Agenda of Regular Meeting

The Board of Trustees
San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

A Regular Meeting of the Board of Trustees of San Elizario ISD will be held in person on Wednesday, June 12, 2024, beginning at 5:30 PM SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849.

Although one or more board members may participate by videoconference call, a quorum of the Board of Trustees will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act. One or more of the vendors being considered at this meeting may appear through video conference call / Microsoft Teams / Zoom. Any such presentation will be visible and audible to anyone attending the open meeting.

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to acardonajr@seisd.net at any time prior to the board meeting time.

Public comment shall occur at the beginning of the meeting and shall follow all other requirements and limitations under SEISD Board Policy BED (Local).

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice. All items on the consent agenda shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration.

1. **GENERAL FUNCTIONS**
   Mr. Eduardo Chavez, Board President
   A. Call Meeting to Order
   B. Roll Call
   C. The Pledge of Allegiance 7
      San Elizario ISD Student
   D. Texas Pledge of Allegiance 8
      San Elizario ISD Student
   E. **San Elizario ISD Mission Statement**
      San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.
      Mr. Eduardo Chavez, Board President
2. **OPEN FORUM** (five-minute limit)
3. **DISTRICT RECOGNITIONS**
   A. Board of Trustees - Team of 8 Training Completion 9
      Dr. Jeannie Meza-Chavez, Superintendent
   B. Recognition of STEM Tank Event

1. District Coordinator - Ms. Deborah Cortez, Instructional Officer
   Dr. Jeannie Meza-Chavez, Superintendent, and Dr. Rogelio Segovia, Associate Superintendent
2. Top Winners
   Ms. Deborah Cortez, Planning and Instruction Instructional Officer

C. Career and Technology Education Recognitions
   Ms. Sandra Sanchez, Career and Technology Education Administrator
   1. Emergency Medical Technician Certification
   2. Cosmetology Operator License
   3. Culinary Arts ServSafe Manager Certification
   4. Business Management
      a. Administrative Assistant Certification
      b. Microsoft Office Word Expert
   5. Plumbing
      a. National Center for Construction Education and Research Core Certification
      b. OSHA 30 Certification
   6. Graphic Design Illustrator Certification

D. Recognition of Teacher and Employee of the Month for Alfonso Borrego, Sr. Elementary School
   Ms. Martha Santana-Garcia, Principal, Alfonso Borrego, Sr. Elementary School
   1. Teacher of the Month - Sarah Guillen
   2. Employee of the Month - Miriam Padilla

4. **NEW BUSINESS / BOARD ACTION ITEMS**

A. Student Outcome Goals
   1. Alfonso Borrego, Sr. Elementary School - Monitoring Student Progress 10
      Ms. Martha Santana-Garcia, Principal, Alfonso Borrego, Sr. Elementary School

B. Discussion and possible board action to approve the revised San Elizario Independent School District Mission Statement 20
   Ms. Lisa Renegar, Research and Evaluation Administrator

C. Annual Review of the Board Operating Procedures Revision Update 23
   Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent

D. Discussion and Presentation/Update on the Elementary and Secondary School Emergency Relief Fund (ESSER III) 73
   Mr. Edgar Ponce, ESSER Programs Coordinator

E. Public comment and input on the Elementary and Secondary School Emergency Relief Fund (ESSER III) 94
   Mr. Edgar Ponce, ESSER Programs Coordinator

F. Discussion regarding Special Education department operating procedures and duties of employees with respect to those procedures
   Ms. Myrna Hernandez, Board Vice-President

5. **CONSENT AGENDA** - Consider and possible Board action on

A. Financial Reports
   Mr. Norberto Rivas, Chief Financial Officer
   1. Tax Report 95
   2. Financial Statements 97
   3. Investment Report 103
   4. Purchase Orders exceeding $25,000

a. PO# 51358 - AREDI Enterprises - $32,855.00 114
PO# 51124 - Caldwell Country Chevrolet - revising amount to $48,730.00
PO# 49147 - SEISD Catering - revising amount to $265,000.00
PO# 48424 - Heist Disposal Service Inc - revising amount to $42,458.60
PO# 48722 - Barnes & Noble Education, Inc - revising amount to $37,492.49
5. Budget Amendment 129

B. Consider and possible Board action to approve the third and final extension with Frontline Technologies Group LLC for Third-Party-Medicaid Billing Provider (RFP#22-1117)
Mr. Norberto Rivas, Chief Financial Officer

C. Consider and possible Board action to approve resolution designating the person responsible for calculating the no-new-revenue tax rate and voter-approved tax rate for the District 131
Mr. Norberto Rivas, Chief Financial Officer

D. Consider and possible Board action to approve changes to the 2024-2025 Academic and Non-Academic Stipend Charts 133
Ms. Blanca Cruz, Executive Director Human Resources

E. Consider and possible board action to approve Student Outcome Goals and Goal Progress Measures for the 2024-2025 school year 138
Ms. Lisa Renegar, Research and Evaluation Administrator

F. Consider and possible Board action to approve Science Textbook Adoption Purchase 141
Dr. Rogelio Segovia, Associate Superintendent

G. Consider and possible Board action to approve interlocal agreement of school resource officer with the City of San Elizario, Texas commencing on July 1, 2024 and ending on June 30, 2025 173
Mr. Jesus Martinez, Executive Director Support Services, and Mr. Norberto Rivas, Chief Financial Officer

H. Consider and possible Board action to approve the Boys and Girls Clubs of El Paso Memorandum of Agreement 188
Dr. Rogelio Segovia, Associate Superintendent

I. Consider and possible Board action to approve the Student Code of Conduct 2024 - 2025 194
Dr. Rogelio Segovia, Associate Superintendent

J. Consider and possible Board action to approve the Engineering and Health Science Textbook Selections and Purchase 290
Ms. Sandra Sanchez, Career and Technology Administrator

K. Consider and possible Board action to approve application of the Effective Advising Framework (EAF) Implementation Grant 294
Ms. Sandra Sanchez, Career and Technology Administrator

L. Consider and possible Board action to approve the Third Amendment to Ground Facilities Lease Agreement between San Elizario ISD and Organizacion Progresiva of San Elizario 308
Mr. Jesus Martinez, Executive Director Support Services

M. Policy Update 123 311
Board of Trustees
1. (LEGAL) Policies - Review Only

2. (LOCAL) Policies - adopt, revise, or repeal
   BBD(LOCAL): BOARD MEMBERS - TRAINING AND ORIENTATION
   BBFA(LOCAL): ETHICS - CONFLICT OF INTEREST DISCLOSURES
   CKC(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - EMERGENCY PLANS
   CKEC(LOCAL): SECURITY PERSONNEL - SCHOOL RESOURCE OFFICERS
   CQC(LOCAL): TECHNOLOGY RESOURCES - EQUIPMENT
   DCE(LOCAL): EMPLOYMENT PRACTICES - OTHER TYPES OF CONTRACTS
   DGBA(LOCAL): PERSONNEL-MANAGEMENT RELATIONS - EMPLOYEE COMPLAINTS/GRIEVANCES
   EEH(LOCAL): INSTRUCTIONAL ARRANGEMENTS - HOMEBOUND INSTRUCTION
   EF(LOCAL): INSTRUCTIONAL RESOURCES
   EFA(LOCAL): INSTRUCTIONAL RESOURCES - INSTRUCTIONAL MATERIALS
   EFB(LOCAL): INSTRUCTIONAL RESOURCES - LIBRARY MATERIALS
   FNG(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT AND PARENT COMPLAINTS/GRIEVANCES
   GF(LOCAL): PUBLIC COMPLAINT

N. Consider approval of minutes for the following:
   Board of Trustees
   1. May 8, 2024 - Regular Board Meeting 673
   2. June 5, 2024 - Health Insurance and Budget Workshop 682

O. Consider disposal of surplus property declared obsolete and unnecessary by Superintendent or her Designee, to include disposal of broken furniture and technology equipment according to Administrative discretion and by any reasonable means.
   1. Support Services Department 687
      Mr. Jesus Martinez, Executive Director Support Services
   2. Technology Department 690
      Mr. Horacio Hernandez, Executive Director Technology

6. **PRESENTATIONS / REPORTS / INFORMATION**

A. Presentations

B. Reports
   1. Goal Progress Monitoring (Report)
      Ms. Lisa Renegar, Research and Evaluation Administrator
      a. GPM 3.1 - Meeting CCMR Criteria 701
   2. End-of-Year pulse check on academic growth (Report) 702
      Ms. Lisa Renegar, Research and Evaluation Administrator

C. Information
   1. Legal Counsel Services (Information) 744
      Dr. Jeannie Meza-Chavez, Superintendent, and Mr. Norberto Rivas, Chief Financial Officer
   2. 2024 - 2025 Board Meeting Dates (Information) 777
      Dr. Jeannie Meza-Chavez, Superintendent
   3. San Elizario Early College High School Designation (Information) 778
      Dr. Jeannie Meza-Chavez, Superintendent
   4. San Elizario ISD Safe to Return In-Person and Continuity of Services Plan (Information) 779

Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, Ms. Blanca Cruz, Executive Director Human Resources, Mr. Jesus Martinez, Executive Director Support Services, Mr. Horacio Hernandez, Executive Director Technology

5. Board Training (Information)
   Dr. Jeannie Meza-Chavez, Superintendent
   a. San Elizario Independent School District Board of Trustees Book Study - The Governance Core 840
      Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent
   b. Mexican American School Board Association 2024 Annual Conference - September 12 - 13, 2024 in San Antonio, TX 846
   c. TASA | TASB Convention txEDCON23 - September 27 - September 29, 2024 in San Antonio, TX 847
6. Texas Department of Agriculture - Fresh Fruit and Vegetable Program Award (Information) 848
   Ms. Aggie Reyes, Executive Director Child Nutrition Services
7. Meal Service Update (Information) 849
   Ms. Agueda Reyes, Executive Director Child Nutrition Services

7. **EXECUTIVE SESSION**

The Board will enter into a closed meeting to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:

A. Discussion on Employee / Board / Superintendent Communication
B. Discussion regarding potential purchase of real property for school district needs
   Mr. Steve Blanco, Legal Counsel, and Dr. Jeannie Meza-Chavez, Superintendent
C. Discussion regarding reassignment of E.P. from ESSER Programs Coordinator to Federal & Special Programs Coordinator effective 2024-2025 School Year
   Dr. Jeannie Meza-Chavez, Superintendent
D. Discussion regarding Administration's recommendation to assign J. A., Speech Language Pathologist - Licensed Assistant, to Autism Specialist effective 2024-2025 school year
E. Discussion regarding the specific duties and responsibilities of employee(s) responsible for Summary of Performance (SOP) within the Special Education department
   Ms. Myrna Hernandez, Board Vice-President
F. Discussion regarding Legal Counsel Services
   Mr. Eduardo Chavez, Board President

8. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**

A. Discussion and possible board action regarding potential purchase of real property for school district needs and to approve other matters incident and related thereto to include appraisal of property
   Dr. Jeannie Meza-Chavez, Superintendent, Mr. Norberto Rivas, Chief Financial Officer, and Mr. Steve Blanco, Legal Counsel
B. Discussion and possible action to approve Administration's recommendation to assign J.A., Speech Language Pathologist - Licensed Assistant, to Autism Specialist effective 2024-2025 school year
   Ms. Blanca Cruz, Executive Director Human Resources
C. Discussion and possible action to approve the revision to the 2024-2025 Administrative Professional Pay Table 850

Ms. Blanca Cruz, Executive Director Human Resources

D. Discussion and possible Board action regarding Legal Services
Mr. Eduardo Chavez, Board President

9. **NEXT MEETING DATE:**
Tuesday, June 25, 2024 at 5:30 p.m.- Budget Adoption and Instructional Workshop
July 2024 - No Board Meeting
Wednesday, August 14, 2024 at 5:30 p.m. - Regular Board Meeting
10. **ADJOURNMENT**

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

551-071	Private consultation with the board's attorney.
551-072	Discussing purchases, exchange, leases, or value of real property.
551-073	Discussing negotiated contracts for prospective gifts or donations.
551-074	Discussing personnel or to hear complaints against personnel
551-076	Deliberation regarding security devices
551-082	Considering discipline of a public school child, or complaint or charge against personnel
551-083	Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.
551-084	Excluding witnesses from a hearing.

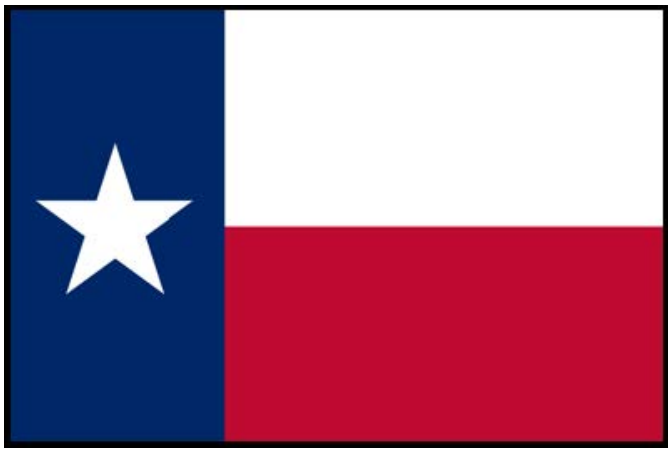
Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.



I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

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



Continuing Education Credit Reporting Service
Credit Entry - Non-TASB Training

Session Title: Team of 8 Training

Session Date: 5/23/2024

Session Location: El Paso, TX

Topic: Topic 2 – Team Building

Credit Units: 3.00

Training Provider: ESC Region 19, ESC19

The summary below is a complete record of credits recorded for this session, to date.

People with checks have credit recorded for this session. Others do not.

Credit Earned					Units Earned
✔	Jeannie Meza-Chavez	Superintendent	078990	San Elizario ISD	3.00
✔	Guadalupe Caro	Board Member	132302	San Elizario ISD	3.00
✔	Eduardo Chavez	Board President	123268	San Elizario ISD	3.00
✔	Monica Chavez	Board Member	132301	San Elizario ISD	3.00
✔	Myrna Hernandez	Board Vice President	123270	San Elizario ISD	3.00
✔	Sandra Licon	Board Secretary	100311	San Elizario ISD	3.00
✔	Axel Lopez	Board Member	129653	San Elizario ISD	3.00
✔	Lorenzo Luevano	Board Member	131710	San Elizario ISD	3.00

Return

PO Box 400, Austin, Texas 78767-0400 • 512.467.0222
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Alfonso Borrego Sr. Elementary

2023 – 2024
#SEISDPeoplePassionPurpose

Progress Monitoring

Attendance

Year to Date Attendance Percentage: 94.34 %

1st Nine Weeks Attendance	2nd Nine Weeks Attendance	3rd Nine Weeks Attendance
3rd Grade – 96.45 %	3rd Grade - 93.83 %	3rd Grade - 93.38 %
4th Grade - 95.20 %	4th Grade - 93.69 %	4th Grade - 92.48 %
5th Grade - 96.05 %	5th Grade - 94.97 %	5th Grade - 93.69 %
6th Grade - 95.74 %	6th Grade - 95.15 %	6th Grade - 94.58 %

Year to Date

3rd Grade - 94.27 %

4th Grade - 93.5 %

5th Grade - 95 %

6th Grade - 95 %

Attendance

1. Who has the lowest attendance percentage?

Fourth grade has the lowest attendance with 93.41%.

2. Which circumstances surrounded attendance struggles for that grade level and what is being done about it?

Lower attendance in the fourth grade may be attributed to illness and parent/guardian responsibility. Parent/guardians receive messages on Class Dojo about the importance of attendance and attendance percentage by grade level. They also receive phone calls, home visits, warning letters, 45-day plans, and in some cases, documents are filed for attendance court.

3. Why is attendance higher for some grade levels?

Attendance is higher in the upper grades when compared to the lower grades. Students in grades 5th and 6th tend to have fewer illnesses, doctor visits, and have a higher participation rate in afterschool activities.

4. Which changes will happen based on the data?

Based on the data, our campus will increase attendance percentages by increasing parental awareness through proactive strategies such as making teachers the first line of intervention, regular meetings with families (Coffee with the principal, ex.), early face-to-face meetings with those families experiencing excessive absences. Our counselor, district social worker, and district truancy officer will conduct home visits. We will continue to reward our students who have high attendance.

5. How can the Board of Trustees help to improve attendance?

The Board of Trustees can help improve attendance by increasing community awareness on school attendance and tardies. Our parents need to understand that our instructional days are limited and each time students arrive late, leave early, or are absent, they are losing valuable instructional time.

READING SHOWCASE



#PeoplePassionPurpose

MATH SHOWCASE



#PeoplePassionPurpose

Parental Involvement

"At the end of the day, the most overwhelming key to a child's success is the positive involvement of parents." -Jane D. Hull

Pan Dulce with the Principal



Grandparents Day



Fitness Friday



Parents Title 1 meeting



Book of the Month



Thanksgiving lunch

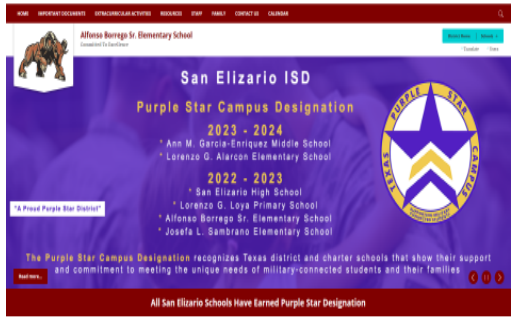


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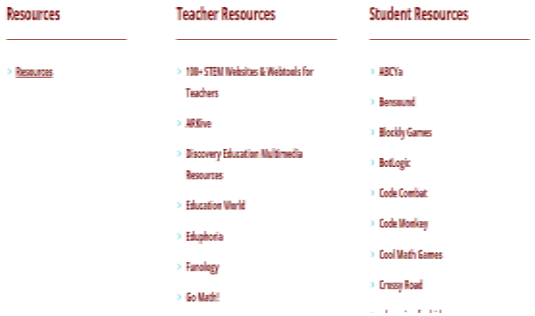
Alfonso Borrego Sr. Homepage

borrego@seisd.net

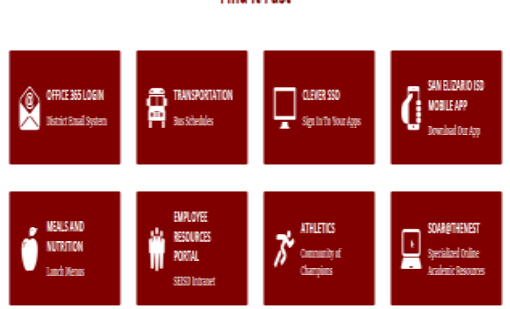
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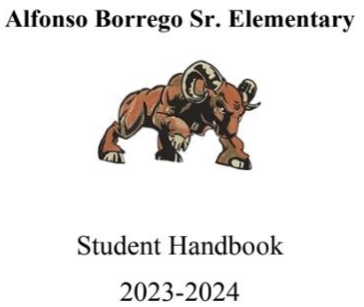
RESOURCES



FIND IT FAST



IMPORTANT DOCUMENTS



NEWS



FAMILY



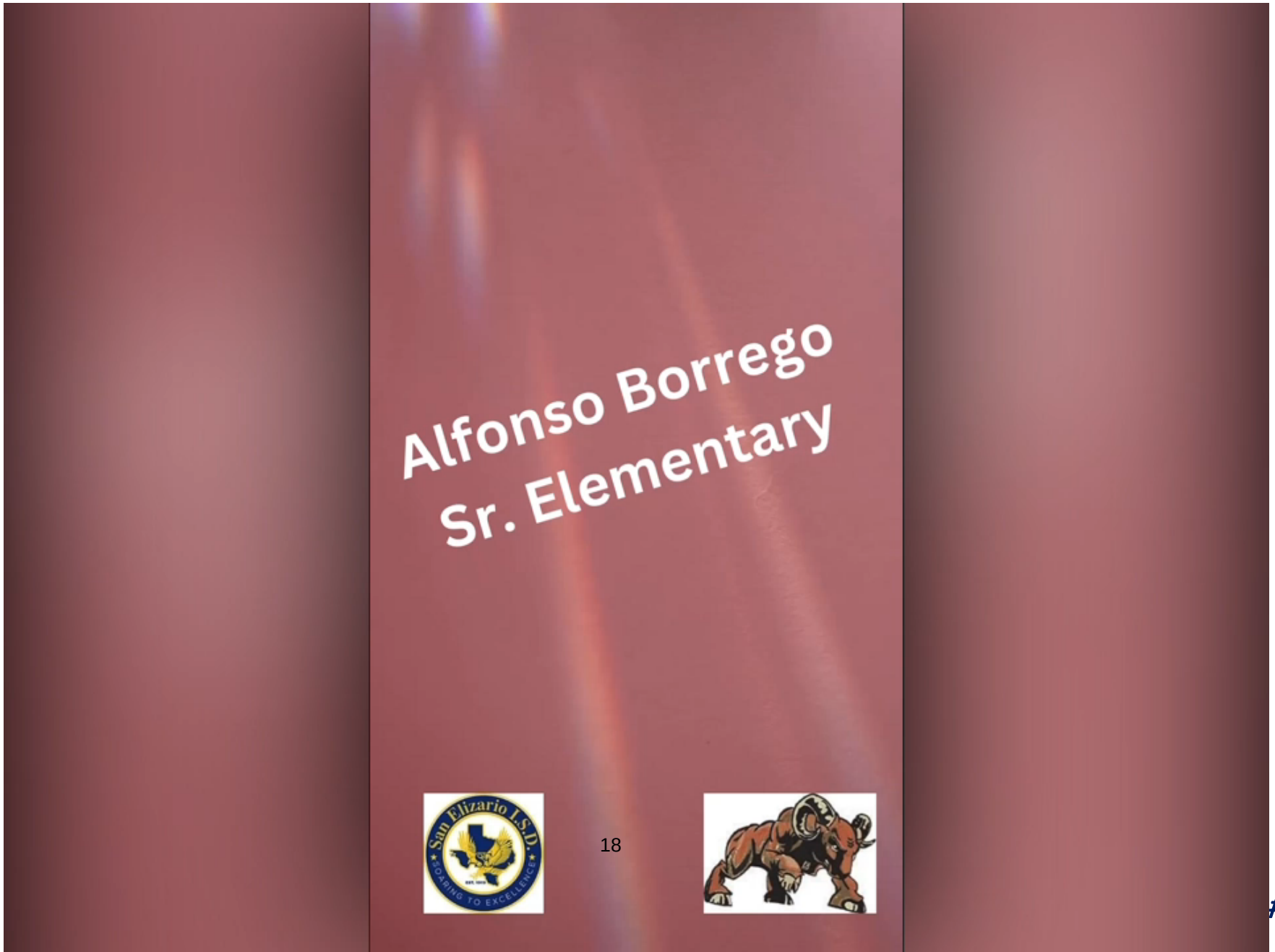
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May Newsletter



#PeoplePassionPurpose

Schools Showcase



#PeoplePassionPurpose

Alfonso Borrego Sr. Elementary

2023 – 2024
#SEISDPeoplePassionPurpose

Questions

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Approval of Revised Mission Statement
Date: June 12, 2024

HISTORY:

The current SEISD Mission Statement has been in place for approximately 10 years. The Board of Trustees requested that the process to revise our Mission Statement take place. A timeline was created to accomplish this task with input from all stakeholders.

RATIONALE:

The timeline below shows the detailed process that was followed to revise our Mission Statement.

Date	Activity
1/25/2024	DAT Training on Mission/Vision; Initial brainstorming of Ideas
2/15/2024	Leadership Meeting Training on Mission/Vision; Initial brainstorming of ideas.
2/20/2024—3/29/2024	Principals lead Mission/Vision training and activity with faculty, staff, student focus groups, parent focus groups—brainstorming ideas.
4/2/2024—4/10/2024	Compilation and filtering of ideas from brainstorming sessions.
4/11/2024	Leadership Meeting—Discussion/activity on most popular ideas from initial brainstorming sessions, narrowing down the top 10 phrases to include in mission statement.
4/12/2024—4/19/2024	Leadership Team creates 2 draft Mission Statements per campus and per department, resulting in 19 possible statements.
4/23/2024—4/26/2024	Dr. Meza-Chavez narrows the list of 19 possible statements down to 4 statements.
5/7/2024—5/17/2024	Leadership Team votes on their favorite from four Mission Statement choices, resulting in 2 finalists.
6/12/2024	BOT is presented with 2 Mission Statements to choose from and selects their favorite to adopt.
6/13/2024—6/14/2024	Revised Mission Statement is replaced on all district sites and documentation as needed.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

The final step was the voting for their favorite Mission Statement that was done by our district Leadership Team. They chose between 4 possible statements and voted for their top choice. Please note that anywhere this revised statement will be relayed to the public will also have a Spanish translation.

First Choice--46% of the Leadership Vote
"The mission of the San Elizario Independent School District is to empower students with the skills to succeed in an evolving world. By prioritizing student success, aligning resources with learning needs, and cultivating exceptional staff and community support, we strive to create an academically superior and innovative district of champions."

Second Choice--31% of the Leadership Vote
"The mission of the San Elizario Independent School District is to graduate students with innovative skills for 21st-century careers by focusing on academic and social skills, fostering transformative practices, and building community support through positive relationships between home and school."

BUDGET:
There is no budget for this item.

ADMINISTRATIVE RECOMMENDATION:
It is recommended that the Board vote for their preferred revised Mission Statement out of the 2 choices presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☐ Attachment Included

Proposed Mission Statements

First Choice--46% of the Vote

"The mission of the San Elizario Independent School District is to empower students with the skills to succeed in an evolving world. By prioritizing student success, aligning resources with learning needs, and cultivating exceptional staff and community support, we strive to create an academically superior and innovative district of champions."

Second Choice--31% of the Vote

"The mission of the San Elizario Independent School District is to graduate students with innovative skills for 21st-century careers by focusing on academic and social skills, fostering transformative practices, and building community support through positive relationships between home and school."

SAN ELIZARIO ISD
BOARD OPERATING PROCEDURES AND RESPONSIBILITES MANUAL

San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

Last Revision Approved 06/12/2024

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HOW TO USE THIS BOARD OPERATING MANUAL

This is the official Board Operating Manual for San Elizario ISD. The manual is divided into three main sections — Vision & Values, Accountability & Structure, and Advocacy & Unity — followed by an appendix.

The Vision & Values policies focus on the direction the Board wants to lead the school system and the protections it puts in place regarding unacceptable circumstances. The Vision & Values section includes the vision, mission, student outcome goals, Superintendent Constraints, and theory of action.

The Accountability & Structure policies focus on the Board's roles, Board Member roles, and how both relate to the Superintendent's role. The Accountability & Structure section includes descriptions of the Board's role, the Superintendent's role, Board's self-constraints, Superintendent Evaluation, Board self-evaluation, and monitoring calendar.

The Advocacy & Unity policies focus on the Board's outward engagement with community and stakeholders and how Board Members conduct themselves. The Advocacy & Unity section includes code of ethics, meeting procedures, communication procedures, and community engagement procedures.

INTRODUCTION

In effective school systems, the Superintendent and the Board function as a "Team of Eight." Therefore, the San Elizario Independent School District Board of Trustees has adopted these Team Operating Procedures to effectively communicate with staff and patrons of the District. These procedures are consistent with our Code of Ethics, Vision Statement, and with all other laws and policies governing the operation of the Board and the District.

As we work in the spirit of collaboration and teamwork, these operating procedures demonstrate our dedication in holding ourselves accountable to all stakeholders.

VISION & VALUES POLICIES

Vision
San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

Mission
It is the mission of the San Elizario Independent School District to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

Board's Student Outcome Goals for the Superintendent
The Board's student outcome goals, as aligned with the school system vision, are:

Student Outcome Goal 1:
The percentage of 3rd grade students that score at the approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥85% by June 2028. See appendix 1 pg. 18.

Student Outcome Goal 2:
The percentage of 3rd grade students that score at the approaches level on STAAR reading will increase from 57% in June 2022 to ≥80% by June 2028. See appendix 1 pg. 18.

Student Outcome Goal 3:
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System. See appendix 1 pg. 18.

The Superintendent shall interpret and implement the Board's student outcome goals and, in consultation with the Board, select goal progress measures (GPMs) for each student outcome goal. For any school year during which the Board's student outcome goals are not met, the Superintendent shall make reasonable progress toward meeting the student outcome goals. The Board's student outcome goals shall be the Superintendent's first priority for resource allocation.

Board's Constraints for the Superintendent
In attaining the Board's student outcome goals, the Superintendent shall not:

1. Allow the collaborative partnership between home, school, and community to deteriorate.
2. Allow adult convenience or preference to take priority over the academic progress of our students.

The Superintendent shall interpret and implement the Board's Superintendent constraints.

Theory of Action
If the district supports all students in reaching their individual educational goals; and if the district commits to all students learning the same standards but when necessary, reach them using differentiated time, resources, and approaches (Walters and Marzano, 2006); and if actions demonstrate leadership is expected from everyone as we support risk- taking and learning from setbacks in our support of success; and if accountability is defined as being responsible to peers and colleagues in the pursuit of learning (Lambert, 2002), then the district and through campuses, will be able to accomplish the Board's student outcome goals while operating within the Board's constraints.

ACCOUNTABILITY & STRUCTURE POLICIES

Board's Role
The Board shall:

1. Ensure creation of a shared **vision** that promotes improved student outcomes. The Board shall accomplish this by incorporating the community's vision and values into student outcome goals and Superintendent Constraints.

2. Provide guidance and direction for accomplishing the vision. The Board shall accomplish this by creating a structure for the school system through distinct Board and Superintendent roles and responsibilities, which includes selecting the Superintendent, delegating to the Superintendent the authority and responsibility to implement the Board's goals within law and the Superintendent constraints, and considering and voting on the Superintendent's recommendations.

3. Promote the vision. The Board shall accomplish this by providing **advocacy** for students, families, staff, and stakeholders.

4. Work with the superintendent to lead the school system toward the vision. The Board shall accomplish this by behaving in a manner that demonstrates the **unity** of the Board and the school system.

In carrying out the above activities, the Board shall at all times comply with the Education Code and other laws, as applicable.

Superintendent's Role
The Superintendent, as the Board's sole delegate for managing school system operations, shall be responsible for accomplishing any reasonable interpretation of the Board's student outcome goals within the boundaries provided by the Board and Superintendent constraints and state and federal law.

State and federal law require board adoption of policies on a variety of topics. The Board's adopted policies in the school system's local board operating manual constitute compliance with these legal requirements. In accordance with state law, the Superintendent shall be responsible for preparing recommendations for policies to be adopted by the Board, overseeing implementation of adopted policies, and developing appropriate administrative regulations. In recommending policy for Board adoption, the Superintendent shall identify when the Board is required to adopt policy or has statutory decision-making authority that cannot be delegated to the Superintendent. Required board policy addressing administrative issues shall be handled by consent agenda, with the Superintendent informing the Board of substantive changes.

