Athletic Facility

An independent school district and an institution of higher education, including a college district, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more independent school districts and an institution of higher education may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of the district's students in courses offered at that facility.

Education Code 45.109(a-1)–(a-2)

Use of Athletic
Facilities

Any independent school district, acting by and through its board of trustees, may contract with any institution of higher education located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties. *Education Code 45.109(a)*

College Courses in
School District
Facilities

The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district's facilities. The contract must be approved by resolution of the governing boards of the community college district and the school district.

For purposes of state funding, a course held in the school district facilities is considered to be a course held in the community college district if the course:

1. Has been approved by a regional higher education council recognized by rule of the Coordinating Board and in which the district has been designated a member by the Coordinating Board; and
2. Is approved by the Coordinating Board as an out-of-district course for the community college district.

Any statutory or regulatory requirement of local support of a community college program is satisfied by the school district providing its facilities without charge to the community college if the total community college enrollment in the school district does not exceed 1,000 full-time students, or the equivalent.

Either party may terminate a contract under this section by giving the other party at least one year's written notice.

Education Code 130.006

School District
Courses on College
District Campus

The board of trustees of a school district may operate a school or program or hold a class on the campus of an institution of higher education in this state, including a college district, if the board obtains written consent from the president or other chief executive officer of the institution.

The president or other chief executive officer of an institution of higher education may provide written consent to a board of trustees of a school district regardless of whether the institution is located within the boundaries of the school district.

Education Code 11.166

Reports of Academic Achievement

Each public two-year college shall report student performance as prescribed below to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.

A student performance report includes initial assessment student test scores, as prescribed under 19 Administrative Code Chapter 4, Subchapter C (relating to the Texas Success Initiative (TSI)), descriptions of developmental education courses required, and individual student grade point averages.

Appropriate safeguards shall be implemented to ensure student privacy in these reports.

Education Code 51.403(e); 19 TAC 9.23

College Credit Program

Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state, including a college district, shall assist the school district in developing and implementing a program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses described above.

A program implemented under the college credit program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and is approved by the Coordinating Board; and
2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

Education Code 28.009(a)–(a-1)

Dual Credit Course Limitations

A dual credit course offered under this section must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or

3. A foreign language course.

This requirement does not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 28.009(a-4)–(a-5)

Payment of Costs

A school district is not required to pay a student's tuition or other associated costs for taking a course under this section. *Education Code 28.009(a-2)*

Instructional Partnerships with Public Secondary Schools

Types of instructional partnerships between a public two-year college and a school district include:

1. Partnerships for award of high school credit only [see High School Credit-Only Courses, below].
2. Partnerships for award of concurrent course credit [see Dual Credit Programs, below].
3. Partnerships for tech-prep programs [see Tech-Prep Programs, below].
4. Partnerships for remedial or development instruction for high school graduates [see Remedial Programs, below].
5. Partnerships to develop and provide college preparatory courses for high school students [see College Prep Courses, below].

19 TAC 9.143

Agreements Required

Generally

For any instructional partnership between a secondary school and a public two-year college, an agreement must be approved by the governing boards of both the public school district or private secondary school and the public two-year college prior to the offering of courses. Any partnership agreement must address the following elements:

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; and

8. Funding provisions.

19 TAC 9.144

*Dual Credit
Agreements*

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program described by Education Code 28.009(b-3) must:

1. Include specific program goals aligned with the statewide goals developed under Section 28.009(b-1);
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements described by Education Code 28.025(c-1) offered by the district, and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by the Texas Education Agency (TEA), the Coordinating Board, or the Texas Workforce Commission (TWC), to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;
6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;

8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; ~~and~~
10. Be posted each year on the district's and the institution's respective internet websites; ~~and~~
- ~~10.~~ **11. Designate at least one employee of the district or institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.**

The dual credit partnership must address the following elements:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

Education Code 28.009(b-2); 19 TAC 4.84

High School Credit-Only Courses

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125(a), (b)(2), .143(a)

<i>Instructors</i>	Instructors in contract programs with public secondary schools must meet qualifications required by the public two-year college as well as the minimum guidelines approved by the State Board of Education. <i>19 TAC 9.125(b)(1)</i>
<i>Funding</i>	Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school. <i>19 TAC 9.125(b)(3)</i>
Dual Credit Programs	Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both: 1. Course credit toward the student's high school academic requirements; and 2. Course credit as a student of the junior college, if the student has been admitted to the college district or becomes eligible to enroll in and is subsequently admitted to the junior college. A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district. A public junior college with a service area located wholly or partly in a county with a population of more than three million shall enter into an agreement with each school district located wholly or partly in a county with a population of more than three million to offer one or more courses as provided by Education Code 130.008. A student enrolled in a school district to which this provision applies may enroll in a course at any junior college that has entered into an agreement with the district to offer the course under this provision. <i>Education Code 130.008(a), (d), (g-1)</i>
<i>Student Eligibility Requirements</i>	In admitting or enrolling high school students in a course offered for joint high school and junior college credit, a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

A high school student is eligible to enroll in academic dual credit courses if the student:

1. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the TSI [see EI] on relevant section(s) of an assessment instrument approved by the Coordinating Board; or
2. Demonstrates that he or she is exempt under the provisions of the TSI.

A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under any of the following conditions:

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC); or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
2. Courses that require demonstration of TSI college readiness in mathematics:

- a. If the student achieves a minimum score of 4000, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
- b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
- c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

Education Code 130.008(e); 19 TAC 4.85(b)(1)–(2), (5)–(6)

Workforce
Education Level
1 Certificate
Program or Less

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and shall not be required to provide demonstration of college readiness or dual credit enrollment eligibility. *19 TAC 4.85(b)(3)*

Workforce
Education Level
2 Certificate or
Applied
Associate
Degree Program

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 2 certificate or applied associate degree program under the following conditions:

- 1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a minimum score of 4000 on the English II STAAR EOC; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or

- (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
- 2. Courses that require demonstration of TSI college readiness in mathematics:
 - a. If the student achieves a minimum score of 4000 on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

A student who is exempt from taking STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

19 TAC 4.85(b)(4)

**Additional
Eligibility
Requirements**

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with 19 Administrative Code 4.85. *19 TAC 4.85(b)(7)*

**Faculty
Qualifications**

The college shall select instructors of dual credit courses. A course offered for joint high school and junior college credit under this section must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

- 1. A doctoral or master's degree in the discipline that is the subject of the course;

2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
 - a. A degree described by item 1 or 2 above;
 - b. A baccalaureate degree in the discipline that is the subject of the course; or
 - c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Coordinating Board.

These instructors must meet the same standards, including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

Education Code 130.008(g); 19 TAC 4.85(e)(1)

Application
Approval

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the school district, organization, or other person that operates the high school with which the junior college entered into an agreement under this section to offer the course. *Education Code 130.008(h)*

*Supervision and
Evaluation of
Faculty*

The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college. *19 TAC 4.85(e)(2)*

*Location and
Course
Composition*

Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in 19 Administrative Code Chapter 4, Subchapters P and Q of this chapter (relating to Approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the board's adopted Principles of Good Practice for Courses Offered Electronically. [See EBA and EBB] *19 TAC 4.85(c); 19 TAC 4.255–.264, .270–.279*

Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of 19 Administrative Code 4.85(e), exceptions for a mixed class that combines college credit and high school credit-only students, may be allowed only when the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

1. If the course involved is required for completion under the State Board of Education high school program graduation requirements, and the high school involved is otherwise unable to offer such a course;
2. If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or
3. If the course is a career and technical/college workforce education course and the high school credit-only students are eligible to earn articulated college credit. "Articulated College Credit" is credit earned through a high school-level course that fulfills specific requirements of an identified college-level course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education.

19 TAC 4.83(1), .85(d)

Student Services

Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible. 19 TAC 4.85(g)(2)

Eligible Courses

A college course offered for dual credit must be:

1. In the core curriculum of the public institution of higher education providing the credit;
2. A career and technical education course; or
3. A foreign language course.

This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under Education Code 29.908 or an early college program as defined in 19 Administrative Code Chapter 4, Subchapter D. Any college course for dual credit offered as part of an early col-

lege program must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a board-approved certificate, AA, AS, AAS degree program, Field of Study Curriculum (FOSC), or Program of Study Curriculum (POSC).

Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Coordinating Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Coordinating Board.

Public colleges may not offer remedial and developmental courses for dual credit.

The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

Education Code 130.008(a-1)-(a-2); 19 TAC 4.85(a)(1), (3)–(4), (f)

*Academic
Policies and
Transcripts*

Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

19 TAC 4.85(g)(1), (h)

*Tuition and State
Funding*

The junior college may waive all or part of the tuition and fees for a high school student enrolled in a course for which the student may receive joint credit.

The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Education Code 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's proportionate share of the state money appropriated and

distributed to public junior colleges under Education Code 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student. The college may only claim funding for students earning college credit in core curriculum, field of study curriculum, career and technical education, and foreign language dual credit courses.

The funding provisions of 19 Administrative Code 4.85(i) do not apply to students enrolled in approved early college high school programs under Education Code 29.908.

Education Code 130.008(b)–(c); 19 TAC 4.85(i)

<i>No Requirement</i>	An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. <i>19 TAC 4.85(b)(8)</i>
Tech-Prep Programs	Public two-year colleges may partner with school districts to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit to be awarded upon enrollment of the students in the two-year college in an associate degree or certificate program. <i>19 TAC 9.143(c)</i>
Remedial Programs	As outlined in 19 Administrative Code 9.125 [see High School Credit-Only Courses, above], the governing board of a junior college district may contract with the governing board of an independent school district in the junior college district's service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college. The governing board of a junior college district located wholly or partly in a county with a population of more than three million may contract to provide remedial programs described above with the governing board of any independent school district located wholly or partly in a county with a population of more than three million. High school students who have passed all sections of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a college at the college discretion if a need for such coursework is indicated by student performance on an assessment instrument approved by the Coordinating Board. Remedial and developmental courses may not be offered for dual credit. <i>Education Code 130.090(a)–(a-1); 19 TAC 9.143(d), .146(a)–(c)</i>

*Tuition and
Funding*

The governing board of a junior college district may exempt from tuition a student enrolled in a remedial program.

Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations.

Education Code 130.090(b)–(d); 19 TAC 9.146(d)

*College Prep
Courses*

Each school district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
 - a. An end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

College preparatory courses are not developmental education courses contained in the Lower Division Academic Course Guide Manual (ACGM). College preparatory courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

Education Code 28.014(a); 19 TAC 9.147(a)–(b)

Course Location

A course developed under this section must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the school district partners. *Education Code 28.014(b)*

*Course
Development*

Appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course developed under this

section consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014(c), (g)

*Credit May Be
Awarded*

A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners. *Education Code 28.014(f)*

Funding

College preparatory courses are not eligible for state appropriations through two-year college formula funding. *19 TAC 9.147(c)*

**Workforce
Continuing
Education**

A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:

1. Is enrolled in high school on the completion of the person's sophomore year;
2. Is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or
3. Is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Education Code 130.303; 19 TAC 9.114(c) [See EFAB for general workforce continuing education]

Funding

Notwithstanding Education Code 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Education Code 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Education Code 130.304. *Education Code 130.302*

*Waiver of Tuition
and Fees*

A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

1. The student:

- a. Is enrolled in high school or in a school that is not formally organized as a high school;
 - b. Is 16 years of age or older, who has had the disabilities of minority removed, and is not enrolled in secondary education; or
 - c. Is under the age of 18 and is incarcerated; or
2. The institution:
- a. Determines all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or
 - b. Offers the course in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Education Code 130.304; 19 TAC 9.116

Definitions

Adult

"Adult" means a person who:

- 1. Has completed the person's sophomore year of high school;
- 2. Is 17 years of age and has been awarded a high school diploma or its equivalent; or
- 3. Is 18 years of age or older, regardless of the person's previous educational experience.

Education Code 130.301(1); 19 TAC 9.113(1)

Avocational Course

"Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course. *Education Code 130.301(2); 19 TAC 9.113(2)*

Workforce Continuing Education

"Workforce continuing education" means a program of instruction that is designed primarily for adults and is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession. *Education Code 130.301(4); 19 TAC 9.113(8)*

Workforce Continuing Education Course

"Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the Coordinating Board. The term does not include an avocational course. *Education Code 130.301(1); 19 TAC 9.113(9)*

**Dropout Recovery
Partnership
Programs**

A public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for eligible students to successfully complete and receive a diploma from a high school of the appropriate partnering school district in accordance with Education Code 29.402. A public junior college with a service area located wholly or partly in a county with a population of more than three million may enter into an articulation agreement described by Section 29.402(a) with any school district located wholly or partly in a county with a population of more than three million.

A public junior college under this section may partner with a public technical institute, as defined by Education Code 61.003, to provide, as part of the dropout recovery program curriculum, career and technology education courses that lead to industry or career certification.

*Education Code 29.402(a)-(a-1), (c-1)***Financing**

A public junior college may receive from each partnering school district for each student from that school district enrolled in a dropout recovery program under this section an amount negotiated between the junior college and that partnering district not to 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.

A public technical institute may receive from a partnering public junior college for each student enrolled in a career and technology education course as provided by Education Code 29.402(c-1), above, an amount negotiated between the public technical institute and the partnering public junior college.

To the extent consistent with the General Appropriations Act, a public junior college is eligible to receive dropout prevention and intervention program funds appropriated to the agency.

A public junior college may receive gifts, grants, and donations to use for the purposes of this section.

*Education Code 29.403–.404***Higher Education
Assistance Plans**

The institution of higher education, including a college district, in closest geographic proximity to a public high school in this state identified by the Coordinating Board for purposes of this section as substantially below the state average in the number of graduates who enroll in higher education institutions shall enter into an agree-

ment with that high school to develop a plan to increase the number of students from that high school enrolling in higher education institutions. Under the plan, the institution shall:

1. Collaborate with the high school to:
 - a. Provide to prospective students information related to enrollment in an institution of higher education or a private or independent institution of higher education, including admissions, testing, and financial aid information;
 - b. Assist those prospective students in completing applications and testing related to enrollment in those institutions, including admissions and financial aid applications, and fulfilling testing requirements; and
 - c. Target efforts to increase the number of Hispanic students and African-American male students enrolled in higher education institutions; and
2. Actively engage with local school districts to provide access to rigorous, high-quality dual credit opportunities for qualified high school students as needed.

An institution of higher education must include a plan developed by the institution under this section and the results of that plan in its annual report to the Coordinating Board under Education Code 51.4032.

Education Code 51.810(b)–(c)

Plan to Increase Enrollment

Required Agreement

~~Not later than August 1 of the year in which a school district receives notice from the Texas Education Agency that Education Code 29.904 applies, the district shall enter into an agreement with the public institution of higher education in this state, including a college district, in closest geographic proximity to the district to develop a plan in accordance with Section 29.904 to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The public institution of higher education in this state in closest geographic proximity to the district shall enter into an agreement unless that institution or the district recruits another public institution of higher education in this state to enter into the agreement. A district and the public institution of higher education entering into the agreement with the district may also enter into an agreement with one or more other public institutions of higher education in this state to participate in developing the plan. Education Code 29.904(c)~~

Notice

~~Not later than May 1 of each year, the Coordinating Board shall notify each institution of public education in closest geographic proximity to a district to which this section applies of the applicability of Education Code 29.904 to the district unless the district is operating under a plan required by this section. *Education Code 29.904(b)*~~

Affected School Districts

~~This section applies only to a school district with one or more high schools that:~~

- ~~1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and~~
- ~~2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution of higher education.~~

~~*Education Code 29.904(a)*~~

Early College High Schools

The commissioner of education shall establish and administer an early college education program for students who are at risk of dropping out of school or who wish to accelerate completion of the high school program. The program must:

1. Provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels 9 through 12;
2. Allow a participating student to complete high school and, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either an associate degree or at least 60 semester credit hours toward a baccalaureate degree;
3. Include articulation agreements with colleges, universities, and technical schools in this state to provide a participating student access to postsecondary educational and training opportunities at a college, university or technical school; and
4. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.908; 19 TAC 4.151, 102.1095

P-TECH Programs

The commissioner of education shall establish and administer, in accordance with Education Code Chapter 29, Subchapter N, a Pathways in Technology Early College High School (P-TECH) program for students who wish to participate in a work-based education program. The P-TECH program must:

1. Be open enrollment;
2. Provide for a course of study that enables a participating student in grade levels 9 through 12 to combine high school courses and postsecondary courses;
3. Allow a participating student to complete high school and, on or before the sixth anniversary of the date of the student's first day of high school receive a high school diploma and an associate degree, a two-year postsecondary certificate, or industry certification; and complete work-based training through an internship, apprenticeship, or other job training program;
4. Include:
 - a. Articulation agreements with institutions of higher education in this state to provide a participating student access to postsecondary educational and training opportunities at an institution of higher education; and
 - b. Memoranda of understanding with regional industry or business partners in this state to provide a participating student access to work-based training and education; and
5. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.553(a)–(b); 19 TAC 102.1095

Note: For information regarding required cybersecurity training for contractors, see GG.

Restriction on Contracting with a Business Entity

Definitions

Business Entity

Controlling Interest

“Business entity” includes an entity through which business is conducted with a governmental entity or state agency, regardless of whether the entity is a for-profit or nonprofit entity. The term does not include a governmental entity or state agency. *Gov’t Code 2252.908(a)(1); 1 TAC 46.3(b)*

“Controlling interest” means:

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent;
2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten members; or
3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This paragraph does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

Interested Party

“Interested party” means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or an intermediary. *Gov’t Code 2252.908(a)(3); 1 TAC 46.3(d)*

Intermediary

“Intermediary” means, a person who actively participates in the facilitation of the contract or negotiating the contract, including a broker, adviser, attorney, or representative of or agent for the business entity who:

1. Receives compensation from the business entity for the person’s participation;
2. Communicates directly with the governmental entity or state agency on behalf of the business entity regarding the contract; and
3. Is not an employee of the business entity or of an entity with a controlling interest in the business entity.

1 TAC 46.3(e)

Qualifying Contract This section applies only to a contract of a governmental entity or state agency, including a college district, that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305. This section does not apply to:

1. A sponsored research contract of an institution of higher education;
2. An interagency contract of a state agency or an institution of higher education;
3. A contract related to health and human services if:
 - a. The value of the contract cannot be determined at the time the contract is executed; and
 - b. Any qualified vendor is eligible for the contract;
4. A contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;
5. A contract with an electric utility, as that term is defined by Utilities Code 31.002; or
6. A contract with a gas utility, as that term is defined by Utilities Code 121.001.

A contract does not require an action or vote by the governing body of a governmental entity or state agency if:

1. The governing body has legal authority to delegate to its staff the authority to execute the contract;
2. The governing body has delegated to its staff the authority to execute the contract; and
3. The governing body does not participate in the selection of the business entity with which the contract is entered into.