Any operational issues not required to be Board adopted shall be addressed in administrative policy / regulations and the Board shall take necessary steps to remove such issues from its local policies.

Board's Constraints for the Board

The Board shall operate within the Board's role, as defined above, and the Board's operating procedures. The Board, either collectively or through the actions of individual Board Members, shall not:

- Deviate from the Board's operating procedures, particularly related to the protocol of communication.
- Deviate from the agenda once it is set 72 hours in advance.

Board Self-Evaluation

The Board shall conduct self-evaluations at least once a year. The Board shall self-evaluate using the *TASB - Effective Board Practices: An Inventory for School Boards*. See appendix 7 pg. 41.

Superintendent Evaluation

The San Elizario Board of Trustees voted on January 15, 2020, to utilize the Texas Association of School Boards (TASB) recommended evaluation as the evaluation instrument for the San Elizario Superintendent.

Roles and Responsibilities

Board Officers Roles & Responsibilities

The Board Chair shall:

- Preside at all board meetings
- Call special meetings
- Sign all legal documents as required by law
- Fulfill all duties and obligations as required by Board Policy, state and federal statutes, and regulations and rules

The Board Vice-Chair shall:

- Act in capacity of Board Chair in the absence of the Board Chair
- Fulfill all duties and obligations as required by Board Policy, state and federal statutes, regulations, and rules

The Board Secretary shall:

- Ensure that accurate records are kept
- Act as Board Chair in the absence of the Board Chair and Vice-Chair

Roles and Authority of Board Members

- Unless authorized by the Board, no Board member or officer has authority outside of a properly convened and conducted board meeting.
- No Board member has the authority to direct district employees in regard to performance of their duties.
- As a parent, within the District, a Board member shall:
    - When communicating with staff, is expected to make it clear to staff that he / she is acting as a parent and not as a Board Member.
    - Shall not request, expect, or require extra consideration or preferential treatment for their children due to their position on the Board.

- All Board members are expected to complete all continuing educational requirements within the allotted time frames set by the State.
- Newly elected Board members are required to review the Board Team Operating Procedures within the first six (6) weeks of their term.
- The Board has the legal authority to:
    - Hire the Superintendent
    - Govern and oversee the management of the District
    - Employ and evaluate, at least annually, the Superintendent
    - Adopt rules and bylaws
    - Levy and collect taxes and issue bonds
    - Adopt and file an annual budget
    - Have District financial accounts audited by a Texas certified accountant at the conclusion of each fiscal year
    - Publish an annual report describing the District's educational performance
    - Receive bequests and donations
    - Call elections and canvass the returns
    - Acquire and hold real and personal property in the name of the District
    - Execute, perform, and make payments under contracts, including leases, leases with options to purchase and installments
    - Exercise the right of eminent domain to acquire property
    - Adopt and periodically review District policy

Reviewing Board Policy & Procedures

- Board members shall review all board goals and constraints at least once every year in accordance with the monitoring calendar. See appendix 2 pg. 19.
- Board members shall review all other board policies and procedures once every other year in accordance with the monitoring calendar. During the review process, any Board member may add, change, or modify anything in these procedures subject to Board approval. Should trustees propose changes at any other time, the simple majority of the Board for the change is necessary.
- A work session may be called to review and / or update them if necessary.

**Note: The review of the Board Policies and Procedures will be done in August to allow our new board members to participate in making changes prior to proceeding.*

Board Members Visits to District Campuses or Facilities

- Board members are encouraged to visit campuses as long as they do not interfere with day-to-day operations at the campus or become a burden on the administration. Board members shall notify superintendent about their intent to visit campuses in an official capacity at least 4 hours before visiting the campuses. If notification is made after regular business hours, an email to the Superintendent and Associate Superintendent will suffice as making notice. However, notice must still be given 4 hours before the visit takes place. If a quorum of school board members is present, board members will not engage in any discussion among themselves or with others, regarding school business.
- Board members are not to go into teachers' classrooms or on campuses for the purpose of investigation or personal evaluation.
- Trustees should wear their District ID badges when visiting the campuses in an official capacity

Board Travel / Training

- Board members shall attend professional development and conferences to assist them in their duties and responsibilities, as well as to acquire continuing education credit. Conferences board members may attend include:
    - TASB Conference
    - National School Board Conference
    - Far West Texas Association
    - Region 19 sessions
    - TASB Online training sessions
    - MASBA (Mexican American School Board Association
    - NALEO Educational Fund (National Association of Latino Elected and Appointed Officials)

- At the next board meeting immediately following any board approved/paid travel, all traveling board members shall be required to provide a verbal report in open session regarding the following:
    - Hours of training completed; whether the board member attended all or most sessions offered; and highlights of any information or training received.

Board Pledge Board

As a duly elected or appointed Board Member, I pledge the following to my colleagues and the San Elizario School District:

- I shall attend professional development training and conferences approved and paid for by the school district with public funds;
- I shall be a good steward of public funds and attend most or all training sessions offered; and
- I further pledge as a representative of the school district to conduct myself in a professional and ethical manner at all times during my sponsored travel.

Meeting Operating Procedures

Board Meeting Procedures

- The San Elizario ISD Board shall meet on a regular monthly business session on the second Wednesday in the Boardroom.
- Changes in the date and / or place to accommodate holidays and special events shall be approved by the Board in advance.
- Additional meetings may be called as needed.
- Anytime four (4) or more Board members are gathered to discuss school district business, it is considered a meeting.
- Failure to post such a meeting is considered a violation of the Texas Open Meetings Act.
- The Board shall observe the parliamentary procedures in Robert's Rules of Order, except as otherwise provided in Board procedural rules or by law.
- Board members are expected to attend and participate in duly called meetings.
- Board member may be permitted to attend a meeting of the Board of Trustees through virtual participation only if the board member is physically unable to attend in person due to illness or other personal emergency.
- Board members should come to the Board meetings prepared to discuss and take action on all items on the agenda.

- At a minimum, each Board member is expected to have studied the material in the board packet sent to them prior to the meeting and when possible, resolve questions beforehand by contacting the Superintendent or administrative staff.

Board Agenda

Agenda development for regular meetings shall be as follows:

- The tentative agenda is created by the administration.
- The Board Chair and Superintendent shall meet the week prior to the Board meeting to finalize the agenda.
- The Board of Trustees and the Superintendent shall focus their agenda items on improving student outcome goals and the progress monitoring of the adopted goals.
- The Chair shall ensure that any topics the Board or individual Trustees have requested to be addressed are either on the agenda or scheduled for deliberation at an appropriate time in the near future. The Board Chair shall not have authority to remove from the agenda a subject requested by a Trustee without that Trustee's specific authorization. The request will be forwarded to the Superintendent.
- The Superintendent shall place items requested by the Trustees on the agenda that have been submitted.
- No item can be placed on the agenda less than 72 hours in advance of the meeting, unless an emergency necessity exists.
- Any agenda items added to the agenda after the original posting shall be done so in accordance with state laws.

Consent Agenda

The Consent Agenda is included as part of the regular agenda but contains items that can be voted on all at once unless a Trustee requests that an item be pulled out and looked at individually. Items usually contained in the Consent Agenda are:

- Routine and/or recurring items
- Annual renewals of Region 19 and Texas Education Agency items
- Budget amendments
- Regular financial reports where financial activities remained within budget parameters
- Minutes of regular and special board meetings
- Routine personnel items
- Contract renewals
- Routine bid recommendations
- Policy updates
- Construction amendments

Executive Session

Executive Session may be needed according to the Texas Education Code.

- All personnel issues shall be conducted in an executive session unless specifically required by the Texas Open Meetings Law.
- Anything that violates the right to privacy, (Texas Open Meeting Act, Texas Open Records Act) cannot be placed on the open agenda.

- Anything that falls under the Texas Government Code Section 551.072 such as private consultation with the board's attorney, discussing purchases, exchange, leases, or value of real property, discussing negotiated contracts for prospective gifts or donations, discussing personnel or to hear complaints against personnel, deliberation regarding security devices, considering discipline of a public school child, or complaint or charge against personnel, considering the stands, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups, excluding witnesses from a hearing.
- Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either in the open meeting covered by the Notice upon the reconvening of the public meeting or at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.
- The Board prohibits the use of technology that has recording capabilities during executive sessions without prior permission from board.
- Discussions during closed sessions shall remain confidential.

Voting Procedures

- All discussion shall be directed solely to the business currently under discussion as posted on the agenda.
- The Board Chair has the responsibility of keeping the discussion of the motion at hand and shall halt discussion that does not apply to the business before the Board as posted on the agenda.
- The Board Chair may make motions, second motions, enter into debate or discussion and vote on all matters coming before the Board.
- No member shall vote on a motion if the action would violate state or federal law or Policies BBFA (Legal) or BBFB (Legal). See appendix 6 pg. 25.
- Except in a conflict of interest as defined by law, Board members shall cast a vote.
- All votes, including dissenting and abstaining votes, shall be recorded in the minutes of the Board meeting.
- Voting shall be done by a show of hands or voice.
- Each Board decision, even when there are dissenting votes, shall be an action by the simple majority of the Board and binding upon each member. Individual members are encouraged to express their opinions during the discussion of motions, but following the vote, members shall publicly discuss only the decision of the whole Board.

ADVOCACY & UNITY

Code of Ethics

As a member of the Board, l shall promote the best interests of the District as a whole, and, to that end, I shall adhere to the following educational and ethical standards:

Equity In Attitude	● I will be fair, just, and impartial in all my decisions and actions. ● I will accord others the respect I wish for myself. ● I will encourage expressions of different opinions and listen with an open mind to others' ideas.
Trustworthiness In stewardship	● I will be accountable to the public by representing District policies, programs, priorities and progress accurately. ● I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns. ● I will work to ensure prudent and accountable use of District resources. ● I will make no personal promise or take private action that may compromise my performance of my responsibilities.
Honor In conduct	● I will tell the truth. ● I will share my views while working for consensus. ● I will respect the majority decision as the decision of the Board. ● I will base my decisions on fact rather than supposition, opinion, or public favor.
Integrity Of Character	● I will refuse to surrender judgment to any individual or group at the expense of the District as a whole. ● I will consistently uphold all applicable laws, rules, policies, and governance procedures. ● I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.
Commitment To Service	● I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation. ● I will diligently prepare for and attend Board meetings. ● I will avoid personal involvement in activities the Board has delegated to the Superintendent. ● I will seek continuing education that will enhance my ability to fulfill my duties effectively.
Student-Centered Focus	● I will be continuously guided by what is best for all students of the District.

Communications Operating Procedures

Board Communications

- The Board is committed to, and encourages, community input through the use of surveys, public forums, the District website, District publications, and on-going communication-forms.
- The Superintendent and Board Chair shall communicate information in a timely manner to all Trustees.
- Unless otherwise approved or authorized by the Board, individual members cannot speak in an official capacity or otherwise represent the views of the Board. The Board Chair and / or his / her designee shall be the official spokesperson for the Board to the media / press on issues of media attention.
- Any Board member may respond to general, factual inquiries. If the Board member is unsure of the correct facts, they should direct the inquiry to the appropriate administrative staff.
- All Board members who receive phone calls from the media should direct them to the Board's spokesperson (Superintendent) and notify the Board Chair and Superintendent of the call.
- The SEISD Board of Trustees encourages input; however, anonymous calls, letters or emails will not receive the Board's attention, discussion or response. The Superintendent will be made aware of the anonymous calls, letters or emails for informational purposes only.

Individual Board Members Request for Information

- Board members are entitled to the information they require to make informed decisions on the matters before them. If a member requests information that requires an excessive amount of staff time to complete, the Superintendent and Board Chair shall consult with the member to find a reasonable solution. Board members may email or call the Superintendent or his / her staff with information requests.
- When information is requested by a Board member, it will be provided to all Trustees.

Community Engagement Operating Procedures

Board Promoting Vision Procedures

- The board shall listen and discuss the vision and values of students in accordance to the monitoring calendar.
    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the open meetings act shall be followed.
    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.
- The board shall listen and discuss the vision and values of families, staff, and community members, in accordance to the monitoring calendar.
    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the open meetings act shall be followed.
    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.
- The board shall host a community meeting to discuss progress toward student outcome goals with low performing campuses at least twice per school year in accordance to monitoring calendar.

Board Member Responses to Comments and/or Complaints

1. Board Members will listen respectfully and remain impartial.
2. Board Members will ask if the commentator / complainant has followed the District's procedures and / or chain of command.
3. If the commentator / complainant does not know the procedures or chain of command, provide the following information / steps:
    a. The commentator / complainant must first speak with the appropriate staff member. If not satisfied then;
    b. The commentator / complainant must go to the appropriate administrator in charge of the school or department where the comment/concern arose. If not satisfied, then;
    c. The commentator / complainant must contact the appropriate central office administrator. If not satisfied, then;
    d. The commentator / complainant will conference with the Superintendent (or designee).
4. The Board Member will inform the Superintendent if an issue has advanced to or beyond Step b, and will include the nature of the comment / complaint, the commentator / complainant and to whom the commentator / complainant has been referred.
5. The Superintendent will inform the Board Member of the resolution of any referred comment / complaint.
6. This procedure shall not be construed to apply to comments / complaints alleging criminal activity.

Board Member Concerns about Superintendent Performance

1. If, at any time, a Board Member becomes concerned that the Superintendent may have (1) breached any term of the Superintendent's contract; (2) violated a state or federal statute; (3) violated a Board Policy or Operating Procedure; or (4) failed within a reasonable amount of time to address a specific issue identified by the Board, the following process will be used:
    a. The concerned Board Member will meet privately with the Superintendent to discuss their concerns in order to resolve the issue(s). The concerned Board Member may elect to bring their concerns to the Board Chair instead who will assist in resolving the issue(s).
    b. If the concerned Board Member does not feel that the resolution is satisfactory, the Board Member may request, through the Board Chair, that an item be placed on the next regular meeting agenda as a Closed Meeting item, posted in accordance with Texas Government Code. The concerned Board Member must inform the Board Chair in writing of the specific nature of any concern(s) which prompted the request for a Closed Meeting.
    c. In addition, the Board Chair may, of their own accord, place an item on a regularly scheduled meeting agenda as a Closed Meeting item to discuss concerns about the professional performance of the Superintendent.
2. In the event that a Closed Meeting is called, the Board must listen to the concern(s) and make a determination if the issue raised is truly cause for concern. Failure to make such a determination shall end the Board Meeting.
3. If the majority of the Board determines that there is a violation or breach of one of the items listed, the following process will be followed:
    a. The exact nature of the deficiency will be documented and discussed with the Superintendent.
    b. A plan for remediation will be written, to include action(s) to be taken and timelines.
    c. The Board Chair shall monitor the plan for compliance and the results will be made part of the Superintendent's annual performance evaluation.

d. It shall be the responsibility of the Board Chair to ensure that all documentation relating to performance deficiencies shall be appropriately placed in the Superintendent's personnel file.

Board Member Concerns about Non-Superintendent Employee Performance

1. When a Board Member becomes concerned about the performance of District employees, they must bring their concerns directly to the Superintendent and inform the Board Chair. Such concerns must be limited to:
    a. Actions which are illegal
    b. Egregious violations of Board policy
    c. Actions which are harmful to the District's or Board's reputation.
2. Board Members must remain cognizant that District personnel are the responsibility of the Superintendent, not the Board.
3. The Superintendent is obligated to listen to such concerns, review the matter and notify the Board of the resolution of the matter to the extent allowed by policy.
4. When a Board Member has concerns about the performance of District employees which relate to employee, Student, Board or community safety, the Board Member will notify the Superintendent and, when appropriate, the police department.

Board Member Concerns about Board Member Performance

1. If a Board Member believes that another Board Member has violated the Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair.
2. If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board Member not involved in the allegation who is then obligated to serve as arbiter instead.
    a. The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.
3. If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of the Board to discuss the alleged violation. The Board Chair may call upon the District's General Counsel or an external legal advisor to investigate the nature of the allegations. The findings of this investigation will be presented at a special meeting of the Board.
4. If, after the special meeting of the Board to discuss the alleged violation, the Board determines that additional consideration of the alleged violation is warranted, the allegation and the investigative findings will be placed on the next regular meeting agenda.
5. In order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish or a motion to censure.
    a. In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not

impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.

b. A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires the simple majority vote of the Board to pass.
c. An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote to pass.
d. A censure is an action that is permanent for the period specified by a majority of the Board. A censure serves as a penalty imposed against a board member for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented by another board member in writing and must contain the exact language of the alleged violation, the proposed censure, and the period of censure. A copy of the written request to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to the board meeting during which the censure motion will be considered. A motion to censure requires a majority vote to pass.

Board Member Concerns about Board Member Performance

1. See Appendix 5 – Found on page 23

APPENDIX 1: Student Outcome Goals & Goal Progress Measures

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HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised June 12, 2024

MATHEMATICS

Student Outcome Goal 1 (HB 3; 5-year Goal)

- The percentage of all 3rd grade students that score at the Approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥ 85% by June 2028.

Goal 1 Annual Targets

2023	2024	2025	2026	2027	2028
64% (Target met! Actual: 70%)	69% (Since we already exceeded 69% in 2023, we hope to reach 75% in 2024).	73%	77%	81%	85%

Goal Progress Measure (GPM) 1.1 (District; 1-year Goal)

- The Overall Measure of Math Growth for all Pre-K students (English) will increase from 91% at Wave 3 in January of 2024 (MOY) to ≥ 93% in January of 2025 (MOY) as measured by the CIRCLE School Average Growth Report.

- The Overall Measure of Math Growth for all Pre-K students (Spanish) will increase from 83% at Wave 3 in January of 2024 (MOY) to ≥ 87% in January of 2025 (MOY) as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 1.2 (District; 1-year Goal)

- The Growth Percentile of all students in grades K-2 on the MAP Mathematics assessment will increase from the 32nd percentile in January of 2024 (MOY) to ≥ 38th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

Goal Progress Measure (GPM) 1.3 (District; 1-year Goal)

- The Growth Percentile of all 3rd graders on the MAP Mathematics assessment will increase from the 40th percentile in January of 2024 (MOY) to ≥ 45th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

READING

Student Outcome Goal 2 (HB 3; 5-year Goal)

The percentage of 3rd grade students that score at the Approaches level on STAAR reading will increase from 57% in June 2022 to ≥ 80% by June 2028.

Goal 2 Annual Targets:

2023	2024	2025	2026	2027	2028
60% (Target met! Actual: 64%)	64% (Since we already reached 64% in 2023, we hope to reach 69% in 2024).	68%	72%	76%	80%

HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised June 12, 2024

Goal Progress Measure (GPM) 2.1 (District; 1-year Goal)

- Each of the nine pre-reading skills (English) for all Pre-K students will increase by ≥ 4% from EOY Wave 3 in May of 2024 to EOY Wave 3 in May of 2025 as measured by the CIRCLE School Average Growth Report.

- Each of the eight pre-reading skills (Spanish) for all Pre-K students will increase by ≥ 4% from EOY Wave 3 in May of 2024 to EOY Wave 3 in May of 2025 as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 2.2 (District; 1-year Goal)

- The Growth Percentile of all students in grades K-2 on the MAP Reading assessment (English) will increase from the 26th percentile in January of 2024 (MOY) to ≥ 32nd percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

- The Growth Percentile of all students in grades K-2 on the MAP Reading assessment (Spanish) will increase from the 28th percentile in January of 2024 (MOY) to ≥ 34th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

Goal Progress Measure (GPM) 2.3 (District; 1-year Goal)

- The Growth Percentile of all 3rd graders on the MAP Reading assessment (English) will increase from the 41st percentile in January of 2024 (MOY) to ≥ 45th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

- The Growth Percentile of all 3rd graders on the MAP Reading assessment (Spanish) will increase from the 27th percentile in January of 2024 (MOY) to ≥ 32nd percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

CCMR

Student Outcome Goal 3 (HB 3; 5-year Goal)

SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥ 88% by June 2028 as measured by the A-F Accountability System.

Goal 3 Annual Targets:

2023	2024	2025	2026	2027	2028
30% (Target met! Actual: 50%)	40% (Since we already reached 50% in 2023, we hope to reach 60% in 2024).	52%	64%	76%	88%

Goal Progress Measure (GPM) 3.1 (District; 1-year Goal)

The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 25% in May of 2024 to ≥ 40% by May of 2025 as measured by the OnData Suite CCMR Early Warning System.

GPM 3.1 Note: CCMR points in May are always lower than the final A-F result since credits for point-earning courses haven't posted yet.

APPENDIX 2: Monitoring Calendar

*This calendar will remain fluid as dates are finalized.

Board Monitoring Calendar
2024-2025

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video	Board Training Information (Dates Subject to Change)
July 2024—No BOT Meeting			
August 2024	Analysis of STAAR/EOC Results from Spring 2024 Testing • Subgroup data TELPAS Results from Spring 2024 Testing Subgroup data		Team of 8 Training (TBA)
September 2024	Goal 3 (HB 3): • Overall CCMR Percentages for SEHS Campus and District Improvement Plans for 2024-2025	SEHS	MASBA – Sept. 12-13, 2024 TASA/TASB – Sept. 27-29, 2024
October 2024	A-F Accountability Ratings for 2024		FWTSBA (TBA)
November 2024	Goal 1 (HB 3): • Overall Performance in 3rd Grade STAAR Math • Subgroup data MAP Predictions for 2024 STAAR Math—Grades 3-12	GEMS	
December 2024 No BOT Meeting			
January 2025	Goal 2 (HB 3): • Overall Performance in 3rd Grade STAAR Reading • Subgroup data MAP Predictions for 2024 STAAR Reading—Grades 3-12		
February 2025	GPM 1.1 (HB 3) • PK--Meeting Wave 2 Math Targets • PK--Wave 1 to Wave 2 Math Growth • Subgroup data GPM 1.2 (HB 3): • K-2--Meeting Math Targets for MOY • K-2--BOY to MOY Math Growth • Subgroup data.		

Revised February 2, 2024
Approved February 13, 2024

*This calendar will remain fluid as dates are finalized.

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video	Board Training Information (Dates Subject to Change)
March 2025	GPM 1.3 (HB 3): • Grade 3—Meeting MOY Math Targets • Grade 3—BOY to MOY Math Growth • Subgroup data Mid-Year Academic Growth Check-in: • PK-HS reading and math academic growth progress from BOY to MOY based on MAP and CIRCLE assessments to include subgroup data	Loya Primary	
April 2025	GPM 2.1 (HB 3): • PK--Meeting Wave 2 Reading Targets • PK--Wave 1 to Wave 2 Reading Growth • Subgroup data GPM 2.2 (HB 3): • K-2--Meeting Reading Targets for MOY • K-2--BOY to MOY Reading Growth • Subgroup data	Alarcon Elementary	
May 2025	GPM 1.3 (HB 3): • Grade 3—Meeting MOY Reading Targets • Grade 3--BOY to MOY Reading Growth • Subgroup data	Sambrano Elementary	FWTSBA/TASB Spring Workshop (TBA)
June 2025	GPM 3.1 (HB 3): • Progress towards meeting CCMR criteria for 2025 and 2026 cohorts End-of-Year Academic Growth Report for 2023-2024: • PK-HS reading and math academic growth progress from BOY to EOY based on MAP and CIRCLE assessments to include subgroup data	Borrego Elementary	

APPENDIX 3: Ethics & Conflict of Interest Statement

San Elizario I.S.D.
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

SAMPLE

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Required Disclosures for the Schools FIRST Report for the 2024-25 Rating
Date: Board Meeting Date

There are two required disclosures for the Schools FIRST report related to 1) gifts to Board Members and Executive Officers and 2) business transactions between the District and Board Members during the year under review. The 2024-25 ratings will be based on data from the school year 2023-24 (the year under review) which includes the period of July 1, 2023 through June 30, 2024. Please enter your response below; if no gifts were received or business transactions conducted, you may indicate N/A. Reimbursement of travel-related expenditures directly related to the duties of a Board Member are also not applicable.

GIFTS
Please list any and all gifts received, as best you can recall, during the period beginning July 1, 2023 through June 30, 2024. Gifts are defined as any and all items given to you and/or your immediate family members from an outside entity having an aggregate value of $100 or more during the fiscal year.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

BUSINESS TRANSACTIONS
Please list any business transactions between you and the District that occurred during the period beginning July 1, 2023 through June 30, 2024.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

Name: Board of Trustees Signature: _____

San Elizario ISD's vision is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

APPENDIX 4: Legal Notice Regarding Board Policy

This entire document is the official board operating procedures manual for San Elizario ISD. All other policies and procedures in use by San Elizario ISD that are not required by TEC §11.1511 to be retained by the board of trustees are fully delegated by the board to the superintendent. To accomplish this delegation, the superintendent is authorized to transfer all local policies to administrative regulations except where indicated below.

Policies Retained by the Board for Alignment with Texas Education Code
As required by TEC §11.1511, the following policies in the TASB-maintained policy manual related to the duties and powers of the board of trustees are NOT delegated to the superintendent and may not be modified or deleted without the board's prior approval. These remain board policy, however, the superintendent is responsible for their implementation and for notifying the board if any of these non-delegated policies are recommended for modification or removal.

A series	CD series except CDC	DF series except DFE
B series except BP	CE series	EL
CAA	CFC	GF
CCA	CH series	
CCG		

Policies Retained by the Board for Alignment with Goals and Constraints
The following policies in the TASB-maintained policy manual are NOT delegated to the superintendent and may not be modified or deleted without the board's prior approval because they are directly related to either the Board-adopted Student Outcome Goals and Constraints (which includes the Theory of Action). These remain board policy, however, the superintendent is responsible for their implementation and for notifying the board if any of these non-delegated policies are recommended for modification or removal.

Policies Related to Goal #1: Mathematics	*Policies Related to Goal #2: Reading*	*Policies Related to Goal #3: College, Career, and Military Readiness*
None	None	EIF

Policies Related to Constraint #1: Community	*Policies Related to Constraint #2: Finances*	*Policies Related to Constraint #3: Adult Convenience*
DGA	CC series CRD CV series	None

Policies Related to Theory of Action
EC
EF
EHBC
EIE

APPENDIX 5: Social Media Guidelines for Board Members and Other Public Officials

SOCIAL MEDIA GUIDELINES FOR BOARD MEMBERS AND OTHER PUBLIC OFFICIALS

1. **Good comportment, especially on social media, is in the District's interest and serves as the best PR.**

2. **Do NOT overshare and verify the truth of your information.** You should be particularly careful about the information you share on social media and make certain that you do not overshare. Remember that a violation of the Open Meetings Act carries criminal penalties that include fines, jail time or both. Likewise, there are legal consequences for communicating false information such defamation or libel suits. Moreover, be mindful of the confidential nature of certain information shared with you and limit the content of your communication to information that San Elizario ISD has previously released to the public.

3. **Speak for yourself, and yourself only.** Although you are free to communicate with others on social media, please do not use your personal social media accounts to speak on behalf of the school board or San Elizario ISD. If you choose to communicate on social media about San Elizario ISD business, please ensure that you specify that you are communicating as an individual and not on behalf of the board or the school district.

4. **Do not communicate with other board members through social media.** In doing so, you run the risk of establishing a quorum and discussing district business outside of a publicly noticed meeting which would violate Open Meetings laws.

5. **Avoid re-creating board meeting events and discussions.** Doing so can lead to unintended contradictions or confusion. Instead, direct the public to key administration, meeting minutes, agendas, publicly available documents, etc.

6. **Don't jump to conclusions and make pre-determinations.** Do not publicly communicate about your consideration or decision-making on matters that have not yet reached the board for possible action Be mindful of the legal processes for certain matters and refrain from even the appearance of making pre-determinations or decisions outside of the established or required process (for example, due process hearings for teacher nonrenewals, employee grievance hearings, adoption of tax rate, etc.).

7. **Refrain from involving yourself as a witness in a matter that may result before the board.** If you are approached or contacted with a complaint, redirect the complainant to the appropriate administrator. Be sure to promptly inform the Superintendent and Board President of the matter.

8. **Remember that you are a temporary custodian of records under state law.** Under recent legislative changes to the Public Information Act, board members, public officials, and employees are required to maintain all records pertaining to district business. This includes communication by text, personal email and social media. This means that your social media communications are presumed

to be public information, must be preserved by you as district records and must be made available to the public upon request (absent an exception to public disclosure).

9. **Seek legal advice prior to deleting public comments or blocking participants.** Even if you're using a personal social media account, deleting public comments or blocking persons with whom you disagree have the potential of violating the constitutional tenets of free speech—especially if the communication relates to district business. Check with the district's legal counsel before taking any action, or better yet disable all public comment functions on your account.

10. **Quickly report any possible illegal or criminal activity, to include threats against district employees, students and public officials.** Report the information to the Superintendent, Board President and law enforcement.

APPENDIX 6: BBFA (LEGAL) and BBFB (LEGAL)

Note: For information regarding conflicts of interest and depository contracts, see BDAE.

See also CBB for conflict of interest requirements when federal funds are involved.

Substantial Interest Affidavit

If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official recordkeeper of the district.

Local Gov't Code 171.004(a)–(b)

Abstention Exception

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov't Code 171.004(c)*

Definitions

Local Public Official

"Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

Substantial Interest

Business Entity

A person has a substantial interest in a business entity if:

1. The person owns:
   a. Ten percent or more of the voting stock or shares of the business entity, or
   b. Either ten percent or more or $15,000 or more of the fair market value of the business entity; or

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

Local Gov't Code 171.002(a)

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

Real Property

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more. *Local Gov't Code 171.002(b)*

First-Degree Relatives

A local public official is considered to have a substantial interest under Local Government Code 171.002 if a person related in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], has a substantial interest under that section. *Local Gov't Code 171.002(c)*

Separate Vote on Budget

The board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. Except as provided at Abstention Exception above, the affected trustee may not participate in that separate vote. The trustee may vote on a final budget if the trustee has complied with Local Government Chapter 171 and the matter in which the trustee is concerned has been resolved. *Local Gov't Code 171.005*

Violations

A local public official commits an offense if the official knowingly:

1. Violates Local Government Code 171.004.
2. Acts as surety for a business entity that has work, business, or a contract with the district.
3. Acts as surety on any official bond required of a trustee.