Gov't Code 2252.908(b)–(c); 1 TAC 46.1

**Contract
Changes**

Government Code 2252.908 does not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract. *1 TAC 46.4(a)*

Exceptions

Section 2252.908 applies to a change made to an existing contract, including an amendment, change order, or extension of a contract, if a disclosure of interested parties form was not filed for the existing contract; and either:

1. The changed contract requires an action or vote by the governing body of the entity or agency; or
2. The value of the changed contract is at least \$1 million.

Section 2252.908 applies to a change made to an existing contract, including an amendment, change order, or extension of a contract, if the business entity submitted a disclosure of interested parties form to the governmental entity or state agency that is a party to the existing contract; and either:

1. There is a change to the disclosure of interested parties;
2. The changed contract requires an action or vote by the governing body of the entity or agency; or
3. The value of the changed contract is at least \$1 million greater than the value of the existing contract.

1 TAC 46.4(b)–(c)

Prohibition

A governmental entity or state agency may not enter into a contract described by Government Code 2252.908(b) with a business entity unless the business entity, in accordance with this section and rules adopted by the Texas Ethics Commission (TEC) under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. *Gov't Code 2252.908(d)*

Disclosure

A disclosure of interested parties form must be filed on an electronic form prescribed by the TEC that contains the following:

1. The name of the business entity filing the form and the city, state, and country of the business entity's place of business;
2. The name of the governmental entity or state agency that is a party to the contract for which the form is being filed;
3. The name of each interested party and the city, state, and country of the place of business of each interested party;
4. The identification number used by the governmental entity or state agency to track or identify the contract for which the form is being filed and a short description of the services, goods, or other property used by the governmental entity or state agency provided under the contract; and
5. An indication of whether each interested party has a controlling interest in the business entity, is an intermediary in the contract for which the disclosure is being filed, or both.

The certification of filing and the completed disclosure of interested parties form generated by the TEC's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the governmental entity or state agency that is the party to the contract for which the form is being filed.

A governmental entity or state agency that receives a completed disclosure of interested parties form and certification of filing shall notify the TEC, in an electronic format prescribed by the TEC, of the receipt of those documents not later than the 30th day after the date the governmental entity or state agency receives the disclosure.

The TEC shall make each disclosure of interested parties form filed with the TEC available to the public on the commission's internet website not later than the seventh business day after the date the TEC receives the required notice.

Gov't Code 2252.908(e)–(f); 1 TAC 46.5

**Prohibited
Transactions with
Abortion Providers**

Exceptions

A governmental entity may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider. *Gov't Code ~~2272~~2273.003(a)*

This section does not apply to a taxpayer resource transaction that is subject to a federal law in conflict with Government Code 2272.003(a) as determined by the executive commissioner of the Health and Human Services Commission and confirmed in writing by the attorney general.

Government Code Chapter 2272 does not apply to:

1. A hospital licensed under Health and Safety Code Chapter 241;
2. The office of a physician licensed under Occupations Code **Title 3**, Subtitle B, ~~Title 3~~, that performs 50 or fewer abortions in any 12-month period;
3. A state hospital as defined by Health and Safety Code 552.0011;
4. A teaching hospital of a public or private institution of higher education; or
5. An accredited residency program providing training to resident physicians.

A facility is not considered to be an abortion provider solely based on the performance of an abortion at the facility during a medical emergency as defined by Health and Safety Code 171.002.

Gov't Code ~~2272~~2273.002, .003(b)

Definitions

Taxpayer Resource Transaction

"Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value in return. The term does not include the provision of basic public services, including fire and police protection and utilities, by a governmental entity to an abortion provider or affiliate in the same manner as the entity provides the services to the general public. The term includes advocacy or lobbying by or on behalf of a governmental entity on behalf of the interests of an abortion provider or affiliate, but does not include:

1. An officer or employee of a governmental entity providing information to a member of the legislature or appearing before a legislative committee at the request of the member or committee;
2. An elected official advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature while acting in the capacity of an elected official; or
3. An individual speaking as a private citizen on a matter of public concern.

Gov't Code ~~2272~~2273.001(5)

Abortion Provider

"Abortion provider" means a facility licensed under Health and Safety Code Chapter 245, or an ambulatory surgical center licensed under Health Safety Code Chapter 243, that is used to perform more than 50 abortions in any 12-month period. Gov't Code ~~2272~~2273.001(2)

Contractual Agreements for Instruction

Generally

General enrollment or contract training courses that are noncredit and do not result in the award of continuing education units (CEUs) are not eligible for any state apportionment funding, but a two-year college is free to market such noncredit or non-CEU training to business, industry, and government at whatever rate can be negotiated with the contracting organization. Exceptions regarding programs serving incarcerated students must be submitted to the Coordinating Board staff for review and approval.

Courses earning CEUs shall be subject to the guidelines published by the Southern Association of Colleges and Schools Commission

on Colleges (SACSCOC) as a condition of eligibility for state appropriations.

All student enrollments for semester hour credit are subject to the provisions of the Texas Success Initiative as applicable.

Public two-year colleges providing courses to organizations for which semester hour credits or CEUs are earned must charge out-of-state tuition to nonresident students who are brought from out-of-state for such contract courses.

19 TAC 9.123

Nonaccredited
Organizations

Contractual agreements for instruction by public two-year colleges with non-SACSCOC accredited organizations must comply with all current guidelines of SACSCOC. Courses and programs offered under contractual agreements must be consistent with the educational purpose, mission, and goals of the institution. Courses and programs offered and eligible for state appropriations must remain under the sole and direct control of the sponsoring public two-year college.

All programs and courses must be approved through the established procedures of the Coordinating Board.

Courses offered must remain under the sole and direct control of the sponsoring public two-year college, which exercises ultimate and continuing responsibility for the performance of the functions reflected in the contract. Instructors of courses must meet qualifications as stipulated by the public two-year college. The public two-year college must employ at least one full-time faculty member per degree program and specify in the contract the institutional procedures by which the contracted courses or programs meet the standards of regular programs as disclosed fully in the publications of the institution, specifically including the following:

1. Recruitment and counseling of students;
2. Admission of students to courses and/or to the sponsoring institution where certificate and associate degree programs are pursued;
3. Development and evaluation of the curriculum;
4. Evaluation of student progress;
5. Recordkeeping;
6. Tuition and/or fee charges, receipts and disbursement of funds, and refund policy;
7. Appointment, supervision, and evaluation of faculty; and

8. Instruction and learning resources.

The contractual agreement must be executed by designated officers of the public two-year college and their counterparts in the contracting organization. The contractual agreement shall establish a definite understanding between the public two-year college and the contracting agency to include each of the items required by 19 Administrative Code 9.124(b), above. The agreement shall specify the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation must occur.

19 TAC 9.124

State Funding

Contact hours for contract instruction eligible for state appropriations must be determined and reported in compliance with state law and Coordinating Board rules and policy.

No funds appropriated to any public two-year college may be expended for any course which has not been approved by the commissioner, even if such course is taught under a contractual agreement.

*19 TAC 9.127–.128***Skills Development Fund**

In accordance with Labor Code 303.003 and 40 Administrative Code 803.3, the ~~skills-development fund~~ **Skills Development Fund** may be used by ~~a public community and college, a technical colleges, community-based organizations, local workforce development boards, and college,~~ the Texas A&M Engineering Extension Service, **a local workforce development board, or a community-based organization** as start-up or emergency funds for the following ~~job-training~~ purposes:

1. ~~Developing~~ **To develop** customized training ~~programs~~ **projects** for businesses and trade unions; and
2. ~~Sponsoring~~ **To sponsor** small and medium-sized business networks and consortiums **for the purpose of developing customized training.**

Labor Code 303.003(b); 40 TAC 803

The Texas Workforce Commission may use the Skills Development Fund to award grants to ~~a public junior college~~ **community** or ~~public technical institute providing~~ **colleges that provide** workforce training and related support services to employers ~~who~~ **that** commit to establishing a place of business in ~~this state~~ **Texas**. In accordance with Labor Code 303.0031 and 40 Administrative Code 803.4, ~~a grant~~ **funds** awarded under Labor Code 303.0031 may be used only for:

1. Developing:
 - a. Customized workforce training programs for an employer's specific business needs;
 - b. Fast-track curriculum;
 - c. Workforce training-related support services for employers; ~~or~~and
 - d. Instructor certification necessary to provide workforce training; and
2. Acquiring training equipment necessary for instructor certification and employment.

Labor Code 303.0031(c)(2)–(d); 40 TAC 803

Workforce Training and Services

A public community college shall promptly provide workforce training and services that are requested:

1. By a local workforce development board if the need for the training and services is based on the labor market information system available for the area;
2. By employers located in the college's taxing district when the request is presented directly to the college by the employers or through the local workforce development board; or
3. As part of economic development incentives designed to attract or retain an employer, including incentives offered under the skills development fund program under Labor Code Chapter 303.

Gov't Code 2308.308

Child Welfare Providers

A governmental entity, including a college district, may not discriminate or take any adverse action against a child welfare services provider on the basis, wholly or partly, that the provider:

1. Has declined or will decline to provide, facilitate, or refer a person for child welfare services, as defined by Human Resources Code 45.002(3) that conflict with, or under circumstances that conflict with, the provider's sincerely held religious beliefs;
2. Provides or intends to provide children under the control, care, guardianship, or direction of the provider with a religious education, including through placing the children in a private or parochial school or otherwise providing a religious education in accordance with the laws of this state;

3. Has declined or will decline to provide, facilitate, or refer a person for abortions, contraceptives, or drugs, devices, or services that are potentially abortion-inducing; or
4. Refuses to enter into a contract that is inconsistent with or would in any way interfere with or force a provider to surrender the rights created by Human Resources Code Chapter 45.

Human Resources Code 45.004

Contracts with Professional Sports Teams

A governmental entity may not enter into an agreement with a professional sports team that requires a financial commitment by this state or any governmental entity unless the agreement complies with Government Code Chapter 2274.

"Professional sports team" has the meaning assigned by Occupations Code 2004.002 and includes a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of a professional sports team that exists to make a profit.

Gov't Code 2274.001(2), .002.

Restricted Use of Individual-Identifying Information

A state agency, including a college district, may not:

1. Use global positioning system technology, individual contact tracing, or technology designed to obtain biometric identifiers to acquire information that alone or in conjunction with other information identifies an individual or the individual's location without the individual's written or electronic consent;
2. Retain information with respect to an individual described by item 1 without the individual's written or electronic consent; or
3. Disseminate to a person the information described by item 1 with respect to an individual unless the state agency first obtains the individual's written or electronic consent.

Gov't Code 2062.001, .002(a)

Exception

A state agency may acquire, retain, and disseminate information described above with respect to an individual without the individual's written or electronic consent if the acquisition, retention, or dissemination is required or permitted by a federal statute or by a state statute other than Government Code Chapter 552 or made by or to a law enforcement agency for a law enforcement purpose. *Gov't Code 2062.002(b)*

**Retention of
Consent Records**

A state agency shall retain the written or electronic consent of an individual obtained as required under this section in the agency's records until the contract or agreement under which the information is acquired, retained, or disseminated expires. *Gov't Code 2062.002(c)*



Minute Order

To: Board of Trustees
 From: Dr. Warren Nichols, President
 Date: February 28, 2022
 Subject: Agenda item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Increase to Contract 21-06: Zogotech Software Maintenance

FUNDING SOURCE:

Title V Grant Funds

PURPOSE

Provide an analytics software tool to support student progress in being successful in achieving a degree.

PROPOSED MOTION:

"I move the Board of Trustees increase Contract 21-06 for an additional \$54,534.00 to be paid using Title V Grant funds for a new not-to-exceed contract amount of \$278,193.00".

BACKGROUND

On September 26, 2016 the Board of Trustees approved contract 17-14 to purchase and implement Zogotech software licenses to support, quantify and monitor strategic goals for student success. The cost for the initial purchase of the software and annual maintenance was \$223,659.20. Adding the Pathways module will further support students in their degree planning and progression. The cost of the Pathways module including set-up and training is \$37,000.00 plus 2 years of annual maintenance that will be co-termed with the original licenses for an additional 12,533.36. Contingency for travel is also included up to \$5,000.00 for a total contract increase of \$54,533.36. This addition will revise the original not-to-exceed contract from \$223,659.20 to a new not-to-exceed amount of \$278,192.56 as stated below.

<u>Current Zogotech Software Contract</u>	<u>Cost</u>	<u>Period of Performance</u>	<u>Funding Source</u>
Initial Purchase	\$ 53,414.80	12/1/2020 – 11/30/2021	FY 20 Operating Budget
Consulting	\$ 10,000.00		FY 20 Operating Budget
Year 1:	\$ 53,414.80	12/1/2021 – 11/30/2022	FY 21 Operating Budget
Year 2:	\$ 53,414.80	12/1/2022 – 11/30/2023	FY 22 Operating Budget
Year 3:	\$ 53,414.80	12/1/2023 – 11/30/2024	FY 23 Operating Budget
Subtotal	\$ 223,659.20		
<u>Pathways Module</u>	<u>Cost</u>	<u>Period of Performance</u>	<u>Funding Source</u>
Initial Purchase	\$25,000.00	3/1/22 - 2/28/23	Title V
Setup	\$6,000		Title V
Training	\$6,000		Title V
Travel Contingency	\$5,000		Title V
Year 2: <i>Prorated to align with other modules</i>	\$ 4,658.36	3/1/23 - 11/30/23	Title V
Year 3:	\$ 7,875.00	12/1/23 - 11/30/24	Title V
Subtotal	\$54,533.36		
Total NTE Contract Value:		\$ 278,192.56	

This is considered a Sole Source requirement as the Pathway software is a considered a captive component to the existing Zogotech platform while interfacing with Colleague without further implementation cost to procure a new system. As a Sole Source, the subject contract increase is in compliance with Texas Education Code 44.031.

Attachment: Zogotech Quote (dated 2/8/22)



Quote

Zogo Technologies, LLC
4514 Cole Avenue, # 600
Dallas, TX 75205

FOR QUESTIONS, PLEASE CONTACT:

Christina Hou
(214) 774-4780 x803
chou@zogotech.com

TO College Of The Mainland
1200 Amburn Road
Texas City , TX 77591-2499

Date 2/8/2022
OID 16798
Quote is valid for 60 days

LICENSE

Pathways Module	\$25,000.00
Total	\$25,000.00

SETUP

Pathways - Encode Program Requirements	\$6,000.00
Total	\$6,000.00

TRAINING

2 Days of Training	\$6,000.00
Total	\$6,000.00

Note: Training excludes travel cost.

Future Cost for Planning

Year 2 (3/1/23 - 11/30/23)	\$4,658.36
Year 3 (12/1/23 – 11/30/24)	\$7,875.00



PRESIDENT'S OFFICE

Minute Order

To: Board of Trustees
From: Dr. Warren Nichols President
Date: February 28, 2022
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Request for increase to contract 19-12 Construction Project Management Services

FUNDING SOURCE:

2018 Bond Funds

PURPOSE:

Extend Project Management Services through 2018 Bond project anticipated completion.

Motion to be acted upon: "I move the Board of Trustees Approve an increase of \$355,445 to contract 19-12 for extended Construction Project Management Services".

PURPOSE

Extend Project/Program Management services through substantial completion of projects identified in the 2018 Bond.

BACKGROUND

On December 12, 2018, the Board approved the subject contract with CBRE/Heery based on Project Management Services proposed in response to a Request for Qualifications (RFQ). Since that time, CBRE/Heery continues to support the 2018 Bond projects with both project and program management services attributing to overall construction project cost savings as a result. Due to unforeseeable project scope changes and extended project to completion schedules, COM Administration recommends extending the contract with CBRE/Heery through the 1st Quarter of 2023 for an additional \$355,445.00. This increase changes the contract value from \$3,255,098.00 to \$3,610,543.00.



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Houston, TX 77056

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Gary.Whittle@cbre.com
www.cbre.com

February 15, 2022

Sonja Blinka, Director of Purchasing
College of the Mainland
1200 Amburn Rd.
Texas City, TX 77591

RE: Additional Service Proposal – College of the Mainland – CBRE | Heery Agreement

Dear Sonja,

In accordance with Articles 7.2 and 7.3 of the Agreement between CBRE | Heery and College of the Mainland dated January 8, 2019 (the Agreement), College of the Mainland (COM) requested a proposal for extended services from CBRE | Heery to continue managing ongoing projects after the duration of basic services is scheduled to expire in July 2022, as described in Article 5 of the Agreement.

The original program schedule anticipated all work related to the 2018 G.O. Bond to be completed by the end of July 2022, which CBRE | Heery and COM have worked diligently to achieve. However, due to factors beyond the control of either party and in the best interest of COM, the Fine Arts Building Addition & Renovation is now scheduled to complete in 1st Quarter 2023 and the Demolition of the Technical Vocation Building is now scheduled to take place after occupancy of the Fine Arts Building. CBRE | Heery anticipates closeout activity of both projects to be completed within 30 days of substantial completion.

CBRE | Heery respectfully submits a proposed amount of \$315,840 to maintain (2) Full-Time personnel from August 2022 through March 2023 per the table below. Please note the following:

- CBRE | Heery typically forecasts an additional month for closeout in our basic services, so has **discounted the proposed manhours by (1) month**
- CBRE | Heery is **not including** any incidental expenses in this request, and will cover these expenses at no additional cost to COM
- The hourly rates are per Attachment B of the Agreement (or less)
- Proposal maintains existing staffing levels through completion of the Program

LABOR COST	HOURS	\$ / HR*	
Principal (GW)	56	\$ 240.00	\$ 13,440
Project Manager (CZ)	1,120	\$ 165.00	\$ 184,800
PMIS Specialist (MP)	1,120	\$ 105.00	\$ 117,600
Total			\$ 315,840

Additionally, CBRE | Heery is submitting a request for Additional Move Management Services in accordance with Article 4.3 and Article 7 of the Agreement. The Agreement references responsibilities related to Move-In Coordination and Occupancy Planning under Article 3.3.5. To assist in providing these services, CBRE | Heery entered into a subconsultant agreement with C-Move, Inc. and agreed to cover expenses for C-Move, Inc. that overlap with scope to be provided by CBRE | Heery per the Agreement. However, two moves (Bookstore Relocation & Police Relocation) were not originally included in the Agreement and are therefore additional scope per Article 7 of the Agreement.

Date
Subject
Client Name
Page 2

CBRE | Heery respectfully requests \$39,605 for the additional move management per the attached proposal from C-Move, Inc. for these scopes of work. CBRE | Heery is not adding markup to these proposals, only requesting reimbursement for the additional cost.

In total, CBRE | Heery is requesting additional services in the amount of **~~\$355,445~~**, in accordance with the Agreement. As always, CBRE | Heery is committed to the success of COM and the 2018 G.O. Bond Program and we are thankful for the opportunity to work with you. Please let us know of any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Whittle", with a stylized flourish at the end.

Gary Whittle, CCM MBA LEED AP
Project Management Director
CBRE Heery, Inc.

Relocation Planning and Management Consulting Proposal



College of the Mainland Ph. 2- Bookstore Relocation Project Revised 4.8.2021



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COLLEGE OF THE MAINLAND- PHASE 2- BOOKSTORE RELOCATION INTO STUDENT CENTER

Project Summary

The College of the Mainland (COM) Bookstore Relocation Project consists of the planning, coordination and relocation for all contents and equipment for the Bookstore into the new Student Center. The relocation of the COM Bookstore (Service textbook area, Stockroom/lounge, and Bookstore) will include the coordination and relocation of existing contents, shelving, and equipment. Origin and destination buildings are located on the College of the Mainland campus in Texas City, Texas. The move date is currently scheduled for the timeframe of April 9-26th 2021. The final move date and project schedule is still to be determined by Casey Zaunbrecher with CBRE

Consulting services for the phase two Bookstore project was initiated March 19, 2021 which included site survey and information gathering meetings with CBRE, TRIO and Bookstore faculty & staff. Consulting and move management services will include planning, mobilization, and execution services for a duration of six (6) weeks with completion of move and post move activities by April 30, 2021.

Logistics of move activities will be determined after all project information is available. Move capacities and constraints will be determined as part of the consulting process to determine the feasibility of timelines.

C-move Group's initial scope included the TRIO and Student Life Group relocation. Initial site survey and information gathering meetings were completed for TRIO and Student Life groups. As of April 7, 2021, C-move scope will exclude planning and relocation supervision services for TRIO and Student Life. Per CBRE, the TRIO and Student Life (Gym) relocation will be managed by CBRE. The below cost matrix reflects the reduction of scope.

C-move Group's current scope does not include packing & unpacking services of Bookstore contents. Bookstore faculty and staff will be responsible for labeling, packing & unpacking all bookstore contents & shelving. C-move will provide bookstore and staff with packing guidance, labeling instructions, and tools to assist with a seamless relocation to minimize downtime of bookstore operations.

C-move Group's current scope does not include space readiness coordination for the Student Center such as furniture reconfiguration, relocation or decommission services. CBRE will be responsible for all space readiness requirements. All furniture will be pre-set and complete prior to move-in. CBRE will communicate to C-move any space readiness and/or furniture issues that may impact the Bookstore move plan and schedule.

C·move Project Scope:

Move Management scope for the Phase 2, Bookstore Relocation Project to include the below planning, mobilization, execution, and post move activities. The TRIO & Student Life relocation is excluded from C·move's scope.

Scope of Services
A. Organization & Planning (6-week project/ March 19, 2021 – April 30, 2021)
Project planning meetings
Site surveys (origin site survey with department heads, space readiness & pre-move destination site survey)
B. Budget Tracking
C. Move vendor coordination & scheduling meetings
D. Client Data Management (Includes data upload, color-coded labels, temporary room signs, move data verification & move report distribution)
Faculty & staff move information/orientation sessions & Packing instruction meetings (Bookstore)
F. Shelving move coordination (Existing shelving & fixtures-Bookstore only)
I. Master execution & logistics schedule
J. Equipment delivery/pick-up & move supervision
K. AutoCAD move plan integration
L. Post move support (1 day following move/first day of occupancy)



Cost Matrix:

ACTIVITY	PRINCIPAL		SR PROJECT MGR		PROJECT MGR		
	\$110		\$95		\$75		
	HRS	FEE	HRS	FEE	HRS	FEE	COST
A. Organization & Planning (6-week project)	24	\$2,640.00	42	\$3,990.00	20	\$1,500.00	\$8,130.00
Project planning meetings	8	\$880.00	8	\$760.00	6	\$450.00	\$2,090.00
Site surveys (origin site survey with department heads, space readiness & pre-move destination site survey)		\$0.00	6	\$570.00	6	\$450.00	\$1,020.00
B. Budget tracking	12	\$1,320.00	4	\$380.00		\$0.00	\$1,700.00
C. Move vendor coordination & scheduling meetings		\$0.00	6	\$570.00	4	\$300.00	\$870.00
D. Client Data Management (Includes data upload, color-coded labels, temporary room signs, move data verification & move report distribution)		\$0.00	2	\$190.00	2	\$150.00	\$340.00
Move information/ Packing Instruction Meetings (Bookstore)		\$0.00	2	\$190.00	2	\$150.00	\$340.00
F. Shelving move coordination & logistics (Existing shelving & Bookstore only)		\$0.00	8	\$760.00	6	\$450.00	\$1,210.00
I. Master execution & logistics schedule		\$0.00	8	\$760.00		\$0.00	\$760.00
J. Equipment delivery/pick-up & move supervision (Bookstore only)		\$0.00	41	\$3,895.00	17	\$1,275.00	\$5,170.00
K. AutoCAD move plan integration		\$0.00		\$0.00	5	\$375.00	\$375.00
L. Post move support (1 day following move) & Project Close-Out		\$0.00	8	\$760.00	4	\$300.00	\$1,060.00
TOTAL	44	\$4,840.00	135	\$12,825.00	72	\$5,400.00	\$23,065.00



Fee Summary:

Service/Item:	Estimated Total
Relocation Planning and Move Management Consulting Services- Phase 2- Bookstore Relocation Project	\$23,065.00
Reimbursable Expenses (\$10- per move packet, labels, move supplies, mileage, etc.)	\$750.00
TOTAL	\$23,815.00

Reimbursable Expenses:

Reimbursable expenses include but are not limited to courier services, mileage, postage, parking, packing materials, supplies, etc. related to the relocation. Also, the cost of printing and supplies, to include but not limited to Employee Move Packets (\$10.00 each), Schedules, Welcome Packets, Travel Expenses, etc. For authorized travel outside the greater Houston, Texas metropolitan area, all travel expenses including but not limited to the cost of airfares, hotel accommodations, rental cars, gasoline, meals, etc.

Hourly Rates

Principal-In-Charge - \$110/hour

Sr. Project Manager - \$95/hour

Project Manager - \$75/hour

Project Coordinator - \$65/hour

Project Administrator - \$55/hour

Terms

This estimate is based on the scope listed above. Additional activities not listed in the Scope of Services will be considered out of scope and will be billed using the hourly rates outlined in this estimate.

Changes to scope include but are not limited to the following:

"Shift and shuffle" moves

Changes in scheduling

Additional move phase(s)

Head count

Seating charts

Database updates



Terms Agreement Acknowledgement.

Please sign below indicating that you authorize C·move Group to provide Relocation Planning and Move Management Consulting Services for the College of the Mainland Relocation Bookstore Project to include the above listed scope of work.

Signature: (Buyer)

Printed Name:

Date:



Relocation Planning and Management Consulting Services- Fee Estimate



College of the Mainland

Ph. 4- COM Police Department Relocation Project
7.21.2021



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COLLEGE OF THE MAINLAND- POLICE DEPARTMENT RELOCATION PROJECT

Project Summary

The College of the Mainland (COM) Police Department Relocation Project consists of the relocation of contents and equipment for an estimated five (5) people and ten (10) support spaces. All origin and destination buildings are located on the College of the Mainland campus in Texas City, Texas. The move date is currently scheduled for October 15, 2021.

Consulting services will begin July 20, 2021, upon contract finalization. Consulting and move management services will include planning, mobilization, and execution services for a duration of fifteen (15) weeks with completion of move and post move activities by October 22, 2021.

Logistics of move activities will be determined after all project information is available. Move capacities and constraints will be determined as part of the consulting process to determine the feasibility of timelines.

Cost Matrix:

ACTIVITY	PRINCIPAL		SR PROJECT MGR		PROJECT MGR		
	\$110		\$95		\$75		
	HRS	FEE	HRS	FEE	HRS	FEE	COST
A. Organization, Planning & Internal Project Meetings (15-week project- July 20, 2021 - October 22, 2021)		\$0.00	20	\$1,900.00	16	\$1,200.00	\$3,100.00
Bi-monthly project planning meetings (Core project team)		\$0.00	8	\$760.00	8	\$600.00	\$1,360.00
Site surveys & client meetings- origin site survey & meetings with client contacts, space readiness/ destination site survey & hang temp rooms signs		\$0.00	16	\$1,520.00	16	\$1,200.00	\$2,720.00
B. Budget tracking	6	\$660.00		\$0.00		\$0.00	\$660.00
C. Move vendor coordination & scheduling meetings		\$0.00	4	\$380.00	4	\$300.00	\$680.00
D. Client from/to data management & move packet/label prep & distribution (Includes data upload, move data verification & move report & packet distribution)		\$0.00	6	\$570.00	8	\$600.00	\$1,170.00
F. Support space/ furniture (file cabinet) relocation strategy & coordination		\$0.00	4	\$380.00	2	\$150.00	\$530.00
G. Technology relocation strategy, coordination & meetings		\$0.00	3	\$285.00		\$0.00	\$285.00
I. Master execution & logistics schedule		\$0.00	6	\$570.00		\$0.00	\$570.00
J. Onsite supervision- crate delivery & distribution/final crate pick-up		\$0.00		\$0.00	6	\$450.00	\$450.00
Onsite move supervision		\$0.00	8	\$760.00	8	\$600.00	\$1,360.00
K. AutoCAD move plan integration (Names on destination floorplans)		\$0.00		\$0.00	4	\$300.00	\$300.00
L. Post move support (1 day following move)		\$0.00	8	\$760.00	8	\$600.00	\$1,360.00
TOTAL	6	\$660.00	83	\$7,885.00	80	\$6,000.00	\$14,545.00

Fee Summary:

Service/Item:	Estimated Total
Relocation Planning and Move Management Consulting Service	\$14,545.00
Reimbursable Expenses (\$10- per employee move packet/5 people, labels, move supplies, mileage, etc.)	\$1,245.00
TOTAL	\$15,790.00

Reimbursable Expenses:

Reimbursable expenses include but are not limited to courier services, mileage, postage, parking, packing materials, supplies, etc. related to the relocation. Also, the cost of printing and supplies, to include but not limited to the move contractor Requests for Proposal Notebooks (\$25.00 each), Move Captains Notebooks (\$25.00 each), Employee Move Manuals (\$10.00 each), Schedules, Welcome Packets, Travel Expenses, etc. For authorized travel outside the greater Houston, Texas metropolitan area, all travel expenses including but not limited to the cost of airfares, hotel accommodations, rental cars, gasoline, meals, etc.

Hourly Rates

Principal-In-Charge - \$110/hour

Sr. Project Manager - \$95/hour

Project Manager - \$75/hour

Project Coordinator - \$65/hour

Project Administrator - \$55/hour

Terms

This estimate is based on the scope listed above. Additional activities not listed in the Scope of Services will be considered out of scope and will be billed using the hourly rates outlined in this estimate.

Changes to scope include but are not limited to the following:

"Shift and shuffle" moves

Changes in scheduling

Additional move phase(s)

Head count

Seating charts

Database updates



Terms Agreement Acknowledgement.

Please sign below indicating that you authorize C·move Group to provide Relocation Planning and Move Management Consulting Services for the College of the Mainland – Police Department Relocation Project to include the above listed scope of work.

Signature: (Buyer)

Printed Name:

Date:





Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 28, 2022
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of Contract 21-14 Guaranteed Maximum Price (GMP) for Fine Arts Building (FAB) in an amount not-to-exceed \$10,994,654.00.

FUNDING SOURCE:

2018 Bond Funds

PURPOSE:

Renovation and expansion of the Fine Arts Building as identified in COM's Master Plan and included in the 2018 Bond Program.

PROPOSED MOTION:

"I move the Board of Trustees approve award of contract 21-14 Guaranteed Maximum Price (GMP) as proposed by Turner Construction for the renovation and expansion of Fine Arts Building (FAB) in the amount not to exceed \$10,994,654.00 to be paid from 2018 Bond funds."

BACKGROUND:

On September 27, 2021, the Board of Trustees approved award of contract 21-14 to Turner Construction as the Construction Manager at Risk (CMAR) for the Fine Arts Building Renovation and Expansion project. The initial approval was for a fee not to exceed 2.97% of actual direct construction cost, pre-construction costs not-to-exceed \$27,000 and General Conditions cost not-to-exceed 7.71% of a Guaranteed Maximum Price to be proposed upon 75% complete drawings. Based on the form of the subject contract as a Cost of Work plus a fee not to exceed a Guaranteed Maximum Price (GMP), Turner Construction has submitted a Guaranteed Maximum Price Proposal. Therefore, it is the recommendation of the Project Manager, Architect of record and COM Administration to approve the GMP proposal for an amount not-to-exceed \$10,994,654.00 based on the actual cost of work, not-to-exceed the approved GMP amount.

ATTACHMENT:

Turner Construction Guaranteed Maximum Pricing (GMP) Proposal

C.O.M. Art Building Expansion

2/18/2022

GMP (Based on IFP Set dated 11.03.2021)

REV 1

REV 1 - added approved VE's

Estimate Breakdown

**Note: Breakouts for accounting purposes only

Bid Pkg No.	Description	ADDITION / EXPANSION, Includes FP&FA at Renovation (12,692 SF)	RENOVATION (24,956 SF)	EST TOTAL (37,648 SF)
1	Demolition & Abatement	24,780	62,000	86,780
2	Concrete	590,988	0	590,988
3	Polished Concrete	22,850	0	22,850
4	Masonry	72,272	28,200	100,472
5	Structural Steel Fabrication	472,788	0	472,788
6	Structural Steel Erection	160,062	0	160,062
7	Decorative Metal	68,418	0	68,418
8	Millwork & Countertops (SS & Epoxy)	106,276	0	106,276
9	Waterproofing	42,329	0	42,329
10	Fireproofing / Spray Insulation	41,297	0	41,297
11	Roofing	310,859	0	310,859
12	Roof Top Anchors	17,845	0	17,845
13	Doors, Frames, Hardware	123,959	0	123,959
14	Overhead Doors	31,226	0	31,226
15	Glass & Glazing	114,374	36,684	151,058
16	Gyp. Board	338,806	0	338,806
17	Tile	56,291	0	56,291
18	ACT / Sound Acoustics	38,065	34,645	72,710
19	Wood Flooring	57,500	0	57,500
20	Resilient Flooring & Base	41,401	0	41,401
21	Painting and Coating	120,375	0	120,375
22	Specialties & Toilet Accessories	23,876	0	23,876
23	Signage	7,523	0	7,523
24	Toilet Accessories - w/ Specialties	0	0	0
25	Canopies	120,610	0	120,610
26	Window Treatment	2,786	0	2,786
27	Laboratory Casework - w/ Casework	0	0	0
28	Wheelchair Lifts	74,550	0	74,550
29	Theatrical Lighting / Equipment	572,857	0	572,857
30	Fire Suppression	163,843	0	163,843
31	Plumbing	230,032	153,354	383,386
32	HVAC	543,855	815,782	1,359,637
33	HVAC Equipment	250,834	250,834	501,668
34	Electrical	315,908	473,863	789,771
35	Electrical Equipment	210,189	315,283	525,472
36	Communications	34,528	51,793	86,321
37	Audio Visual	94,107	141,160	235,267
38	Fire Alarm	98,409	0	98,409
39	Security	28,807	43,210	72,017
40	Earthwork	176,150	0	176,150
41	SWPPP	8,829	0	8,829
42	Termite Control	3,011	0	3,011
43	Landscape & Irrigation	58,842	0	58,842
44	Site Utilities	244,474	0	244,474
45	General Requirements & General Trades	175,452	52,316	227,768
Subtotal Direct		\$ 6,292,233	\$ 2,459,124	\$ 8,751,358
Performance and Payment Bond 0.82%		67,411	22,745	90,156
Testing & Inspection		0	0	0
Direct Cost with Bond		\$ 6,359,644	\$ 2,481,869	\$ 8,841,514
Subcontractor Default Insurance 1.50%		94,383	36,887	131,270
Insurance (WC & GL) 2.60%		213,743	72,118	285,861
Insurance (Builder's Risk) 0.40%		32,884	11,095	43,979
General Conditions		713,000	0	713,000
Permit (Texas City) 0.21%		16,442	6,208	22,649
Fee 2.97%		244,160	82,381	326,541
Pre-Construction Services		0	0	0
Design Contingency		0	0	0
Construction Contingency 3.00%		246,626	83,213	329,840
Owner Contingency		300,000	0	300,000
Escalation				
Sales Tax - Tax Exempt		0	0	0
Construction GMP		\$ 8,220,883	\$ 2,773,771	\$ 10,994,654

College Of the Mainlands GMP-2.18.22

ALTERNATES NOT INCLUDED IN GMP (includes markup)

1	Alternate #1 Structure Design (Replace bar joist with beams)	\$6,000
2	Alternate #2 Exterior Digital Marquee (Add sign as shown in documents)	\$168,200
3	Alternate #3 Exterior Building Letter (Include repair of existing lettering on building as needed)	\$5,900
4	C3 Add Alternate	\$32,800
5	Elec. Alternate Option 1 (ROM)	\$704,600
6	Elec. Alternate Option 2 (ROM)	\$938,000
7	Elec. Alternate Option 3 (ROM)	\$767,900
8	Provide Emergency DAS	\$56,600
9	Escalation (1 month to release)	\$262,541
10	Escalation (2 month to release)	\$525,081
11	Escalation (3 month to release)	\$787,622

ALTERNATE VALUE MANAGEMENT'S PENDING (includes markup)

If Approved, Impact rated storefront system in lieu of curtain wall system. Would require engineer stamped drawings. VE #6	(\$5,200)
Reduce the Stage Lighting Package. VE #8	(\$45,100)
Replaced all tile (Concept Surfaces) with BPI Anatolia (Similar Product). VE #11	(\$4,700)
Remove Wheelchair lift from scope of work. VE #14	(\$84,100)

COLLEGE OF THE MAINLAND - FINE ARTS BUILDING EXPANSION (VALUE MANAGEMENT LOG DATED 2.18.2022)