Local Gov't Code 171.003

Voidable Actions

The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

Private Corporation

It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the

nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

Conflicts Disclosure Statement

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:
    a. A contract between the district and the vendor has been executed; or
    b. The district is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:
    a. A contract between the district and the vendor has been executed; or
    b. The district is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

Gifts—Exception

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

Filing Date

A local government officer shall file the conflicts disclosure statement with the records administrator of the district not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

Vendor Questionnaire

A person who is both a local government officer and a vendor of a district is required to file the required vendor questionnaire only if

the person enters or seeks to enter into a contract with the district or is an agent of a person who enters or seeks to enter into a contract with the district. [See CHE] *Local Gov't Code 176.006(e)*

Definitions

Agent "Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

Business Relationship "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(1-a)

Contract "Contract" means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

Family Member "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2)*

Family Relationship "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2-a)*

Gift "Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

Investment Income "Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business checking or savings account, share draft or share account, or other similar account;

2. A personal or business investment; or

3. A personal or business loan.

Local Gov't Code 176.001(2-d)

Local Government Officer

"Local government officer" means a member of the board, the superintendent, or an agent of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

Records Administrator

"Records administrator" means the director, superintendent, or other person responsible for maintaining the records of the district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

Vendor

"Vendor" means a person who enters or seeks to enter into a contract with a district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Duties of Records Administrator

A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and

2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

Local Gov't Code 176.0065

Internet Posting

A district that maintains an internet website shall provide access to the statements and to questionnaires required to be filed under Local Government Code Chapter 176 on that website. *Local Gov't Code 176.009*

Violations

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of this provision that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after

the date the officer received notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Local Government Code 176. [See DF series]

Local Gov't Code 176.013(a), (d), (f)

[See CHE for violations by a vendor.]

Affidavit Disclosing Interest in Property

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

The affidavit must:

1. State the name of the public servant and the public servant's office, public title, or job designation;
2. Fully describe the property;
3. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
4. State the date when the person acquired an interest in the property;
5. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
6. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

Gov't Code 553.002

Definition

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

Violations

A person commits an offense if the person violates Government Code 553.002 and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Government Code 553.002 by not filing the required affidavit is presumed to have the intent to commit an offense. *Gov't Code 553.003*

Trustee Financial Statement

The board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The commissioner by order shall require the members of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B in the same manner as the members of a board that have adopted a resolution if the commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Local Government Code Chapter 171;
2. The district financial accounting practices are not adequate to safeguard state and district funds; or
3. The district has not met a standard set by the commissioner in the financial accountability rating system.

The commissioner may require filing financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board subject to an order issued by the commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described above continues to exist.

Government Code Chapter 572, Subchapter B applies to a trustee subject to these provisions as if the trustee were a state officer, and

governs the contents, timeliness of filing, and public inspection of a statement filed under these provisions.

Violations

A trustee serving in a district that has adopted a resolution or that is subject to an order issued by the commissioner commits an offense if the trustee fails to file the statement required by the resolution or order.

Education Code 11.064

Prohibited Activities by Public Servants—State Law

"Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

1. An officer, employee, or agent of government; or
2. A candidate for nomination or election to public office.

Penal Code 1.07(a)(41)(A), (E)

Bribery

A person commits an offense if the person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another, any benefit:

1. As consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or voter;
2. As consideration for a violation of a duty imposed by law on a public servant; or
3. That is a political contribution as defined by Election Code Title 15 or an expenditure made and reported in accordance with Government Code Chapter 305 (regarding registration of lobbyists), if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), .02

Illegal Gifts

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the public servant's discretion. *Penal Code 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under the provision above may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(d), (i)*

Exceptions

Illegal Gifts does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which the public servant gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Government Code Chapter 572, or a report under Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:
   a. The benefit and the source of any benefit in excess of $50 is reported in the statement; and
   b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
4. A political contribution as defined by Election Code Title 15;
5. An item with a value of less than $50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
7. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Penal Code 36.10

Honoraria and Expenses

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the person's official position or duties. This provision does not prohibit a public servant from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

Abuse of Official Capacity	A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government that has come into the public servant's custody by virtue of the person's office or employment. *Penal Code 39.02(a)* "Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)* "Misuse" means to deal with property contrary to: 1. An agreement under which the public servant holds the property; 2. A contract of employment or oath of office of a public servant; 3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or 4. A limited purpose for which the property is delivered or received. *Penal Code 39.01(2)*
Official Oppression	A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment. A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)(3), (b), (c)*
Misuse of Official Information	A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:

1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

2. Speculates or aids another to speculate on the basis of the information; or

3. As a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant discloses or uses information for a nongovernmental purpose that:

1. The person has access to by means of the person's office or employment; and

2. Has not been made public.

"Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Government Code Chapter 552 (the Public Information Act).

Penal Code 39.06(a), (b), (d)

Nepotism

Except as provided by law, a public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The individual is related to the public official within the third degree by consanguinity (blood) or within the second degree by affinity (marriage); or

2. The public official holds the appointment or confirmation authority as a member of a local board and the individual is related to another member of the board within a prohibited degree.

Gov't Code 573.002, .041 [See DBE]

"Public official" means:

1. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or

2. An officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state.

Gov't Code 573.001(3)

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

Counties with Population 35,000 or More

If, under the district's employment policy [see DC], the board delegates to a superintendent the final authority to select district personnel:

1. The superintendent is a public official for the purposes of the nepotism prohibitions of Government Code Chapter 573 only with respect to a decision made under that delegation of authority; and

2. Each member of the board remains subject to the nepotism prohibitions with respect to all district employees.

For purposes of this provision, a person hired by a district before September 1, 2007, is considered to have been in continuous employment [see DBE] and is not prohibited from continuing employment with the district subject to the abstention requirements.

Education Code 11.1513(f), (h)

Counties with Population Less Than 35,000

The provisions at Counties with Population 35,000 or More do not apply to a district that is located:

1. Wholly in a county with a population of less than 35,000; or

2. In more than one county, if the county in which the largest portion of district territory is located has a population of less than 35,000.

Education Code 11.1513(g)

A member of a board that has delegated to the superintendent final authority for personnel selection is not a public official with appointment authority for purposes of the nepotism prohibitions of Government Code 573.041. *Atty. Gen. Op. GA-123 (2003)*

With respect to renewed contracts, however, board members may be the relevant public officials for nepotism purposes. *Atty. Gen. Op. GA-177 (2004)*

Former Board Member Employment

A trustee of a district may not accept employment with the district until the first anniversary of the date the trustee's membership on the board ends. *Education Code 11.063*

Incompatibility of Office

The common law rule of incompatibility prohibits one person from holding two offices if the duties are in conflict or if one is subordinate to the other. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. *Thomas v. Abernathy County Line Indep. Sch. Dist., 290 S.W. 152 (Tex. Comm. App. 1927); Turner v. Trinity Indep. Sch. Dist., 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM-634 (1987), MW-450 (1982)*

Instructional Materials Violations

Rebates

Gifts

A trustee commits an offense if the trustee receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the trustee is associated.

A trustee commits an offense if the trustee accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence a trustee in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include staff development, in-service, or teacher training; or ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Free Materials

A person commits an offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

Prohibited Activities by Public Servants—Federal Law

Bribery—General

"Public official" includes a person acting for or on behalf of the United States, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency, or branch of government. The term includes any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed. *18 U.S.C. 201(a); Dixson v. U.S., 465 U.S. 482, 499 (1984) ("To be a public official under section 201(a), an individual*

must possess some degree of official responsibility for carrying out a federal program or policy."); U.S. v. Franco, 632 F.3d 880 (5th Cir. 2011)

A public official commits an offense if the public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

1. Being influenced in the performance of any official act;
2. Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or
3. Being induced to do or omit to do any act in violation of the official duty of such official or person.

18 U.S.C. 201(b)(2)

Bribery—Federal Programs

"Agent" means a person authorized to act on behalf of another person or a government and, in the case of a government, includes a servant or employee, and a partner, director, officer, manager, and representative.

"Government agency" means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program.

If a district receives, in any one year period, benefits in excess of $10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of federal assistance, an agent of the district commits an offense if the agent:

1. Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that:
   a. Is valued at $5,000 or more, and
   b. Is owned by, or is under the care, custody, or control of the district; or
2. Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with

any business, transaction, or series of transactions of the district involving anything of value of $5,000 or more.

This provision does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

18 U.S.C. 666

APPENDIX 7: TASB: Effective Board Practices: An Inventory for School Boards



1. A vision statement is in place for the district.

1.1 The vision statement meets the criteria for a well-developed vision statement listed in the supporting materials.	Yes ☐	No ☐	Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Your vision statement is written.	Yes ☐	No ☐	Unsure ☐
b. It lists or describes desired qualities for at least each of the following: students of the district, the community, and the schools in the district.	Yes ☐	No ☐	Unsure ☐
c. Staff and community input was solicited in some fashion and was considered.	Yes ☐	No ☐	Unsure ☐
d. All current members of the board and the superintendent have agreed, in a formal adoption or readoption by the board, to be guided by the vision.	Yes ☐	No ☐	Unsure ☐

1.2 The board reviews and readopts the vision through formal board action. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board has formally adopted or readopted its vision statement within the last five years. Yes ☐ No ☐ Unsure ☐

b. The board's annual calendar of activities or another written document clearly specifies when the vision statement will next be considered for review. Yes ☐ No ☐ Unsure ☐

1.3 The vision is disseminated throughout the district. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The vision statement is clearly posted in the board meeting room or copies are available at each meeting. Yes ☐ No ☐ Unsure ☐

b. The vision statement is available on all campuses and all staff members have been informed about it. Yes ☐ No ☐ Unsure ☐

2. A comprehensive statement of goals for the district is in place.

2.1 The board adopts or reaffirms a comprehensive list of district goals each year through formal board action. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board formally adopted or reaffirmed a list of goals within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. Workshop documents from the goal-setting process indicate the board considered a broad range of district issues and student achievement measures before limiting the goals to those included in its list. Yes ☐ No ☐ Unsure ☐

c. Each member of the board can state in general terms the substantive content of current goals. Yes ☐ No ☐ Unsure ☐

d. The board can point to specific, written criteria that will be used to assess whether the district is succeeding in reaching its goals. Yes ☐ No ☐ Unsure ☐

2.2 Mechanisms for disseminating the goals for the district are clearly identified and in writing. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Current goals are either posted in the board room or made available to the audience at board meetings. Yes ☐ No ☐ Unsure ☐

b. The goals are available on all campuses and the district Web site, and all staff members have been informed about them. Yes ☐ No ☐ Unsure ☐

2.3 The board is familiar with administration's written plans for accomplishing the goals. The plans include time lines for implementation, specific mechanisms for assessing the effectiveness of the plans, and specific times for reporting to the board on progress. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board has looked at copies of, or been formally briefed about, the administration's plans for accomplishing the current district goals. Yes ☐ No ☐ Unsure ☐

b. The written plans state what results the board will see after implementation and include time lines for implementation, procedures for assessing effectiveness, and a schedule for progress reports to the board. Yes ☐ No ☐ Unsure ☐

3. Board actions reinforce the central importance of the goals to the work of the district.

3.1 Deliberation on major items before the board routinely includes a discussion of the recommended action's impact on meeting district goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials routinely summarize the impact agenda items will have on the achievement of current goals. Yes ☐ No ☐ Unsure ☐

b. Board deliberations routinely include an acknowledgement of whether the given agenda item directly or indirectly supports a district goal. Yes ☐ No ☐ Unsure ☐

3.2 The board's superintendent evaluation instrument and process focus first and foremost on the superintendent's success in addressing the board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board formally adopts written priority performance goals for the superintendent at the beginning of the evaluation cycle. Yes ☐ No ☐ Unsure ☐

b. The majority of the priority performance goals for the superintendent are clearly derived from current or former district goals. Yes ☐ No ☐ Unsure ☐

c. The board's regularly scheduled formative and summative evaluation conferences begin with reports by the superintendent on actions taken in support of the priority performance goals or with summaries of reports provided earlier. Yes ☐ No ☐ Unsure ☐

3.3 The board's budget review process specifically identifies how goals are funded in the proposed budget, whether funding is adequate, and whether funding priorities are consistent with board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board annually discusses budget priorities with the superintendent in advance of the superintendent's budget preparation. Yes ☐ No ☐ Unsure ☐

b. Budget review materials used in adopting the current district budget clearly identify the funding associated with each district goal. Yes ☐ No ☐ Unsure ☐

4. The board monitors plan implementation and district success in a formal, scheduled manner.

4.1 Time lines in the plans for reporting to the board are incorporated into the board's annual activity calendar and included on appropriate monthly agendas. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agendas or minutes from the past 12 months indicate the board received and formally discussed at least one report of progress on district goals. Yes ☐ No ☐ Unsure ☐

b. The board's calendar for the coming year lists the months in which reports on goal implementation will be provided. Yes ☐ No ☐ Unsure ☐

5. Goals, performance standards, and/or benchmarks have been established for major aspects of district operations.

5.1 The board receives information annually from the superintendent on the goals, standards, or benchmarks the administration uses to assess effectiveness for the major areas of district operations. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes from the past 12 months indicate the board and superintendent formally discussed goals, standards, or benchmarks the superintendent uses in assessing operational effectiveness in major areas. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document or documents outlining the measures used by the administration to assess success in at least three major areas of district operations. Yes ☐ No ☐ Unsure ☐

5.2 The board receives regular, scheduled updates on operations effectiveness as measured against standards or benchmarks. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board received a report on operations success relative to established standards or benchmarks within the last 12 months. Yes ☐ No ☐ Unsure ☐

6. The board is familiar with the broad outlines of the systems the superintendent has put in place to manage district operations.

6.1 The board and superintendent have a schedule for periodic updates on major management systems in the district, including presentations on how benchmark data is used to plan improvements. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board received a briefing on at least one major management system within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document with a schedule for briefings on major management systems. Yes ☐ No ☐ Unsure ☐

6.2 The board's evaluation of the superintendent's performance as a manager focuses on the superintendent's establishing appropriate measures and standards of performance for major district operations, monitoring success, and using data for improvement. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Items on the board's evaluation instrument that assess management skills focus on whether appropriate performance standards are in place for major areas of district operations, whether the standards are being monitored, and whether they are being met. Yes ☐ No ☐ Unsure ☐

Board-Superintendent Team Operations

7. The board and superintendent team regularly checks expectations and assesses board-superintendent operations.

7.1 The board and superintendent participate in an annual team-building activity. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board and superintendent participated together in a team-building session or self-assessment discussion during the past 12 months. Yes ☐ No ☐ Unsure ☐

b. Written documents or reports from the team-building session indicate the session included review of actual board practices and behaviors and resulted in agreements about future operations. Yes ☐ No ☐ Unsure ☐

c. Board agenda materials, board minutes, or documents related to the most recent team-building session indicate the board formally discussed continuing education needs as a part of its team-building activity. Yes ☐ No ☐ Unsure ☐

d. The board can point to written plans for continuing education for its members that include, at a minimum, the topics to be addressed. Yes ☐ No ☐ Unsure ☐

7.2 The board has adopted and annually reaffirms an ethics statement or code of conduct for board members. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to a code of conduct or ethics statement that has been formally adopted by the board. Yes ☐ No ☐ Unsure ☐

b. Board agenda materials or minutes indicate the statement has been affirmed by all current members of the board, or the board's calendar of activities includes reaffirmation of the ethics statement or code of conduct as an agenda item within the next six months. Yes ☐ No ☐ Unsure ☐

8. Written operating procedures for the board and superintendent are in place.

8.1 A written annual calendar of board events, outlining major board activities by month, is in place. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. All members of the board have copies of a written, 12-month calendar on which major board responsibilities have been scheduled. Yes ☐ No ☐ Unsure ☐

b. At least 75 percent of the board tasks on the calendar for the past 12 months were performed in the months scheduled or were rescheduled on the calendar for another specific time. Yes ☐ No ☐ Unsure ☐

8.2 Operating procedures are codified in a written board-superintendent procedures document; new board members are oriented to operating procedures within the first 60 days of service. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to written board operating procedures. Yes ☐ No ☐ Unsure ☐

b. The operating procedures are stated in terms of observable actions: what the board, trustee, or superintendent is actually expected to do or not do. Yes ☐ No ☐ Unsure ☐

c. Any members who have joined the board-superintendent team within the last 12 months have copies of all written board operating procedures. Yes ☐ No ☐ Unsure ☐

8.3 An annual review of operating procedures is included on the board activity calendar. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials, minutes, or other documents indicate the board and superintendent have formally discussed operating procedures within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The review of operating procedures usually occurs in the same month each year. Yes ☐ No ☐ Unsure ☐

Advocacy

9. The board is an active advocate for the district within the community.

9.1 The board has an active plan for its generating support for the district, its vision, and its goals with patrons, the business community, and other organizations in the area. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed each year. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to generate support and partnerships within the community. Yes ☐ No ☐ Unsure ☐

9.2 The board reviews board and board member success in generating support for the district annually. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 12 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

10. The board is an active advocate for the district with other elected officials.

10.1 The board has an active plan for advocating for the district's interest with legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed at least every two years. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to support the district's interest before legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

10.2 Every two years, the board reviews board and board member success in advocating for the district with legislators and other elected officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 24 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER) Update

June 12, 2024

San Elizario Independent School District

Grant Compliance Requirement

The Safe Return to In-Person Instruction and Continuity of Services Plan and the LEA's Plan for Uses of ARP ESSER I, ESSER II, ESSER III Funds must be reviewed at least every 6 months and updated as appropriate.

San Elizario Independent School District

District Use of Funds Update – ESSER III – as of 6/4/2024

#	Groups	Funds Budgeted	Funds Used
1	Loss of learning	$4,218,141	$4,056,756
2	Technology integration	$1,701,346	$1,701,346
3	Professional development	$80,052	$80,052
4	Family/Community Engagement	$342,416	$342,789
5	Safe to return in person and continuity of services	$835,289	$829,903
6	Mental health and behavioral supports	$514,514	$508,365
7	Grant administration (to include supplanted staff)	$6,049,926	$5,771,277
8	Student Enrichment & Afterschool Programs	$39,961	$47,859
9	Resources to address needs of individual schools	$1,400,590	$1,366,189
10	Retention of Staff	$458,664	$458,543
	Total	$15,640,897	$15,163,077

ESSER III Grant End Date: September 2024

San Elizario Independent School District

District Use of Funds Update – ESSER III – as of 6/04/2024

#	Groups	Funds Budgeted	Total Grant	% Budgeted
1	Loss of Learning	$4,218,141	$15,640,897	27%

#	Groups	Funds Used	Total Grant	% Used
1	Loss of Learning	$4,056,756	$15,640,897	26%

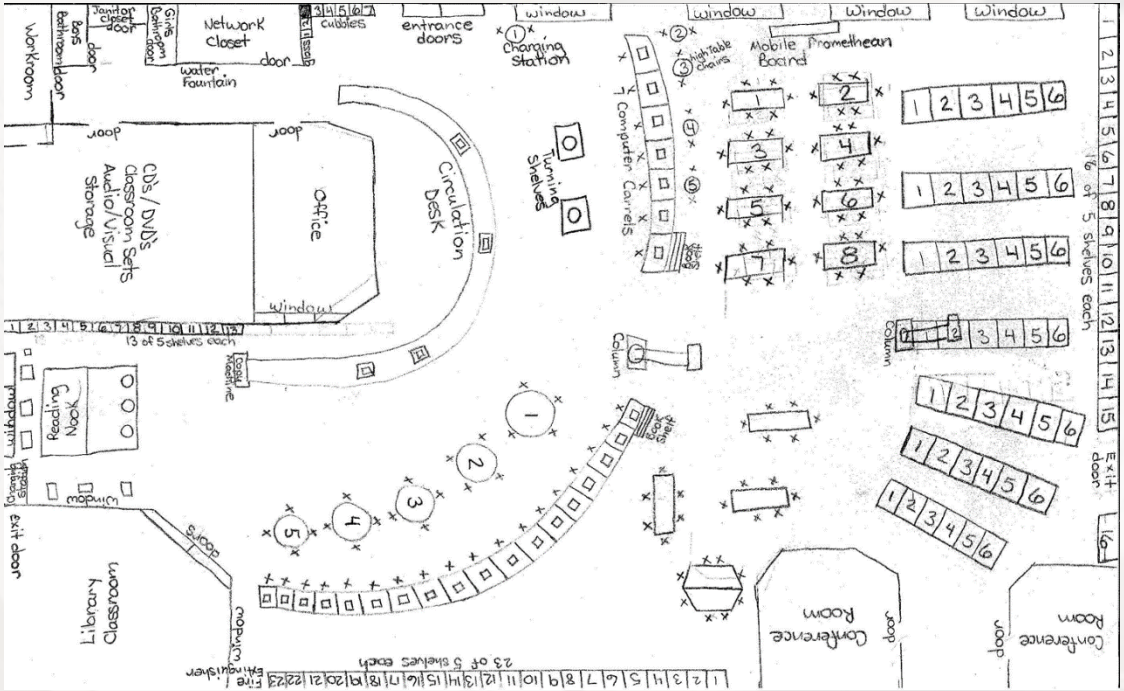
NOTE: The ESSER III grant requires a minimum of 20% of total grant funds to be allocated towards the loss of learning due to the impact of the COVID 19 pandemic.

ESSER III Grant End Date: September 2024

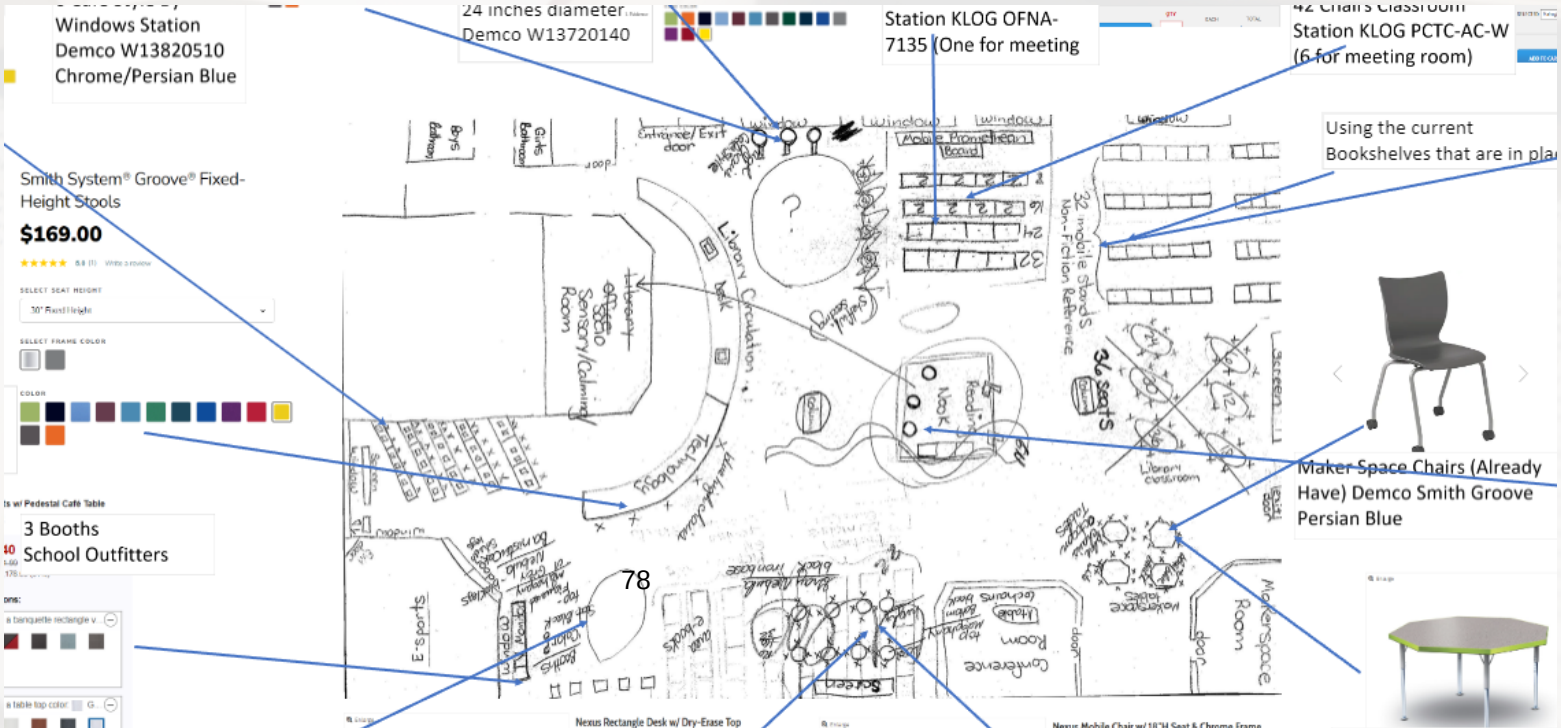
San Elizario Independent School District

HS Library Project: Under Construction / Coming Soon

Then


Network Closet
entrance doors
Charging Station
Mobile Promethean Board
Circulation Desk
office
Turning Shelves
Computer Carrels
Reading Nook
Library Classroom
Conference Room
Conference Room
CDs / DVDs
Classroom Sets
Audio/Visual
Storage
Water Fountain
Boys Bathroom
Girls Bathroom
Janitor closet
Workroom
Exit door
Exit door
Window
Window
Window
Window
Column
Column
Book Shelf
Book Shelf
Book Shelf
Copy Machine
Withdrawal
Entrance
Exit
Fire Extinguisher
13 of 5 shelves each
16 of 5 shelves each
23 of 5 shelves each

Vision


Windows Station
Demco W13820510
Chrome/Persian Blue
24 inches diameter
Demco W13720140
Station KLOG OFNA-7135 (One for meeting
Station KLOG PCTC-AC-W (6 for meeting room)
Using the current Bookshelves that are in pla
Smith System® Groove® Fixed-Height Stools
$169.00
3 Booths
School Outfitters
Maker Space Chairs (Already Have) Demco Smith Groove Persian Blue
Mobile Promethean Board
Entrance/ Exit door
Library Circulation desk
Sensory/Calming Room
Technology
Low Bookshelves
Quiet Reading
Library classroom
32 mobile Stands Non-Fiction Reference
36 seats
E-sports
Conference Room
MakerSpace Room
Nexus Rectangle Desk w/ Dry-Erase Top
Nexus Mobile Chair w/ 18"H Seat & Chrome Frame

Then



Now



Then



Now



Then



Now





Then



Now



Then



Now



Then



Now



Then



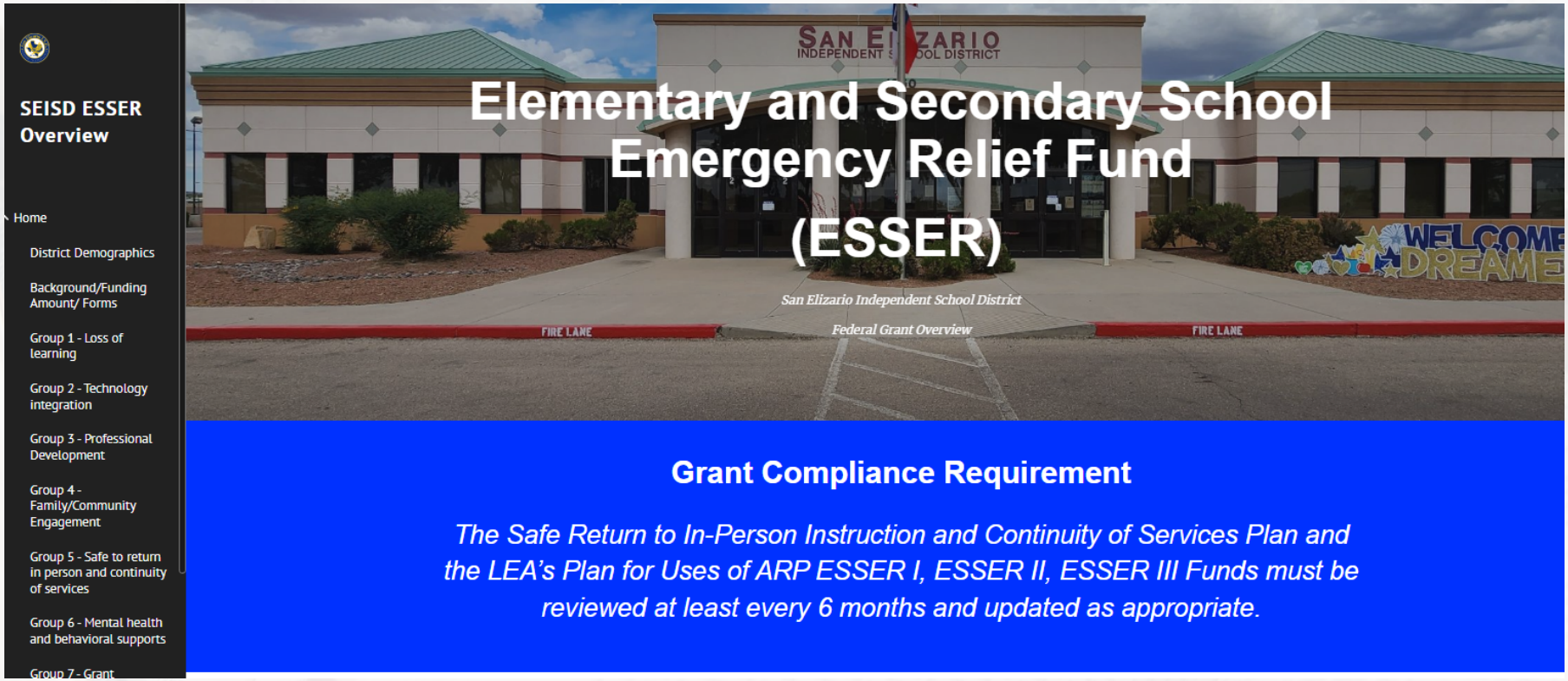
Now



HS Library Project: Under Construction / Coming Soon

San Elizario Independent School District

Overview page recapping ESSER activities available online:



San Elizario
Independent School District

Questions and comments welcomed at this time

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)Update and Public Input

Thank You for EVERYTHING you are doing for our Eagles

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Public comment and input on the Elementary and Secondary School Emergency Relief Fund (ESSER III)
Date: June 12, 2024

HISTORY:
The district applied for ESSER III grant funds in July of 2021 and received a notice of grant award for $15,640,897 with a grant ending date of September 30, 2024.

RATIONALE:
The grant includes a requirement that the grantee's Safe Return to In-Person Instruction and Continuity of Services Plan and the grantee's Plan for Uses of ARP ESSER III funds must be reviewed at least every 6 months and updated as appropriate.

BUDGET IMPACT:
There is no budget impact with this agenda item as it is for public comment and discussion only.

ADMINISTRATIVE RECOMMENDATION:

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports - Tax Report
Date: June 12, 2024

HISTORY: The primary source of state funding for Texas school districts is the Foundation School Program (FSP). This program ensures that all school districts, regardless of property wealth, receive "substantially equal access to similar revenue per student at similar tax effort." The District's current tax rate was approved at the August 23, 2023 special Board meeting for a total rate of $0.8916. The Maintenance & Operations (M&O) rate which pays for items such as staff salaries, supplies, materials, transportation and utilities was $0.7219 while the Interest & Sinking (I&S) rate which pays for bonded debt was $0.1697.

RATIONALE: The purpose of this agenda item is to report collections made for the current 2023 tax year which is based on the levy billed on October 1, 2023.

BUDGET IMPACT: Collections as of April 30, 2024 are summarized below.

	M&O	I&S	Total	Collections
Current Year Levy	$2,050,923	$482,119	$2,533,042	
Current Year Collections	$1,827,201	$429,527	$2,256,728	$2,256,728
Current Year Levy Outstanding	$223,722	$52,592	$276,314	
Prior Year Collections				$97,622
Penalty & Interest Collections				$55,688
Total Collections				$2,410,038

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EL PASO CONSOLIDATED TAX OFFICE
PROPERTY TAX COLLECTION ANALYSIS
9/1/2023 through 4/30/2024

JURISDICTION: 19 SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

	CURRENT TAX YEAR ($)		PRIOR YEARS ($)		ALL YEARS ($)			COLLECTION FEE ($)	
PERIOD	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	%	COLLECTED	CUMULATIVE
Sep 2023	-	-	38,562.46	38,562.46	38,562.46	38,562.46	1.52%	4,114.61	4,114.61
Oct 2023	51,932.45	51,932.45	18,864.25	57,426.71	70,796.70	109,359.16	4.32%	3,266.02	7,380.63
Nov 2023	142,363.37	194,295.82	19,474.87	76,901.58	161,838.24	271,197.40	10.71%	3,492.51	10,873.14
Dec 2023	888,013.01	1,082,308.83	16,248.17	93,149.75	904,261.18	1,175,458.58	46.41%	3,123.77	13,996.91
Jan 2024	869,642.97	1,951,951.80	23,199.14	116,348.89	892,842.11	2,068,300.69	81.65%	4,685.07	18,681.98
Feb 2024	216,306.78	2,168,258.58	8,561.31	124,910.20	224,868.09	2,293,168.78	90.53%	2,561.56	21,243.54
Mar 2024	62,666.16	2,230,924.74	5,668.27	130,578.47	68,334.43	2,361,503.21	93.23%	3,014.00	24,257.54
Apr 2024	41,804.28	2,272,729.02	6,730.40	137,308.87	48,534.68	2,410,037.89	95.14%	3,397.30	27,654.84
May 2024									
Jun 2024									
Jul 2024									
Aug 2024									

LEVY		CURRENT	PRIOR	ALL YEARS
Levy-Cert	7/25/2023	2,606,839.10	N/A	N/A
Levy-Billed	10/1/2023	2,589,559.24	601,116.53	3,190,675.77
Adjusted Levy YTD		2,533,041.55	547,400.97	3,080,442.52
Increase/Decrease		(56,517.69)	(53,715.56)	(110,233.25)
Levy Outstanding		276,313.89	449,778.59	726,092.48

REVENUE	CURRENT	PRIOR	ALL YEARS
Total Levy Collected	2,256,727.66	97,622.38	2,354,350.04
Total Penalty & Interest	16,001.36	39,686.49	55,687.85
Total Levy + P&I	2,272,729.02	137,308.87	2,410,037.89
Taxes as percent of levy	89.09%	3.85%	92.94%
P&I as percent of levy	0.63%	1.57%	2.20%
Total as percent of levy	89.72%	5.42%	95.14%
Collection Fee	2,161.52	25,493.32	27,654.84
Total Collected YTD	2,274,890.54	162,802.19	2,437,692.73

printed 5/1/2024

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Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Financial Statements
Date: June 12, 2024

HISTORY: The district's fiscal year runs from July 1st through June 30th. The district's fiscal accounts are audited annually and the results are typically presented at the regular board meeting in November.

RATIONALE: The purpose of this agenda item is to present unaudited interim financial statements as of April 30, 2024 which are attached to this memo. Included are:

- Exhibit G-1: presents budget and actual amounts for the general fund
- Exhibit J-3: presents budget and actual amounts for the debt service fund
- Exhibit C-1: presents the balance sheet for governmental funds
- Exhibit C-3: presents revenues and expenditures for governmental funds
- Exhibit H-4: presents revenues and expenses for internal service funds

BUDGET IMPACT: There is no budget impact associated with this agenda item.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EXHIBIT G-1

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2024

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 4,020,927	$ 3,236,554	$ 3,066,306	$ (170,248)
5800	State Program Revenues	31,261,292	32,161,292	22,640,903	(9,520,389)
5900	Federal Program Revenues	6,295,000	5,295,000	3,501,916	(1,793,084)
5020	Total Revenues	41,577,219	40,692,846	29,209,125	(11,483,721)
	EXPENDITURES:				
	Current:				
0011	Instruction	18,108,055	18,114,055	14,956,863	3,157,192
0012	Instructional Resources and Media Services	138,227	193,227	138,069	55,158
0013	Curriculum and Instructional Staff Development	212,323	389,323	208,478	180,845
0021	Instructional Leadership	795,327	816,327	643,385	172,942
0023	School Leadership	1,659,864	1,543,864	1,153,240	390,624
0031	Guidance, Counseling and Evaluation Services	1,238,095	1,241,595	1,000,031	241,564
0032	Social Work Services	62,375	62,375	49,756	12,619
0033	Health Services	378,076	370,076	311,964	58,112
0034	Student (Pupil) Transportation	1,941,006	1,861,006	1,621,637	239,369
0035	Food Services	4,060,000	4,060,000	3,138,475	921,525
0036	Extracurricular Activities	1,327,471	1,370,471	1,082,607	287,864
0041	General Administration	1,813,788	1,812,788	1,432,112	380,676
0051	Facilities Maintenance and Operations	6,347,081	6,249,185	4,403,448	1,845,737
0052	Security and Monitoring Services	1,259,021	1,453,421	1,060,106	393,315
0053	Data Processing Services	1,304,130	1,179,130	1,073,387	105,743
0061	Community Services	36,845	43,345	25,961	17,384
	Debt Service:				
0071	Debt Service	795,738	195,738	169,614	26,124
	Capital Outlay:				
0081	Facilities Acquisition and Construction	2,154,297	2,149,297	1,897,439	251,858
	Intergovernmental:				
0099	Other Intergovernmental Charges	52,500	52,500	24,680	27,820
6030	Total Expenditures	43,684,219	43,157,723	34,391,252	8,766,471
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(2,107,000)	(2,464,877)	(5,182,127)	(2,717,250)
	OTHER FINANCING SOURCES (USES):				
7912	Sale of Real and Personal Property	25,000	25,000	10,204	(14,796)
7915	Transfers In	-	-	-	-
8911	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	25,000	25,000	10,204	(14,796)
1200	Net Changes in Fund Balances	(2,082,000)	(2,439,877)	(5,171,923)	(2,732,046)
0100	Fund Balance - July 1 (Beginning)	-	17,601,593	17,601,593	-
3000	Fund Balance - June 30 (Ending)	$ (2,082,000)	$ 15,161,716	$ 12,429,670	$ (2,732,046)

EXHIBIT J-3

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2024

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 627,898	$ 627,898	$ 485,620	$ (142,278)
5800	State Program Revenues	1,063,966	1,063,966	987,710	(76,256)
5020	Total Revenues	1,691,864	1,691,864	1,473,330	(218,534)
	EXPENDITURES:				
	Debt Service:				
0071	Debt Service	1,624,413	1,624,413	1,624,413	-
6030	Total Expenditures	1,624,413	1,624,413	1,624,413	-
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	67,451	67,451	(151,083)	(218,534)
	OTHER FINANCING SOURCES (USES):				
7915	Transfers In	-	-	-	-
7916	Premium or Discount on Issuance of Bonds	-	-	-	-
8949	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	-	-	-	-
1200	Net Changes in Fund Balances	67,451	67,451	(151,083)	(218,534)
0100	Fund Balance - July 1 (Beginning)	-	349,327	349,327	-
3000	Fund Balance - June 30 (Ending)	$ 67,451	$ 416,778	$ 198,244	$ (218,534)

EXHIBIT C-1

SAN ELIZARIO ISD
BALANCE SHEET
GOVERNMENTAL FUNDS - UNAUDITED
AS OF APRIL 30, 2024

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	ASSETS			
1110	Cash and Cash Equivalents	$ 10,616,223	$ 654,186	$ 11,270,409
1220	Property Taxes - Delinquent	604,519	77,019	681,538
1230	Allowance for Uncollectible Taxes (Credit)	(54,948)	(6,829)	(61,777)
1240	Receivables from Other Governments	576,155	4,191,541	4,767,696
1250	Accrued Interest	-	-	-
1260	Due from Other Funds	4,967,820	332,854	5,300,674
1290	Other Receivables	-		-
1300	Inventories	220,137	-	220,137
1410	Prepayments	-	-	-
1000	Total Assets	16,929,906	5,248,771	22,178,677
	LIABILITIES			
2110	Accounts Payable	523,325	188,530	711,856
2150	Payroll Deductions and Withholdings Payable	364,017	-	364,017
2160	Accrued Wages Payable	1,637,440	377,350	2,014,790
2170	Due to Other Funds	1,156,646	3,635,256	4,791,902
2180	Due to Other Governments	-	44,474	44,474
2200	Accrued Expenditures	82,406	-	82,406
2300	Unearned Revenues	186,830	5,570	192,400
2000	Total Liabilities	3,950,664	4,251,180	8,201,845
	DEFERRED INFLOWS OF RESOURCES			
2601	Unavailable Revenue - Property Taxes	549,571	70,191	619,762
2600	Total Deferred Inflows of Resources	549,571	70,191	619,762
	FUND BALANCES			
	Nonspendable Fund Balance:			
3410	Inventories	179,981	-	179,981
	Restricted Fund Balance:			
3450	Federal or State Funds Grant Restriction	779,803	147,311	927,114
3470	Capital Acquisition and Contractual Obligation	-	390,839	390,839
3480	Retirement of Long-Term Debt	-	198,245	198,245
3490	Other Restricted Fund Balance	-	191,005	191,005
3510	Committed Fund Balance - Construction	305,196	-	305,196
3545	Committed Fund Balance - Other	2,800,000	-	2,800,000
3600	Unassigned Fund Balance	8,364,692	-	8,364,692
3000	Total Fund Balances	12,429,672	927,400	13,357,072
4000	Total Liabilities, Deferred Inflows & Fund Balances	$ 16,929,906	$ 5,248,771	$ 22,178,677

EXHIBIT C-3

SAN ELIZARIO ISD
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2024

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	REVENUES:			
5700	Total Local and Intermediate Sources	$ 3,066,306	$ 632,116	$ 3,698,422
5800	State Program Revenues	22,640,903	1,182,225	23,823,128
5900	Federal Program Revenues	3,501,916	7,906,255	11,408,171
5020	Total Revenues	29,209,125	9,720,596	38,929,721
	EXPENDITURES:			
	Current:			
0011	Instruction	14,956,863	4,280,184	19,237,047
0012	Instructional Resources and Media Services	138,069	405,618	543,687
0013	Curriculum Instructional Staff Development	208,478	1,097,614	1,306,092
0021	Instructional Leadership	643,385	107,517	750,902
0023	School Leadership	1,153,240	768,725	1,921,965
0031	Guidance, Counseling and Evaluation Services	1,000,031	329,784	1,329,815
0032	Social Work Services	49,756	132,331	182,087
0033	Health Services	311,964	123,655	435,619
0034	Student (Pupil) Transportation	1,621,637	20,967	1,642,604
0035	Food Services	3,138,475	27,401	3,165,876
0036	Extracurricular Activities	1,082,607	143,844	1,226,451
0041	General Administration	1,432,112	15,293	1,447,405
0051	Facilities Maintenance and Operations	4,403,448	334,851	4,738,299
0052	Security and Monitoring Services	1,060,106	59,707	1,119,813
0053	Data Processing Services	1,073,387	168,321	1,241,708
0061	Community Services	25,961	178,841	204,802
	Debt Service:			
0071	Debt Service	169,614	1,626,479	1,796,093
	Capital Outlay:			
0081	Facilities Acquisition and Construction	1,897,439	-	1,897,439
	Intergovernmental:			
0099	Other Intergovernmental Charges	24,680	-	24,680
6030	Total Expenditures	34,391,252	9,821,132	44,212,384
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(5,182,127)	(100,536)	(5,282,663)
	OTHER FINANCING SOURCES (USES)			
7912	Sale of Real and Personal Property	10,204	-	10,204
7915	Transfers In	-	-	-
8911	Transfers Out (Use)	-	-	-
7080	Total Other Financing Sources (Uses)	10,204	-	10,204
1200	Net Change in Fund Balances	(5,171,923)	(100,536)	(5,272,459)
0100	Fund Balance - July 1 (Beginning)	17,601,593	1,027,937	18,629,530
1300	Prior Period Adjustment	-	-	-
3000	Fund Balance - June 30 (Ending)	$ 12,429,670	$ 927,401	$ 13,357,071

EXHIBIT H-4

SAN ELIZARIO ISD
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
INTERNAL SERVICE FUNDS - UNAUDITED
FOR THE TEN MONTHS ENDING APRIL 30, 2024

	753 Self Insurance Health Fund	770 Self Insurance W/ Comp Fund	Total Internal Service Funds
OPERATING REVENUES:			
Local and Intermediate Sources	$ 3,606,334	$ 120,825	$ 3,727,159
Total Operating Revenues	3,606,334	120,825	3,727,159
OPERATING EXPENSES:			
Professional and Contracted Services	3,259,449	207,125	3,466,574
Other Operating Costs	917,715	-	917,715
Total Operating Expenses	4,177,164	207,125	4,384,289
Operating Income (Loss)	(570,830)	(86,300)	(657,130)
NONOPERATING REVENUES (EXPENSES):			
Earnings from Temporary Deposits & Investments	820	56,696	57,516
Total Nonoperating Revenues (Expenses)	820	56,696	57,516
Income (Loss) Before Transfers	(570,010)	(29,604)	(599,614)
Transfer In	-	-	-
Change in Net Position	(570,010)	(29,604)	(599,614)
Total Net Position - July 1 (Beginning)	(240,359)	1,033,273	792,914
Total Net Position - June 30 (Ending)	$ (810,369)	$ 1,003,669	$ 193,300

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Investment Report
Date: June 12, 2024

HISTORY: Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding report period in accordance with section 2256.023 of the Texas Government Code.

RATIONALE: The purpose of this agenda item is to present that investment report for the month of April 2024.

BUDGET IMPACT: Interest earned by fund is summarized in the investment report which is attached to this memo.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario I.S.D.
Statement of Interest Earned
For The Ten Months Ending April 30, 2024

General Fund	**$**	**552,098.39**
Interest & Sinking (Debt Service) Fund	**$**	**24,880.52**
Capital Projects Fund	**$**	**16,904.29**
Health Insurance Fund	**$**	**820.03**
Workers Compensation Fund	**$**	**56,696.41**
Total	**$**	**651,399.64**

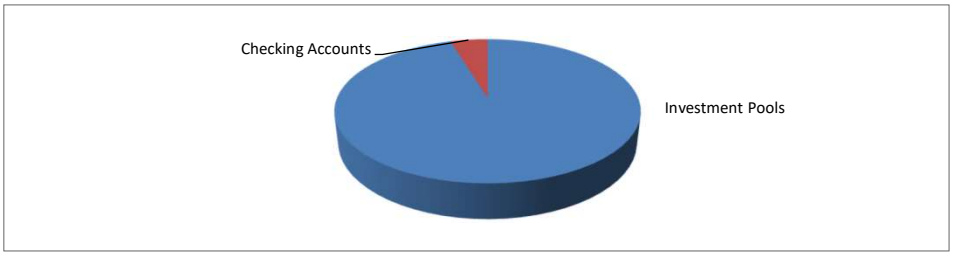
We, the undersigned Investment Officers, do hereby certify that the above investment information, is in compliance with Board Policy (CDA Local) and requirements stated in Sec. 2256.023 of the PFIA.

Norberto Rivas — **May 31, 2024**

Chief Financial Officer — **Date**

Portfolio Diversification

By Investment Type		Current Market Value	Portfolio %	Investment Maturity
Investment Pools	$	12,180,784	95.30%	Overnight
Checking Accounts	$	600,808	4.70%	Overnight
	$	12,781,592		



General Fund

Wells Fargo- General Operating Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Earnings Allowance*	*Net Earnings Allowance*
01-Jul-23	31-Jul-23	Overnight	$ 649,456.02	1.65%	$ 933.11
01-Aug-23	31-Aug-23	Overnight	$ 1,345,105.79	1.65%	$ 1,663.34
01-Sep-23	30-Sep-23	Overnight	$ 522,659.56	1.65%	$ 1,151.62
01-Oct-23	31-Oct-23	Overnight	$ 488,872.61	1.65%	$ 989.77
01-Nov-23	30-Nov-23	Overnight	$ 969,576.22	1.65%	$ 966.59
01-Dec-23	31-Dec-23	Overnight	$ 635,441.64	1.65%	$ 1,185.76
01-Jan-24	31-Jan-24	Overnight	$ 965,391.56	1.65%	$ 1,419.77
01-Feb-24	28-Feb-24	Overnight	$ 249,064.67	1.65%	$ 1,023.64
01-Mar-24	31-Mar-24	Overnight	$ 871,953.86	1.65%	$ 1,147.96
01-Apr-24	30-Apr-24	Overnight	$ 468,921.17	1.65%	$ 911.07
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Net Earnings Allowance:	**$ 11,392.63**

Earnings allowance is earned based on the available bank balance and is used to offset monthly bank analyzed charges.

Wells Fargo- Food Service Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Earnings Allowance*	*Net Earnings Allowance*
01-Jul-23	31-Jul-23	Overnight	$ 26,501.35	0.00%	$ -
01-Aug-23	31-Aug-23	Overnight	$ 35,566.24	0.00%	$ -
01-Sep-23	30-Sep-23	Overnight	$ 48,921.34	0.00%	$ -
01-Oct-23	31-Oct-23	Overnight	$ 59,428.54	0.00%	$ -
01-Nov-23	30-Nov-23	Overnight	$ 81,122.54	0.00%	$ -
01-Dec-23	31-Dec-23	Overnight	$ 88,807.42	0.00%	$ -
01-Jan-24	31-Jan-24	Overnight	$ 102,611.32	0.00%	$ -
01-Feb-24	28-Feb-24	Overnight	$ 264,592.75	0.00%	$ -
01-Mar-24	31-Mar-24	Overnight	$ 52,865.30	0.00%	$ -
01-Apr-24	30-Apr-24	Overnight	$ 11,329.20	0.00%	$ -
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Net Earnings Allowance:	**$ -**

This bank balance is combined with the general operating account for the purpose of the earning allowance.

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 4,189,259.96	5.37%	$ 21,019.72
01-Aug-23	31-Aug-23	Overnight	$ 652,739.69	5.53%	$ 15,037.66
01-Sep-23	30-Sep-23	Overnight	$ 7,288,438.93	5.59%	$ 12,272.15
01-Oct-23	31-Oct-23	Overnight	$ 6,102,258.19	5.61%	$ 29,650.88
01-Nov-23	30-Nov-23	Overnight	$ 7,938,276.94	5.65%	$ 28,477.29
01-Dec-23	31-Dec-23	Overnight	$ 8,293,429.07	5.65%	$ 37,134.66
01-Jan-24	31-Jan-24	Overnight	$ 7,872,306.00	5.60%	$ 37,202.92
01-Feb-24	28-Feb-24	Overnight	$ 8,245,472.71	5.52%	$ 37,702.74
01-Mar-24	31-Mar-24	Overnight	$ 8,352,993.24	5.49%	$ 35,471.27
01-Apr-24	30-Apr-24	Overnight	$ 3,821,529.60	5.47%	$ 29,407.10
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 283,376.39**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 494,622.42	5.31%	$ 2,220.52
01-Aug-23	31-Aug-23	Overnight	$ 496,926.76	5.49%	$ 2,304.34
01-Sep-23	30-Sep-23	Overnight	$ 198,456.32	5.53%	$ 1,529.56
01-Oct-23	31-Oct-23	Overnight	$ 199,394.19	5.57%	$ 937.87
01-Nov-23	30-Nov-23	Overnight	$ 200,314.42	5.62%	$ 920.23
01-Dec-23	31-Dec-23	Overnight	$ 201,267.02	5.60%	$ 952.60
01-Jan-24	31-Jan-24	Overnight	$ 202,214.35	5.56%	$ 947.33
01-Feb-24	28-Feb-24	Overnight	$ 203,095.62	5.50%	$ 881.27
01-Mar-24	31-Mar-24	Overnight	$ 204,037.86	5.48%	$ 942.24
01-Apr-24	30-Apr-24	Overnight	$ 204,950.22	5.46%	$ 912.36
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 12,548.32**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 3,719,012.57	5.12%	$ 16,018.37
01-Aug-23	31-Aug-23	Overnight	$ 3,772,036.61	5.30%	$ 16,841.76
01-Sep-23	30-Sep-23	Overnight	$ 811,493.50	5.32%	$ 9,107.19
01-Oct-23	31-Oct-23	Overnight	$ 846,034.89	5.32%	$ 3,747.15
01-Nov-23	30-Nov-23	Overnight	$ 990,011.73	5.35%	$ 4,081.29
01-Dec-23	31-Dec-23	Overnight	$ 1,625,961.60	5.35%	$ 5,671.98
01-Jan-24	31-Jan-24	Overnight	$ 2,336,958.63	5.34%	$ 9,004.87
01-Feb-24	28-Feb-24	Overnight	$ 2,657,957.47	5.33%	$ 10,914.99
01-Mar-24	31-Mar-24	Overnight	$ 2,735,932.51	5.33%	$ 12,191.30
01-Apr-24	30-Apr-24	Overnight	$ 2,792,941.42	5.33%	$ 12,035.30
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 99,614.20**

Texas CLASS Investment Pool- General Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 3,339,233.84	5.32%	$ 15,064.21
01-Aug-23	31-Aug-23	Overnight	$ 3,354,796.04	5.48%	$ 15,562.20
01-Sep-23	30-Sep-23	Overnight	$ 3,370,052.51	5.52%	$ 15,256.47
01-Oct-23	31-Oct-23	Overnight	$ 3,385,987.26	5.55%	$ 15,934.75
01-Nov-23	30-Nov-23	Overnight	$ 3,401,566.98	5.86%	$ 15,579.72
01-Dec-23	31-Dec-23	Overnight	$ 3,417,709.14	5.57%	$ 16,142.16
01-Jan-24	31-Jan-24	Overnight	$ 3,433,781.29	5.54%	$ 16,072.15
01-Feb-24	28-Feb-24	Overnight	$ 3,448,733.25	5.48%	$ 14,951.96
01-Mar-24	31-Mar-24	Overnight	$ 3,464,731.82	5.47%	$ 15,998.57
01-Apr-24	30-Apr-24	Overnight	$ 3,480,181.17	5.43%	$ 15,449.35
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 156,011.54**

GECU- Certificate of Deposit (Date Opened: 4/21/2021 Maturity Date: account closed)

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 250,000.00	0.80%	$ 169.86
01-Aug-23	31-Aug-23	Overnight	$ 250,000.00	0.80%	$ 169.86
01-Sep-23	30-Sep-23	Overnight	$ 250,000.00	0.80%	$ 164.38
01-Oct-23	31-Oct-23	Overnight	$ -	0.80%	$ 43.84
				Interest Earned:	**$ 547.94**

Total General Fund Interest Earned	**$ 552,098.39**

Interest & Sinking Fund (Debt Service)

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 259,349.66	5.37%	$ 1,176.33
01-Aug-23	31-Aug-23	Overnight	$ 260,566.79	5.53%	$ 1,217.13
01-Sep-23	30-Sep-23	Overnight	$ 261,761.22	5.58%	$ 1,194.43
01-Oct-23	31-Oct-23	Overnight	$ 263,008.00	5.61%	$ 1,246.78
01-Nov-23	30-Nov-23	Overnight	$ 264,230.18	5.65%	$ 1,222.18
01-Dec-23	31-Dec-23	Overnight	$ 265,497.97	5.65%	$ 1,267.79
01-Jan-24	31-Jan-24	Overnight	$ 266,757.55	5.60%	$ 1,259.58
01-Feb-24	28-Feb-24	Overnight	$ 267,923.78	5.52%	$ 1,166.23
01-Mar-24	31-Mar-24	Overnight	$ 269,170.22	5.49%	$ 1,246.44
01-Apr-24	30-Apr-24	Overnight	$ 133,388.59	5.47%	$ 920.89
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 11,917.78**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 138,613.06	5.12%	$ 587.35
01-Aug-23	31-Aug-23	Overnight	$ 144,759.38	5.30%	$ 639.92
01-Sep-23	30-Sep-23	Overnight	$ 149,912.51	5.32%	$ 640.91
01-Oct-23	31-Oct-23	Overnight	$ 156,118.98	5.32%	$ 691.58
01-Nov-23	30-Nov-23	Overnight	$ 188,443.13	5.35%	$ 767.34
01-Dec-23	31-Dec-23	Overnight	$ 336,227.61	5.35%	$ 1,128.51
01-Jan-24	31-Jan-24	Overnight	$ 501,707.42	5.34%	$ 1,906.75
01-Feb-24	28-Feb-24	Overnight	$ 576,192.61	5.33%	$ 2,362.64
01-Mar-24	31-Mar-24	Overnight	$ 593,699.36	5.33%	$ 2,644.87
01-Apr-24	30-Apr-24	Overnight	$ 105,270.68	5.33%	$ 1,592.87
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 12,962.74**

Total Debt Service Fund Interest Earned	**$ 24,880.52**

Capital Projects Fund

2015 Bond Construction Fund - Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 375,560.02	5.12%	$ 1,625.42
01-Aug-23	31-Aug-23	Overnight	$ 377,250.04	5.30%	$ 1,690.02
01-Sep-23	30-Sep-23	Overnight	$ 378,898.46	5.32%	$ 1,648.42
01-Oct-23	31-Oct-23	Overnight	$ 380,611.45	5.32%	$ 1,712.99
01-Nov-23	30-Nov-23	Overnight	$ 382,285.29	5.35%	$ 1,673.84
01-Dec-23	31-Dec-23	Overnight	$ 384,023.56	5.35%	$ 1,738.27
01-Jan-24	31-Jan-24	Overnight	$ 385,761.40	5.34%	$ 1,737.84
01-Feb-24	28-Feb-24	Overnight	$ 387,391.26	5.33%	$ 1,629.86
01-Mar-24	31-Mar-24	Overnight	$ 389,140.29	5.33%	$ 1,749.03
01-Apr-24	30-Apr-24	Overnight	$ 390,838.89	5.33%	$ 1,698.60
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 16,904.29**

Total Capital Projects Fund Interest Earned	**$ 16,904.29**

Health Insurance Fund

Wells Fargo- Health Insurance

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 9,511.35	1.01%	$ 72.65
01-Aug-23	31-Aug-23	Overnight	$ 71,472.99	1.09%	$ 99.59
01-Sep-23	30-Sep-23	Overnight	$ 211,011.65	1.09%	$ 84.92
01-Oct-23	31-Oct-23	Overnight	$ 115,018.64	1.09%	$ 73.87
01-Nov-23	30-Nov-23	Overnight	$ 41,656.04	1.09%	$ 43.19
01-Dec-23	31-Dec-23	Overnight	$ 145,386.33	1.09%	$ 150.52
01-Jan-24	31-Jan-24	Overnight	$ 107,065.31	1.09%	$ 87.53
01-Feb-24	28-Feb-24	Overnight	$ 53,911.08	1.09%	$ 61.56
01-Mar-24	31-Mar-24	Overnight	$ 4,194.12	1.09%	$ 90.03
01-Apr-24	30-Apr-24	Overnight	$ 98,454.18	1.09%	$ 56.17
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 820.03**

Total Health Insurance Fund Interest Earned **$ 820.03**

Workers Compensation Fund

Wells Fargo- Worker's Compensation

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 75,307.93	1.02%	$ 67.96
01-Aug-23	31-Aug-23	Overnight	$ 67,882.22	1.09%	$ 65.26
01-Sep-23	30-Sep-23	Overnight	$ 102,225.44	1.09%	$ 79.42
01-Oct-23	31-Oct-23	Overnight	$ 102,168.73	1.09%	$ 88.90
01-Nov-23	30-Nov-23	Overnight	$ 90,700.70	1.09%	$ 86.29
01-Dec-23	31-Dec-23	Overnight	$ 75,924.22	1.09%	$ 83.22
01-Jan-24	31-Jan-24	Overnight	$ 24,254.93	1.09%	$ 59.27
01-Feb-24	28-Feb-24	Overnight	$ 14,149.52	1.09%	$ 15.78
01-Mar-24	31-Mar-24	Overnight	$ 5,300.03	1.09%	$ 9.27
01-Apr-24	30-Apr-24	Overnight	$ 22,103.33	1.09%	$ 11.86
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 567.23**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-23	31-Jul-23	Overnight	$ 1,200,945.31	5.31%	$ 5,391.44
01-Aug-23	31-Aug-23	Overnight	$ 1,206,540.26	5.49%	$ 5,594.95
01-Sep-23	30-Sep-23	Overnight	$ 1,212,022.62	5.53%	$ 5,482.36
01-Oct-23	31-Oct-23	Overnight	$ 1,217,750.99	5.57%	$ 5,728.37
01-Nov-23	30-Nov-23	Overnight	$ 1,223,371.07	5.62%	$ 5,620.08
01-Dec-23	31-Dec-23	Overnight	$ 1,229,188.82	5.60%	$ 5,817.75
01-Jan-24	31-Jan-24	Overnight	$ 1,234,974.38	5.56%	$ 5,785.56
01-Feb-24	28-Feb-24	Overnight	$ 1,240,356.54	5.50%	$ 5,382.16
01-Mar-24	31-Mar-24	Overnight	$ 1,246,111.02	5.48%	$ 5,754.48
01-Apr-24	30-Apr-24	Overnight	$ 1,251,683.05	5.46%	$ 5,572.03
01-May-24	31-May-24	Overnight	$ -	0.00%	$ -
01-Jun-24	30-Jun-24	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 56,129.18**

Total Worker's Compensation Fund Interest Earned : **$ 56,696.41**

Lone★Star™
Investment Pool

Distributed by FIRST PUBLIC® Member FINRA/SIPC



First Public
12007 Research Blvd.
Austin, Texas 78759
800-558-8875 • firstpublic.com

Fund Performance Update

April 30, 2024

Comments by Mellon, Investment Manager

Custodian Bank: State Street Bank

Investment Managers:
American Beacon Advisors and
Mellon Investments Corp (Dreyfus)

US Treasury yields rose sharply in April as hotter-than-expected inflation data reduced expectations of any rate cuts in the near future. Yields on Treasury bonds maturing beyond two years rose 40 to 50 basis points during the month. The expectation of higher-for-longer interest rates weighed on equity prices as Dow Jones Industrial Average®, S&P 500® and Nasdaq-100® indexes declined by 4-5% in April. Both headline and core consumer price index (CPI) inflation in March rose 0.4%. If food, energy, shelter and rent are excluded from this number, the "super core" inflation year-over-year reading at 4.8% is the highest it has been in 11 months. GDP came in weaker-than-expected at 1.6% annualized rate (2.5% consensus estimate), making it the slowest quarterly growth in nearly two years. However, the headline figure hides more positive details. Importantly, personal consumption increased by a still firm 2.5%, while business and residential investment both expanded strongly. The primary drag on the headline figure came from inventories and net exports (imports surged while exports grew only modestly). The Federal Reserve's preferred measure of inflation—core personal consumption expenditures (PCE)—came in slightly above estimates for March, at 2.8%, unchanged from the previous month. Entering the month, the futures market was fully pricing in a rate cut by the July Federal Open Market Committee (FOMC) meeting. At the end of the month, the futures market was not fully pricing in a rate cut until the December meeting.