	Accepted									
	Possible									
	No									
	VALUE MANAGEMENT OPTIONS (COST INDICATED DOES NOT INCLUDE MARK-UP)			\$	10,865,053	Accepted VE's	Declined VE's	Pending VE's	COMMENTS	
1	Use Shop Fabricated ES-1 in lieu of pre-fabricated ES-1 Metal			\$	(2,747.20)		\$	(2,747.20)		
2a.	Change membrane to fully adhered 80 mil TPO			\$	(11,551.20)		\$	(11,551.20)		
2b.	Change membrane to fully adhered 60 mil TPO			\$	(19,696.80)		\$	(19,696.80)		
3a	Eliminate ALL Existing Mechanical Renovations and Provide Stand-Alone Chiller to Support Expansion (located south of Scene Shop 131-1)			\$	(440,000.00)		\$	(440,000.00)		
3b	Eliminate replacement piping to Second Level Area B Mechanical Mezzanine unless being upsized. Insert isolation valves where needed for any future phasing.			\$	(200,000.00)		\$	(200,000.00)		
3c	Eliminate ALL Existing Mechanical Renovations and Provide underground pipe from existing loop to Expansion (located south of Scene Shop 131-1)			\$	(360,000.00)		\$	(360,000.00)		
4	Electric Reheat in lieu of HHW (No Go due to Electrical Capacities)			\$0			\$0			
5	Remove cleaning of existing masonry from GC's Scope of Work. Maintenance crew to clean existing masonry.			\$	(18,400.00)	Included in GMP				
6	If Approved, Impact rated storefront system in lieu of curtain wall system. Would require engineer stamped drawings			\$	(4,608.00)			\$	(4,608.00)	2/15/22 - good with this, if we can use the storefront. Turner to talk to sub
7	Remove maxcell conduit from the communications scope of work			\$	(25,452.00)	Included in GMP				
8	Reduce the Stage Lighting Package			\$	(40,000.00)			\$	(40,000.00)	Moved to Accepted per Alan's Email dated 2.16.2022
9	Eliminate Roof anchors (4' Parapet Min.)			\$	(13,956.00)		\$	(13,956.00)	2/15/22 - Alan with PBK will try and reduce with end users.	
10	Remove sound door assemblies (STC 59) and replace with Steel ribbed HM doors (Stiffened Doors (includes insulated core, STC 36)). Exterior door to be windstorm rated.			\$	(46,000.00)	Included in GMP				
11	Replaced all tile (Concept Surfaces) with BPI Anatolia (Similar Product)			\$	(4,147.20)			\$	(4,147.20)	2/15/22 - Alan with PBK will look at walls to see if savings in the walls
12	Remove painting of K-13 spray insulation, the K-13 comes in a black finish.			\$	(1,530.40)	Included in GMP				
13	Remove color coding at the MEP rooms			\$	(824.80)					
14	Remove Wheelchair lift from scope of work.			\$	(74,550.00)	Included in GMP		\$	(74,550.00)	Still ?
15	Transfer half of the cost for black box seating platform to the Furniture budget			\$	(37,812.80)			\$	(37,812.80)	
16	Modify Mechanical System per drawings, provide a core and shell for the addition - Future buildout (High Level ROM)			\$	(1,344,061.04)		\$	(1,344,061.04)		
17	Re-use 2 x 4 lighting and act tiles in renovation in lieu of new (Assumes 10% ACT & Grid Replacement).			\$	(26,160.00)		\$	(26,160.00)		
18	Re-use lighting at renovation, rooms Painting 116, Design 105, Drawings 113 & Ceramics 102.			\$	(36,000.00)		\$	(36,000.00)		
19a	Re-use existing storefront doors & hardware (Doors 100A, 100B, 100C, 100D, & 100E)			\$	(57,040.00)		\$	(57,040.00)		
19b	Only replacing 100A, 100B as new. 100C,100D, and 100E are to remain and to be monitored with an open sensor.			\$	(33,360.00)	Included in GMP				
20	Delete the centralized acid tank and furnish acid dilution traps at each sink with PVC under the sab and cast iron above			\$	(6,400.00)					
21	Look at cost of the lights on the exterior tilt wall panels					Included in GMP				

NOTE: #19 can't take with #6. May replace 1 door so we can add 1 card reader (can we retrofit existing door) replace 100A AND 100B, add open / close monitoring to others

C.O.M. FINE ARTS BUILDING EXPANSION
TEXAS CITY

ASSUMPTIONS AND QUALIFICATIONS (A&Q'S):
FEBRUARY 18, 2022

These Assumptions and Clarifications form the basis of our understanding of the Project scope to provide complete and functioning facilities. This document is provided to allow the entire team to understand the complete scope of the Project and what scope is included in the GMP. In the event of a discrepancy, these Assumptions and Clarifications shall take precedence over the design documents.

GENERAL

1. **Acceptance:** This GMP is predicated on receiving written acceptance within fifteen (15) business days so Turner can release subcontractors for the procurement.
2. **Construction Documents:** This GMP is based on the following construction documents 'Issued for pricing Drawing Package from PBK dated 11/30/2021, Addendum #1 dated 12/10/21, Precon RFI Log RFI's 1-33. Geo Tech Report dated 10/6/2021 (for reference only). These documents compile the project's Scope of Work and any changes are to be funded by a change order or Construction Contingency.
3. **Wages:** The GMP includes wages per the requirements of the City of Houston Prevailing Wage.
4. **Contingencies:** We have included \$0 Design Contingency for development of details. No escalation is included. The Construction Contingency is held at \$305,297 and is intended to cover possible additional costs for items not evident from the design documents or not quantifiable at the time the GMP was prepared.
5. **Building Permits:** This GMP does includes the cost to obtain the general building permit or trade permits.
6. **Insurances:**
 - a. **Subcontractor Bonding:** All subcontracts and purchase orders will be bonded.
 - b. **Contractor Controlled Insurance Program (CCIP):** This GMP includes Subcontractor Liability and Onsite Workman's Comp Insurance administered through a Contractor Controlled Insurance Program and is included at a Fixed Rate of 2.6% of the Cost of Work (COW) amount.
 - c. This GMP includes Turner's portion of the General Liability and workers Comp Insurance.
 - d. Architects, Design Consultants, Engineers and/or any other entities providing design for the project as agents of the Owner are not included as Additional Insured as they have no insurable interest in the property. We exclude indemnification of architects or designers.
 - e. CCIP Insurance is included as a percentage of total volume. Builders Risk is by owner. In the event of a change order that increases the overall project volume, the insurance amount will increase at the fixed rates noted above. All insurance costs will be billed 100% with the first payment application.
7. **Concealed and Existing Conditions:** Inasmuch as the reuse and rehabilitation of an existing property requires that certain assumptions be made regarding existing conditions, and since, some of these assumptions may not be verifiable without expending additional sums of money or destroying otherwise adequate or serviceable portions of the property, the Owner agrees to bear all costs, losses and expenses,

including the cost of Contractor's additional service arising from the discovery of concealed or unknown conditions, including areas of site utilities or other unknown buried conditions, in the existing property that could not be reasonably expected to be discovered. This GMP excludes removal or repair of concealed conditions encountered in the performance of the Work below ground or not exposed to view or described in the Contract Documents.

8. **Environmental Hazards:** This GMP does not include asbestos containing material handling, abatement, removal, encapsulation, and any other costs related including, but not limited to, temporary partitions, dust control, wash down areas, etc. only for items identified on the EFI Global documents dated 07/21/2021. Work stoppages and remobilizations due to the discovery, testing or removal of any additional hazardous materials not identified in said EFI documents shall result in a change to this GMP both in time and money.
9. **Utility Consumption:** This GMP does not include the cost for utility fees, tap fees and consumption charges during construction. Owner assumes these fees.
10. **Owner's Contractors:** No cost or schedule impact has been included for correcting work damaged by trades not under the control of Turner; such as Owner's contractors, building maintenance personnel, building occupants, Owner's FF&E contractor, etc. This GMP excludes all costs for storage, protection, hoisting, distribution, debris removal, and clean-up of work by the Owner and Owner's contractors. This GMP assumes that work performed by the Owner and the Owner's contractors will be performed in a timely fashion according to the Project Schedule and will not interfere with the construction or delay the project.
11. **Safety Conformance:** This GMP assumes Owner's staff and vendors will fully adhere to Turner's safety policies and procedures within construction areas.
12. **Unknown Market Conditions:** Due to the recent unpredictable nature of pricing and performing in the current state of this pandemic, Turner's GMP does not include schedule or cost impacts caused by events outside of its control, including without limitation delays and cost escalation arising from pandemics, financial shocks, supply chain and/or travel disruptions caused by outbreak or other incidence of disease or illness that reaches outbreak, epidemic, endemic and / or pandemic proportions or otherwise affects the area in which the project is located and / or labor or supply chain. The Contract Time and Contract Sum will be adjusted for the impacts caused by events outside our control including those currently occurring.
13. This GMP excludes any work at the Multipurpose Room. This is included as a shell space. See add alternate to build this space out.

GENERAL REQUIREMENTS

14. The GMP makes the following assumptions concerning site logistics and general requirements:
 - a. The Site Logistics plan as submitted with the GMP shall remain available during the entire construction duration. Relocation to the installed temporary measures shall be treated as a change condition reimbursable via Change Order.
 - b. The proposed temporary construction road loading information shall be reviewed by the Architect, Engineer and/ or Geotechnical engineer for guidance on temporary road and protection requirements to ensure no damage is done to the existing tunnel. We will utilize mats to bridge over the tunnel where we cross with the temporary construction road. We assume that the tunnel is structurally sound and can support the loads imposed by our construction activities. We do not have dollars included for additional support if required.
 - c. Laydown and Storage areas will be within project boundaries and will remain unrestricted.
 - d. Turner's site office trailer shall receive internet, water and power from existing UH services onsite. The costs of extending these services shall be included in the respective subcontractor's cost of work.
 - e. We have not included costs for relocation of the Client/ end user groups.
 - f. Parking for Turner staff and trade workers shall be as coordinated on the attached site logistics plan. Subcontractor parking will be in compliance with College of the Mainland's contractor parking policy.
 - g. We do not warrant any existing systems that our scope of work ties into.

15. This GMP excludes any scope of work not highlighted within the contract documents including, but not limited to, the Fire Lane.
16. This GMP assumes an unoccupied building during the duration of construction for the renovation scope of the work.
17. This GMP excludes cost for OFCI (Owner Furnished Contractor Installed) equipment as none are called for on the documents.

ALLOWANCES

1. This GMP Includes an Allowance of \$30,000 for Abatement as the Survey report does not indicate a quantity.
2. This GMP Includes an Allowance of \$25,000 to Cut, Patch, the existing gyp. Board ceiling at area B.
3. This GMP Includes an Allowance of \$11,500 for lavatory steel support, as the drawings do not indicate a size.
4. This GMP includes an Allowance of \$5,000 to replace the existing residential stair at Storage Room 155 as called on Sheet A-101B.
5. This GMP includes an Allowance of \$7,000 to purchase & ship the Revolving door at Dark Room 187-1.
6. This GMP Includes an Allowance of \$5,000 to Paint the existing gyp. Board ceiling.
7. This GMP Includes an Allowance of \$74,550 for the wheelchair lift.
8. This GMP includes an allowance of \$6,442 for painting of all exposed gas pipes on roof per note 29/A-300.
9. This GMP includes an Allowance of \$7,500 for the dark room sinks as the drawings do not provide a specification.
10. This GMP includes an Allowance of \$10,000 to tie in an internal drain from the canopy to the storm. No details are provided.

DEMOLITION & ABATEMENT

1. This proposal includes regular working hours only. All after hours premium is excluded.
2. This proposal assumes all demolished material to become property of the demolition trade partner unless specifically called out salvage or reuse in the contract documents.

CONCRETE

1. This GMP does not include any professional engineering design for Tilt-up wall panel systems. This GMP only includes delegated design for tilt-up wall panels lifting devices.
2. 20k allowance to adjust 3 piers. Recommend due to the proximity of the existing that we would remove the pier and cantilever the beams.

STRUCTURAL STEEL

1. This GMP does not include overhead door (OHD) jambs and headers support delegated design.
2. This GMP assumes AESS 1 category for exposed steel framing at the Academic Theatrical Performance Space.
3. This GMP assumes roof beam splice design and requirement to be specified by A/E. This GMP Does not include delegated design for this scope.
4. This GMP includes structural steel beams at the roof in lieu of structural steel joist alternative.

DECORATIVE METAL

1. This GMP includes an allowance to furnish and install lavatory steel supports.

2. This GMP includes 1 (one) Door Device Mounting Post (ADA Stainless Bollard 48x5PxP, Manf. Pedestal Pro per specifications 05 50 00 2.4A. as none are shown on the drawings.
3. This GMP excludes specification 05 50 00 2.7 Metal Downspout Boot as this project does not have any downspouts. The roof is an internal drain with overflow scuppers.

MILLWORK

1. Solid Surface Top - SS2 color has been discontinued, and will not be available when construction starts, therefore this GMP includes color group 3 for Solid Surface (SS2)
2. This GMP excludes Fiberglass Reinforced Panel as indicated in the specification 06 83 16 as none are shown in the construction drawings.

WATERPROOFING

1. This GMP excludes Specification 07 27 26 Fluid Applied Air Barrier System as the building envelope is tilt wall and an air barrier is not required.
2. This GMP excludes Specification 07 10 00 Dampproofing and Waterproofing as it is not applicable and not shown anywhere due to the tilt wall construction.
3. This GMP excludes Specification 07 13 00 Sheet Waterproofing as it is not applicable. There are no elevator pits or below grade walls.
4. This GMP excludes Specification 07 14 16 Cold Fluid-Applied Waterproofing as it is not applicable. There are no elevator pits or below grade walls.

FIREPROOFING

1. This GMP excludes sprayed fireproofing as the building is type II – B, and type II-B does not require sprayed fireproofing by code.

ROOFING

2. This GMP is based on providing a Firestone roofing manufacture per the specifications. Garland roofing to match the existing has not been included in this GMP.

ROOF TOP ANCHORS

1. This GMP includes Anchors only, we have not included lifeline system as none are shown in the drawings.
2. Specification 2.9B not included
3. This GMP excludes a Davit per specification 2.10A&B as none are shown. We have only included Roof Anchors

DOORS, FRAMES, HARDWARE

1. This GMP includes an allowance for the revolving doors. The door manufacturer is no longer in business, and we have been unable to reach additional vendors to price this door.
2. This GMP does not include STC rating of 63 as it is not available. This GMP includes STC Rating doors of 59.

GLASS & GLAZING

1. This GMP includes curtain wall in lieu of specified storefront due to height of frames.

DRYWALL

1. This proposal excludes fire rated gypsum assemblies as non is indicated on the drawings.
2. The proposal excludes partition type F2 as non is indicated on the drawings.

3. This proposal includes level 4 finishes only.
4. This proposal includes glass mat gypsum at showers and tile backer board at toilet rooms up to ceiling heights only.
5. This GMP assumed engineer will [provide a design for the stairs to be replaced at the storage (page A-101B)]
6. This proposal assumes continuous reveal trim called out on general note 12/A-101 to be a corner bead as no more information is provided.

ACT

1. This proposal includes 9 Wood 2314-3 continuous linear with matching 3-1/4" x3/4" trim in finish to match existing wood ceilings.
2. This proposal includes Kinetics Noise Control Fabric Wrapped Wall Panels with Beveled Edges in Guilford of Main FR-701.
3. This proposal excludes ACP-2 as this product is not indicated in the drawings.
4. This proposal excludes four wires per lighting fixture.

PAINTING

1. This proposal excludes bituminous coating to all concealed structure steel members at exterior canopy locations as it does not apply.
- 2.

STAGE WOOD FLOORING

1. This proposal excludes moisture vapor emission system.

WINDOW TREATMENTS

1. This proposal includes only 1 manual sunscreen and blackout shade as called out on (A-402).
2. This proposal includes fabric 0282 in lieu of 0211 as it is discontinued.
3. The specified window shade has a minimum 30" width. As such, outside wall mounting is recommended and included in this proposal.

TILE

1. This proposal excludes shower pan water testing.
2. This proposal excludes moisture testing.
3. This proposal excludes free standing mockups.

RESILIENT FLOORING

1. This GMP excludes RS-1 Stair treads as none is indicated on the drawings.
2. This GMP excludes CPT-3 Black carpet as none is indicated on the drawings.

SPECIALTIES

1. This GMP excludes Corner Guards CP-F1 & CP-F2 as none are indicated on the drawings.

TOILET ACCESSORIES

1. This GMP assumes TA-7 in place of TA-17 in women's lavatories as indicated on 06\G-050. It is assumed the TA-17 indication is a misprint shown on A-411.
2. This GMP excludes pricing for toilet accessories listed in specification 10 28 00 with locations "as indicated on the drawings" which do not appear in the drawings. This includes TA-2F, TA-4, TA-17, and TA-17U.

3. This GMP does not include TA-8: Mop and Broom Holder as there are no custodial rooms shown in the new construction.

CANOPIES

1. This GMP excludes AESS-1 at the canopy as this is an Aluminum Canopy, not a Steel Canopy
2. This GMP includes 48" x 32" (tapers to 18") Trellis Structure
3. This GMP includes a 8" x 8" Column, 2" x 3" Tubes, 6" x 10" Tubes
4. This GMP includes two coat Kynar painted structure.
5. This GMP excludes the decking as we have assumed this an open trellis.
6. This GMP excludes bird screens at the canopies.
7. This GMP excludes fascia as no decking is required.
8. This GMP excludes drainage as this is assumed to be an open trellis canopy.

WHEELCHAIR LIFTS

1. This GMP includes an allowance for the wheelchair lift. Per the wheel chair lift subcontractor the lift for stair 181/200 will not physically work, the turning radius and landing dimensions shown do not allow the lift to clear and therefore they were not able to provide a proposal.

THEATRICAL LIGHTING / EQUIPMENT

1. This GMP Includes aiming of theatrical lighting by owner.

FIRE SUPPRESSION

1. This GMP includes the connection to the civil subcontractor's utility line at a point one foot above the finished floor.
2. This GMP includes the installation of a new wet system fire sprinkler system in the existing portion of the building where it is assumed none exists.
3. This GMP includes a new wet sprinkler system within the new expansion portion of the Project.
4. This GMP assumes the use of brass upright type sprinklers installed on exposed piping throughout all exposed structure areas.
5. This GMP assumes that there is adequate water pressure being supplied to the building such that a new Fire Pump will not be required for this expansion and renovation.

PLUMBING

1. This GMP includes the acid dilution tank, sample well and associated underground piping as shown PS1.01. Connection to piping at this location shall be made by civil subcontractor and carried to Point of connection.
2. While not shown, but referenced on Detail 2 of P602, one air hose reel is included within this GMP proposal.
3. While not shown, this GMP proposal includes acid vent through the roof.
4. This GMP proposal assumed the use of SPEARS CPVC plenum rated acid waste Pipe, similar to that assumed to have been previously approved for the STEM Building.
5. While not scheduled, but is indicated on the drawings as AD-1, this GMP proposal includes a dryer at the Air Compressor.
6. This GMP assumed the use of a Gardner Denver air compressor in lieu of the basis of design Champion. It is our understanding that the Gardner Denver compressor has been previously approved on other projects at COM
7. This GMP assumes that cement stabilized sand backfill is not required under the building.
8. This GMP has established an allowance for the Dark Room Sink (187-1) as there is not enough information provided in Addendum #2

9. This GMP incorporates the clarifications and direction provided under the plumbing drawings and plumbing specifications subsection within Addendum #2.

HVAC

1. This GMP includes independent pipe flushing by Purge Rite for the new and existing piping located within the footprint of the building only. Any piping outside of building footprint (new and existing) for campus distribution shall not be made part of the hydronic flush.
2. This GMP includes Building Automation Systems by Unify and includes a full upgrade of the existing BAS in addition to the new controls for the expansion portion of the Project.
3. This GMP assumes that Testing and Balancing shall be by owner.
4. Mechanical contractor will provide coordination assistance for Testing and Balancing activities.
5. This GMP excludes Item No. 1 / Mechanical on Addendum #2 as our overall GMP proposal assumes that the existing building will not be occupied during construction due to the extensive nature of disruption to the mechanical, plumbing and electrical systems.
6. This GMP excludes testing of any existing mechanical equipment that is to remain as part of the renovated scope and assumes that all existing equipment is in good working.
7. This GMP includes start-up and commissioning assistance of newly installed equipment.
8. This GMP includes water treatment by Chem-Aqua for the new and existing piping located within the footprint of the building only. Any piping outside of building footprint (new and existing) for campus distribution shall not be made part of the water treatment.
- 9.

ELECTRICAL

1. This proposal excludes any utility company charges of any kind
2. This GMP excludes refeeding of the building and/or any new raceways having to do with utility.
3. This GMP includes re-using distribution equipment, where noted on drawings.
- 4.

COMMUNICATIONS

1. This GMP excludes any cellular or emergency DAS system. Adder for emergency DAS system direct cost \$41,400.
2. This GMP excludes network equipment, UPS's (Uninterruptible power supply), Servers, or computer monitoring systems.

AUDIO VISUAL

1. This GMP includes an Area of Refuge system as shown in Specification Section 27 51 23.90.

FIRE ALARM

- 1.

SECURITY

1. This GMP Excludes cloud storage system for video monitoring

LANDSCAPE & IRRIGATION

1. This GMP includes a Parc Vue Bench backless without arms. The backless option is not available with arms.



COLLEGE OF THE MAINLAND
1200 N AMBURN RD
TEXAS CITY, TX 77591

DOCUMENT LIST-IFP

GENERAL

Date *Sheet No.* *Title*

IFP

			ADD #1	DATE	ADD #2	DATE
11/3/21	G-000	COVER SHEET	na		na	
11/3/21	G-001	INDEX AND GENERAL PROJECT INFORMATION	na		na	
11/3/21	G-010	PROJECT DATA AND CODE REVIEW	na		na	
11/3/21	G-011	LIFE SAFETY EGRESS PLAN	na		na	
11/3/21	G-050	ACCESSIBILITY GUIDELINES	na		na	

CIVIL

Date *Sheet No.* *Title*

IFP

			ADD #1	DATE	ADD #2	DATE
	C-100	TOPOGRAPHIC SURVEY	na		na	
11/3/21	C-200	GENERAL NOTES	na		na	
11/3/21	C-300	DEMOLITION PLAN	na		na	
11/3/21	C-400	LAYOUT PLAN	na		na	
11/3/21	C-500	PAVING PLAN	na		na	
11/3/21	C-501	PAVEMENT DETAILS	na		na	
11/3/21	C-600	GRADING PLAN	na		na	
11/3/21	C-700	UTILITY PLAN	na		na	
11/3/21	C-800	SWPPP PLAN	na		na	
11/3/21	C-901	WATER DETAILS	na		na	
11/3/21	C-902	WATER DETAILS	na		na	
11/3/21	C-1000	SANITARY SEWER DETAILS	na		na	
11/3/21	C-1100	STORM DRAIN DETAILS	na		na	
11/3/21	C-1200	SWPPP DETAILS	na		na	
11/3/21	C-1300	EXISTING OVERALL DRAINAGE PLAN	na		na	
11/3/21	C-1400	EXISTING ENLARGED DRAINAGE PLAN	na		na	
11/3/21	C-1500	DETENTION CALCULATIONS	na		na	
11/3/21	C-1600	PROPOSED ENLARGED DRAINING PLAN	na		na	

STRUCTURAL

Date *Sheet No.* *Title*

IFP

			ADD #1	DATE	ADD #2	DATE
11/3/21	S-001	STRUCTURAL DESIGN CRITERIA & GENERAL NOTES	na		na	
11/3/21	S-002	STRUCTURAL GEN. NOTES, ABBREV., SYMBOLS & SPECIAL INSPECTIONS	na		na	
11/3/21	S-003	STRUCTURAL 2015 SPECIAL INSPECTIONS	na		na	
11/3/21	S-101	FOUNDATION PLAN	na		na	
11/3/21	S-102	FRAMING - MEZZANINE & LOWROOF PLAN	na		na	
11/3/21	S-103	FRAMING - ROOF PLAN	na		na	
11/3/21	S-201	PANEL ELEVATIONS	na		na	
11/3/21	S-202	PANEL ELEVATIONS	na		na	
11/3/21	S-203	BRACE ELEVATIONS	na		na	
11/3/21	S-501	FOUNDATION DETAILS	na		na	
11/3/21	S-511	FRAMING DETAILS	na		na	



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DOCUMENT LIST-IFP

11/3/21	S-512	FRAMING DETAILS	na	na
11/3/21	S-513	FRAMING DETAILS	na	na
11/3/21	S-601	SCHEDULES	na	na

ARCHITECTURAL

Date Sheet No. Title

<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	A-101	1ST LEVEL - FLOOR PLAN - COMPOSITE	na		na	
11/3/21	A-101A	1ST LEVEL - FLOOR PLAN - AREA A	na		na	
11/3/21	A-101B	1ST LEVEL - FLOOR PLAN - AREA B	na		na	
11/3/21	A-102	MEZZANINE LEVEL - FLOOR PLAN - COMPOSITE	na		na	
11/3/21	A-102A	MEZZANINE LEVEL - FLOOR PLAN - AREA A	na		na	
11/3/21	A-201	1ST LEVEL - CEILING PLAN - COMPOSITE	na		na	
11/3/21	A-201A	1ST LEVEL - CEILING PLAN - AREA A	na		na	
11/3/21	A-201B	1ST LEVEL - CEILING PLAN - AREA B	na		na	
11/3/21	A-300	ROOF PLAN - COMPOSITE	na		na	
11/3/21	A-301	DETAILS - ROOF	na		na	
11/3/21	A-302	DETAILS - ENVELOPE	na		na	
11/3/21	A-401	ENLARGED - PHOTOGRAPHY - DARK AND LIGHT ROOM	na		na	
11/3/21	A-402	ENLARGED - PHOTOGRAPHY STUDIO	na		na	
11/3/21	A-403	ENLARGED - GREEN ROOM AND DRESSING ROOMS	na		na	
11/3/21	A-404	ENLARGED-THEATER CLASSROOM	na		na	
11/3/21	A-405	ENLARGED - SCENE SHOP EXTENSION	na		na	
11/3/21	A-406	THEATRE - INTERIOR ELEVATIONS	na		na	
11/3/21	A-411	ENLARGED - TOILET PLANS	na		na	
11/3/21	A-421	ENLARGED - STAIR PLANS AND SECTIONS	na		na	
11/3/21	A-431	DETAILS - STAIR AND RAILING	na		na	
11/3/21	A-501	ELEVATIONS - EXTERIOR COMPOSITES	na		na	
11/3/21	A-511	ENLARGED - EXTERIOR ELEVATIONS	na		na	
11/3/21	A-512	ENLARGED - EXTERIOR ELEVATIONS	na		na	
11/3/21	A-521	ELEVATIONS - INTERIOR	na		na	
11/3/21	A-601	BUILDING SECTIONS - COMPOSITES	na		na	
11/3/21	A-602	BUILDING SECTIONS - ENLARGED	na		na	
11/3/21	A-603	BUILDING SECTIONS - ENLARGED	na		na	
11/3/21	A-621	SECTIONS - WALL	na		na	
11/3/21	A-622	SECTIONS AND DETAILS - WALL	na		na	
11/3/21	A-701	DETAILS - PLAN EXTERIOR	na		na	
11/3/21	A-711	DETAILS - PLAN INTERIOR	na		na	
11/3/21	A-751	DETAIL - CEILING	na		na	
11/3/21	A-801	PARTITION TYPES	na		na	
11/3/21	A-802	DOOR PANEL AND FRAME TYPES & SCHEDULES	na		na	
11/3/21	A-805	DOOR AND WINDOW DETAILS	na		na	
11/3/21	AF-100	FINISH SCHEDULE & DETAILS	na		na	
11/3/21	AF-101A	1ST LEVEL - FINISH FLOOR PLAN	na		na	
11/3/21	AF-102A	MEZZANINE LEVEL - FINISH FLOOR	na		na	

MECHANICAL

Date Sheet No. Title

<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	MD-101B	1ST LEVEL - DEMOLITION MECHANICAL FLOOR PLAN - AREA B	na		Letter	12/6/2021



COLLEGE OF THE MAINLAND
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DOCUMENT LIST-IFP

11/3/21	MD-102B	2nd LEVEL - DEMOLITION MECHANICAL FLOOR PLAN - AREA B	na	na
11/3/21	M-101A	1ST LEVEL - MECHANICAL FLOOR PLAN - AREA A	na	na
11/3/21	M-101B	1ST LEVEL - MECHANICAL FLOOR PLAN - AREA B	na	na
11/3/21	M-102A	2ND LEVEL - MECHANICAL FLOOR PLAN - AREA A	na	na
11/3/21	M-102B	2ND LEVEL - MECHANICAL FLOOR PLAN - AREA B	na	na
11/3/21	M-201	MECHANICAL ENLARGED PLAN	na	na
11/3/21	M-202	MECHANICAL ENLARGED PLAN	na	na
11/3/21	M-301	MECHANICAL ROOF PLAN - COMPOSITE	na	na
11/3/21	M-401	MECHANICAL CHILLED WATER PIPING DIAGRAM	na	na
11/3/21	M-402	MECHANICAL HEATING WATER PIPING DIAGRAM	na	na
11/3/21	M-501	MECHANICAL SCHEDULE	na	na
11/3/21	M-502	MECHANICAL SCHEDULE	na	na
11/3/21	M-601	MECHANICAL DETAILS	na	na
11/3/21	M-602	MECHANICAL DETAILS	na	na
11/3/21	M-603	MECHANICAL DETAILS	na	na

PLUMBING

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
IFP			ADD #1	DATE	ADD #2	DATE
11/3/21	P-000	PLUMBING COVER SHEET	na		na	
11/3/21	PS101	PLUMBING SITE PLAN - COMPOSITE	na		na	
11/3/21	PD101B	1ST LEVEL - DEMOLITION PLUMBING FLOOR PLAN - AREA B	na		na	
11/3/21	PU-101A	1ST LEVEL - PLUMBING UNDERFLOOR PLAN - AREA A	na		na	
11/3/21	PU-101B	1ST LEVEL - PLUMBING UNDERFLOOR PLAN - AREA B	na		na	
11/3/21	P-101	1ST LEVEL PLUMBING FLOOR PLAN - COMPOSITE	na		na	
11/3/21	P-101A	1ST LEVEL - PLUMBING FLOOR PLAN - AREA A	na		na	
11/3/21	P-101B	1ST LEVEL - PLUMBING FLOOR PLAN - AREA B	na		na	
11/3/21	P-102	MEZZANINE LEVEL - PLUMBING FLOOR PLAN - COMPOSITE	na		na	
11/3/21	P-102B	2ND LEVEL - PLUMBING FLOOR PLAN - AREA B	na		na	
11/3/21	P-301	PLUMBING ROOF PLAN - COMPOSITE	na		na	
11/3/21	P-401	PLUMBING ENLARGED PLANS	na		na	
11/3/21	P-501	PLUMBING SCHEDULES	na		na	
11/3/21	P-601	PLUMBING DETAILS	na		na	
11/3/21	P-602	PLUMBING DETAILS	na		na	
11/3/21	P-701	PLUMBING RISER DIAGRAM	na		na	
11/3/21	P-702	PLUMBING RISER DIAGRAM	na		na	
11/3/21	P-703	PLUMBING RISER DIAGRAM	na		na	

ELECTRICAL

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
IFP			ADD #1	DATE	ADD #2	DATE
11/3/21	ESD-101	ELECTRICAL SITE PLAN - DEMOLITION - COMPOSITE	na		na	
11/3/21	ES-100	ELECTRICAL SITE PLAN - CAMPUS MAP	na		na	
11/3/21	ES-101	ELECTRICAL SITE PLAN - COMPOSITE	na		na	
11/3/21	EP012B	2ND LEVEL - POWER PLAN - AREA B	na		na	
11/3/21	EP-1101A	1ST LEVEL - POWER PLAN - AREA A	na		na	
11/3/21	EP-101B	1ST LEVEL - POWER PLAN - AREA B	na		na	
11/3/21	EP-102A	2ND LEVEL - MEZZANINE - POWER-LTG PLAN - AREA A	na		na	
11/3/21	EL-201A	1ST LEVEL - LIGHTING PLAN - AREA A	na		na	



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DOCUMENT LIST-IFP

11/3/21	EL-201B	1ST LEVEL - LIGHTING PLAN - AREA B	na	na
11/3/21	E-301	ELECTRICAL ROOF PLAN - COMPOSITE	na	na
11/3/21	E5.02	ELECTRICAL RISER DIAGRAM & LIGHTING FIXTURE SCHED	na	na
11/3/21	E6.01	ELECTRICAL SYMBOL LEGEND AND CONTRACTOR SCHED	na	na
11/3/21	E6.02	ELECTRICAL SECTIONS & DETAILS	na	na
11/3/21	E7.01	ELECTRICAL PANEL SCHEDULES	na	na

TECHNOLOGY

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	T-000	TECHNOLOGY NOTES AND LEGEND	na		na	
11/3/21	T-100	TECHNOLOGY 1ST LEVEL - DEMOLITION FLOOR PLAN	na		na	
11/3/21	T-101	TECHNOLOGY COMPOSITE ROUTING FLOOR PLAN	na		na	
11/3/21	T-500	TECHNOLOGY ENLARGED PLANS	na		na	
11/3/21	TF-101A	FIRE ALARM 1ST LEVEL FLOOR PLAN - AREA A	na		na	
11/3/21	TF-101B	FIRE ALARM 1ST LEVEL FLOOR PLAN - AREA B	na		na	
11/3/21	TF-102	FIRE ALARM MEZZANINE LEVEL - FLOOR PLAN - COMPOSITE	na		na	
11/3/21	TN-101A	NETWORK 1ST LEVEL - FLOOR PLAN - AREA A	na		na	
11/3/21	TN-101B	NETWORK 1ST LEVEL - FLOOR PLAN - AREA B	na		na	
11/3/21	TN-201	NETWORK MEZZANINE - FLOOR PLAN - COMPOSITE	na		na	
11/3/21	TS-100	TECHNOLOGY SITE PLAN - CAMPUS MAP	TS-100	12/6/2021	na	

AUDIO VIDEO SYSTEMS/STAGE LIGHTING & RIGGING

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	TE-100	ELECTRICAL INFRASTRUCTURE	na		na	
11/3/21	TE200	HOUSE/WORK LIGHTING INFRASTRUCTURE	na		na	
11/3/21	TW201	HOUSE/WORK LIGHTING INFRASTRUCTURE	na		na	
11/3/21	TH100	STAGE RIGGING	na		na	
11/3/21	TH101	STAGE RIGGING	na		na	
11/3/21	TH200	STAGE LIGHTING	na		na	
11/3/21	TH201	STAGE LIGHTING	na		na	
11/3/21	TH202	STAGE LIGHTING	na		na	
11/3/21	TH300	FLOOR PLAN-AUDIO/VIDOE SYSTEMS	na		na	
11/3/21	TH301	AUDIO/VIDEO SYSTEMS	na		na	
11/3/21	TH302	AUDIO/VIDEO SYSTEMS	na		na	
11/3/21	TH303	AUDIO/VIDEO SYSTEMS	na		na	
11/3/21	TH304	AUDIO/VIDEO SYSTEMS	na		na	
11/3/21	TH305	AUDIO/VIDEO SYSTEMS	na		na	
11/3/21	TH400	SEATING RISER PLATFORMS	na		na	
11/3/21	TH401	SEATING RISER PLATFORMS	na		na	

LANDSCAPING

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	LC-1.00	CONSTRUCTION PLAN	na		na	
11/3/21	L-1.00	LANDSCAPE PLAN	na		na	
11/3/21	IR1.00	IRRIGATION PLAN	na		na	

DEMOLITION

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	ASD-101	SITE PLAN - DEMOLITION - COMPOSITE	na		na	



COLLEGE OF THE MAINLAND
1200 N AMBURN RD
TEXAS CITY, TX 77591

DOCUMENT LIST-IFP

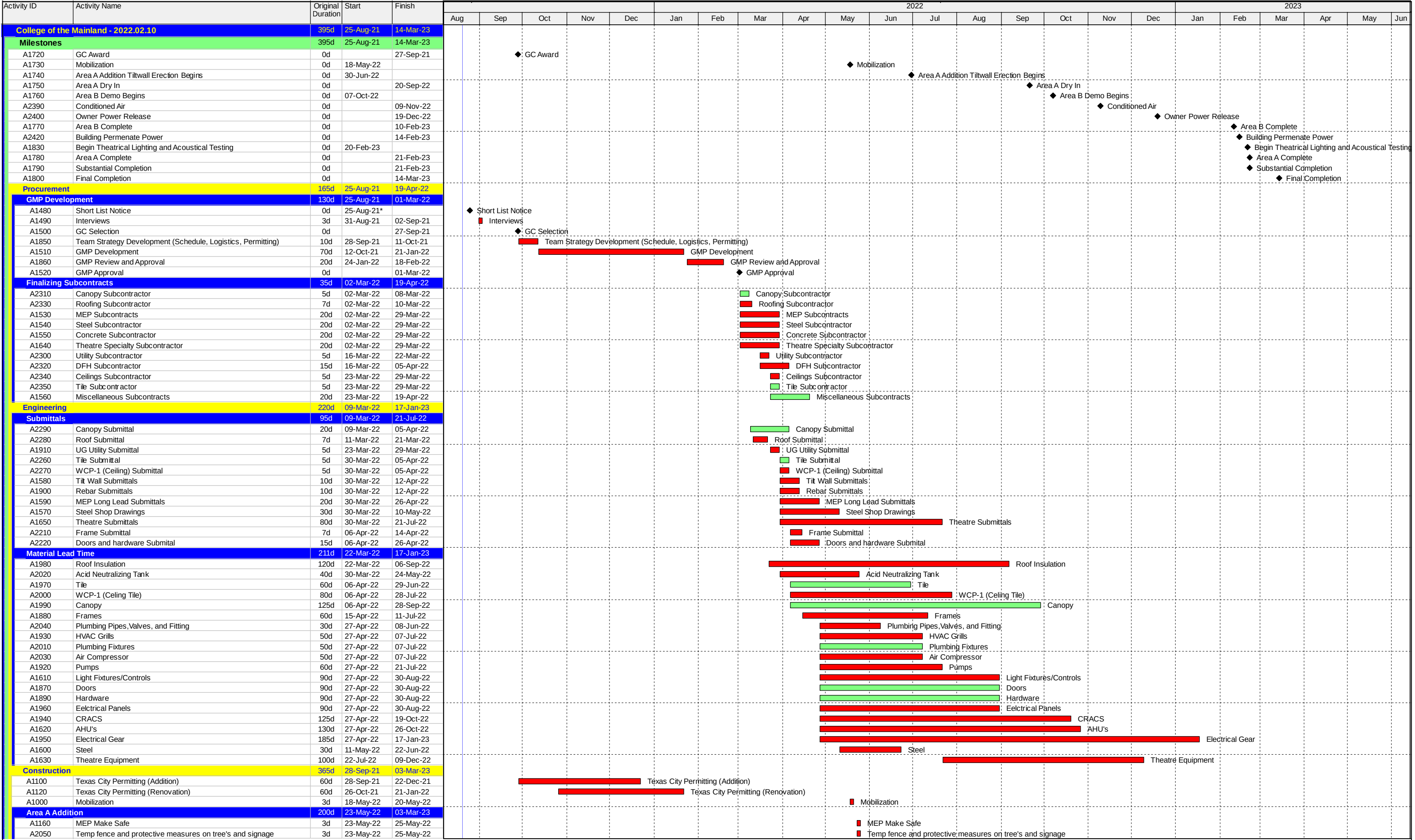
11/3/21	AD1-1B	1ST LEVEL - DEMOLITION FLOOR PLAN - AREA B	na	na
11/3/21	AD201B	1ST LEVEL - DEMOLITION CEILING PLAN - AREA B	na	na
11/3/21	AD701	DETAILS - DEMOLITION	na	na