The Lone Star Investment Pool Information Statement should be read carefully before investing. Investors should consider the investment objectives, risks, changes, and expenses associated with this or any security prior to investing. Investment in Lone Star Investment Pool is not insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC) or any other government agency, and although Lone Star seeks to preserve the value of the investment at a fixed share price, it is possible to lose money by investing in Lone Star. For further information or for an Information Statement contact First Public at 800-558-8875. The return information is net of all current operating expenses. The return represents past performance and is no indication of future results.

Active Participants This Month

Schools and Colleges	589
Other Governmental Entities	90
Total	*679*

Lone★Star™
Investment Pool



Government Overnight Fund

Return Information

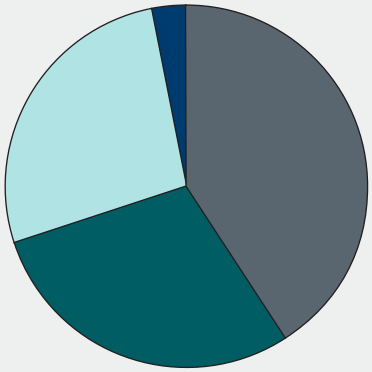
April 30, 2024

Average Monthly Return (a)	5.33%
SEC 7-day Fund Yield (b)	5.34%
Weighted Average Maturity One (c)	36 days
Weighted Average Maturity Two (c)	104 days
Portfolio Maturing beyond One Year	6%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

Inventory Position

	Book Value	Market Value
Cash/Repo	1,823,550,334.56	1,823,550,334.56
US Treasuries	1,934,042,333.82	1,933,700,410.78
Agencies	2,733,844,720.32	2,733,596,196.12
Money Market Funds	235,594,978.76	235,594,978.76
Total Assets	*6,727,032,367.46*	*6,726,441,920.22*

Investment Distribution



(a) The return information represents the average annualized rate of return on investments for the time period referenced. Return rates reflect a partial waiver of the Lone Star Investment Pool operating expense. Past performance is no guarantee of future results.

Lone★Star™
Investment Pool



Corporate Overnight Fund

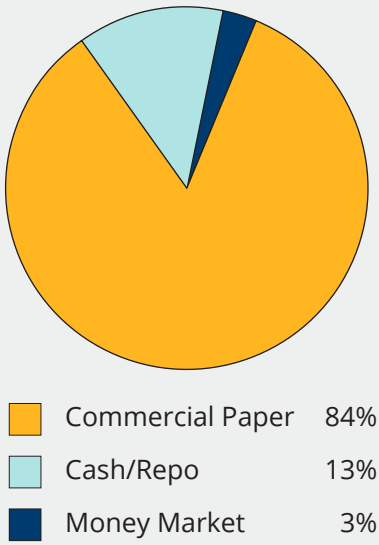
Return Information
April 30, 2024

Average Monthly Return (a)	5.46%
SEC 7-day Fund Yield (b)	5.46%
Weighted Average Maturity One (c)	44 days
Weighted Average Maturity Two (c)	79 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

Inventory Position

	Book Value	Market Value
Cash/Repo	518,351,229.27	518,351,229.27
US Treasuries	-	-
Agencies	-	-
Commercial Paper	3,262,784,755.34	3,262,137,284.85
Money Market Funds	129,423,175.68	129,420,676.92
Total Assets	*3,910,559,160.29*	*3,909,909,191.04*

Investment Distribution



(b)

SEC 7-Day Yield Calculation

$$\text{Yield} = 2\left[\left(\frac{a-b}{cd}+1\right)^{6}-1\right]$$

a - Dividend and interest income
b - Expenses accrued for the period
c - Average daily number of shares outstanding during the period that was entitled to dividends
d - Maximum offering price per share on the last day of the period

Lone★Star™
Investment Pool



Corporate Overnight Plus Fund

Return Information

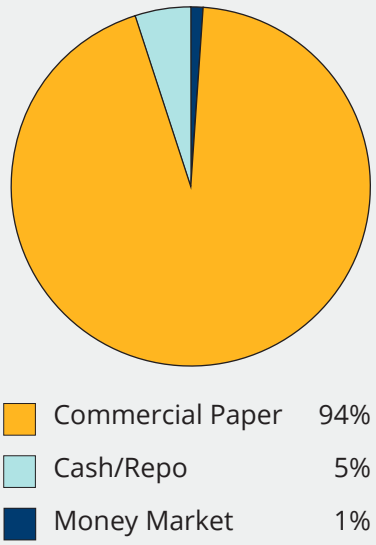
April 30, 2024

Average Monthly Return (a)	5.47%
SEC 7-day Fund Yield (b)	5.48%
Weighted Average Maturity One (c)	61 days
Weighted Average Maturity Two (c)	100 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAf/S1+

Inventory Position

	Book Value	Market Value
Cash/Repo	650,211,249.74	650,211,249.74
US Treasuries	-	-
Agencies	-	-
Commercial Paper	11,257,538,961.50	11,255,084,656.64
Money Market Funds	106,155,478.65	106,154,966.91
Total Assets	*12,013,905,689.89*	*12,011,450,873.29*

Investment Distribution



(c) The Weighted Average Maturity One calculation uses the industry standard definition of state maturity for floating rate instruments, the number of days until the next reset date. The Weighted Average Maturity Two calculation uses the final maturity of any floating rate instruments, as opined in Texas Attorney General Opinion No. JC0359.

Texas CLASS

	Texas CLASS	
Date	Dividend Rate	Daily Yield
04/01/2024	0.000149080	5.4563%
04/02/2024	0.000149040	5.4555%
04/03/2024	0.000148897	5.4497%
04/04/2024	0.000148805	5.4463%
04/05/2024	0.000445839	5.4392%
04/06/2024	0.000000000	5.4392%
04/07/2024	0.000000000	5.4392%
04/08/2024	0.000148430	5.4325%
04/09/2024	0.000148365	5.4303%
04/10/2024	0.000148175	5.4234%
04/11/2024	0.000148310	5.4281%
04/12/2024	0.000445053	5.4297%
04/13/2024	0.000000000	5.4296%
04/14/2024	0.000000000	5.4296%
04/15/2024	0.000148272	5.4270%
04/16/2024	0.000148378	5.4306%
04/17/2024	0.000148150	5.4224%
04/18/2024	0.000148114	5.4210%
04/19/2024	0.000444570	5.4237%
04/20/2024	0.000000000	5.4238%
04/21/2024	0.000000000	5.4238%
04/22/2024	0.000148223	5.4249%
04/23/2024	0.000148259	5.4263%
04/24/2024	0.000148245	5.4258%
04/25/2024	0.000147855	5.4115%
04/26/2024	0.000443562	5.4106%
04/27/2024	0.000000000	5.4115%
04/28/2024	0.000000000	5.4115%
04/29/2024	0.000147956	5.4152%
04/30/2024	0.000148136	5.4184%

Performance results are shown net of all fees and expenses and reflect the reinvestment of dividends and other earnings. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.**

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Dr. Meza-Chavez, Superintendent
From: Sandra Sanchez, CTE Administrator
Subject: Request funding to remodel the Health Science Lab – Approval of PO#51358
Date: June 12, 2024

HISTORY: Health Science is new to San Elizario ISD. We are in need of converting a classroom into a clinical setting for the Health Science Medical Students. Currently, the classroom does not meet the requirements to make this room a work-based learning classroom focus on the medical field.

RATIONALE: The students will connect their knowledge, skills and be able to experience what occurs in a clinical/hospital setting by converting the classroom to a work-based learning medical lab. This will allow the students to connect and comprehend the in-depth instruction with what the practice the medical field requires. In creating the work-based lab it will better service the students' needs and bring relevance to when they are conducting hands-on applications within the program.

BUDGET: 32,855.01

ADMINISTRATIVE RECOMMENDATION: It is recommended that the Superintendent approve Health Science program remodeling for a clinical/hospital setting to foster our students' needs when preforming relevant hands-on and rigorous work-based learning.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

BLANKET/PROJECT PURCHASE
51358

Date: 05/31/2024

VENDOR: 10791

TO: AREDI Enterprises
1002 West Missouri
EL PASO, TX 79902

SHIP TO: San Elizario Independent School
200 N. Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 915-346-1181
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: PNI - S. Sanchez
REC. GRP: PNI - S. Sanchez

LINE	ITEM QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1	1.00000			32855.00		32855.00

Remodeling of San Elizario High School Health Science Classroom RM 510

CTPA/YISD 223000RFP-Informal

CTE Students will have a work-based learning medical lab to gain the knowledge, skills, and experience of what occurs in a clinical hospital setting

SEHS
Sandra Sanchez - Katherine Thummel

TOTAL 32855.00

P.O. Source	Account Number	Amount
Project Requisition	199.51.6249.82.001.99	32,855

PO NOT VALID UNLESS APPROVED BY THE SAN ELIZARIO ISD BOARD

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Leo Benitez, Supervisor-Support Services/Transportation
Jesus Martinez, Executive Director of Support Services
Subject: Approval of PO # 51124– Caldwell Country Chevrolet
Date: June 12, 2024

HISTORY:

As part of our fleet cycling program, we replace older vehicles with new ones to keep our fleet in a safe and efficient operating condition. Cycling is done in phases for budgetary feasibility. The purchase of the van had previously been approved by the Board under PO# 49624, however, the original vendor will not be able to place an order for production until 2025. The Board then approved PO# 51124 for $46,135 on 5/8/24 to purchase a model year 2023 van from a different vendor, but that van is now out of stock.

RATIONALE:

The purchase of this vehicles will improve our fleet dependability and efficiency while benefiting support operations. The van will store HVAC equipment and will be used to provide service at all district facilities. This vehicle will replace a 1998 Ford F-150 truck. The vehicle replaced by this purchase will be sent to auction once discard is approved.

The purpose of this agenda item to revise PO# 51124 up to $48,730 to purchase a model year 2024 van that is currently in stock.

BUDGET:

The funds to cover this purchase have been allocated from the 199-account budget.
Total cost is: $48,730.00

ADMINISTRATIVE RECOMMENDATION:

The administrative recommendation is to approve the purchase order for Caldwell Country Chevrolet

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

PURCHASE ORDER NUMBER
51124

Date: 05/01/2024

VENDOR: 2366

TO: Caldwell Country Chevrolet
P.O Box 27
Caldwell, TX 77836

SHIP TO: San Elizario Independent School
200 N. Herring Rd
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 979-567-6116
VENDOR FAX: 979-567-0853
VENDOR EMAIL:

REC. LOC: Administration Annex
REC. GRP: Support Services - S. Renteria

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		1.00000	EA	CG23405	48330.00	0.00	48330.00
	2024 Ford Transit Cargo Van BUYBOARD 724-23						
2		1.00000	EA	COOP	400.00	0.00	400.00
	COOP Fee BUYBOARD 724-23 Please submit PO to Support Services White Fleet Maintenance Van PO Revision #1						

TOTAL **48730.00**

P.O. Source	Account Number	Amount
Budget Requisition	199.51.6631.82.851.99	48,730

Reprint

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

Norberto Reinas

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Agueda Reyes, Executive Director Child Nutrition Services
Subject: Revision to PO# 49147
Date: June 12, 2014

HISTORY: Due to the extended school day, a snack will be provided to students daily.

RATIONALE: Child Nutrition Services cannot claim federal reimbursement for snacks served before the end of the school day due to program guidelines. Unfortunately, Child Nutrition Services cannot utilize the excess fund balance to cover the cost of snacks.

Child Nutrition Services will order, package, and distribute snacks daily. SEISD will reimburse Child Nutrition Services for snack costs.

BUDGET: The estimated cost to serve approximately 269,000 snacks for the year is $250,000 and will be paid from the general fund.

PO Revision - The final estimated cost is projected to be slightly under $265,000.

ADMINISTRATIVE RECOMMENDATION: Approve funding to cover snack costs to reimburse Child Nutrition Services.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

BLANKET/PROJECT PURCHASE
49147

Date: 09/13/2023

VENDOR: 5037
TO: Seisd-Catering

San Elizario, TX 79849

SHIP TO: San Elizario Independent School
200 N Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE:
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: CNS - V. Ibarra
REC. GRP: CNS - V. Ibarra

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		1.00000			265000.00		265000.00

For the purchase of student snacks to be served during the school day for fiscal year 2023-2024

Revision #1

TOTAL 265000.00

P.O. Source	Account Number	Amount
Project Requisition	199.11.6497.00.801.11	265,000

Reprint

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Executive Director of Support Services
Subject: PO #48424 – Heist Disposal Service, Inc. – PO amount increase
Date: June 12, 2024

HISTORY: The original purchase order for Heist Disposal Service, Inc. was approved for $38,000. In addition to the price increase to the weekly service after the year began, we have requested extra trash pick-ups district-wide due to other trash disposal needs such as grounds trash removal district wide. We need to increase the PO to $42,458.60. This new revised amount requires Board approval.

RATIONALE: The revision approval of this purchase order is requested to cover costs for the remainder of the school year.

BUDGET: The additional funds needed are available within the support services maintenance accounts.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the purchase order revision be approved to cover the costs for the remaining of the 2023-2024 school year.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

PURCHASE ORDER REVISION REQUEST FORM

Vendor Name: Mint Campus/Dept. Maintenance

Purchase Order # 48424

☑ Price Adjustment ☐ Add New Line Item ☐ Close/Void Purchase Order

☐ Delete Line Item ☐ Other

Reason for Revision (Please include support backup):

Please adjust PO to cover additional purchases needed for district wide projects (Trash Disposal) (Pending end of year invoice)

Total Amount of Original PO: $ 38,000

Adjusted Cost: $ 4458.60

New PO Total Amount: $ 42458.60

Account # 199.51.6259.02.810099 Mint

Revit 1

Director/Principal Approval Signature	Date
	5/8/24
Processed By (Finance Dept.) Signature	Date
Nancy Tinoco	5-29-24

PO Revisions for price adjustments are only required when changes are over $100.00dls.

Revised 1-5-21

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

BLANKET/PROJECT PURCHASE
48424

Date: 06/14/2023

VENDOR: 5905

TO: Heist Disposal Service Inc
P.O. Box 370335
El Paso, TX 79937-0335

SHIP TO: San Elizario Independent School
200 N. Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 915-594-3610
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: Support Services - S. Renteria
REC. GRP: Support Services - S. Renteria

LINE	ITEM QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1	1.00000			38000.00		38000.00

1- BLANKET PO to cover 2023 - 2024

DISTRICT / Waste Disposal Pick Up

Not to exceed $38,000

****

ESC Region 19 ASC - 22-7441

TOTAL 38000.00

P.O. Source	Account Number	Amount
Project Requisition	199.51.6259.02.860.99	38,000

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

Roberto Rivera

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

BLANKET/PROJECT PURCHASE
48424

Date: 06/14/2023

VENDOR: 5905

TO: Heist Disposal Service Inc
P.O. Box 370335
El Paso, TX 79937-0335

SHIP TO: San Elizario Independent School
200 N. Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 915-594-3610
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: Support Services - S. Renteria
REC. GRP: Support Services - S. Renteria

LINE	ITEM QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1	1.00000			42458.60		42458.60

1- BLANKET PO to cover 2023 - 2024

DISTRICT / Waste Disposal Pick Up

Not to exceed $42,458.60

****

ESC Region 19 ASC - 22-7441

PO Revision #1

TOTAL 42458.60

P.O. Source	Account Number	Amount
Project Requisition	199.51.6259.02.860.99	42,458.6

Reprint

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Troy Enriquez, SEHS Principal
Subject: revising PO# 48722
Date: June12, 2024

HISTORY:

San Elizario High School has at least 12 dual credit courses which as district we are required to provide textbooks for students.

RATIONALE:

San Elizario High School purchased new books required for dual credit this year. There was a rate increase for a textbook outlined in the attached quote; the notice of the price increase came after the fact.

BUDGET: 2513.30

ADMINISTRATIVE RECOMMENDATION:

Our recommendation would be to approve the increase of the purchase order to pay for the books required for dual credit courses.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

PURCHASE ORDER REVISION REQUEST FORM

Vendor Name: Barnes & Noble Education Inc Campus/Dept. SEHS

Purchase Order # 48722

☒ Price Adjustment ☐ Add New Line Item ☐ Close/Void Purchase Order

☐ Delete Line Item ☐ Other

Reason for Revision **(Please include support backup):**

Price increase on line item #6

From $93.32 to $111.95

Quote for line item is attached.

Total Amount of Original PO: $ 86840.44

Adjusted Cost: $ 652.05

New PO Total Amount: $ 37,492.49

Account # 199.11.6321.00 001 38

Director/Principal Approval Signature	Date
	1/18/24
Processed By (Finance Dept.) Signature	**Date**

PO Revisions for price adjustments are only required when changes are over $100.00dls.

Barnes & Noble College Booksellers

El Paso Community College Bookstore
919 Hunter Drive
El Paso, TX 79998-0500
(915) 831-2629

Attn: Gabriela Castro

Date: 01/03/2024

QTY	DESCRIPTION	ISBN	PRICE EA.	EXT. PRICE
35 ea	MATHEMATICS WITH APPLICATIONS (EBK)	9780138080433	$ 111.95 ea	$ 3,918.25
			TOTAL	**$ 3,918.25**

***Bookstore cannot order Instructor's copies.**

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

PURCHASE ORDER NUMBER
48722

Date: 08/08/2023

VENDOR: 10770

TO: Barnes & Noble Education, Inc.
120 Mountain View Blvd
BASKING RIDGE, NJ 07920

SHIP TO: San Elizario Independent School
200 N Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE:
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: San Elizario High School
REC. GRP: San Elizario HS - G. Castro

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		60.00000	EA	9780393884 Bullock: The Norton Field Guide to Writing with Reading 6th ed A.Garcia	86.66	0.00	5199.60
2		60.00000	EA	9781319453 Hacker: A Writer's Reference about Lit & Doc Sources in MLS style 10 ed	114.06	0.00	6843.60
3		60.00000	EA	9780393886 Mays: Norton Intro to Literature 14th ed	108.50	0.00	6510.00
4		50.00000	EA	9781324041 Forner: Give me Liberty Vol 1 7th Ed	69.34	0.00	3467.00
5		50.00000	EA	9781324041 Forner: Give me Liberty Vol 2 7th ed	69.34	0.00	3467.00
6		35.00000	EA	978- Lial: Mathematics with Applications 13th ed INSTANT CODE	93.32	0.00	3266.20
7		44.00000	EA	9781319471 Exploring Psychology in Modules 12 ed	149.76	0.00	6589.44
8		10.00000	EA	9781319472 Berger: Invitation to Lifespan 5th Ed	149.76	0.00	1497.60

TOTAL **36840.44**

P.O. Source	Account Number	Amount
Budget Requisition	199.11.6321.00.001.38	36,840.44

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

Roberto Rivas

San Elizario Independent School District

1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

PURCHASE ORDER NUMBER
48722

Date: 08/08/2023

VENDOR: 10770

TO: Barnes & Noble Education, Inc.
120 Mountain View Blvd
BASKING RIDGE, NJ 07920

SHIP TO: San Elizario Independent School
200 N Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE:
VENDOR FAX:
VENDOR EMAIL:

REC. LOC: San Elizario High School
REC. GRP: San Elizario HS - G. Castro

LINE	ITEM QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1	60.00000	EA	9780393884 Bullock: The Norton Field Guide to Writing with Reading 6th ed A.Garcia	86.66	0.00	5199.60
2	60.00000	EA	9781319453 Hacker: A Writer's Reference about Lit & Doc Sources in MLS style 10 ed	114.06	0.00	6843.60
3	60.00000	EA	9780393886 Mays: Norton Intro to Literature 14th ed	108.50	0.00	6510.00
4	50.00000	EA	9781324041 Forner: Give me Liberty Vol 1 7th Ed	69.34	0.00	3467.00
5	50.00000	EA	9781324041 Forner: Give me Liberty Vol 2 7th ed	69.34	0.00	3467.00
6	35.00000	EA	978- Lial: Mathematics with Applications 13th ed INSTANT CODE	111.95	0.00	3918.25
7	44.00000	EA	9781319471 Exploring Psychology in Modules 12 ed	149.76	0.00	6589.44
8	10.00000	EA	9781319472 Berger: Invitation to Lifespan 5th Ed	149.76	0.00	1497.60

TOTAL **37492.49**

P.O. Source	Account Number	Amount
Budget Requisition	199.11.6321.00.001.38	37,492.49

Reprint

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Budget Amendment
Date: June 12, 2024

HISTORY: The District's 2023-2024 budget was officially approved at the June 21, 2023 special Board meeting.

RATIONALE: In accordance with CE(LOCAL), the Board shall approve amendments to the budget when a change is made increasing any one of the functional spending categories or increasing revenue object accounts and other resources. The purpose of this agenda item is to amend revenues and expenditures in the following areas:

- **Local Revenues:** To increase object code 5700 by $79,139 to budget for receipt of a donation ($28,926) from the US Soccer Association and AT&T on behalf of Ricardo Pepi as part of a chartable initiative for computers at Alarcon ES and by $50,213 to budget additional insurance recovery proceeds received based on the claim filed for the water damage incurred at Central Office.
- **CTE Renovation:** To increase function 51 (Facilities Maintenance & Operations) by $32,855 to pay for renovations at the high school for the HOSA (Health Occupations Students of America) by decreasing function 11 (Instruction).
- **Budget Alignment:** To amend various functions within the budget to align the budget based on year end projected expenditures.
    - Decrease function 11 (Instruction) by $150,000
    - Decrease function 13 (Curriculum and Instructional Staff Development) by $30,000
    - Increase function 34 (Student Transportation) by $100,000
    - Increase function 53 (Data Processing Services) by $80,000

BUDGET IMPACT: The budget impact for this amendment can be seen on the attachment.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the budget amendment as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

	SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT GENERAL FUND	2023-2024 Fund 101	2023-2024 Fund 199	2023-2024 Adopted	2023-2024 Amended	Proposed Donation	Proposed Insurance Recovery	Proposed CTE Renovation	Proposed Budget Alignment	2023-2024 Proposed
	REVENUES			**REVENUES**	**REVENUES**					**REVENUES**
5700	Local and Intermediate Sources	$ 150,000	$ 3,870,927	$ 4,020,927	$ 3,236,554	$ 28,926	$ 50,213			$ 3,315,693
5800	State Sources	$ 15,000	$ 31,246,292	$ 31,261,292	$ 32,161,292					$ 32,161,292
5900	Federal Programs	$ 3,835,000	$ 2,460,000	$ 6,295,000	$ 5,395,000					$ 5,395,000
	Total Revenues	$ 4,000,000	$ 37,577,219	$ 41,577,219	$ 40,792,846	$ 28,926	$ 50,213	$ -	$ -	$ 40,871,985
	EXPENDITURES			**EXPENDITURES**	**EXPENDITURES**					**EXPENDITURES**
11	Instruction	$ -	$ 18,108,055	18,108,055	$ 18,114,055			$ (32,855)	$ (150,000)	$ 17,931,200
12	Instructional Resources and Media Services	$ -	$ 138,227	138,227	$ 193,227					$ 193,227
13	Curriculum and Instructional Staff Development	$ -	$ 212,323	212,323	$ 423,323				$ (30,000)	$ 393,323
21	Instructional Leadership	$ -	$ 795,327	795,327	$ 820,327					$ 820,327
23	School Leadership	$ -	$ 1,659,864	1,659,864	$ 1,553,864					$ 1,553,864
31	Guidance, Counseling and Evaluation Services	$ -	$ 1,238,095	1,238,095	$ 1,241,595					$ 1,241,595
32	Social Work Services	$ -	$ 62,375	62,375	$ 62,375					$ 62,375
33	Health Services	$ -	$ 378,076	378,076	$ 370,076					$ 370,076
34	Student (Pupil) Transportation	$ -	$ 1,941,006	1,941,006	$ 1,861,006				$ 100,000	$ 1,961,006
35	Food Services	$ 4,000,000	$ 60,000	4,060,000	$ 4,060,000					$ 4,060,000
36	Cocurricular/Extracurricular Activities	$ -	$ 1,327,471	1,327,471	$ 1,370,471					$ 1,370,471
41	General Administration	$ -	$ 1,813,788	1,813,788	$ 1,812,788					$ 1,812,788
51	Facilities Maintenance and Operations	$ -	$ 6,347,081	6,347,081	$ 6,349,185			$ 32,855		$ 6,382,040
52	Security and Monitoring Services	$ -	$ 1,259,021	1,259,021	$ 1,453,421					$ 1,453,421
53	Data Processing Services	$ -	$ 1,304,130	1,304,130	$ 1,179,130				$ 80,000	$ 1,259,130
61	Community Services	$ -	$ 36,845	36,845	$ 43,345					$ 43,345
71	Debt Service	$ -	$ 795,738	795,738	$ 195,738					$ 195,738
81	Facilities Acquisition and Construction	$ -	$ 2,154,297	2,154,297	$ 2,182,147					$ 2,182,147
99	Other Intergovernmental Charges	$ -	$ 52,500	52,500	$ 52,500					$ 52,500
	Total Expenditures	$ 4,000,000	$ 39,684,219	$ 43,684,219	$ 43,338,573	$ -	$ -	$ -	$ -	$ 43,338,573
	REVENUES OVER(UNDER) EXPENDITURES	$ -	$ (2,107,000)	$ (2,107,000)	$ (2,545,728)					$ (2,466,589)
	OTHER FINANCING SOURCES (USES)									
7912	Sale of Real and Personal Property	$ -	$ 25,000	$ 25,000	$ 25,000					$ 25,000
7915	Operating Transfer In	$ -	$ -	$ -	$ -					$ -
8911	Operating Transfer Out	$ -	$ -	$ -	$ -					$ -
	Total Other Financing Sources(Uses)	$ -	$ 25,000	$ 25,000	$ 25,000					$ 25,000
	FUND BALANCE									
	Net Change in Fund Balance	$ -	$ (2,082,000)	$ (2,082,000)	$ (2,520,728)					$ (2,441,589)
3000	Total Fund Balance - July 1 (Beginning)	$ 1,258,789	$ 16,342,805	$ 17,601,594	$ 17,601,594					$ 17,601,594
3000	Total Fund Balance - June 30 (Ending)	$ 1,258,789	$ 14,260,805	$ 15,519,594	$ 15,080,866					$ 15,160,005

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Consider and possible Board action to approve resolution designating the person responsible for calculating the no-new-revenue tax rate and voter-approval tax rate for the District
Date: June 12, 2024

HISTORY: As part of the tax rate adoption process, the taxing entity is required to calculate the no-new-revenue tax rate and the voter-approval tax rate on the forms prescribed by the Comptroller.

RATIONALE: Texas Tax Code Section 26.04(c) requires the governing body of a taxing unit to designate an officer or employee to calculate the no-new-revenue tax rate and the voter-approval tax rate after the assessor for the taxing unit submits the appraisal roll for the taxing unit to the governing body of the taxing unit as required by Subsection (b).

BUDGET IMPACT: There is no budget impact with this item.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the attached resolution as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

Resolution of the Board of Trustees of the San Elizario Independent School District

WHEREAS, the Board of Trustees ("Board") of the San Elizario Independent School District ("District") is authorized by the Texas Education Code § 11.151 to govern and oversee the management of the public schools in the District; and

WHEREAS, the Board, as authorized by Texas Education Code § 45.002, .003(a) may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose; and

WHEREAS, after the District's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district; and

WHEREAS, the designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate; and

WHEREAS, pursuant to Texas Tax Code § 26.04(c), (d-1), (d-3), as soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT:

RESOLVED, the Board of Trustees hereby appoints the District's Chief Financial Officer as the designated officer responsible for calculating and reporting the no-new-revenue tax rate and the voter-approval tax rate as determined by state law. If the Chief Financial Officer position is vacant, the Accountant is hereby designated as the alternate officer responsible for calculating and reporting the no-new-revenue tax rate and the voter-approval tax rate as determined by state law.

RESOLVED, the authority granted by this resolution is effective henceforth unless the Board takes action to change the title of the appointee.

PASSED AND APPROVED this 12th day of June, 2024, by the Board of Trustees for the San Elizario Independent School District.

_____
Eduardo Chavez, Board President

_____
Myrna Hernandez, Board Vice-President

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Blanca I. Cruz, Executive Director – Human Resources
Subject: Revision to 2024-2025 Stipend Chart
Date: June 12, 2024

HISTORY:

The compensation plan for the 2024-2025 contract year was approved on March 6, 2024. Since then, administration has identified the need for additional stipends and/or revisions to the stipend chart. The revisions/additions have been highlighted for your review.

RATIONALE:

The proposed additions are as follows:

- Teacher with Diagnostician Evaluation Duties - $2,500
  (Please see attached memo from Ms. Marioni, Director of Special Education)
- Additional Certification One Time Incentive (Teachers) – $500 (per certification)
  This stipend is being proposed to incentivize teachers to challenge and pass additional certification exams to meet the needs of the students in high need areas such as bilingual, special education, and secondary content areas. The incentive applies for new certifications obtained in the 2024-2025 school year.
- Additional Certification One Time Incentive (Special Education Teachers) – $1,000 (per certification)
  This stipend is being proposed to incentivize special education teachers to challenge and pass additional generalist certification exams to meet the needs of the students in the general education setting. The amount is higher due to the generalist exam consisting of multiple exams. The incentive applies for new certifications obtained in the 2024-2025 school year.
- Additional Trades Certification One Time Incentive (Support Services) - $500 (per certification)
  This stipend is being proposed to incentivize support services employees to challenge and pass additional trades certifications to meet the needs of the district. The incentive applies for new certifications obtained in the 2024-2025 school year.

The proposed revisions are as follows:

- Adding an additional stipend for a third band assistant. Two were previously approved.
- Trainer stipend title should read “Athletic Trainer” instead of “Athletic Trainer/Certified Teacher” - No change to the stipend amount.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
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- Adding a separate stipend for STEM Coordinators - $500. This was previously paid under the "Science Fair Coordinator Stipend". It is recommended to have a separate stipend for this purpose.

BUDGET:
The additional cost for the additional band assistant is $5,850. All other costs are dependent on the number of employees that are able and willing to pass an additional certification exam.

ADMINISTRATIVE RECOMMENDATION:
The administrative recommendation is to approve the revisions to the non-academic and academic stipend charts as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition
☐ Attachment Included

DEPARTMENT OF SPECIAL EDUCATION

To: Blanca Cruz, Human Resources Director

From: April Marioni, Director April Marioni

Re: Teacher Stipend

Date: May 2, 2024

CC: Dr. Rogelio Segovia, Associate Superintendent

Norberto Rivas, Chief Financial Officer

This memo serves to request an "Assessment" stipend for the Dyslexia Teacher, Perla Silva, for the academic year of 2024-2025 in the amount of $2500.00. Ms. Silva is a Certified Diagnostician and will intermittently be assigned Full Evaluations, and re-evaluations to support the campus diagnosticians. Her primary responsibility will continue to be providing dyslexia services; however, she will be assigned evaluations as deemed necessary.

HUMAN RESOURCES DEPARTMENT - NON ACADEMIC STIPENDS

*Spring Sports - First stipend payments begin with January Check

Basketball	
Varsity Coach (x2)	$8,500
JR Varsity (x2)	$3,650
9th (x2)	$3,650
Middle School – 7th (x2)	$2,000
Middle School – 8th (x2)	$2,000
Cheerleading/Dance	
Varsity Coach	$4,500
JR Varsity	$2,500
Dance – HS	$4,000
Folklorico – HS	$1,500
Middle School – 7th	$1,875
Middle School – 8th	$1,875
Cross Country	
Varsity Coach (Boys & Girls)	$7,500
Assistant – HS	$3,600
Middle School (x2)	$1,800
Music	
Band Director – HS w/MS Assist.	$10,000
Band Assistant (3) Previously 2	$5,850
Band Director – MS	$5,000
Mariachi Group Sponsor	$4,500
Mariachi Group Assistant (x1)	$1,500
Color Guard Sponsor – HS	$2,250
Color Guard Assistant – HS	$1,000
Football	
Head Coach – HS	$16,000
Coordinator (x2)	$9,000
Assistant (x5)	$7,200
Assistant – 9th (x2)	$7,000
Head Coach – MS	$3,200
Middle School – 7th (x2)	$2,700
Middle School – 8th (x2)	$2,700
Soccer	
Head Coach (Boys)	$7,500
Head Coach (Girls)	$7,500
Assistant (x2)	$3,900
JR Varsity (x2)	$3,500
Middle School – 7th (x2)	$1,800
Middle School – 8th (x2)	$1,800
Special Olympics	
Coach (x3)	$750
When coops are used in place of district employees, the rate of pay will be $9 p/hour not to exceed the established stipend amount.	

Additional Trades Certification	
One-Time Incentive	
Plumber	$500
Electrician	$500
Irrigator	$500
Applicator	$500

Additional certification one-time incentive applies to support services employees who challenge AND pass an additional certification. The exam fee will also be reimbursed upon passing of exam. Incentive paid per each area.

Summer UIL Conditioning	
2 Sessions	$325
Tennis	
Head Coach – HS	$7,500
Assistant – HS	$3,900
Middle School – 7th	$1,800
Middle School – 8th	$1,800
Trainer	
Athletic Trainer *	$18,000
Single Athletic Trainer (in-district) prorated until vacancy is filled.	$9,000
**Should not have read "Certified Teacher"*	
Volleyball	
Varsity Coach	$6,500
JR Varsity	$3,510
9th Grade	$3,510
Middle School – 7th	$2,160
Middle School – 8th	$2,160
Middle School – 8th (B Team)	$2,160
Wrestling	
Head Coach (Boys & Girls)	$6,500
Wrestling Assistant – HS	$3,500
Middle School	$1,800
***Baseball**	
Head Coach – HS	$6,500
Assistant – HS	$3,900
JR Varsity	$3,500
Middle School – 7th	$1,800
Middle School – 8th	$1,800
***Softball**	
Varsity Coach	$6,500
Assistant	$3,900
JR Varsity	$3,500
Middle School – 7th	$1,800
Middle School – 8th	$1,800
Track	
Head Coach (Boys)	$6,000
Head Coach (Girls)	$6,000
Assistant (x3)	$3,900
Middle School – 7th	$1,800
Middle School - 8th	$1,800
Golf	
Head Coach (Boys & Girls)	$4,750
Assistant – HS	$2,625
Head Coach – MS (Boys & Girls)	$1,000

HUMAN RESOURCES DEPARTMENT
2024-2025 Academic Stipends

Stipends Paid over 12 months	
*Bilingual/ESL	$4,000
*Bilingual/ESL Serving in Dual Language Setting	$4,500
Librarian	$2,000
Librarian-Supervising more than one campus (per supervised campus)	$1,000
Master's Degree	$1,200
★Special Education	$2,500
***Math	$3,000
**Science	$6,000
***English	$3,000
Yearbook CLASSROOM TEACHERS ONLY	
High School	$2,000
Middle School	$600
Elementary	$300
Mentor Teachers CLASSROOM TEACHERS ONLY	
HS,MS,Elem.	$600
Career & Technical Student Organization CLASSROOM TEACHERS ONLY	
BPA	Up to $1,500
HOSA	Up to $1,500
NTHS	Up to $1,500
SkillsUSA	Up to $1,500
TAFE	Up to $1,500
TSA	Up to $1,500
Vex Robotics (TSA Support) (x1)	Up to $1,500
*Stipends will be prorated based on the classes being taught for which the requirements are.	

Additional Certification One-Time Incentive - Classroom Teachers	
Special Education	$500
Bilingual/ESL	$500
Content Certification - Secondary (For SPED Teachers)	$500
Generalist Certification - for (SPED Teachers)	$ 1,000.00

Additional certification one-time incentive applies to classroom teachers who challenge AND pass an additional certification. The exam fee will also be reimbursed upon passing of exam. Incentive paid per each area.

HUMAN RESOURCES DEPARTMENT
2024-2025 Academic Stipends

Stipends paid in June-Upon completion of Assignment.	
Department Head 3-5 Teachers (HS, MS)	$600
Department Head 6-9 Teachers (HS, MS)	$900
Department Head 10+ Teachers (HS,MS)	$1,200
Dual Credit-Per class, per semester (HS)	$285
Gifted and Talented – HS, MS, Elem.	
GT Coordinator	$1,000
Special Education Stipends	
Visually Impaired	$4,000
Behavioral Unit	$1,000
Registered Nurse	$1,200
SLP Supervising SLPA	$1,200
Teacher with Diagnostician Evaluation Duties	$2,500
University Interscholastic League (UIL) CLASSROOM TEACHERS ONLY	
UIL Event Sponsor – HS, MS	$500
UIL Coordinator – HS	$1,200
UIL Coordinator – MS	$750
UIL Science Coordinator – HS, MS, Elem.	$500
Other: Extra Curricular Activities CLASSROOM TEACHERS ONLY	
National Honor Society – HS, MS	$500
Science Fair Coordinator – HS, MS	$500
One Act Play – HS	$1,350
Pep Squad – Elem.	$300
Student Council – HS	$1,200
Student Council – MS	$600
Robotics	$1,350
Literary Anthology Campus Coordinator (6)	$500
Speech and Debate	$1,500
STEM Coordinator (Created its own line item instead of paying under Science Fair)	$500

**Math and Science stipends will only be paid to secondary teachers (7-12) teaching in the certification area, and they must be fully certified in those specialized areas.
★May be combined with the Bilingual/ESL or Dual Language stipend if serving in a bilingual setting.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Student Outcome Goals and Goal Progress Measures for 2024-2025
Date: June 12, 2024

HISTORY:

House Bill 3 (HB 3), enacted in 2019, requires districts to have 5-year plans for early childhood literacy, math, and CCMR (college, career, and military readiness). The requirements include STAAR progress monitoring for grade 3 reading and math and a plan to track and increase CCMR points.

RATIONALE:

We are tracking 3 broad goals related to HB 3. They focus on math (Goal 1), reading (Goal 2), and CCMR (Goal 3). These are 5-year goals that encompass the years 2023-2028 and remain the same for the full 5 years.

Beneath each main goal is a goal progress measure (GPM), which is an annual measure intended to gauge progress toward meeting the larger goal. Goal progress measures are reviewed, revised, and approved annually.

The goals and GPM's have been reviewed in advance of the 2024-2025 school year and are ready for approval. The 3 main goals have not changed; they are 5-year goals with annual targets. Our actual performance thus far with respect to these targets have been added in blue.

The GPM's have been examined and revised for the upcoming year. With additional experience using the CIRCLE and MAP assessments, upon which most GPM's are based, we have made some tweaks to the reports that will be used for the GPM's beneath Goals 1 and 2. For the GPM targets set for 2024-2025, score histories were examined to determine targets that are both attainable and represent significant improvement.

For GPM's 1.1 and 2.1, the CIRCLE School Average Growth Report will be used in 2024-2025 since that report considers the weighting of various skills in reading and math for Pre-K students. Additionally, there will be GPM targets for both English and Spanish since the CIRCLE reports keep these separate.

For the MAP reading assessments in grades K-2 (GPM 2.2), annual targets are set for English and Spanish separately as this is the way MAP results are reported.

BUDGET:

There are no budgetary considerations for this item.

ADMINISTRATIVE RECOMMENDATION:

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition ☒ Attachment Included

HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised June 12, 2024

MATHEMATICS

Student Outcome Goal 1 (HB 3; 5-year Goal)

- The percentage of all 3rd grade students that score at the Approaches level on STAAR mathematics will increase from 58% in June 2022 to ≥ 85% by June 2028.

Goal 1 Annual Targets

2023	2024	2025	2026	2027	2028
64% (Target met! Actual: 70%)	69% (Since we already exceeded 69% in 2023, we hope to reach 75% in 2024).	73%	77%	81%	85%

Goal Progress Measure (GPM) 1.1 (District; 1-year Goal)

- The Overall Measure of Math Growth for all Pre-K students (English) will increase from 91% at Wave 3 in January of 2024 (MOY) to ≥ 93% in January of 2025 (MOY) as measured by the CIRCLE School Average Growth Report.

- The Overall Measure of Math Growth for all Pre-K students (Spanish) will increase from 83% at Wave 3 in January of 2024 (MOY) to ≥ 87% in January of 2025 (MOY) as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 1.2 (District; 1-year Goal)

- The Growth Percentile of all students in grades K-2 on the MAP Mathematics assessment will increase from the 32nd percentile in January of 2024 (MOY) to ≥ 38th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

Goal Progress Measure (GPM) 1.3 (District; 1-year Goal)

- The Growth Percentile of all 3rd graders on the MAP Mathematics assessment will increase from the 40th percentile in January of 2024 (MOY) to ≥ 45th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

READING

Student Outcome Goal 2 (HB 3; 5-year Goal)

The percentage of 3rd grade students that score at the Approaches level on STAAR reading will increase from 57% in June 2022 to ≥ 80% by June 2028.

Goal 2 Annual Targets:

2023	2024	2025	2026	2027	2028
60% (Target met! Actual: 64%)	64% (Since we already reached 64% in 2023, we hope to reach 69% in 2024).	68%	72%	76%	80%

HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised June 12, 2024

Goal Progress Measure (GPM) 2.1 (District; 1-year Goal)

- Each of the nine pre-reading skills (English) for all Pre-K students will increase by ≥ 4% from EOY Wave 3 in May of 2024 to EOY Wave 3 in May of 2025 as measured by the CIRCLE School Average Growth Report.

- Each of the eight pre-reading skills (Spanish) for all Pre-K students will increase by ≥ 4% from EOY Wave 3 in May of 2024 to EOY Wave 3 in May of 2025 as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 2.2 (District; 1-year Goal)

- The Growth Percentile of all students in grades K-2 on the MAP Reading assessment (English) will increase from the 26th percentile in January of 2024 (MOY) to ≥ 32nd percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

- The Growth Percentile of all students in grades K-2 on the MAP Reading assessment (Spanish) will increase from the 28th percentile in January of 2024 (MOY) to ≥ 34th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

Goal Progress Measure (GPM) 2.3 (District; 1-year Goal)

- The Growth Percentile of all 3rd graders on the MAP Reading assessment (English) will increase from the 41st percentile in January of 2024 (MOY) to ≥ 45th percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

- The Growth Percentile of all 3rd graders on the MAP Reading assessment (Spanish) will increase from the 27th percentile in January of 2024 (MOY) to ≥ 32nd percentile in January of 2025 (MOY) as measured by the MAP School Profile Report.

CCMR

Student Outcome Goal 3 (HB 3; 5-year Goal)

SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥ 88% by June 2028 as measured by the A-F Accountability System.

Goal 3 Annual Targets:

2023	2024	2025	2026	2027	2028
30% (Target met! Actual: 50%)	40% (Since we already reached 50% in 2023, we hope to reach 60% in 2024).	52%	64%	76%	88%

Goal Progress Measure (GPM) 3.1 (District; 1-year Goal)

The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 25% in May of 2024 to ≥ 40% by May of 2025 as measured by the OnData Suite CCMR Early Warning System.

GPM 3.1 Note: CCMR points in May are always lower than the final A-F result since credits for point-earning courses haven't posted yet.

San Elizario ISD
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San Elizario, TX 79849
Phone 915.872.3900
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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Consider and Possible Board action to approve Science Textbook Adoption Purchase
Date: June 12, 2024

HISTORY:

The science textbook committees have thoroughly reviewed various options for the Science curriculum. After careful consideration and discussion, the elementary and secondary committees have finalized their textbook selections. Attached are the quotes for each grade level.

RATIONALE:

The science textbook committees have selected "Texas Science," a program by McGraw Hill, for the elementary campuses, and "Texas Experience Science" by Savvas Learning Company for the secondary campuses. These high-quality, professional programs are designed to help SEISD science teachers meet their TEKS teaching goals. Once this purchase is approved by the Board, we will initiate the purchasing process. The new resources will be available to all science classes starting in July 2024.

BUDGET:

The actual cost will depend on the finalized student and teacher counts. Based on current enrollment numbers, the estimated total cost to purchase these resources is $491,217.45. This is a one-time fee for the duration of the adoption and will be payable with Instructional Allotment Material Funds (IMA).

Elementary Textbook Adoption	
Alarcon -Tx Investigation Kits - 4yr	$ 44,252.80
Alarcon -Tx Science 3-6 4yr Digital	$ 21,257.76
Borrego - Tx Investigation Kits - 4yr	$ 53,274.59
Borrego - Tx Science 3-6 4yr Digital	$ 30,802.67
Sambrano - Tx Investigation Kits - 4 yr	$ 58,726.26
Sambrano - Tx Science K-2 4-yr Digital	$ 38,958.66
Total	**$ 247,272.74**
Secondary Textbook Adoption	
Experience 7-8 & HS Lab Kits	$ 75,924.50
Experience 7-12 & CTE 4yrs	$ 136,798.78
Science AP&E 6 yrs	$ 31,221.43
Total	**$ 243,944.71**
Grand Total	**$ 491,217.45**

ADMINISTRATIVE RECOMMENDATION:

The recommendation is for the Board of Trustees to approve the textbook order as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

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QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Alarcon-Tx Investigation Kits- 4yr	$40,648.56	$0.00	$40,648.56
PRODUCT TOTAL*	**$40,648.56**	**$0.00**	**$40,648.56**
ESTIMATED S&H**			$3,604.24
ESTIMATED TAX**			$0.00
GRAND TOTAL*			**$44,252.80**

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

**Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Comments:

PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER

SEND ORDER TO: McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605
Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024104458-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Alarcon-Tx Investigation Kits- 4yr					
MH TX SCIENCE G3 SGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4YR FLFLMNT	978-1-26-563611-1	2	$2,071.56	$0.00	$4,143.12
MH TX SCIENCE G4 SNGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4Y FLFLMNT	978-1-26-564340-9	2	$3,404.25	$0.00	$6,808.50
MH TX SCIENCE G5 SNGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4Y FLFLMNT	978-1-26-564720-9	2	$3,696.15	$0.00	$7,392.30
MH TX SCIENCE GR 6 SGL CLS SCI LAB MTRLS EQUIPMENT LABWARE SAFETY KIT 4Y FLFLMNT	978-1-26-565519-8	2	$7,133.34	$0.00	$14,266.68
MH TX SCI GR 3 SINGLE CLASS SCI INVESTGNS LAB CONSUMABLE MATERLS 1 BX 4 YR FLFLL	978-1-26-569535-4	2	$661.92	$0.00	$1,323.84
MH TX SCI GR 4 SINGLE CLASS SCI INVESTGNS LAB CONSUMABLE MATERLS 1 BX 4 YR FLFLL	978-1-26-569791-4	2	$718.08	$0.00	$1,436.16
MH TX SCIENCE G6 SINGLE CLASS SCIENCE LAB KIT CONSUMABLE MATRLS 1 BOX 4Y FLFLMNT	978-1-26-570307-3	2	$2,007.33	$0.00	$4,014.66
TX SCIENCE GRADE 3 STEAM INVESTIGATIONS KIT	978-1-26-632159-7	2	$204.54	$0.00	$409.08
TX SCIENCE GRADE 4 STEAM INVESTIGATIONS KIT	978-1-26-632202-0	2	$238.20	$0.00	$476.40
TX SCIENCE GRADE 5 STEAM INVESTIGATIONS KIT	978-1-26-632265-5	2	$188.91	$0.00	$377.82
		Alarcon-Tx Investigation Kits- 4yr Subtotal:		**$0.00**	**$40,648.56**

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QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$40,648.56
FREE MATERIALS	$0.00
PRODUCT TOTAL*	**$40,648.56**
ESTIMATED SHIPPING & HANDLING**	$3,604.24
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$44,252.80**

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

Comments:

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**Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Terms of Service:

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Terms Of Service

Provisions required by Subscriber State law

ATTENTION: In our effort to protect our customer's data, we will no longer store credit card data in any manner within in our system. Therefore, as of April 30, 2016 we will no longer accept credit card orders via email, fax, or mail/package delivery. Credit card orders may be placed over the phone by calling the number listed above or via our websites by visiting www.mheducation.com (or www.mhecoast2coast.com).

School Purchase Order Number: _____

_____ _____

Name of School Official (Please Print) Signature of School Official

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QUOTE NUMBER:	SRICH-05032024104458-001	ACCOUNT #: 432209		PAGE #:	3

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ACCOUNT NUMBER: 432209

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
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(915) 872-3900

CONTACT:

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(915) 872-3900

SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Alarcon-Tx Science 3-6-4yr Digital	$26,435.58	($5,238.00)	$21,197.58
PRODUCT TOTAL*	$26,435.58	($5,238.00)	$21,197.58
ESTIMATED S&H**			$60.18
ESTIMATED TAX**			$0.00
GRAND TOTAL*			$21,257.76

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

**Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Comments:

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QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024103929-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Alarcon-Tx Science 3-6-4yr Digital					
Grade 3					
MCGRAW HILL TEXAS SCIENCE GRADE 3 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555891-8	68	$59.97	$0.00	$4,077.96
MCGRAW HILL TEXAS SCIENCE GRADE 3 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519519-9	3	$168.54	$505.62	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 3 TEACHER EDITION	978-1-26-551790-8	3	$247.98	$743.94	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 3 TEKS ASSESSMENT GUIDE	978-1-26-527333-0	3	$19.98	$59.94	*Free Materials
			Grade 3 Subtotal:	**$1,309.50**	**$4,077.96**
Grade 4					
MCGRAW HILL TEXAS SCIENCE GRADE 4 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555985-4	88	$59.97	$0.00	$5,277.36
MCGRAW HILL TEXAS SCIENCE GRADE 4 TEACHER EDITION	978-1-26-551848-6	4	$247.98	$991.92	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 4 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519619-6	4	$168.54	$674.16	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 4 TEKS ASSESSMENT GUIDE	978-1-26-527468-9	4	$19.98	$79.92	*Free Materials
			Grade 4 Subtotal:	**$1,746.00**	**$5,277.36**
Grade 5					
MCGRAW HILL TEXAS SCIENCE GRADE 5 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-556673-9	86	$59.97	$0.00	$5,157.42
MCGRAW HILL TEXAS SCIENCE GRADE 5 TEACHER EDITION	978-1-26-551868-4	4	$247.98	$991.92	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 5 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519778-0	4	$168.54	$674.16	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 5 TEKS ASSESSMENT GUIDE	978-1-26-527487-0	4	$19.98	$79.92	*Free Materials
			Grade 5 Subtotal:	**$1,746.00**	**$5,157.42**
Grade 6					
MCGRAW HILL TEXAS SCIENCE GRADE 6 COMPLETE DIGITAL STUDENT EDITION 4 YEAR SUBSC	978-1-26-561675-5	93	$71.88	$0.00	$6,684.84
MCGRAW HILL TEXAS SCIENCE GRADE 6 DIGITAL TEACHER EDITION 4 YEAR SUBSCRIPTION	978-1-26-670154-2	1	$168.54	$168.54	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 6 TEACHER EDITION	978-1-26-556917-4	1	$247.98	$247.98	*Free Materials

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QUOTE DATE: 05/03/2024 ACCOUNT NAME: San Elizario Ind School Dist EXPIRATION DATE: 08/01/2024

QUOTE NUMBER: SRICH-05032024103929-001 ACCOUNT #: 432209 PAGE #: 2

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
MCGRAW HILL TX GRADE 6 TEKS ASSESSMENT GUIDE	978-1-26-498172-4	1	$19.98	$19.98	*Free Materials
			Grade 6 Subtotal:	**$436.50**	**$6,684.84**
			Alarcon-Tx Science 3-6-4yr Digital Subtotal:	**$5,238.00**	**$21,197.58**

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Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024103929-001	ACCOUNT #: 432209		PAGE #:	3

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QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$26,435.58
FREE MATERIALS	($5,238.00)
PRODUCT TOTAL*	**$21,197.58**
ESTIMATED SHIPPING & HANDLING**	$60.18
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$21,257.76**

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

Comments:

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School Purchase Order Number: _____

_____ _____

Name of School Official (Please Print) Signature of School Official

PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER

SEND ORDER TO: McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605
Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024103929-001	ACCOUNT #: 432209		PAGE #:	4

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QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Borrego-Tx Investigation kits-4yr	$48,986.01	$0.00	$48,986.01
PRODUCT TOTAL*	**$48,986.01**	**$0.00**	**$48,986.01**
ESTIMATED S&H**			$4,288.58
ESTIMATED TAX**			$0.00
GRAND TOTAL*			**$53,274.59**

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

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QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024105543-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Borrego-Tx Investigation kits-4yr					
MH TX SCIENCE G3 SGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4YR FLFLMNT	978-1-26-563611-1	3	$2,071.56	$0.00	$6,214.68
MH TX SCIENCE G4 SNGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4Y FLFLMNT	978-1-26-564340-9	3	$3,404.25	$0.00	$10,212.75
MH TX SCIENCE G5 MLT CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4Y FLFLMNT	978-1-26-564639-4	2	$4,215.60	$0.00	$8,431.20
MH TX SCIENCE GR 6 SGL CLS SCI LAB MTRLS EQUIPMENT LABWARE SAFETY KIT 4Y FLFLMNT	978-1-26-565519-8	2	$7,133.34	$0.00	$14,266.68
MH TX SCI GR 3 SINGLE CLASS SCI INVESTGNS LAB CONSUMABLE MATERLS 1 BX 4 YR FLFLL	978-1-26-569535-4	3	$661.92	$0.00	$1,985.76
MH TX SCI GR 4 SINGLE CLASS SCI INVESTGNS LAB CONSUMABLE MATERLS 1 BX 4 YR FLFLL	978-1-26-569791-4	3	$718.08	$0.00	$2,154.24
MH TX SCIENCE G6 SINGLE CLASS SCIENCE LAB KIT CONSUMABLE MATRLS 1 BOX 4Y FLFLMNT	978-1-26-570307-3	2	$2,007.33	$0.00	$4,014.66
TX SCIENCE GRADE 3 STEAM INVESTIGATIONS KIT	978-1-26-632159-7	3	$204.54	$0.00	$613.62
TX SCIENCE GRADE 4 STEAM INVESTIGATIONS KIT	978-1-26-632202-0	3	$238.20	$0.00	$714.60
TX SCIENCE GRADE 5 STEAM INVESTIGATIONS KIT	978-1-26-632265-5	2	$188.91	$0.00	$377.82
		Borrego-Tx Investigation kits-4yr Subtotal:		**$0.00**	**$48,986.01**

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QUOTE NUMBER: SRICH-05032024105543-001 ACCOUNT #: 432209 PAGE #: 2

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QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$48,986.01
FREE MATERIALS	$0.00
PRODUCT TOTAL*	**$48,986.01**
ESTIMATED SHIPPING & HANDLING**	$4,288.58
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$53,274.59**

SUBSCRIPTION/DIGITAL CONTACT:

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Comments:

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Name of School Official (Please Print) _____ Signature of School Official

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SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Borrego-Tx Science 3-6-4yr Digital	$37,714.29	($6,984.00)	$30,730.29
PRODUCT TOTAL*	$37,714.29	($6,984.00)	$30,730.29
ESTIMATED S&H**			$72.38
ESTIMATED TAX**			$0.00
GRAND TOTAL*			$30,802.67

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

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QUOTE DATE:	05/03/2024	ACCOUNT NAME: San Elizario Ind School Dist		EXPIRATION DATE:	08/01/2024
QUOTE NUMBER:	SRICH-05032024105008-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Borrego-Tx Science 3-6-4yr Digital					
Grade 3					
MCGRAW HILL TEXAS SCIENCE GRADE 3 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555891-8	119	$59.97	$0.00	$7,136.43
MCGRAW HILL TEXAS SCIENCE GRADE 3 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519519-9	3	$168.54	$505.62	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 3 TEACHER EDITION	978-1-26-551790-8	3	$247.98	$743.94	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 3 TEKS ASSESSMENT GUIDE	978-1-26-527333-0	3	$19.98	$59.94	*Free Materials
			Grade 3 Subtotal:	**$1,309.50**	**$7,136.43**
Grade 4					
MCGRAW HILL TEXAS SCIENCE GRADE 4 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555985-4	126	$59.97	$0.00	$7,556.22
MCGRAW HILL TEXAS SCIENCE GRADE 4 TEACHER EDITION	978-1-26-551848-6	6	$247.98	$1,487.88	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 4 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519619-6	6	$168.54	$1,011.24	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 4 TEKS ASSESSMENT GUIDE	978-1-26-527468-9	6	$19.98	$119.88	*Free Materials
			Grade 4 Subtotal:	**$2,619.00**	**$7,556.22**
Grade 5					
MCGRAW HILL TEXAS SCIENCE GRADE 5 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-556673-9	120	$59.97	$0.00	$7,196.40
MCGRAW HILL TEXAS SCIENCE GRADE 5 TEACHER EDITION	978-1-26-551868-4	5	$247.98	$1,239.90	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 5 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519778-0	5	$168.54	$842.70	*Free Materials
MCGRAW HILL TX SCIENCE GRADE 5 TEKS ASSESSMENT GUIDE	978-1-26-527487-0	5	$19.98	$99.90	*Free Materials
			Grade 5 Subtotal:	**$2,182.50**	**$7,196.40**
Grade 6					
MCGRAW HILL TEXAS SCIENCE GRADE 6 COMPLETE DIGITAL STUDENT EDITION 4 YEAR SUBSC	978-1-26-561675-5	123	$71.88	$0.00	$8,841.24
MCGRAW HILL TEXAS SCIENCE GRADE 6 DIGITAL TEACHER EDITION 4 YEAR SUBSCRIPTION	978-1-26-670154-2	2	$168.54	$337.08	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 6 TEACHER EDITION	978-1-26-556917-4	2	$247.98	$495.96	*Free Materials

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QUOTE NUMBER: SRICH-05032024105008-001 ACCOUNT #: 432209 PAGE #: 2

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
MCGRAW HILL TX GRADE 6 TEKS ASSESSMENT GUIDE	978-1-26-498172-4	2	$19.98	$39.96	*Free Materials
			Grade 6 Subtotal:	**$873.00**	**$8,841.24**
			Borrego-Tx Science 3-6-4yr Digital Subtotal:	**$6,984.00**	**$30,730.29**

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WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$37,714.29
FREE MATERIALS	($6,984.00)
PRODUCT TOTAL*	**$30,730.29**
ESTIMATED SHIPPING & HANDLING**	$72.38
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$30,802.67**

SUBSCRIPTION/DIGITAL CONTACT:

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WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

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dcortez@seisd.net
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CONTACT:

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(915) 872-3900

SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Sambrano-Tx Investigation kits-4yr	$53,465.64	$0.00	$53,465.64
PRODUCT TOTAL*	**$53,465.64**	**$0.00**	**$53,465.64**
ESTIMATED S&H**			$5,260.62
ESTIMATED TAX**			$0.00
GRAND TOTAL*			**$58,726.26**

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

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QUOTE NUMBER:	SRICH-05032024111221-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Sambrano-Tx Investigation kits-4yr					
MH TX SCIENCE GK SGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4YR FLFLMNT	978-1-26-563292-2	9	$1,058.07	$0.00	$9,522.63
MH TX SCIENCE G1 SGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4YR FLFLMNT	978-1-26-563338-7	10	$1,871.43	$0.00	$18,714.30
MH TX SCIENCE G2 SGL CLS SCIENCE INVESTIGATIONS LAB EQPMNT MTRLS KIT 4YR FLFLMNT	978-1-26-563400-1	10	$1,977.69	$0.00	$19,776.90
TX SCIENCE GRADE K STEAM INVESTIGATIONS KIT	978-1-26-631937-2	9	$218.19	$0.00	$1,963.71
TX SCIENCE GRADE 1 STEAM INVESTIGATIONS KIT	978-1-26-631986-0	10	$180.24	$0.00	$1,802.40
TX SCIENCE GRADE 2 STEAM INVESTIGATIONS KIT	978-1-26-632104-7	10	$168.57	$0.00	$1,685.70
		Sambrano-Tx Investigation kits-4yr Subtotal:		**$0.00**	**$53,465.64**

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SEND ORDER TO: McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605

Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE: 05/03/2024 ACCOUNT NAME: San Elizario Ind School Dist EXPIRATION DATE: 08/01/2024

QUOTE NUMBER: SRICH-05032024111221-001 ACCOUNT #: 432209 PAGE #: 2

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WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

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dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$53,465.64
FREE MATERIALS	$0.00
PRODUCT TOTAL*	**$53,465.64**
ESTIMATED SHIPPING & HANDLING**	$5,260.62
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$58,726.26**

SUBSCRIPTION/DIGITAL CONTACT:

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SALES REP INFORMATION:

Laura McDonald
laura.mcdonald@mheducation.com
(915) 231-9020

Section Summary	Value of All Materials	Free Materials	Product Subtotal
Sambrano-Tx Science K-2-4yr digital	$50,939.64	($12,079.08)	$38,860.56
PRODUCT TOTAL*	**$50,939.64**	**($12,079.08)**	**$38,860.56**
ESTIMATED S&H**			$98.10
ESTIMATED TAX**			$0.00
GRAND TOTAL*			**$38,958.66**

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QUOTE NUMBER:	SRICH-05032024110732-001	ACCOUNT #: 432209		PAGE #:	1

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Product Description	ISBN	Qty	Unit Price	Free Materials	Line Subtotal
Sambrano-Tx Science K-2-4yr digital					
Grade K					
MCGRAW HILL TEXAS SCIENCE GRADE K ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555475-0	190	$59.97	$0.00	$11,394.30
MCGRAW HILL TEXAS SCIENCE GRADE K TEACHER EDITION	978-1-26-551471-6	9	$247.98	$2,231.82	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE K ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519185-6	9	$168.54	$1,516.86	*Free Materials
			Grade K Subtotal:	**$3,748.68**	**$11,394.30**
Grade 1					
MCGRAW HILL TEXAS SCIENCE GRADE 1 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555647-1	228	$59.97	$0.00	$13,673.16
MCGRAW HILL TEXAS SCIENCE GRADE 1 TEACHER EDITION	978-1-26-551583-6	10	$247.98	$2,479.80	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 1 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519342-3	10	$168.54	$1,685.40	*Free Materials
			Grade 1 Subtotal:	**$4,165.20**	**$13,673.16**
Grade 2					
MCGRAW HILL TEXAS SCIENCE GRADE 2 ONLINE STUDENT CENTER 4YR SUBSCRIPTION	978-1-26-555687-7	230	$59.97	$0.00	$13,793.10
MCGRAW HILL TEXAS SCIENCE GRADE 2 ONLINE TEACHER CENTER 4YR SUBSCRIPTION	978-1-26-519445-1	10	$168.54	$1,685.40	*Free Materials
MCGRAW HILL TEXAS SCIENCE GRADE 2 TEACHER EDITION	978-1-26-551585-0	10	$247.98	$2,479.80	*Free Materials
			Grade 2 Subtotal:	**$4,165.20**	**$13,793.10**
			Sambrano-Tx Science K-2-4yr digital Subtotal:	**$12,079.08**	**$38,860.56**

PLEASE INCLUDE THIS PROPOSAL WITH YOUR PURCHASE ORDER

SEND ORDER TO: McGraw Hill LLC | PO Box 182605 | Columbus, OH 43218-2605

Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

QUOTE DATE: 05/03/2024 ACCOUNT NAME: San Elizario Ind School Dist EXPIRATION DATE: 08/01/2024

QUOTE NUMBER: SRICH-05032024110732-001 ACCOUNT #: 432209 PAGE #: 2

Because learning changes everything.®

QUOTE PREPARED FOR:

San Elizario Ind School Dist
WAREHOUSE
SAN ELIZARIO, TX 79849
ACCOUNT NUMBER: 432209

CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

VALUE OF ALL MATERIALS	$50,939.64
FREE MATERIALS	($12,079.08)
PRODUCT TOTAL*	**$38,860.56**
ESTIMATED SHIPPING & HANDLING**	$98.10
ESTIMATED TAX**	$0.00
GRAND TOTAL	**$38,958.66**

SUBSCRIPTION/DIGITAL CONTACT:

Debbie Cortez
dcortez@seisd.net
(915) 872-3900

Comments:

* Price firm for 90 days from quote date. Price quote must be attached to school purchase order to receive the quoted price and free materials.