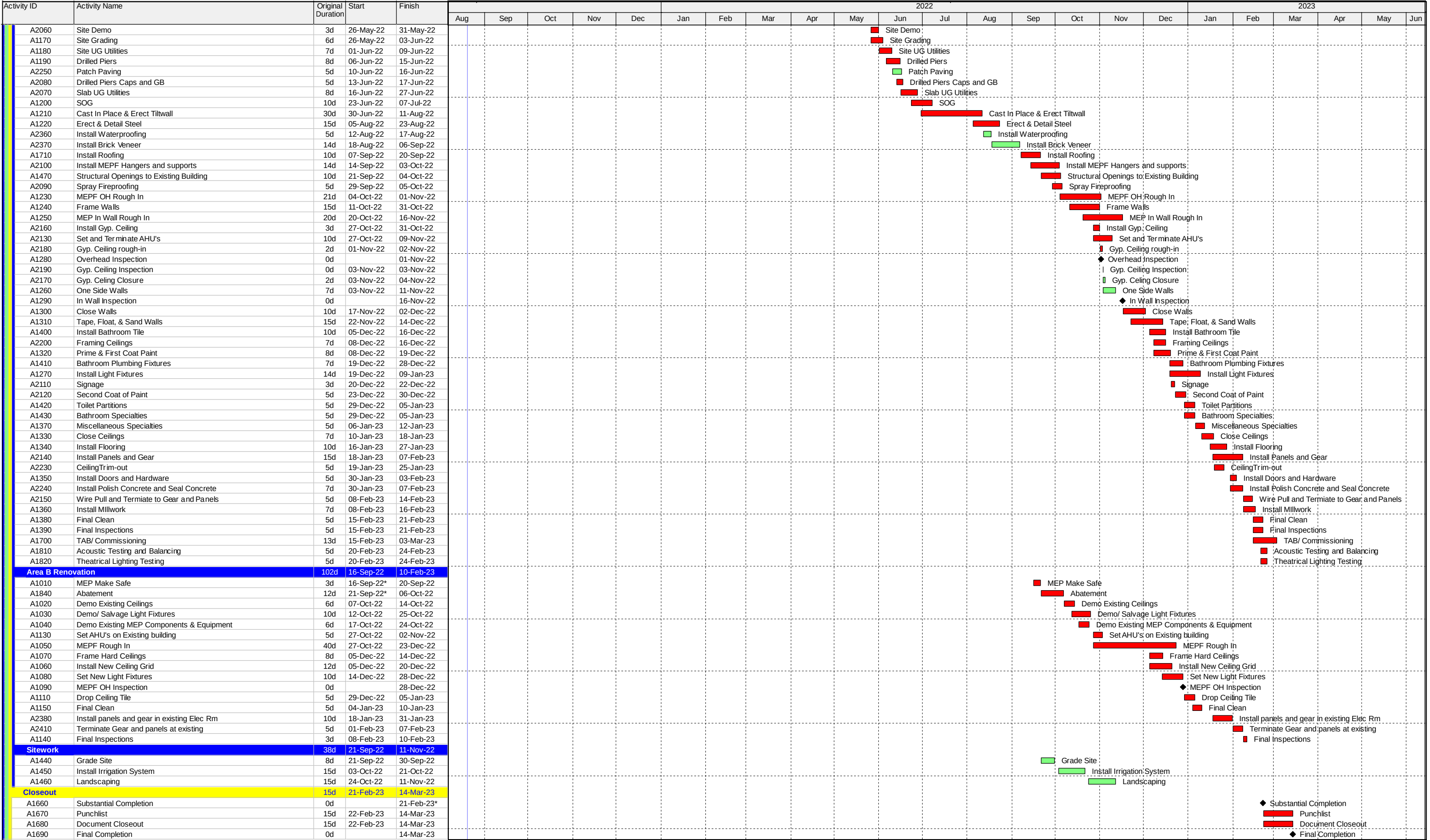
GRAPHICS & SIGNAGE

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	AG101A	GRAPHICS & SIGNAGE PLAN - AREA a	na		na	
11/3/21	AG70A	DETAILS - GRAPHICS & SIGNAGE	na		na	

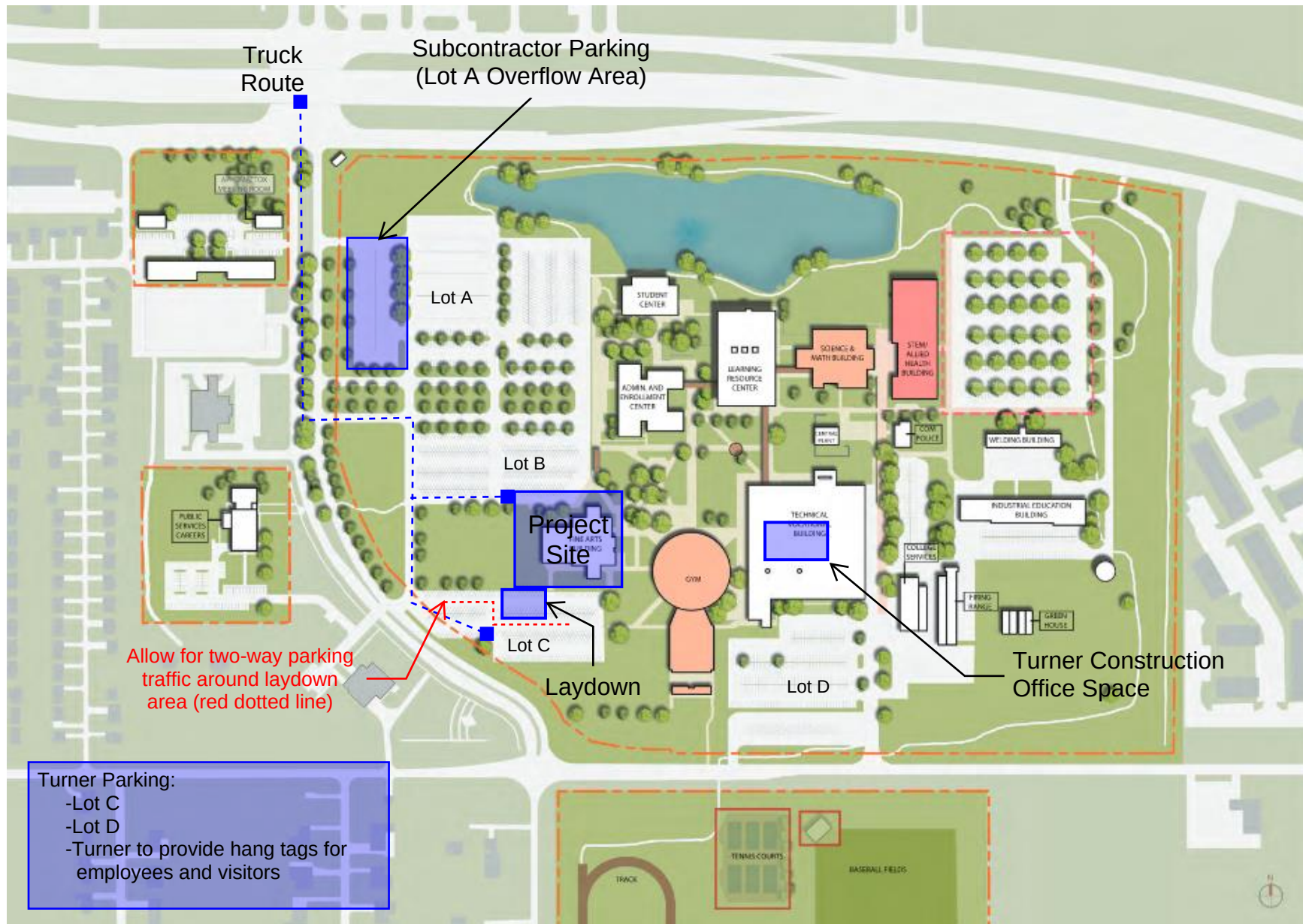
SITE PLAN

<i>Date</i>	<i>Sheet No.</i>	<i>Title</i>				
<i>IFP</i>			ADD #1	DATE	ADD #2	DATE
11/3/21	AS-101	SITE PLAN - COMPOSITE	na		na	
11/3/21	AS-102	SITE DETAILS	na		na	





COM - FINE ARTS BUILDING EXPANSION PROJECT
PROJECT LOGISTICS PLAN - APPROVED BY COM
Nov. 3, 2021





PRESIDENT'S OFFICE

Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 28, 2022
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Request for increase to contract 21-15 Student Center Landscaping and Hardscape

FUNDING SOURCE:

2018 Bond Funds

PURPOSE:

Construction of Student Center Landscaping and Hardscape project identified in COM's Master Plan and included in the 2018 Bond Program.

PROPOSED MOTION:

"I move the Board of Trustees approve an increase to contract 21-15 Student Center Landscaping and Hardscape services for an additional \$6,745.00 revising the contract total from \$153,000.00 to \$159,745.00

BACKGROUND:

On May 24, 2021, the Board of Trustees approved award of contract 21-15 to Maldonado Nursery for the Student Center Landscaping and Hardscape construction project in the amount of \$ 153,000.00 based on competitive proposals received in support of the 2018 Bond Program. The increase for an additional \$6,745.00 is a result of a change to the campus standard Bermuda grass hydro mulch to St. Augustine sod for efficient long-term maintenance. The increase will revise the contract amount from \$153,000.00 to \$159,745.00

Attachments:

Maldonado Change Order Proposal



MALDONADO

NURSERY & LANDSCAPING, INC.

ADDITIONAL WORK AUTHORIZATION

To:	College of the Mainland	Williams, Kelsey
From:	Michael Hinkelman	Fax/Email: <Kelsey.Williams@pbk.com>
Re:	COM	No. Of Pages: 1
Job #:	545243	Proposal Request No.:
Date:	12/01/2021	Maldonado AWA No.: 1
		cc: Job File / Jessica Gage

Maldonado Nursery & Landscape is pleased to provide a quote for the landscape / irrigation development services for the above referenced project.

The quote provided is based on the plans and specifications noted below, when no specification is provided Maldonado Nursery & Landscaping, will use those practices as commonly accepted by the TNLA (Texas Nursery & Landscape Association).

Plans: Site Visit

Specifications: Original contract requirements

Scope: Note as Follows: Labor, materials and equipment necessary to complete the follow items.

Install St. Augustine Sod in lieu of Bermuda Hydromulch: \$7,895

Bermuda Hydroulch Credit: (\$1,150)

AWA#1 Total: \$6,745

Exclusions: Includes only at areas on plans called out as Hydromulch. Any other areas not included.

*Should you accept this work, note your authorization to proceed in the space provided below. Return a signed copy to Maldonado followed by a properly executed change order as per the terms and conditions of the original subcontract agreement referencing this project.

Authorization to proceed: _____

Date: _____

Company: _____

PO# / CO# _____

Irrigator In Charge: Jerry Maldonado - License No. LI0003896 Expiration 04/30/2018

Irrigation in Texas is regulated by the Texas Commission On Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087
TCEQ's website is: www.tceq.state.tx.us.

16348 Nacogdoches
San Antonio, Texas 78247
(210) 599-1219
Fax (210) 599-9736

9800 Brown Lane
Austin, Texas 78754
(512) 252-0198
Fax (512) 832-9109

17711 French Road
Houston, Texas 77084
(713) 647-9000
Fax (713) 647-9001

1960 Holly Road
Corpus Christi, Texas 78417
(361) 452-1037
Fax (361) 452-1893



PRESIDENT'S OFFICE

Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 18, 2022
Subject: Agenda Item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Approval of contract 22-04 for the abatement and demolition of the existing Math and Science Building.

FUNDING SOURCE:

2018 Bond Funds

PURPOSE:

Abatement and demolition of the Math Science building as approved by the Board of Trustees on September 20, 2021.

PROPOSED MOTION:

"I move the Board of Trustees approve award of contract 22-04 to AAR Incorporated for the abatement and demolition of the existing Math/Science building for a contract amount not-to-exceed \$239,925.00 to be paid with 2018 bond funds."

BACKGROUND:

The renovation of the Math Science building was originally identified in the Master Plan. However, as a result of recent asbestos discovered, COM Administration has determined the demolition of the building is in the best interest of the college campus. Therefore, on September 20, 2021, the Board of Trustees approved the option 1B to proceed with the abatement and demolition of the existing Math Science Building and further approved the procurement method of utilizing a competitive sealed proposal process on October 25, 2021. On February 07, 2022, three (3) proposals were received in response to a Request for Competitive Sealed Proposals (RFCSP). Based on the results of a best value analysis, it is the recommendation of the Project Manager (CBRE/Heery), Architect (PBK), and Director of Facilities (COM) to approve award of the subject contract to AAR Incorporated in an amount not-to-exceed \$239,925.00. This recommendation is based on a competitive proposal process in accordance with Texas Government code, Chapter 2269.

Attachments: Proposal Evaluation Summary
AAR Proposal

College of the Mainland
Request for Competitive Sealed Proposal:
22-04 Abatement & Demolition of Math/Science Building

Evaluation Summary

Evaluation Criteria		AAR	Emanuel	Sitek Omni
		AVERAGE SCORES:		
Overall Project Cost		50.000	40.000	16.667
Contractor Experience		14.667	13.333	20.000
Contractor Financial Stability & General		6.000	6.000	6.000
Use of Local Subcontractors		14.667	16.000	14.667
Number of Evaluators 3		85.333	75.333	57.333

Cost		AAR	Emanuel	Sitek Omni
Abatement		\$ 46,616.00	\$ 40,000.00	\$ 54,850.00
Demo		\$ 166,884.00	\$ 170,000.00	\$ 335,750.00
Contractor Contingency		\$ 15,000.00	\$ 21,000.00	\$ 58,590.00
Owner Contingency		\$ 11,425.00	\$ 11,425.00	\$ 11,425.00
Total		\$ 239,925.00	\$ 242,425.00	\$ 460,615.00

Request for Proposal: 22-04 Math-Science Abatement and Demolition Services
Proposal Due Date: February 7, 2022

PROPOSER further agrees to accept as full compensation for the Lump Sum Work proposed in the Proposal Documents based upon the Undersigned's own estimate of quantities and costs including all license fees permits, bonds, insurance premiums sales, consumer, use and other taxes and overhead and profit the following sums of:

BASE BID NO. 1 The PROPOSER herewith submits the following lump sum pricing for::

- a. ASBESTOS ABATEMENT & DEMOLITION OF THE COM MATH/SCIENCE BUILDING IN THE TOTAL
AMOUNT OF _____ Dollars (\$ 213,500.00)

The cost for each service equates to the total as follows:

ABATEMENT \$ 46,616.00 DEMOLITION \$ 166,884.00

And

CONTINGENCY \$ 15,000.00

CONTINGENCY ALLOWANCE: The Demolition Contractor shall include in the proposed cost submitted for demolition in Base Bid No. 1 of this Proposal Form a contingency allowance for unforeseen or requested adds to the project. FAILURE TO INCLUDE THIS AMOUNT IN THE PROPOSED COST SUBMITTED MAY RESULT IN DISQUALIFICATION OF BID.

UNIT COSTS: The PROPOSER herewith submits the following unit costs for use in establishing adds or deducts from the contract amount:

a. Additional Asbestos Mobilization	\$ <u>1,200.00</u> / each
b. Additional Demolition Mobilization	\$ <u>1,600.00</u> / each
c. Abatement of residual floor tile mastic > 160 (full containment)	\$ <u>3.00</u> / s.f.
c. Abatement of residual floor tile mastic < 160 (RFCI Removal Methods)	\$ <u>2.00</u> / s.f.
d. Abatement of ACM exterior transite	\$ <u>3.50</u> / s.f.
e. Abatement of ACM exterior caulking	\$ <u>5.00</u> / l.f.
f. Interior abatement and disposal of damp proofing mastic behind brick associated with walls covered up by additions (Quantity to exclude window and door openings)	\$ <u>15.00</u> / s.f. surface
g. Demolition, segregation and disposal of damp proofing mastic behind brick (include cost of transport & disposal) (Quantity to exclude window and door openings)	\$ <u>1.95</u> / s.f. surface
h. Daily cost of generator for use during abatement activities (only if required due to early termination of electrical service)	\$ <u>475.00</u> /day

PROPOSER is prepared to commence the abatement portion of the project on or about February 22, 2022 and further agrees upon notification to proceed to complete the asbestos abatement and demolition of the project within the number of work days specified or as alternately submitted below:

Abatement of COM Math/Science Building, 10 work days vs, 15 days specified
(excludes demo in place of Cat 1 ACM damp proofing mastic)

Demolition in place of Exterior Cat 1 ACM damp proofing 7 work days vs, 10 days specified



Minute Order

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 28, 2022
Subject: Agenda item for COM Board of Trustees

AGENDA ITEM DESCRIPTION:

Award of Contract 22-13: PE Building Roof Replacement

FUNDING SOURCE:

Fund Balance

PURPOSE

Replace roofing of the PE Building to prevent perpetual damages caused by continuous water leaks.

PROPOSED MOTION:

"I move the Board of Trustees award Contract 22-13 for the PE building roof replacement for an amount not-to-exceed \$107,000".

BACKGROUND

The college Director of Facilities Services and engineer from The Garland Company reviewed the condition of the PE roof after severe leaks were detected causing immediate damages to the building structure and contents. Based on the assessment of the engineer, it was recommended the PE building flat non-dome portion of the roof be replaced. Therefore, on February 2, 2022 The Garland Company issued a Request for Proposal to five (5) awarded roofing companies under the Choice Partners and TIPS purchasing cooperatives. Five (5) responses were received and evaluated. Brazos provided the most competitive bid in comparison to all others. Therefore, it is the recommendation of the engineer and COM Facilities Director to award the subject contract to Brazos Urethane/Brazos Commercial Roofing for the amount proposed of 97,323.00 plus a 10% contingency for not-to-exceed contract amount of \$107,000.00

Attachment: The Garland Company Recommendation Letter
Bid Tabulation
Brazos Urethane/Brazos Commercial Proposal



THE GARLAND COMPANY, INC.