**Shipping and handling charges shown are only estimates. Actual shipping and handling charges will be applied at time of order. Taxes shown are only estimates. If applicable, actual tax charges will be applied at time of order.

Terms of Service:

By placing an order for digital products (the 'Subscribed Materials'), the entity that this price quote has been prepared for ('Subscriber') agrees to be bound by the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. Subject to Subscriber's payment of the fees set out above, McGraw Hill LLC hereby grants to Subscriber a non-exclusive, non-transferable license to allow only the number of Authorized Users that corresponds to the quantity of Subscribed Materials set forth above to access and use the Subscribed Materials under the terms described in the Terms of Service and any specific provisions required by Subscriber's state law, each located in the applicable links below. The subscription term for the Subscribed Materials shall be as set forth in the Product Description above. If no subscription term is specified, the initial term shall be one (1) year from the date of this price quote (the 'Initial Subscription Term'), and thereafter the Subscriber shall renew for additional one (1) year terms (each a 'Subscription Renewal Term'), provided MHE has chosen to renew the subscription and has sent an invoice for such Subscription Renewal Term to Subscriber.

Terms Of Service

Provisions required by Subscriber State law

ATTENTION: In our effort to protect our customer's data, we will no longer store credit card data in any manner within in our system. Therefore, as of April 30, 2016 we will no longer accept credit card orders via email, fax, or mail/package delivery. Credit card orders may be placed over the phone by calling the number listed above or via our websites by visiting www.mheducation.com (or www.mhecoast2coast.com).

School Purchase Order Number: _____

Name of School Official (Please Print) _____ Signature of School Official

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Email: orders_mhe@mheducation.com | Phone: 1-800-338-3987 | Fax: 1-800-953-8691

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QUOTE NUMBER:	SRICH-05032024110732-001	ACCOUNT #: 432209		PAGE #:	3

SAVVAS

Mr. Ulises Neira Galaviz
Curriculum Specialist
San Elizario Ind School Dist
PO Box 920
San Elizario, TX 79849-0920
United States

Quote Number: 263847-5
Quote Creation Date: 04-02-2024
Quote Expiration Date: 09-30-2024

Quote Release: 5

San Elizario -Science AP&E 6yrs

Price Quote Summary

Solution	Base Amount	Total
Campbell: Biology	$ 5,490.00	$ 5,490.00
Chaisson: Astronomy Today	$ 5,263.50	$ 5,263.50
Environmental Science	$ 1,260.00	$ 1,260.00
Trujillo: Essentials of Oceanography	$ 17,528.00	$ 17,528.00
Solution Subtotal	**$ 29,541.50**	**$ 29,541.50**

Shipping & Handling	**$ 1,679.93**
Total	**$ 31,221.43**

Price Quote Detail

ISBN	Description	Price	Charged Qty	Total Charged
Campbell: Biology				
Campbell Biology 12th Edition, AP® Edition ©2021 with Mastering® Biology with Pearson eText, Urry et al.,				
9780136486879	Campbell Biology, 12th Edition ©2021, AP Edition with MasteringBiology with Pearson eText (up to 6 years)	183.00	30	$5,490.00
	Campbell Biology 12th Edition, AP® Edition ©2021 with Mastering® Biology with Pearson eText, Urry et al., Subtotal			**$ 5,490.00**
	Campbell: Biology Subtotal			**$ 5,490.00**
Chaisson: Astronomy Today				
Astronomy Today 9th Edition ©2018 Mastering® Astronomy with Pearson eText, Chaisson et al.				
9780134580555	Chaisson, Astronomy Today 9e ©2018 with Mastering Astronomy with Pearson eText (up to 6-years)	159.50	33	$5,263.50

ISBN	Description	Price	Charged Qty	Total Charged
	Astronomy Today 9th Edition ©2018 Mastering® Astronomy with Pearson eText, Chaisson et al. Subtotal			**$ 5,263.50**
	Chaisson: Astronomy Today Subtotal			**$ 5,263.50**

Environmental Science

Environmental Science ©2021

9781418348854	ENVIRONMENTAL SCIENCE 2021 STUDENT EDITION + DIGITAL COURSEWARE 4-YEAR LICENSE GRADE 9/12	126.00	10	$1,260.00
	Environmental Science ©2021 Subtotal			**$ 1,260.00**
	Environmental Science Subtotal			**$ 1,260.00**

Trujillo: Essentials of Oceanography

Essentials of Oceanography 13th Edition ©2020 with Mastering Oceanography with Pearson® eText , Trujillo

9780137453184	Modified Mastering Oceanography with Pearson eText for Essentials of Oceanography 13e ©2020 6year Digital Delivery	121.00	98	$11,858.00
9780135257586	Trujillo, Essentials of Oceanography 13th Edition ©2020 with Mastering Oceanography with Pearson® eText (up to 6 years)	162.00	35	$5,670.00
	Essentials of Oceanography 13th Edition ©2020 with Mastering Oceanography with Pearson® eText , Trujillo Subtotal			**$ 17,528.00**
	Trujillo: Essentials of Oceanography Subtotal			**$ 17,528.00**
	Solution Subtotal			**$ 29,541.50**
		Shipping and Handling		**$ 1,679.93**
			Total	**$ 31,221.43**

Teacher Resources will be available online.

Savvas Learning Company LLC Terms and Conditions

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Online: https://support.savvas.com/support/s/customerserviceus
Mail: PO Box 6820, Chandler, AZ 85246

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Taxes: All pricing in this quote is exclusive of any applicable sales, use or other similar taxes or duties. The customer is responsible for any such taxes or duties that may apply; if the customer is tax exempt, evidence of such tax exemption must be provided. Estimated tax may be provided solely for customer convenience. The amount indicated is only an estimate and is intended to be helpful for budgeting purposes. The actual amount of sales tax assessed at the time of invoicing may be more or less.

Platforms: Savvas, and any third party for which Savvas serves as the sales agent or distributor, reserve the right to change and/or update technology platforms, including possible edition updates to customers during the term of access. Customers will be notified of any change prior to the beginning of the new school year.

Damaged & Defective Products: If a print product, or the print component of a blended (print & digital) product, is received in damaged or defective condition, Savvas will issue a credit or replacement at no charge to the customer if the customer promptly (no later than 120 days) returns the damaged or defective product. Customers must report missing product immediately upon receipt.

Return Policy: Returns (other than damaged or defective products) are subject to the following conditions: (a) materials must be returned to Savvas at the customer's expense in new, unused condition, suitable for resale by Savvas (note that any barcoding, stickering, stamping or similar marking on any print materials renders them unsuitable for resale); (b) materials must be returned within six (6) months from the date of purchase; (c) the customer must obtain a Return Materials Authorization ("RMA") from Savvas prior to returning the materials, and must ship the materials back to Savvas within thirty days of receiving the RMA; (d) all materials sold in a set or package must be returned complete as originally sold; and (e) any materials provided by Savvas to the customer on a no-charge basis in consideration of the customer's purchase must be returned in proportion to the purchased materials that are being returned for a credit. A restocking fee of 3% may be applied to credits over $1,000. Savvas' return policy does not apply to science lab kits or trade publication novels, which are sold on a non-returnable basis.

Consumable Worktexts: Subsequent year consumable worktexts will ship each year on the anniversary of the original order date for the duration of their license. Worktexts will ship to the location listed on the original order. Quantities for each grade level and title will remain consistent each year. Changes to quantities of titles previously ordered, shipping location changes, or any other changes to consumable worktext shipments must be made 4 weeks prior to shipment date. (the anniversary of the original order date unless changed). Changes can be made on the Subscription Worktext Site: https://worktext-subscriptions.savvas.com

Annual subscriptions for iLit and Successmaker Only: Savvas' iLit and Successmaker products (and no others) automatically renew on the anniversary date of the original purchase and will be invoiced accordingly unless otherwise specified.

Technical support services are included with purchase of Savvas digital products.

online help: https://support.savvas.com/support/s/k12-curriculum-support-form
phone: 1-800-848-9500

Professional Services: Professional Services: All paid services must be delivered within twelve (12) months of the order date of those services. Any unused services expire at the end of such twelve (12) month period, unless otherwise specified in contract terms. Any cancellation made with less than 72 hours' notice will result in a cancellation fee equal to the full price of the event. MySavvasTraining is included with purchase of products (https://mysavvastraining.com).

SAVVAS

Mr. Ulises Neira Galaviz
Curriculum Specialist
San Elizario Ind School Dist
PO Box 920
San Elizario, TX 79849-0920
United States

Quote Number: 263847-4
Quote Creation Date: 04-02-2024
Quote Expiration Date: 09-30-2024

Quote Release: 4

San Elizario - Experience Science Class Sets 7-12 & CTE 4yrs

Price Quote Summary

Solution	Base Amount	Total
Experience Chemistry	$ 24,600.00	$ 24,600.00
Experience Physics	$ 22,080.00	$ 22,080.00
EXPERIENCE SCIENCE MIDDLE	$ 41,960.00	$ 41,960.00
Miller Levine Biology	$ 28,120.00	$ 28,120.00
Texas Programs	$ 20,038.78	$ 20,038.78
Solution Subtotal	**$ 136,798.78**	**$ 136,798.78**

Shipping & Handling	**$ 0.00**
Total	**$ 136,798.78**

Price Quote Detail

ISBN	Description	Price	Charged Qty	Total Charged
Experience Chemistry				
HS				
9798213041880	** EXPERIENCE CHEMISTRY 2025 TEXAS STUDENT EDITION + 4-YEAR LICENSE GRADE 9/12	120.00	105	$12,600.00
9798213041859	** EXPERIENCE CHEMISTRY 2025 TEXAS 4-YEAR LICENSE GRADE 9/12	80.00	150	$12,000.00
	HS Subtotal			**$ 24,600.00**
	Experience Chemistry Subtotal			**$ 24,600.00**
Experience Physics				

ISBN	Description	Price	Charged Qty	Total Charged
HS				
9798213041828	** EXPERIENCE PHYSICS 2025 TEXAS STUDENT EDITION + 4-YEAR LICENSE GRADE 9/12	120.00	70	$8,400.00
9798213041798	** EXPERIENCE PHYSICS 2025 TEXAS 4-YEAR LICENSE GRADE 9/12	80.00	171	$13,680.00
	HS Subtotal			**$ 22,080.00**
	Experience Physics Subtotal			**$ 22,080.00**

EXPERIENCE SCIENCE MIDDLE GRADES

Middle School				
9798213024944	** EXPERIENCE SCIENCE 2025 TEXAS HARDCOVER STUDENT EDITION + 4-YEAR LICENSE GRADE 7	119.00	105	$12,495.00
9798213024951	** EXPERIENCE SCIENCE 2025 TEXAS HARDCOVER STUDENT EDITION + 4-YEAR LICENSE GRADE 8	119.00	140	$16,660.00
9798213024791	** EXPERIENCE SCIENCE 2025 TEXAS 4-YEAR LICENSE GRADE 7	65.00	107	$6,955.00
9798213024807	** EXPERIENCE SCIENCE 2025 TEXAS 4-YEAR LICENSE GRADE 8	65.00	90	$5,850.00
	Middle School Subtotal			**$ 41,960.00**
	EXPERIENCE SCIENCE MIDDLE GRADES Subtotal			**$ 41,960.00**

Miller Levine Biology

HS				
9798213042153	** MILLER LEVINE EXPERIENCE BIOLOGY 2025 TEXAS STUDENT EDITION + 4-YEAR LICENSE GRADE 9/12	120.00	105	$12,600.00
9798213042122	** MILLER LEVINE EXPERIENCE BIOLOGY 2025 TEXAS 4-YEAR LICENSE GRADE 9/12	80.00	194	$15,520.00
	HS Subtotal			**$ 28,120.00**

ISBN	Description	Price	Charged Qty	Total Charged
	Miller Levine Biology Subtotal			**$ 28,120.00**

Texas Programs

CTE

9780138344696	** 4 FORENSIC SCIENCE FOR TEXAS -- MYLAB CRIMINAL JUSTICE WITH PEARSON ETEXT (OASIS DAC) (STANDARD BUNDLE)	144.99	42	$6,089.58
9780138342821	** ANATOMY, PHYSIOLOGY, & DISEASE FOR TEXAS (BOOK) + FOUR MYLAB HEALTH SCIENCE WITH PEARSON ETEXT (OASIS DAC) -- PACKAGE	169.99	45	$7,649.55
9780138342432	** FORENSIC SCIENCE FOR TEXAS (BOOK) + FOUR MYLAB CRIMINAL JUSTICE WITH PEARSON ETEXT (OASIS DAC) -- PACKAGE	179.99	35	$6,299.65
	CTE Subtotal			**$ 20,038.78**
	Texas Programs Subtotal			**$ 20,038.78**
	Solution Subtotal			**$ 136,798.78**
		Shipping and Handling		**$ 0.00**
			Total	**$ 136,798.78**

**** Contract Pricing has been applied to these items**

Experience Science and CTE Teacher Print Materials provided at the following ratio:
7-8 = 1:50
HS = 1:75
CTE = 1:25

Discounts may apply with the purchase of multiple grade bands, such as: k-8, 6-12, or K-12

Please send Purchase Order to irvingsupport@savvas.com

Savvas Learning Company LLC Terms and Conditions

To place your order please submit a copy of this price quote with your Purchase Order, include the Quote Number on your Purchase Order, and include any other required documentation. You may send the order documents using an electronic form **or** by mail. Please submit your PO and price quote via one of the following methods:

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phone: 1-800-848-9500

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SAVVAS

Mr. Ulises Neira Galaviz
Curriculum Specialist
San Elizario Ind School Dist
PO Box 920
San Elizario, TX 79849-0920
United States

Quote Number: 263847-3
Quote Creation Date: 04-02-2024
Quote Expiration Date: 09-30-2024

Quote Release: 3

San Elizario - Experience Science 7-8 and High School Lab Kits

Price Quote Summary

Solution	Base Amount	Total
Experience Chemistry	$ 26,992.50	$ 26,992.50
Experience Physics	$ 15,070.00	$ 15,070.00
EXPERIENCE SCIENCE MIDDLE	$ 14,947.00	$ 14,947.00
Miller Levine Biology	$ 18,915.00	$ 18,915.00
Solution Subtotal	**$ 75,924.50**	**$ 75,924.50**

Shipping & Handling	**$ 0.00**
Total	**$ 75,924.50**

Price Quote Detail

ISBN	Description	Price	Charged Qty	Total Charged
Experience Chemistry				
High School				
9798213012941	** EXPERIENCE CHEMISTRY 2025 TEXAS ESSENTIAL MATERIALS KIT GRADE 9/12	4835.00	3	$14,505.00
9798213012958	** EXPERIENCE CHEMISTRY 2025 TEXAS ESSENTIAL MATERIALS REFILL KIT GRADE 9/12	4162.50	3	$12,487.50
	High School Subtotal			**$ 26,992.50**
	Experience Chemistry Subtotal			**$ 26,992.50**
Experience Physics				
High School				

ISBN	Description	Price	Charged Qty	Total Charged
9798213012880	** EXPERIENCE PHYSICS 2025 TEXAS ESSENTIAL MATERIALS KIT GRADE 9/12	5432.50	2	$10,865.00
9798213012897	** EXPERIENCE PHYSICS 2025 TEXAS ESSENTIAL MATERIALS REFILL KIT GRADE 9/12	2102.50	2	$4,205.00
	High School Subtotal			**$ 15,070.00**
	Experience Physics Subtotal			**$ 15,070.00**

EXPERIENCE SCIENCE MIDDLE GRADES

Gr 6-8

9798213013511	** EXPERIENCE SCIENCE 2025 TEXAS ESSENTIALS CLASSROOM MATERIALS KIT GRADE 7	1631.50	3	$4,894.50
9798213013528	** EXPERIENCE SCIENCE 2025 TEXAS ESSENTIALS CLASSROOM MATERIALS KIT GRADE 8	1921.00	4	$7,684.00
9798213013542	** EXPERIENCE SCIENCE 2025 TEXAS ESSENTIALS CLASSROOM MATERIALS REFILL KIT GRADE 7	631.50	3	$1,894.50
9798213013559	** EXPERIENCE SCIENCE 2025 TEXAS ESSENTIALS CLASSROOM MATERIALS REFILL KIT GRADE 8	118.50	4	$474.00
	Gr 6-8 Subtotal			**$ 14,947.00**
	EXPERIENCE SCIENCE MIDDLE GRADES Subtotal			**$ 14,947.00**

Miller Levine Biology

High School

9798213012989	** MILLER LEVINE EXPERIENCE BIOLOGY 2025 TEXAS ESSENTIAL MATERIALS KIT GRADE 9/12	3882.50	3	$11,647.50
9798213012996	** MILLER LEVINE EXPERIENCE BIOLOGY 2025 TEXAS ESSENTIAL MATERIALS REFILL KIT GRADE 9/12	2422.50	3	$7,267.50
	High School Subtotal			**$ 18,915.00**
	Miller Levine Biology Subtotal			**$ 18,915.00**

ISBN	Description	Price	Charged Qty	Total Charged
	Solution Subtotal			**$ 75,924.50**
		Shipping and Handling		**$ 0.00**
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**** Contract Pricing has been applied to these items**

Please send final purchase orders to irvingsupport@savvas.com

Savvas Learning Company LLC Terms and Conditions

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Damaged & Defective Products: If a print product, or the print component of a blended (print & digital) product, is received in damaged or defective condition, Savvas will issue a credit or replacement at no charge to the customer if the customer promptly (no later than 120 days) returns the damaged or defective product. Customers must report missing product immediately upon receipt.

Return Policy: Returns (other than damaged or defective products) are subject to the following conditions: (a) materials must be returned to Savvas at the customer's expense in new, unused condition, suitable for resale by Savvas (note that any barcoding, stickering, stamping or similar marking on any print materials renders them unsuitable for resale); (b) materials must be returned within six (6) months from the date of purchase; (c) the customer must obtain a Return Materials Authorization ("RMA") from Savvas prior to returning the materials, and must ship the materials back to Savvas within thirty days of receiving the RMA; (d) all materials sold in a set or package must be returned complete as originally sold; and (e) any materials provided by Savvas to the customer on a no-charge basis in consideration of the customer's purchase must be returned in proportion to the purchased materials that are being returned for a credit. A restocking fee of 3% may be applied to credits over $1,000. Savvas' return policy does not apply to science lab kits or trade publication novels, which are sold on a non-returnable basis.

Consumable Worktexts: Subsequent year consumable worktexts will ship each year on the anniversary of the original order date for the duration of their license. Worktexts will ship to the location listed on the original order. Quantities for each grade level and title will remain consistent each year. Changes to quantities of titles previously ordered, shipping location changes, or any other changes to consumable worktext shipments must be made 4 weeks prior to shipment date. (the anniversary of the original order date unless changed). Changes can be made on the Subscription Worktext Site: https://worktext-subscriptions.savvas.com

Annual subscriptions for iLit and Successmaker Only: Savvas' iLit and Successmaker products (and no others) automatically renew on the anniversary date of the original purchase and will be invoiced accordingly unless otherwise specified.

Technical support services are included with purchase of Savvas digital products.
online help: https://support.savvas.com/support/s/k12-curriculum-support-form
phone: 1-800-848-9500

Professional Services: Professional Services: All paid services must be delivered within twelve (12) months of the order date of those services. Any unused services expire at the end of such twelve (12) month period, unless otherwise specified in contract terms. Any cancellation made with less than 72 hours' notice will result in a cancellation fee equal to the full price of the event. MySavvasTraining is included with purchase of products (https://mysavvastraining.com).

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Executive Director- Support Services
Norberto Rivas, Chief Financial Officer
Subject: Consider and possible Board action to approve interlocal agreement for school resource officer with the City of San Elizario, Texas commencing on July 1, 2024, and ending on June 30, 2025
Date: June 12, 2024

HISTORY:
On August 9, 2023 (regular Board meeting), the Board of trustees met in executive session with legal counsel to discuss House Bill 3 requirements, to determine the number of armed security officers for each campus, and to authorize legal counsel to draft a Board Resolution claiming good cause exception and establishing an alternative standard for compliance with House Bill 3.

Back then, due to the shortage of SROs, the district contracted/off-duty officers as armed security to comply with H.B. 3, by September 1, 2023. We acquired three off-duty officers as directed by the Board, one for Loya/Sambrano, one for Borrego and one for Alarcon. The high school and the middle school already had one SRO each.

On March 6, 2024, during the regular Board meeting, an agreement for five Sherriff's office SROs through El Paso County was approved by the Board. Three SROs replaced the off-duty officers and the other two continued serving the high school and middle school. During the March 6th meeting, the Board instructed administration to work with the City of San Elizario Marshal's office in acquiring a sixth SRO, so that all campuses would have an SRO.

RATIONALE: Administration contacted the City Marshal and continued conversations regarding acquiring an SRO through them. The SRO would be the 6th SRO. The City Marshal has provided an agreement for one SRO with the option to add an additional SRO ("Rover Officer") if desired.

BUDGET: The one-year term and fee for one SRO is seen below.

Term	Amount
July 1, 2024 – June 30, 2025	$63,500 plus $7,000 for vehicle Total=$70,500

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the interlocal agreement with the City of San Elizario, Texas for a School Resource officer. The agreement has been reviewed by the district's legal counsel.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

INTERLOCAL AGREEMENT
FOR THE PROVISION OF LAW ENFORCEMENT SERVICES
BY AND BETWEEN THE CITY OF SAN ELIZARIO, TEXAS AND THE
SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

RECITALS

WHEREAS, Chapter 791, Texas Government Code, allows local governments and public-school districts to enter into Interlocal Cooperation Agreements for governmental purposes;

WHEREAS, the provision of police protection and detention services is included in the definition of governmental functions and services in Sec. 791.003, Texas Government Code;

WHEREAS, pursuant to Section 37.081(2) of the Texas Education Code, a school district may enter into an agreement with a local law enforcement agency for the provision of school resource officer;

WHEREAS, the San Elizario Independent School District (hereinafter "School District") believes that the presence of a law enforcement officer on its campuses is necessary to ensure an orderly, peaceful, and safe academic environment;

WHEREAS, the City of San Elizario (hereinafter "City") desires to reduce the incidence of juvenile crime, provide enhanced security at school campuses; and

WHEREAS, the City and the School District wish to enter into this Interlocal Agreement to work towards the safety of local schools.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the City and the School District, acting by and through their governing bodies and the authority granted in Chapter 791, Texas Government Code, do hereby covenant and agree as follows:

I. TERM

This Agreement shall commence on July 1, 2024 and shall terminate on June 30, 2025.

II. SCOPE OF SERVICES

The City, through the San Elizario Marshal's Office ("SEMO"), shall assign one (1) uniformed San Elizario Marshal's Deputy as School Resource Officer ("Officer") to the School District, to be selected by the SEMO, during the term of this Agreement, when schools are in session and in

accordance with the schedule provided herein. The City and the School District shall be referred to individually as "Party" and collectively as the "Parties," herein.

The Officer will provide the following law enforcement services to his or her assigned campus(es) during the term of the Agreement:

A. Maintain a routine presence in campus buildings and parking areas during school hours, as agreed to by the Parties, to provide a deterrent to crime as well as to provide a sense of safety and security to students, parents, families, visitors, and School District staff.

B. Gather information related to criminal activity.

C. Provide emergency response to crimes or emergencies in progress.

D. Identify gang members, associates and activities and generate documentation regarding same.

E. Arrest/detain, as appropriate, and transport to the appropriate detention facility. Arrests/detentions shall be reported to school officials as required by law, and in accordance with the School District's policies.

F. As necessary, provide radar coverage of respective school zones to promote the safety of educators and students.

G. Respond to non-emergency calls for assistance.

H. Provide intervention counseling as appropriate.

I. Enforce the Texas Transportation Code, Texas Code of Criminal Procedure, Texas Penal Code, Texas Education Code, Texas Health and Safety Code, Texas Family Code, and any other applicable federal, state, county, or City law on School District property.

J. Collaborate with campus principals and district administration on school safety and security efforts as established by the Texas Education Agency ("TEA") and the Texas School Safety Center ("TxSSC").

K. Maintain the integrity, professionalism, values, and goals of the SEMO and School District by assuring that all rules and regulations are followed and that accountability and public trust are preserved.

L. Protect the safety and welfare of any person in the jurisdiction of the School District.

M. Protect the property of the School District.

N. Communicate with the principal and/or facility administrator of the Officer's assigned school(s) on a daily basis and take reasonable steps to address any security concerns raised by these officials.

Officer shall only perform the tasks of a licensed peace officer. Officer shall not be assigned tasks of a disciplinarian, administrator, or teacher. Officer shall at no time act as a substitute teacher or provide sole supervision of a class of students.

III. AUTHORITY OF OFFICER

Officer assigned to the School District by the City shall be empowered to enforce all laws and ordinances applicable in the City and School District including the power to arrest/detain and execute search warrants.

While functioning as a law enforcement officer assigned to the School District, Officer shall have all the law enforcement power of a regular law enforcement officer.

Officer retains the authority to refuse any instruction or task that Officer considers to be unlawful, an infringement on an individual's constitutional rights, or otherwise in violation of the Agreement. In performing his or her work, Officer shall follow all policies, procedures, rules, and regulations of the City and the SEMO. This includes procedures and requirements relating to such things as detention of individuals, use of force, and search and seizure of property and individuals. Officer shall serve as an informative resource for the School District regarding issues involving the Texas Penal Code, traffic laws, juvenile laws, other Texas statutes, and the United States Constitution. Officer must also comply with law enforcement regulations pursuant to the Texas Education Code. Assigned SEMO personnel shall supervise Officer.

IV. CONSIDERATION

The School District shall reimburse the City for all wages and benefits paid to the assigned Officer while working for the School District including any overtime pay. The School District shall pay the City the annual base rate of Sixty Three Thousand and Five Hundred Dollars ($63,500.00) for the services of the Officer and Seven Thousand Dollars ($7,000.00) for each vehicle assigned to the School District during the term of this Agreement.

V. SCHEDULE

This Agreement is based on a 365-day calendar year and payments shall be due, payable, and owing regardless of whether school is in session. Officer may be made available to patrol areas within the School District's boundaries during summer break and school holidays.

Officer shall be scheduled to work a regular shift of 10 hours for each day that they are scheduled to work for the School District, as determined by the School District.

As part of the Officer's regular work schedule, the Officer shall be scheduled to work Tuesday through Friday from 7:00 a.m. until 5:00 p.m. The Officer will be entitled to a one-half (1/2) hour, paid lunch period and will be subject to emergency calls during lunch. The Officer's work schedule is subject to change based on the School District's operational needs.