HIGH PERFORMANCE BUILDING ENVELOPE SOLUTIONS

3800 EAST 91ST. STREET • CLEVELAND, OHIO 44105-2197

PHONE: (216) 641-7500 • FAX: (216) 641-0633

www.garlandco.com

Date: February 10, 2022

To: Mr. Bo Bacon
Director of Facilities & Maintenance

CC: Ms. Sonja Blinka
Purchasing Director

Re: COM - PE Building Roof Replacement Project Award Recommendation

Proposals for roof replacement of the PE Building were solicited and submitted via the Choice Partners and TIPS purchasing cooperatives. Five qualified proposals were received and after evaluation, all were deemed to be responsible and complete proposals in accordance with the Project Documents.

Taking the preferred time frame of execution of the project, as well as the total overall price into consideration, the lowest offeror, Brazos Urethane out of Texas City, TX is the recommended roofing contractor to receive award of the project.

Should there be any questions or concerns, feel free to contact me.

Respectfully,

Blake Dieste CSI, CDT
Territory Manager
The Garland Co., Inc.
m: 832-488-4783
e: bdieste@garlandind.com



College of The Mainland - PE Building Roof Replacement Proposal Tabulation								
Roofing Contractor	Base Proposal Price	Unit Pricing		Time to Complete	Working Days	Begin Work	Purchasing	Contract #
		Wood Nailer	LWIC		Per Week	After Award	Cooperative	
FW Walton	\$119,727	\$9.00	\$20.00	7-10 Days	5 Days	14-21 Days	TIPS	No Response
PRC	\$129,000	\$7.50	\$850	24 Days	5 Days	7 Days *	Choice Partners	21/021MJ-30
JR Jones	\$138,230	\$8.00	\$1,500	32 Days	5 Days	TBD *	Choice Partners	No Response
Brazos	\$97,323	\$5.75	\$1,750	15 Days	6 Days	7 Days	Choice Partners	21/021MJ-08
Seabreeze	\$98,800	\$7.50	\$14.17	12 Days	6 Days	10 Days	Choice Parners	17/038CG-12

SECTION 00 41 13 - PROPOSAL FORM

PROJECT: PE Building Roof Replacement

PLACE: College of The Mainland
1200 N Amburn Rd
Texas City, TX 77591

DATE: February 9, 2022, 2:00 p.m.

TO: Ms. Sonja Blinka
sblinkacom.edu

CC: Mr. Bo Bacon
tbacon@com.edu

1. Pursuant to and in compliance with the Invitation to Proposal and the proposed Contract Documents dated February 2, 2022, relating to the above referenced project, the undersigned, hereby proposes and agrees to fully perform the work within the time stated and in strict accordance with the proposed Contract Documents, and Addenda thereto, for the following sum of money:

a. BASE PROPOSAL, ITEM #1 (PE BUILDING ROOF REPLACEMENT):

All labor, materials, services, and equipment necessary for completion of the work shown on the drawings and in the Specifications as Proposal Item #1.

Ninety Seven Thousand, Three Hundred Twenty Three DOLLARS(\$97,323.00)
(Amount in Words Governs)

2. The Offeror attests to and affirms that he and his subcontractors are skilled and experienced in the use and interpretation of plans, specifications, addenda and related Proposal Documents and, that he has carefully reviewed the plans, specifications, addenda and related Proposal Documents for this project and has found them to be free of conflicts and/or ambiguities and sufficient for bidding and construction purposes. Further, he has carefully examined the soils reports and the site of the work, and, through his own person observations, has satisfied himself as to the nature, location and requirements of the work; the character, quality and quantity of materials required; the difficulties likely to be encountered; the other items and/or conditions which may affect the satisfactory performance of the work. He has based his proposal solely on these documents, and personal observations, and has not relied in any way on any explanation or interpretation, oral or written, from any source other than whose written and issued by the Owner.
3. UNIT PRICES: The undersigned agrees, in case of variation of quantities from those shown or specified, the following unit prices will be used in adjusting the Contract price. If additional quantities are authorized in advance by the Owner. The following amount will be added to the Contract:
- | | |
|--|--------------------|
| a. Cost per 100 sq ft Lightweight Insulating Concrete Repair | <u>\$ 1,750.00</u> |
| b. Cost per board foot wood nailer | <u>\$ 5.75</u> |
4. If awarded this Contract the undersigned will execute a satisfactory Construction Contract and proof of insurance coverage, with the Owner for the entire work as per the Contract Documents within 10

days after notice of award. It is agreed that this proposal is subject to the Owners acceptance for a period of thirty (30) days from the above date.

5. The undersigned agrees to the following:

- a. To furnish all labor and materials as shown and specified.
- b. To complete Proposal Item #1 in 15 calendar days.
- c. To work 6 working days per week.
- d. To begin work 7 days after notice of award of contract.
- e. Proposal is submitted utilizing the Choice Partners Purchasing Cooperative.
Offeror's Contract # 21/021MJ-08.

6. Receipt is acknowledged of the following addenda:

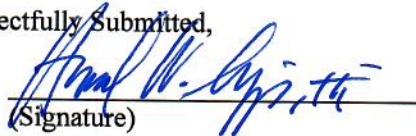
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No. <u>N/A</u>	Dated <u>N/A</u>
No. <u>N/A</u>	Dated <u>N/A</u>
No. <u>N/A</u>	Dated <u>N/A</u>

7. The Offeror attests to and affirms that he and his subcontractors are skilled and experienced in the use and interpretation of plans, specifications, addenda and related Proposal Documents and, that he has carefully reviewed the plans, specifications, addenda and related Proposal Documents for this project and has found them to be free of conflicts and/or ambiguities and sufficient for bidding and construction purposes. Further, he has carefully examined the soils reports and the site of the work, and, through his own person observations, has satisfied himself as to the nature, location and requirements of the work; the character, quality and quantity of materials required; the difficulties likely to be encountered; the other items and/or conditions which may affect the satisfactory performance of the work. He has based his proposal solely on these documents, and personal observations, and has not relied in any way on any explanation or interpretation, oral or written, from any source other than whose written and issued by the Owner.

Offeror agrees that the Owner has the right to accept or reject any or all proposals and to waive all informalities.

Respectfully Submitted,

By:


(Signature)

Date February 11, 20 22

Howard W. Scoggins, III
(Printed Name)

President
(Title)

Brazos Commercial Roofing
(Company)

Brazos Commercial Roofing

Contract Category: Roofing (JOC-IDIQ)

Contract Number: 21/021MJ-08

Contract Terms:

Initial Award Date: February 24, 2021

1st Renewal Start Date: February 24, 2022

Current Expiration Date: February 23, 2023

Renewals Remaining: 2

CP Contract Manager:

Monique Joseph

mojoseph@hcde-texas.org

713-316-4259

Contract Partner: Brazos Commercial Roofing



Contract Partner Web Site:

<http://www.BrazosCommercialRoofing.com>

Approved Market Area:





















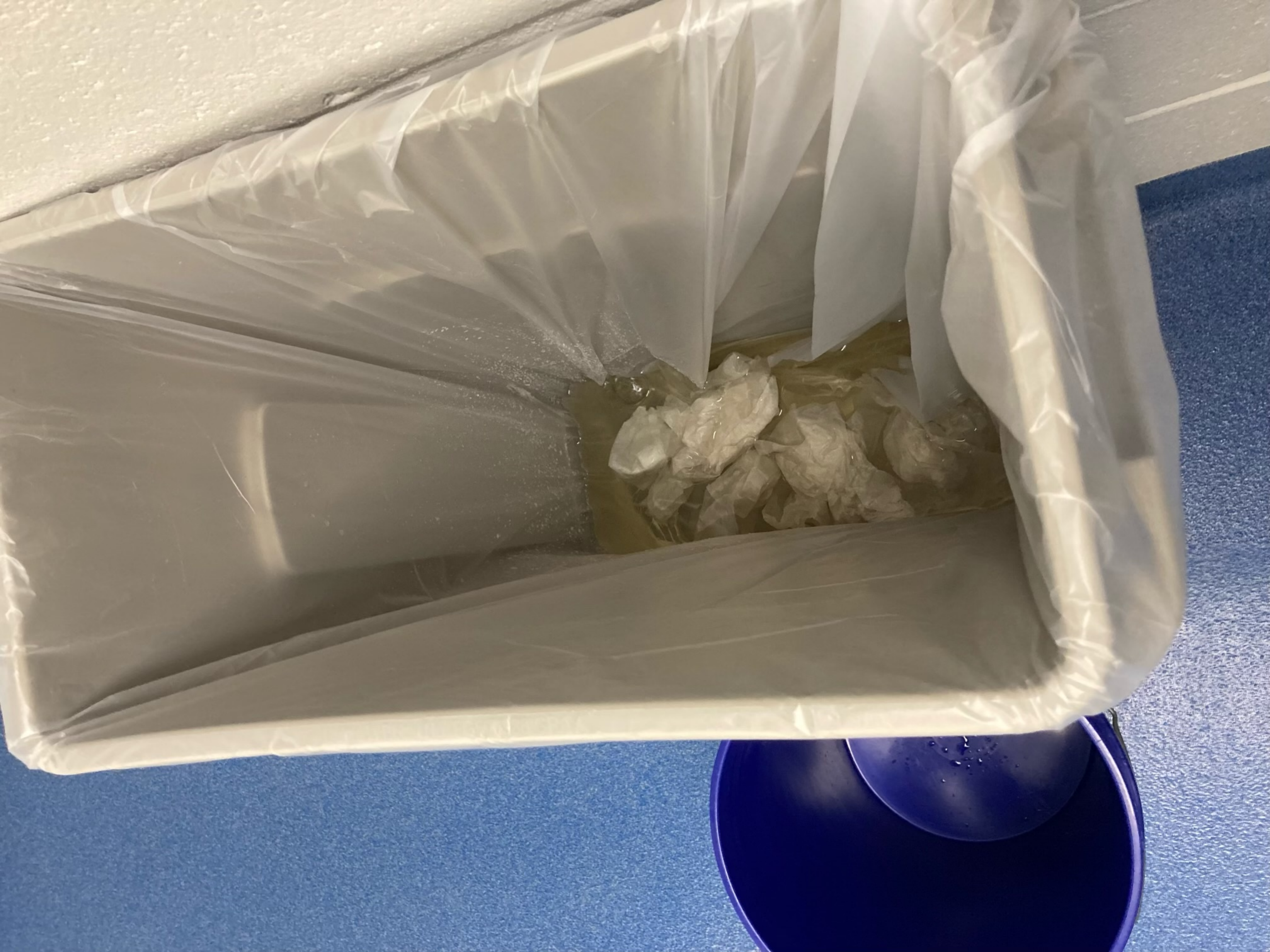
129
MEN'S LOCKER
ROOM

130
WOMEN'S
LOCKER ROOM









129

MEN'S LOCKER
ROOM



Monthly Financial Report

Cash Situation

- Cash balance at the end of month: \$32.5 million
- Minimum required cash : \$ 7.1 million
- Excess cash above minimum: \$25.4 million

Unaudited Operations Year to Date

- Revenues: Budget: \$34.5 million
Actual: \$ 35.1 million
- Expense: Budget: \$34.5 million
Actual: \$12.8 million
(37% Spent at 42% of year)



MINUTE ORDER

To: Board of Trustees
From: Dr. Warren Nichols, President
Date: February 11, 2022
Subject: Monthly Financial & Investment Reports

AGENDA ITEM DESCRIPTION:

Consideration of and possible acceptance of the January 2022 Investment and Financial Reports.

PURPOSE

To report to the Board of Trustees the year-to-date revenues and expenses for the college, comparison of revenues and expenses to budget, and the college's current cash balance.

FUNDING SOURCE:

N/A

PROPOSED MOTION:

Suggested motion: "I move the Board of Trustees accept the January 2022 Investment Report and the January 2022 Financial Reports."

BACKGROUND

The investment officer shall prepare and submit to the Board a written report of investment transactions for all funds covered by the PFIA under Education Code 51.0032 and Government Code 2256.023.

In accordance with COM policy CDA (LOCAL) – Periodic financial reports shall be submitted to the Board outlining the progress of the budget to that date and reporting on the status of all District funds and District accounts.

ATTACHMENTS

1. January 2022 Investment Discussion & Report
2. January 2022 Revenue & Expense Summary
3. January 2022 Expense by Division Report



INVESTMENT REPORT
For the Month Ended January 2022

Investment discussion:

College of the Mainland earned \$4,308 for the month of January on its short-term investments in TexPool & Logic for a total of \$14,110 investment interest earned fiscal year to date. The College earned an additional \$1, fiscal year to date, from interest-bearing checking accounts. In total, the College earned \$14,111 interest for the fiscal year to date period ending January: TexPool - \$2,886 Logic 20 - \$11,224, and TFB - \$1.

Investments in the TexPool & Logic investment pools remain more profitable than fixed rate certificate of deposits purchased at our depository bank. In addition, the investment pool provides more efficient liquidity than certificates of deposit, which are restricted to specific term lengths. Therefore, all investment funds remain in TexPool, Logic and interest earning checking accounts.

Investment Compliance Statement:

We provide reasonable assurance that the attached listing constitutes all investments currently owned by the College of the Mainland District as of the date indicated and that all these investments and investing procedures conform to the "Public Funds Investment Act" as amended by House Bill 2459 of the 74th Texas Legislature.

Furthermore, these same investments are in compliance with College of the Mainland's investment policy and strategy as adopted by the College of the Mainland's Board of Trustees.

A handwritten signature in blue ink, appearing to read 'Clen Burton', written over a horizontal line.

Glen Burton
Vice President of Fiscal Affairs
College of the Mainland

A handwritten signature in blue ink, appearing to read 'Trudy Trocheset', written over a horizontal line.

Trudy Trocheset
Controller
College of the Mainland



TexPool Investments for January 2022.

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
Operating	11	\$ 19,222,024	\$ 13,250,000	\$ -	930	32,472,954	29,407,538	0.038%
Moody	41	26,604	-	-	1	26,605	26,603	0.037%
Totals		\$ 19,248,628	\$ 13,250,000	\$ -	\$ 931	\$ 32,499,559	\$ 29,434,141	

Note: For the above listed investments in TexPool, book value is equivalent to market value. There was no accrued interest as of January 2022.

Logic (Hilltop Securities) Investments for January 2022.

Investment	COM Fund	Balance Beginning of Month	Increases	Decreases	Interest Earned	Balance End of Month	Average Balance	Annualized Average Interest Rate
COM Bond 2020	46	\$ 46,605,241	\$ -	\$ 2,023,369	3,377	44,585,248	45,430,381	0.089%
Totals		\$ 46,605,241	\$ -	\$ 2,023,369	\$ 3,377	\$ 44,585,248	\$ 52,956,830	

Totals	\$ 65,853,869	\$ 13,250,000	\$ 2,023,369	\$ 4,307	\$ 77,084,807	\$ 82,390,971

Unrestricted Fund (Unaudited)

Summary of Revenue

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating revenue						
Tuition-credit	(4,352,214)	(4,127,440)	224,774	105%	(4,356,175)	3,961
Tuition-non-credit	(270,190)	(1,044,100)	(773,910)	26%	(267,437)	(2,753)
Exemptions and waivers	1,229,766	1,108,300	(121,466)	111%	1,383,220	(153,455)
Registration fees	(1,991,464)	(1,789,500)	201,964	111%	(2,054,169)	62,705
Other fees	(80,277)	(137,000)	(56,723)	59%	(91,337)	11,060
Grant revenue	(180,814)	(66,000)	114,814	274%	(41,764)	(139,050)
Sales and service revenue	(15,995)	(432,400)	(416,405)	4%	(118)	(15,877)
Miscellaneous revenue	(29,667)	(109,100)	(79,433)	27%	(86,529)	56,862
TPEG transfer in/out	0	202,500	202,500	0%	0	0
<u>Totals for Operating revenue</u>	<u>(5,690,855)</u>	<u>(6,394,740)</u>	<u>(703,885)</u>	<u>89%</u>	<u>(5,514,309)</u>	<u>(176,546)</u>
Non-operating revenue						
State appropriation-Academic	(2,859,125)	(6,649,121)	(3,789,996)	43%	(2,810,119)	(49,006)
Property tax revenue	(26,578,073)	(22,539,139)	4,038,934	118%	(16,669,634)	(9,908,439)
Interest revenue	(2,882)	(350,000)	(347,118)	1%	(5,350)	2,468
FTZ reimbursement	0	(350,000)	(350,000)	0%	0	0
Renew & replace transfer out	0	1,783,000	1,783,000	0%	0	0
<u>Totals for Non-operating revenue</u>	<u>(29,440,080)</u>	<u>(28,105,260)</u>	<u>1,334,820</u>	<u>105%</u>	<u>(19,485,102)</u>	<u>(9,954,977)</u>
<u>Total Revenue</u>	<u>(35,130,935)</u>	<u>(34,500,000)</u>	<u>630,935</u>	<u>102%</u>	<u>(24,999,412)</u>	<u>(10,131,523)</u>

Unrestricted Fund (Unaudited)

Summary of Expense

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Salary and wages						
Faculty full-time	3,127,064	7,781,351	4,654,287	40%	3,254,576	(127,512)
Admin full-time	690,003	1,587,756	897,753	43%	685,399	4,603
Professional full-time	3,025,799	7,217,878	4,192,079	42%	2,980,635	45,163
Classified full-time	0	3,803,932	3,803,932	0%	1,703,623	(1,703,623)
Part-time	974,335	3,771,925	2,797,590	26%	826,866	147,469
Salary increase	0	220,000	220,000	0%	0	0
Vacancy savings	0	(3,704,027)	(3,704,027)	0%	0	0
<u>Totals for Salary and wages</u>	<u>7,817,200</u>	<u>20,678,815</u>	<u>12,861,615</u>	<u>38%</u>	<u>9,451,100</u>	<u>(1,633,899)</u>
Benefits						
Benefits	1,901,617	4,176,934	2,275,317	46%	2,032,455	(130,838)
<u>Totals for Benefits</u>	<u>1,901,617</u>	<u>4,176,934</u>	<u>2,275,317</u>	<u>46%</u>	<u>2,032,455</u>	<u>(130,838)</u>
Operating expenses						
Contract services	1,414,510	3,174,396	1,759,886	45%	1,504,634	(90,124)
Legal	1,100	12,485	11,385	9%	903	198
Operations	136,603	723,562	586,959	19%	154,543	(17,940)
Utilities and Rent	824,455	2,016,046	1,191,591	41%	611,272	213,183
Postage, printing, and supplies	329,524	1,334,369	1,004,845	25%	133,578	195,946
Bank fees	18,519	84,400	65,881	22%	12,351	6,168
Capital outlay & leases	29,806	61,503	31,697	48%	22,644	7,162
Insurance	61,965	1,846,069	1,784,104	3%	166,886	(104,921)
Public relations and advertising	46,134	257,098	210,964	18%	28,489	17,645
Misc.	263,622	437,765	174,143	60%	213,091	50,531
Reimbursement from Others	0	(303,442)	(303,442)	0%	0	0
MTN Payment	0	0	0	0%	0	0

Unrestricted Fund (Unaudited)

Arbitrage Payment	(35,806)	0	35,806	0%	0	(35,806)
<u>Totals for Operating expenses</u>	<u>3,090,432</u>	<u>9,644,251</u>	<u>6,553,819</u>	<u>32%</u>	<u>2,848,390</u>	<u>242,042</u>
<u>Total Expense</u>	<u>12,809,249</u>	<u>34,500,000</u>	<u>21,690,751</u>	<u>37%</u>	<u>14,331,944</u>	<u>(1,522,695)</u>

Unrestricted Fund (Unaudited)

Summary of Fund Bal

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Operating expenses						
Contract services	147,353	0	(147,353)	0%	320,265	(172,911)
Operations	7,827	0	(7,827)	0%	0	7,827
Utilities and Rent	398,804	0	(398,804)	0%	62,203	336,601
Postage, printing, and supplies	194,393	0	(194,393)	0%	645,628	(451,235)
Capital outlay & leases	106,041	0	(106,041)	0%	351,070	(245,030)
Public relations and advertising	62,960	0	(62,960)	0%	0	62,960
Misc.	0	0	0	0%	5,412	(5,412)
<u>Totals for Operating expenses</u>	<u>917,379</u>	<u>0</u>	<u>(917,379)</u>	<u>0%</u>	<u>1,384,579</u>	<u>(467,200)</u>
<u>Total Fund Bal</u>	<u>917,379</u>	<u>0</u>	<u>(917,379)</u>	<u>0%</u>	<u>1,384,579</u>	<u>(467,200)</u>

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Expense by Division</u>						
<u>Summary for President</u>						
Board of Trustees	716	19,400	18,684	4%	2,098	(1,382)
Campus Police	206,580	692,018	485,438	30%	287,738	(81,158)
Gen Institution	99,355	294,119	194,764	34%	108,129	(8,774)
Information Technology Serv	1,060,781	2,204,960	1,144,180	48%	1,044,016	16,764
Internal Audit	18,905	150,000	131,095	13%	58,393	(39,488)
OPEAR	184,391	462,054	277,663	40%	244,142	(59,751)
Presidents Office	247,210	554,505	307,295	45%	271,318	(24,107)
Self Study SACS	500	10,500	10,000	5%	500	0
Staff Attorney	72,474	175,089	102,615	41%	72,358	116
<u>Totals for President</u>	<u>1,890,913</u>	<u>4,562,646</u>	<u>2,671,733</u>	<u>41%</u>	<u>2,088,692</u>	<u>(197,779)</u>
<u>Summary for VP Fiscal Affairs</u>						
Central Mail	17,538	137,238	119,700	13%	46,017	(28,479)
Custodial Services	60,403	318,890	258,487	19%	122,661	(62,258)
Facilities	1,035,855	4,125,582	3,089,727	25%	1,191,570	(155,715)
Financial Services	229,001	845,392	616,390	27%	395,341	(166,340)
Grounds	31,532	113,548	82,016	28%	56,958	(25,426)
Human Resources	276,698	685,220	408,522	40%	256,371	20,327
Maintenance Tax Note	0	0	0	0%	0	0
Purchasing	121,014	286,749	165,735	42%	117,895	3,119
Records Mgmt	5,736	20,952	15,216	27%	2,717	3,019
Reimbursement	0	(303,442)	(303,442)	0%	0	0
Salary Savings	0	(3,704,027)	(3,704,027)	0%	0	0
Staff Benefits	341,269	3,210,452	2,869,182	11%	476,660	(135,391)
Tax Admin	93,165	232,631	139,466	40%	120,069	(26,904)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Utilities	368,485	1,125,000	756,515	33%	245,805	122,680
Vehicle Operations	23,618	102,112	78,494	23%	36,608	(12,990)
VP College & Fin Svcs	82,737	185,651	102,914	45%	86,362	(3,625)
<u>Totals for VP Fiscal Affairs</u>	<u>2,687,051</u>	<u>7,381,946</u>	<u>4,694,895</u>	<u>36%</u>	<u>3,155,034</u>	<u>(467,983)</u>
<u>Summary for VP Institutional Advancement</u>						
COM Foundation Dept	21,778	106,267	84,489	20%	43,021	(21,243)
Marketing and Communications	284,838	832,212	547,375	34%	265,760	19,077
VP Institutional Advancement	260,348	553,569	293,221	47%	251,733	8,615
<u>Totals for VP Institutional Advancement</u>	<u>566,964</u>	<u>1,492,048</u>	<u>925,084</u>	<u>38%</u>	<u>560,515</u>	<u>6,449</u>
<u>Summary for VP Instruction</u>						
Acad Succ Re/Wr	378,719	819,534	440,814	46%	383,725	(5,006)
Accting-Credit	41,469	127,053	85,584	33%	67,700	(26,231)
Adm-C.I.D.T.	5,289	73,131	67,842	7%	26,986	(21,698)
Adm-Cont Ed	96,525	538,543	442,018	18%	231,121	(134,595)
Adm-Ind Tech	3,537	8,163	4,626	43%	0	3,537
Adm-Instruct	5,344	75,549	70,205	7%	27,305	(21,961)
Adm-Perf & Vis Arts	7,999	64,398	56,400	12%	32,948	(24,949)
Adm-Pub Svc Ed	11,549	70,622	59,073	16%	26,253	(14,704)
Adm-Science	7,862	13,040	5,177	60%	14,089	(6,226)
Adm-Soc Sci	8,659	77,468	68,809	11%	29,390	(20,731)
Adult Education	62,309	202,029	139,720	31%	105,307	(42,998)
Allied Health CE	35,681	347,479	311,798	10%	119,282	(83,601)
Art	109,126	227,426	118,301	48%	103,213	5,912
Art Gallery	25,129	54,297	29,169	46%	24,856	273
Biol & Nutrition	303,866	640,499	336,632	47%	312,959	(9,093)
Bus Tech	0	0	0	0%	6,208	(6,208)
C.I.S.	43,878	78,103	34,225	56%	41,063	2,815

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
Chemistry	75,864	238,468	162,604	32%	83,392	(7,528)
Child Develop	33,919	66,379	32,460	51%	33,809	110
Cmnty Theater	125,548	289,797	164,249	43%	155,483	(29,935)
Collegiate H.S.-CR	49,137	145,442	96,305	34%	67,649	(18,512)
Cosmetology	292,071	595,910	303,839	49%	266,445	25,626
Criminal Justice	35,994	82,467	46,473	44%	40,506	(4,512)
Dean Cont Ed	58,441	14,862	(43,580)	393%	323	58,118
Dean Gen Ed	57,845	188,015	130,170	31%	84,712	(26,867)
Distance Ed	223,311	411,295	187,984	54%	232,269	(8,958)
Drafting	34,866	66,032	31,166	53%	33,833	1,033
Dual Credit Dept	52,523	165,162	112,640	32%	70,851	(18,328)
Economics	40,060	74,718	34,658	54%	35,158	4,902
EMS-Credit	108,582	205,755	97,173	53%	123,361	(14,779)
Fire Tech	118,029	190,136	72,107	62%	143,385	(25,357)
Firearms Acad	9,094	40,672	31,579	22%	6,158	2,936
Foreign Lang	33,584	66,188	32,604	51%	31,792	1,792
Gen Bus-Credit	86,578	83,402	(3,176)	104%	36,868	49,710
Geology	33,882	67,271	33,389	50%	34,874	(992)
Government	164,561	288,233	123,673	57%	150,487	14,074
Graphic Arts	48,789	80,342	31,554	61%	49,525	(736)
Health and PE Credit	69,364	131,157	61,793	53%	69,300	64
Health Info Mgmt	68,984	193,051	124,067	36%	73,977	(4,993)
Hist & Geog	125,940	243,878	117,938	52%	129,809	(3,869)
Humanities	106,322	193,790	87,468	55%	95,268	11,054
Instr Tech Department	42,626	233,101	190,475	18%	98,025	(55,399)
Instr Tech Lab Mgrs	10,380	143,158	132,779	7%	65,053	(54,674)
Law Enforcement	37,664	93,439	55,775	40%	36,259	1,405
Law Enforcemnt-NonCR	28,315	12,575	(15,740)	225%	32,270	(3,955)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
LC Ctr Admin	1,577	20,823	19,246	8%	1,806	(229)
Library	267,360	636,477	369,118	42%	321,839	(54,480)
Management	8,726	7,260	(1,467)	120%	27,555	(18,829)
Massage Therapy	3,945	10,835	6,890	36%	0	3,945
Math	360,623	744,147	383,524	48%	337,828	22,795
Medical Assistant	33,970	94,441	60,471	36%	33,486	484
Music	132,394	252,987	120,593	52%	157,766	(25,372)
Networking	47,668	79,227	31,559	60%	41,411	6,257
Nursing Administration	44,478	403,044	358,566	11%	162,824	(118,346)
Nursing-AD	546,533	1,459,102	912,569	37%	556,690	(10,157)
Nursing-VN	148,322	245,553	97,231	60%	164,628	(16,305)
Pharmacy Tech	43,027	90,042	47,014	48%	43,026	1
Philosophy	17,305	5,225	(12,080)	331%	19,005	(1,700)
Physics	58,222	94,649	36,427	62%	59,535	(1,313)
Process Tech	204,059	519,084	315,025	39%	305,218	(101,159)
Prof Develop Acad	904	9,000	8,096	10%	0	904
Psychology	175,963	333,258	157,295	53%	169,686	6,278
Safety-CR	37,887	124,900	87,013	30%	49,118	(11,231)
Senior Adult Dept	76,777	226,274	149,498	34%	91,832	(15,055)
Social Science Non CR	17,220	5,161	(12,058)	334%	18,906	(1,686)
Sociology	32,716	61,803	29,088	53%	30,948	1,768
Speaking,Reading,Writing	171,100	516,730	345,630	33%	210,137	(39,037)
Theater Arts-Credit	50,763	157,230	106,467	32%	26,752	24,011
Thermal Tech-NonCR	39,860	58,467	18,607	68%	11,145	28,715
Virtual College TX	0	0	0	0%	1,120	(1,120)
VP Instruction	202,441	2,615,119	2,412,679	8%	174,821	27,619
Welding-Cred	210,126	535,063	324,937	39%	207,525	2,602

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
<u>Totals for VP Instruction</u>	<u>6,253,176</u>	<u>17,327,932</u>	<u>11,074,756</u>	<u>36%</u>	<u>7,057,850</u>	<u>(804,674)</u>
<u>Summary for VP of Instruction</u>						
Allied Health Admin	3,899	12,146	8,247	32%	0	3,899
CE-CAN Program	21,301	79,214	57,913	27%	0	21,301
CE-CPR	208	2,310	2,102	9%	0	208
CE-Dental	4,964	13,987	9,023	35%	0	4,964
Nursing - BSN	0	7,545	7,545	0%	0	0
Program Development	46,116	26,112	(20,004)	177%	0	46,116
<u>Totals for VP of Instruction</u>	<u>76,488</u>	<u>141,314</u>	<u>64,827</u>	<u>54%</u>	<u>0</u>	<u>76,488</u>
<u>Summary for VP Student Services</u>						
Admissions	110,996	291,051	180,055	38%	156,779	(45,783)
Advise Center	290,449	670,800	380,351	43%	302,729	(12,280)
Career & Placement	36,567	90,809	54,242	40%	0	36,567
Career Svcs	0	0	0	0%	0	0
Counseling	0	0	0	0%	0	0
Enrollment Mgmt	59,971	112,711	52,740	53%	42,830	17,140
Facilities & Student Recreat	42,219	116,745	74,526	36%	9,192	33,027
Judicial Affairs	62,613	187,835	125,222	33%	86,011	(23,398)
Multicultural Department	4,063	12,500	8,437	33%	2,494	1,569
Recruitment	162,841	467,128	304,287	35%	162,377	464
Stu Financial Svcs	187,806	571,122	383,316	33%	185,088	2,718
Stu Organizations	97,100	295,413	198,313	33%	136,049	(38,948)
Student Graduation	17,275	74,080	56,805	23%	17,382	(107)
Svcs-Disab Students	3,553	38,639	35,086	9%	25,755	(22,202)
Testing	76,412	240,913	164,500	32%	108,522	(32,110)
Title V Grant	27	0	(27)	0%	0	27
Veteran Affairs	70,060	139,021	68,962	50%	70,506	(446)

Unrestricted Fund (Unaudited)

	<u>Current Actual</u>	<u>2021-22 Budget</u>	<u>Budget Remaining</u>	<u>Budget Pct.YTD</u>	<u>Prior Year to Actual</u>	<u>Curr. vs Prior Year to Year</u>
VP Student Services	112,705	285,346	172,641	39%	164,140	(51,436)
<u>Totals for VP Student Services</u>	<u>1,334,658</u>	<u>3,594,114</u>	<u>2,259,456</u>	<u>37%</u>	<u>1,469,854</u>	<u>(135,197)</u>
<u>Totals for Expense</u>	<u>12,809,249</u>	<u>34,500,000</u>	<u>21,690,751</u>	<u>37%</u>	<u>14,331,944</u>	<u>(1,522,695)</u>
<u>Fund Bal by Division</u>						
<u>Summary for VP Fiscal Affairs</u>						
Fund Balance - Academic Support	4,730	0	(4,730)	0%	0	4,730
Fund Balance - Institutional Support	731,678	0	(731,678)	0%	515,079	216,598
Fund Balance - Instruction	139,922	0	(139,922)	0%	732,852	(592,930)
Fund Balance - Oper & Maint	0	0	0	0%	80,372	(80,372)
Fund Balance - Student Services	41,050	0	(41,050)	0%	56,276	(15,226)
<u>Totals for VP Fiscal Affairs</u>	<u>917,379</u>	<u>0</u>	<u>(917,379)</u>	<u>0%</u>	<u>1,384,579</u>	<u>(467,200)</u>
<u>Totals for Fund Bal</u>	<u>917,379</u>	<u>0</u>	<u>(917,379)</u>	<u>0%</u>	<u>1,384,579</u>	<u>(467,200)</u>
<u>Totals for Report</u>	<u>13,726,629</u>	<u>34,500,000</u>	<u>20,773,371</u>		<u>15,716,523</u>	<u>(1,989,895)</u>



PRESIDENT'S OFFICE

Board Report

Presenter: Board Chair

A. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

B. Reminders/Announcements

1. Board Meetings

a. March 2022 – Wednesday, March 30th

b. April 2022 – Monday, April 25th

2. Save the Date: Employee Recognition Dinner

Friday, April 1st, 5:00 p.m. (Social Hour)

6:00 p.m. (Recognition Dinner)

C. Resignations and Retirement Report

D. Miscellaneous Updates



PRESIDENT'S OFFICE

President's Report

Presenter: Dr. Warren Nichols

A. Updates

1. Opening Doors Scholarship Program – Dr. Lisa Watson will update the Board

B. Reminders/Announcements

1. Board Meetings

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D. Miscellaneous Updates



Dickinson Promise Scholarship

Programs of Studies	Number	Programs of Studies	Number
Associate of Applied Science		Associate of Arts	
Accounting, Business Administration – Management, Cosmetology, Criminal Justice, Drafting, Entrepreneurship, Graphic/Web Design, Health Information Management, Petrochemical Process Technology, Pharmacy Technician, Welding Technology	18	Criminal Justice, Education, General Studies, Visual Arts	21
Associate of Science		Pre-Nursing/ Pre-Transition Track Nursing	
Chemical Engineering, Mathematics, Mechanical Engineering, Natural Science, Computer Science	17		22
		Certificates	
		Advanced Level Welding, Graphic Design, Medical Assisting Level 2, Pharmacy Technician Certificates	4
	Grand Total	82	

Hitchcock Promise Scholarship

Programs of Studies	Number	Programs of Studies	Number
Associate of Applied Science	5	Associate of Arts	5
Accounting, Business Administration – Management, Criminal Justice, Medical Assisting		General Studies, Criminal Justice, Music	
Associate of Science		Pre-Transition Track Nursing	
Natural Science	1		1
		Certificate Programs	2
		Cosmetology, Computer Programming	
	Grand Total	14	

La Marque Promise Scholarship

Programs of Studies	Number	Programs of Studies	Number
Associate of Applied Science		Associate of Arts	
Graphic/Web Design, Petrochemical Process Technology, Business Marketing	4	Criminal Justice, General Studies, Theatre – Technical Track, Visual Arts	6
Associate of Science		Pre-Nursing	6
Chemical Engineering, Natural Science	2		
		Certificate Programs	
		Computer Aided Drafting, Entry Level Welding, Management	3
	Program Totals for FY2021	21	

Santa Fe Promise Scholarship

Programs of Studies	Number	Programs of Studies	Number
Associate of Applied Science		Associate of Arts	
Business Administration – Management, Drafting, Occupational Safety & Health Technician	4	Business, Criminal Justice, General Studies, Theatre – Technical Track, Visual Arts	16
Associate of Science		Pre-Nursing/ Pre-Transition Track Nursing	
Computer Science, Mechanical Engineering, Natural Science	5		5
		Certificate Programs	
		Medical Assisting Level 2, Programming	2
	Program Totals for FY2021	32	

Texas City Promise Scholarship

Programs of Studies	Number	Programs of Studies	Number
Associate of Applied Science		Associate of Arts	
Criminal Justice, Drafting, Entrepreneurship, Health Information Management, Medical Assisting, Occupational Safety & Health Technology, Petrochemical Process Technology, Welding Technology, Business Administration Management and Marketing	16	General Studies, Business, Criminal Justice, Visual Arts, Education	39
Associate of Science		Pre-Nursing/ Pre-Vocational Nursing	
Chemical Engineering, Mathematics, Mechanical Engineering, Natural Science, Computer Science	13		17
Skills Award		Certificates	
Accounting Occupational Skills Award	2	Advanced Level Welding Certificate, Cosmetology Operator, Entrepreneurship, Fire Academy, Graphic Design, Medical Coding, Networking, Occupational Health & Safety, Pharmacy Technician, Programming	12
	Grand Total	99	

Texas City Promise Scholarship

- Questions?
- Contact Information:
 - Lisa Watson, Executive Director of College of the Mainland Foundation and Resource Development
 - lwatson5@com.edu
 - Telephone: (409) 933-8674



PRESIDENT'S OFFICE

Resignations & Retirements

Last Name	First Name	Position	Hire Date	Last Date of Work	Termination Reason
Estrada	Fatima	Computer Lab Assistant I	01/21/2020	01/25/2022	Resignation
Marshall	Crystal	Assistant Professor – Nursing	08/01/2019	02/18/2022	Resignation
Frederick	Kelli	Career Navigator	02/01/2016	02/28/2022	Resignation



PRESIDENT'S OFFICE

Executive Session

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.071, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift or donation.

Section 551.074 – For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.082 – For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing.

Section 551.084 – For the purpose of excluding a witness or witnesses from a hearing during examination of another witness.

Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

- A. The open meeting covered by this Notice upon the reconvening of the public meeting, or
- B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.