The Officer will attend school events, as requested by the School District.

The Officer shall be scheduled to work 40 hours per 7-day work period. However, the Officer may be scheduled to work additional hours as determined by the School District.

For hours worked in excess of 40 hours per 7-day work period, the School District shall be responsible and billed for overtime costs at a rate of one and a half (1.5) times the Officer's regular rate of pay for each hour worked in excess of 40 hours per work period. Any overtime must be authorized, in advance, by the School District.

The Officer may take Paid Time Off and any other time off that Officer is allowed or required to take, as determined by the SEMO, including but not limited to time off for any required training.

VI. FURNISHING OFFICE, EQUIPMENT, AND SUPPLIES

The School District agrees to provide the Officer, at no cost to the City, office space and necessary equipment to enable the Officer to perform the services and responsibilities under this Agreement, including but not limited to: a school computer, access to school software, and office supplies. The Officer's office space may be shared with School District Administration. The School District shall also provide, at no cost to the City, any portable radios, pagers, or other portable communications equipment to the Officer.

VII. ASSIGNMENT OF OFFICER

The City shall have the sole authority to select the assigned Officer. In the event that the assigned Officer is absent for any reason (including because of illness, personal time off, military or emergency leave, etc.), City shall assign another deputy to serve as Officer. The School District will not be billed for any days on which the City cannot provide a replacement deputy to serve as an Officer.

VIII. OFFICER TRAINING

The City is responsible for paying the cost of training as required by the Texas Education Code, including the National Association of School Resource Officer 40-hour basic training course. The

City shall be responsible for all other training for the Officer. The School District shall permit the Officer to attend and participate in mandatory training as set out by law, policy, or grant requirements. The Officer may also participate in reasonable training programs that directly affect the Officer's ability and skills as a School Resource Officer or that enhance the Officer's law enforcement career. During training, the Officer will be absent from his/her assigned school.

IX. ROVER OPTION

Upon the Parties' mutual agreement, the City shall provide an additional Deputy to serve as a School Resource Officer for the School District (the "Rover Officer"), to be compensated at the same annual base rate of pay as the Officer under this Agreement, and subject to the same terms and conditions as provided herein. The Rover Officer may be scheduled on an as-needed basis as determined by the School District.

X. PAYMENT PROCESSING PROCEDURE

The City shall bill the School District on a quarterly basis. The City shall provide itemized billing for payroll to the School District. Invoices should include backup documentation showing wages and benefits paid for the Officer for School District activities. The City shall keep all records, including timesheet logs, to substantiate the City's billing which shall be made available to the School District for inspection upon request. The School District shall review each monthly billing and provide payment to the City within 30 days of receipt of the bill.

Payments submitted under this Agreement shall be made payable to:

The City of San Elizario
Attn.: Accounting Department
12710 Church St.
P.O. Box 1723
San Elizario, Texas 79849

XI. INFORMATION SHARING BETWEEN PARTIES

Communication and information sharing is essential to the success of School Based Law Enforcement and the Officer's fulfillment of his or her duties under this Agreement. Sharing of information between the Parties will be in compliance with federal, state, and local laws, as well as the policies and procedures of the School District, the City, and the SEMO. The Officer may share information with School District officials regarding arrests, detentions, and investigations, as required or permitted by law and/or applicable policies and procedures; provided that the sharing of information will not interfere with the detection, investigation, or prosecution of a crime. The Officer may also share information with School District officials regarding a student in violation of school policies. Additionally, the Officer shall have access to public records maintained by the School District to the extent allowed by law. The Officer may need access to

confidential information in emergency situations based on a serious threat to a person's health or safety, time sensitivity, and the direct relationship of the information to the emergency.

XII. INVENTIONS MADE UNDER AGREEMENT

The Parties acknowledge and agree that any intellectual property, processes, procedures, or products developed in furtherance of this Agreement belong to the developing Party as work-for-hire and all rights are reserved by the developing Party and or/the federal government, as applicable, in accordance with applicable federal law.

XIII. NOTICE

Any notice required or permitted to be given under this Agreement by one Party to the other Party shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the recipient's address set forth in this section or on the date of certified receipt if placed in the United States mail postage prepaid by registered or certified mail with return receipt requested, addressed to the receiving Party at the address hereinafter specified.

City of San Elizario

The address of the City for all purposes under this Agreement and for all notices hereunder shall be:

City of San Elizario
Attn: Mayor
P.O. Box 1723
12710 Church St.
San Elizario, Texas 79849

Copy to:
San Elizario Marshal's Office
Attn: Marshal Jose A. Soliz
12004 Socorro Rd., Suite B
San Elizario, Texas 79849
jsoliz@cityofsanelizario.com

San Elizario Independent School District

The address of the San Elizario Independent School District for all purposes under the Agreement and for all notices hereunder shall be:

San Elizario Independent School District
Dr. Jeannie Meza-Chavez – Superintendent

P.O. Box 920
1050 Chicken Ranch Rd.
San Elizario, Texas 79849

XIV. LIAISON

The City and the School District each agree to maintain specifically identified liaison personnel for their mutual benefit during the term of the Agreement. The liaison(s) named by the City shall serve as the initial point(s) of contact for any inquiries made pursuant to this Agreement by the School District and respond to any such inquiries by School District. The liaison(s) named by the School District shall serve as the initial point(s) of contact for any inquiries made pursuant to this Agreement by the City and respond to any such inquiries by the City. The liaison(s) shall be named in writing at the time of the execution of this Agreement. Subsequent changes in liaison personnel shall be communicated by the respective Parties in writing.

XV. BACKGROUND CHECKS

The City must request its employees assigned as an Officer to comply with the applicable requirements of Texas Education Code § 22.0834 by working with the Texas Department of Public Safety to conduct fingerprint checks on Officer (see Exhibit 1 as incorporated herein by reference). The City's representatives will have continuing duties under this Agreement and will have direct contact with students. No employee, agent, representative, volunteer, applicant for employment, or other person associated with the City who has been convicted of a felony or misdemeanor involving moral turpitude shall be permitted to perform services for the School District. The City will certify that it will ensure that this requirement is met. Fingerprinting records and records of compliance with Texas Education Code § 22.0834 will be available to the School District for inspection and review during normal business hours of the City and upon request of the School District or governmental authorities.

XVI. RELEASE AND INDEMNIFICATION

To the extent allowed by applicable law, the School District agrees to defend, hold harmless and indemnify the City and its officers, employees, agents, and independent contractors of, from, and against any and all claims, demands, liabilities, actions or causes of action, losses, damages, expense (including legal fees), penalties, fines, costs and judgments of either of them, their officers, employees or agents arising in whole or in part out of the condition of the premises or vehicles owned, operated or controlled by School District, or resulting from or arising out of, in whole or in part, any negligent act or omission or any intentional or willful misconduct by the School District, its officers, employees, agents or independent contractors.

To the extent allowed by applicable law, the City agrees to defend, hold harmless and indemnify, to the extent allowed by law not to create a sinking fund, School District and its officers, employees, agents and independent contractors of, from and against any and all claims, demands, liabilities, actions or causes of action, losses, damages, expenses (including legal fees), penalties, fines, costs, and judgments of any type or nature that may be claimed, brought or had against either of them, their officers, employees or agents arising in whole or in part of the condition of the premises or vehicles owned, operated or controlled by the City, or resulting from or arising out of in whole or in part any negligent act or omission, or any intentional or willful misconduct by the City, its officers, employees, agents or independent contractors.

Each Party hereto agrees to carry and maintain workers' compensation, general comprehensive liability, and motor vehicle liability insurance covering the conditions and operations of the premises, vehicles, and actions or failures to act of any officer, employee, agent, or independent contractor of the respective Party.

XVII. TERMINATION

The Agreement automatically terminates at the end of the Term. Upon termination of this Agreement, each Party shall immediately deliver to the other Party all property in its possession or under its care and control belonging to the other Party.

Either Party to this Agreement shall have the right to terminate this Agreement by notifying the other Party in writing of such termination and the proposed date of the termination no later than thirty (30) days prior to the effective date of such termination.

If payment is not timely received by the due dates referenced herein, the assignment of Officer to the School District shall be suspended until all amounts due are received. If payment is not received within thirty (30) days of the due date, the Agreement shall terminate, and the School District shall pay the prorated amount then due and owing.

Either Party may terminate the Agreement immediately upon written notice of breach of any Party by the other Party. For purposes of this Agreement, the School District will be in breach if any of the following occur: (i) the School District fails to make any payment when due; (ii) the School District fails to perform promptly at the time and in the specified manner provided by this Agreement; or (iii) the School District makes any representation or statement to the City that is false or misleading in any material aspect. The City will be in breach if any of the following occur: (i) the City and/or its employees or agents fail to perform promptly at the time and in the manner specified in this Agreement; (ii) the City and/or its employees or agents make any representation or statement to the School District that is false or misleading in any material aspect; or (iii) the City and/or its employees have a disqualifying criminal history.

XVIII. CHANGES IN THE LAW

Any alterations, additions, or deletions to the terms of this Agreement that are required by changes in federal or state law are automatically incorporated into this Agreement without written amendment to this Agreement and shall be effective on the date designated by said federal or state law.

XIX. AMENDMENTS

Any changes to this Agreement, except those changes so designated in this Agreement, shall be in writing and executed by both Parties to this Agreement.

XX. ENTIRE AGREEMENT

This instrument constitutes the entire agreement between the Parties hereto, and all oral or written agreements between the Parties hereto relating to the subject matter of this contract that were made prior to the execution of this contract have been reduced to writing and are contained herein.

XXI. VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. The venue of any suit brought by either Party for any breach of this Agreement is fixed in any court of competent jurisdiction in El Paso County, Texas. All payments shall be due and payable in San Elizario, Texas.

XXII. SEVERABILITY

If any term or provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each and every term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

XXIII. FORCE MAJEURE

Neither Party hereto will be deemed in default of the Agreement be liable or responsible to the other Party for any loss or damage (including payment of fees), or for any delays or failure to perform, resulting from any condition beyond either Party's reasonable control, (including but not limited to) acts of God; flood; fire; earthquake; explosion; order, requisition, or necessity of the government; war, invasion, or hostilities (whether war is declared or not); terroristic threats or acts, riot, or other civil unrest; regional or national emergency; revolution; insurrection; epidemic or pandemic; lock-outs, strikes, or other labor disputes (whether or not relating to either Party's workforce); restraints or delays affecting carriers or inability or delay in obtaining supplies of

adequate or suitable materials; failure of Internet service; any third-party service; any telecommunication breakdown or power outage; and or any other circumstances of like character. Should performance of any obligation created under the Agreement become illegal, impossible, impracticable, not reasonably possible, or if a Party is otherwise prevented or hindered from complying due to a force majeure incident as described in this Section or any other cause not enumerated herein but which is beyond the reasonable control of the Party whose performance is affected, then the performance of any such obligation is suspended during the period of, and only to the extent of, such prevention or hindrance, provided the affected Party provides reasonable notice as soon as practicable following an event of force majeure and exercised all reasonable diligence to remove the cause of force majeure.

XXIV. IMMUNITY

No provision of this Agreement shall affect or waive any sovereign or governmental immunity available to either Party and/or its elected officials, officers, employees, and agents under Federal or Texas law nor waive any defenses or remedies at law available to either Party and/or its elected officials, officers, employees, and agents under Federal or Texas law.

XXV. ASSIGNMENT

This Agreement may not be assigned by either Party without the prior written consent of both Parties.

XXVI. WAIVER

The waiver by any Party of any breach of any term, covenant or condition contained herein shall not be deemed a waiver of such term, covenant, condition, or any subsequent breach of the same or any other term, covenant, or condition contained herein.

XXVII. EXECUTION

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

This Agreement shall be executed in duplicate originals and be effective on the date of last signature hereto:

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT:

By:_____
Dr. Jeannie Meza-Chavez, Superintendent

Date:_____

CITY OF SAN ELIZARIO, TEXAS:

By:_____
Mayor

Date:_____

ATTEST:

By:_____
Michael Medina, City Administrator

APPROVED AS TO FORM:

By: _____
Desiree M. Duarte
City Attorney

APPROVED AS TO CONTENT:

By: _____
Marshal Jose A. Soliz
San Elizario Marshal's Office

Exhibit 1 – Criminal History Review of Contractor Employees

Texas Education Code § 22.0834 requires entities that contract with school districts or charter schools to provide services to obtain named based criminal history and/or fingerprinting record information regarding "covered employees."

Definitions:

"*Covered Employees*": Any employee of a contractor or subcontractor who (1) has or will have continuing duties related to the contracted services and (2) has or will have direct contact with students. San Elizario Independent School District (the "School District" or "District") retains the discretion to determine what constitutes direct contact with students.

"*Disqualifying Criminal History*": Any conviction or other criminal information designated by THE SCHOOL DISTRICT, including one or more of the following offenses:

1. A felony or misdemeanor offense that would prevent a person from obtaining certification as an educator under Texas Education Code § 21.060, including:
    a. Crimes involving moral turpitude;
    b. Crimes involving any form of sexual or physical abuse or neglect of a student or minor or other illegal conduct with a student or minor;
    c. Crimes involving felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481, Texas Health and Safety Code;
    d. Crimes involving school property or funds;
    e. Crimes involving any attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
    f. Crimes occurring wholly or in part on school property or at a school-sponsored activity; and
    g. Felonies involving driving while intoxicated.
2. A felony offense under Title 5, Penal Code.
3. An offense on conviction of which a defendant is required to register as a sex offender.
4. An offense under the laws of another state or federal law that is equivalent to an offense under items (2) and (3) above where, at the time the offense occurred, the victim of the offense was under 18 years of age or was enrolled in a public school.
5. Any other offense that the School District believes might compromise the safety of students, staff, or property.

Any contractor seeking to enter into a service agreement with the School District must comply with the requirements of Texas Education Code § 22.0834 by working with the Texas Department of Public Safety to conduct fingerprint checks on employees prior to beginning services. Contractors who fail to follow this process will not be allowed to provide services to the School District.

CRIMINAL HISTORY REVIEW OF CONTRACTOR EMPLOYEES

Please complete the information below:

I, the undersigned agent for City of San Elizario, Texas (the "City"), certify that [check one]:

[_____] None of the employees of the City and any subcontractors are "covered employees" as defined above. If this box is checked, I further certify that the City has taken precautions or imposed conditions to ensure that the employees of the City and any subcontractor will not become covered employees. The City will maintain these precautions or conditions throughout the time the contracted services are provided.

Or

[_____] Some or all of the employees of City and any subcontractor are "covered employees." If this box is checked, I further certify that:

1. The City has obtained all required criminal history and/or fingerprinting record information regarding its covered employees through the Texas Department of Public Safety as required by law.
2. If The City receives information that a covered employee subsequently has a reported criminal history, The City will immediately remove the covered employee from contract duties and notify the School District in writing within three business days.
3. Upon request, the City will provide the School District with the name and any other requested information regarding covered employees so that the School District may obtain criminal history record information on the covered employees.
4. If the School District objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, the City agrees to discontinue using that covered employee to provide services to the School District.
5. All covered employees hired after January 1, 208 have completed the required background check process prior to performing any duties related to the School District or having any direct contact with students.

I understand that non-compliance with this certification by the City may be grounds for contract termination and/or barring disqualified persons from performing the work.

_____ _____

Signature of City Official Date

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Memorandum of Agreement between the San Elizario ISD and the Boys & Girls Clubs of El Paso
Date: June 12, 2024

HISTORY:

The Boys & Girls Clubs of El Paso (BGCEP) has been awarded the federal Nita M. Lowey 21st Century Community Learning Centers grant funds from the Texas Education Agency to provide Texas Afterschool Centers for students in Lorenzo G. Alarcon Elementary, Alfonso G. Borrego Elementary, Josefa Sambrano Elementary and Ann M. Enriquez, Middle School. The afterschool center is intended to improve the academic performance of participating students in core academic subjects, such as reading and math, and offer students a broad array of enrichment activities (MOA, 2022).

RATIONALE:

The BGCEP wills serve approximately 245 students, with each child completing sixty days or more of attendance. The children are identified and recruited through coordinated consultation with SEISD Leadership.

BUDGET:

All costs are covered by the Nita M. Lowey 21st Century Community Learning Centers grant. The SEISD will commit to provide the facilities to operate the program.

ADMINISTRATIVE RECOMMENDATION:

It is the administrative recommendation that the Board of Trustees approve the Memorandum of Agreement between the SEISD and the BGCEP to start the afterschool centers for the 2023 – 2024 school year.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

BOYS & GIRLS CLUBS OF EL PASO

Memorandum of Agreement

This Memorandum of Agreement (Agreement) is entered effective August 1, 2024, through July 31, 2025, between the San Elizario Independent School District (SEISD) and the Boys & Girls Clubs of El Paso (BGCEP), collectively "Parties."

Whereas, BGCEP has been awarded the federal Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) grant funds from the Texas Education Agency (TEA) to provide Texas Afterschool Centers on Education (Texas ACE) afterschool programs for students in three SEISD elementary schools and one middle school;

Whereas, this funding will establish community learning centers that provide academic enrichment opportunities during afterschool hours; and

Whereas, BGCEP will serve 395 or more children, with each child completing sixty days or more of attendance. BGCEP will identify and recruit children through coordinated consultation with SEISD leadership, with SEISD staff and coordinate outreach for parents;

NOW THEREFORE, in consideration of the mutual promises herein contained, the Parties agree as follows:

I. Scope of Work:

The BGCEP afterschool program at SEISD is intended to improve the academic performance of participating students in core academic subjects, such as reading and math, and offer students a broad array of enrichment activities that complement their regular academic programs. BGCEP will provide services at the following school sites:

- Lorenzo G. Alarcon Elementary School
- Alfonso G. Borrego, Sr. Elementary School
- Josefa Sambrano Elementary School
- Ann M. Enriquez-Garcia Middle School

BGCEP will provide services at each of these locations Monday through Friday. The hours of operation will be from 4:05 P.M. – 6:30 P.M. at Sambrano 4:05 P.M. – 7:05 P.M. at Alarcon and Borrego and 4:50 P.M. – 7:50 P.M. at the middle school.
SEISD will provide bussing for children in need of transportation from the sites back to their homes at a cost reimbursable through this grant. Parents will also be made aware of their responsibility to arrange child transportation from program sites.

SEISD agrees to:

- Provide workspace for the BGCEP program, determined by mutual verbal agreement between BGCEP staff and school principal and approved by the Associate Superintendent of Elementary Schools.
- Provide an SEISD point of contact to facilitate program implementation and operation.
- Allow BGCEP to provide a summer component program at one or more SEISD campuses or a BGCEP location. SEISD and BGCEP will determine the location of the summer program a minimum of forty-days prior to the program.

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- Provide grade, attendance, STAAR scores, and discipline information for students enrolled in the 21st CCLC afterschool program required for grant reporting, ensuring data sharing adheres to all FERPA guidelines and applicable law. SEISD will release STAAR scores for the 2023-24 school year.
- Work with BGCEP to align student interventions with SEISD curriculum and academic goals.
- Provide monthly activity reports for SEISD staff providing operational support to the BGCEP staff or program, detailing specific work and time spent on BGCEP program-specific needs or grant requirements.

BGCEP 21st CCLC Staff agree to:

- Provide grant administration and monitoring for 21st CCLC grant.
- Implement and administer the BGCEP program within the guidelines set forth by TEA.
- Provide ongoing communication related to program progress with SEISD and all partners.
- Obtain current parent consent forms for all participating students in BGCEP program for the purpose of releasing student data necessary for grant compliance.
- Manage any elevated disciplinary issues with participating students and staff.
- Provide administrative oversight to ensure shared space is cared for appropriately.
- Prepare performance reports for TEA and provide data to campus administration for evaluation and feedback.
- Submit a budget to TEA to include indirect funding for SEISD program support staff; indirect funding may include funding for facility usage, cleaning, maintenance, supplies or equipment as SEISD deems necessary to allow the execution of the BGCEP program at designated SEISD sites.

BGCEP agrees to obtain from Creative Kids the following:

- Provide fine arts programming that integrates with academics to a total of 75 children, serving each of the four program sites.
- Provide art-based curriculum that will reinforce academic concepts, such as reading, science and math.

BGCEP agrees to obtain from Kids Excel El Paso, Inc. the following:

- Provide a dance program for 40 students using the award-winning National Dance Institute teaching methodology, serving the elementary program sites.
- Align dance-based curriculum with SEISD Social Emotional Learning (SEL) Initiative.

BGCEP further agrees that:

Implementation and operation of this program may not conflict, compete or interfere with any established SEISD program or partnership program. BGCEP shall ensure all program staff, students from UTEP/EPCC, as well as program staff from Creative Kids and Kids Excel El Paso, Inc., shall comply with background check and other requirements pursuant to the Texas Education Code, SEISD Policies, and other applicable law before working on SEISD campuses and must display identification badges at all times. BGCEP shall certify that criminal background search records have been completed and that no employees, program staff, or subcontractors/third parties have been convicted of a felony, or misdemeanor involving moral turpitude, or of any crime involving harm to a child. The criminal background checks must be performed before any new employee, program staff, or subcontractor/third party is permitted to enter SEISD property and at least annually for all such individuals providing services under this

Agreement. BGCEP shall provide SEISD with copies of said criminal background checks within twenty-four (24) hours of written demand. SEISD shall be the final arbiter of what constitutes a location where students are regularly present.

BGCEP agrees any student release or consent forms used must be current and approved by SEISD.

The Parties further agree: To follow the guidelines as set by TEA and this Agreement.

II. Term and Termination

1. This Agreement will begin on August 1, 2024 and shall continue in full force for the 2024-25 school year through July 31, 2025 subject to any limitation set forth herein, unless terminated in accordance with this section. This Agreement may be extended beyond the original term by mutual Agreement signed by both Parties.
2. Termination:
   a. Either party may, without penalty, terminate this Agreement at the end of any budget year of such party during the term of the Agreement if funds required to fulfill this Agreement have not been appropriated, and with written notice to the other party. Such notice shall be effective thirty (30) calendar days from the date of receipt.
   b. This Agreement may be terminated by mutual written agreement of the Parties upon such terms as agreed.

III. Contractual Relationship

Nothing contained herein shall be construed as creating an employer/employee relationship, a partnership, a joint venture, or joint obligations between the parties hereto. Each party retains the right to conduct its businesses as it sees fit. BGCEP shall, at all times, be deemed an independent contractor.

IV. Reservation of Rights and Immunity

Nothing herein or in the performance of this Agreement shall be construed as a waiver of sovereign/governmental immunity or similar rights. SEISD does not waive any immunity or defense that would otherwise be available to it pursuant to the Texas Tort Claims Act or other applicable statutes, laws or regulations against claims arising from the exercise of its power or functions. No provision of this Agreement that imposes an obligation or restriction on SEISD not permitted by applicable law shall be enforceable. Records relating to this Agreement may be subject to disclosure pursuant to the Texas Public Information Act, Section 552.001 et. seq. of the Texas Government Code.

V. General Provisions

1. Disputes: If any dispute concerning any fact, interpretation, allowable costs, etc. arise during performance of this Agreement, reasonable efforts shall be made to resolve said dispute(s) through informal discussions between the Parties.

2. Amendment and Assignment: Any changes to this Agreement may only be made by mutual written agreement of the Parties. This Agreement may not be assigned by either party to the Agreement without the express written consent of the other party. Any attempt to assign without such consent shall be void and shall be deemed a material breach of this Agreement.

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3. Entire Agreement: This Agreement and any subsequent amendments constitute the entire and only agreement between the Parties relating to the matters described herein, and supersedes all prior agreements and discussion, whether written or oral. Unless expressly stated, this Agreement confers no rights on any person(s) or business (entity(s) that is not a party hereto.

4. Notice to Parties: Any notice required by this Agreement shall be given by prepaid first-class certified mail, return receipt requested to:

SEISD at: San Elizario Independent School District
Attn: _____
1050 Chicken Ranch Rd.
San Elizario, TX 79849

BGCEP at: Boys & Girls Clubs of El Paso
Attn: Anthony Tomasheski
801 S. Florence
El Paso, Texas 79901

5. Applicable Law and Venue: This Agreement shall be construed and enforced in accordance with the laws of the State of Texas, as well as any applicable federal law and policy of SEISD. If any legal action or dispute resolution is necessary to enforce the terms of this Agreement, exclusive venue shall lie in El Paso County, Texas. Further, and for any project that is in whole or in part funded through the Federal government, the applicable program or appropriation statute(s), federal agency regulations, and Circulars of the U.S. Office of Management and Budget shall apply.

6. **Indemnification: BGCEP agrees to indemnify, defend, and hold harmless SEISD and its trustees, officers, agents, representatives and employees (collectively, the "Indemnified Parties") from and against, any and all claims, causes of actions, liability, lawsuits, judgments, costs, liens, losses, expenses, liability and suits of any kind and nature, including but not limited to, personal injury (including death), property damage, or other harm for which recovery of damages is sought that may arise out of or be occasioned or caused by BGCEP's negligent or intentional act, error, or omission, or that of any agent officer, representative, employee, or sub-consultant of BGCEP (collectively "BGCEP Affiliate") while in the exercise of performance of the rights or duties under this Agreement.** The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence of the Indemnified Parties, in instances where such negligence causes personal injury, death, or property damage. In the event BGCEP and/or a BGCEP Affiliate and any Indemnified Party are found jointly liable by a Court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to SEISD, its employees/officials under the Texas Tort Claims Act or other Texas law. BGCEP shall promptly advise SEISD, in writing, of any claim or demand against an Indemnified Party, BGCEP and/or BGCEP Affiliated under this Agreement. The provisions of this Section are solely for the benefit of the Parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

7. Binding Effect: This Agreement, and every provision thereof, shall be binding upon and shall inure to the benefit of the Parties and their respective successors and permitted assigns.

8. No Waiver: The consent or waiver, express or implied, by a party to a breach of any provision, or the failure, or apparent failure, of either party at any time to require performance by the other of any provision of this Agreement, shall in no way affect the right of such party to require performance of that provision or any other provision of this Agreement.

BOYS & GIRLS CLUBS OF EL PASO

9. Mutual Negotiation: This Agreement has been prepared at the joint request, direction, and construction of the Parties, at arms' length, and shall be construed without favor to any party.

10. Contract Language: Wherever the context shall require, the singular shall include the plural and the female gender shall include the male, the neuter, and vice versa. This Agreement may be executed in original or facsimile signatures, in multiple counterparts. The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

11. Severability: All agreements and covenants contained in this Agreement are severable. Any provision, or part thereof, of this Agreement held by a court of competent jurisdiction to be illegal, invalid, or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision, or part thereof, so held to be illegal, invalid, or unenforceable. In lieu of any provision so held, there will be added a provision that preserves the intention of the unenforceable provision and complies with the law.

12. Warrant of Capacity to Execute Contract: The person signing this Agreement on behalf of each party warrants that he/she has the authority to do so and to bind their respective party to this Agreement.

13. Survival: A party shall remain obligated to the other party under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duty-authorized representatives.

_____	_____
Dr. Jeannie Meza-Chavez, Superintendent San Elizario Independent School District	Anthony Tomasheski, Chief Executive Officer Boys & Girls Clubs of El Paso
_____	_____
Date	Date

Approved to form:

_____
_____, SEISD General Counsel

801 S. Florence • El Paso, Texas • 79901 • Tel: 915-532-7410

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Assistant Superintendent
Subject: Revised Student Code of Conduct 2024 -2025
Date: June 12, 2024

HISTORY:

As per Legal Policy FO, the Board shall adopt a Student Code of Conduct for a district. The Code of Conduct is an informational document and does not supersede any Board policies already in place by the Board of Trustees. When in question, Board policy will always be referenced as the primary guide in addition to TEA guidelines and the Texas Education Code. Note: The student code of conduct is subject to change based on legislative updates.

RATIONALE:

In accordance with Education Code Chapter 37, rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin. At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be: Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request. Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others. A major change to the Student Code of Conduct is that e-cigarettes (tobacco) are now a mandatory alternative education placement.

BUDGET:

There is no budget impact.

ADMINISTRATIVE RECOMMENDATION:

The recommendation is that the Board of Trustees approves the 2024 - 2025 SEISD Code of Conduct.

Please check one: ☒ For approval ☒ Attachment ☐ Report / Information only
☐ Recognition only

2024-2025

Student Code of Conduct

Adopted June 12, 2024

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REVISED 5/20/2024 -- SUBJECT TO CHANGE BASED OF LEGISLATIVE UPDATES

San Elizario Independent School District **Student Code of Conduct**

2024-25 School Year

If you have difficulty accessing the information in this document because of disability, please contact Mrs. April Marioni at amarioni@seisd.net or call 915-872-3900.

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of disability, please contact Mrs. April Marioni at amarioni@seisd.net or call 915-872-3900.

Purpose

The Student Code of Conduct ("Code of Conduct"), as required by Chapter 37 of the Texas Education Code, provides methods and options for managing student behavior, preventing and intervening in student discipline problems, and imposing discipline.

The law requires the district to define misconduct that may—or must—result in a range of specific disciplinary consequences, including removal from a regular classroom or campus, out-of-school suspension, placement in a disciplinary alternative education program (DAEP), placement in a juvenile justice alternative education program (JJAEP), or expulsion from school.

This Code of Conduct has been adopted by the *SEISD* board of trustees and developed with the advice of the district-level planning and decision-making committee. It provides information to parents and students regarding standards of conduct, consequences of misconduct, and procedures for administering discipline. This Code of Conduct remains in effect during summer school and at all school-related events and activities outside the school year until the board adopts an updated version for the next school year.

In accordance with state law, the Code of Conduct shall be posted at each school campus or shall be available for review at the campus principal's office. Additionally, the Code of Conduct shall be available at the campus behavior coordinator's office and posted on the district's website. Parents shall be notified of any conduct violation that may result in a student being suspended, placed in a DAEP or JJAEP, expelled, or taken into custody by a law enforcement officer under Chapter 37 of the Education Code.

Because the Code of Conduct is adopted by the district's board of trustees, it has the force of policy. In the event of a conflict between the Code of Conduct and the Student Handbook, the Code of Conduct shall prevail.

Please note: The discipline of students with disabilities who are eligible for services under federal law (Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973) is subject to the provisions of those laws.

School District Authority and Jurisdiction

School rules and the district's authority to administer discipline apply whenever the interest of the district is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The district has disciplinary authority over a student:

1. During the regular school day;
2. While the student is traveling on district transportation;
3. During lunch periods in which a student is allowed to leave campus;
4. At any school-related activity, regardless of time or location;
5. For any school-related misconduct, regardless of time or location;
6. When retaliation against a school employee, board member, or volunteer occurs or is threatened, regardless of time or location;
7. When a student engages in cyberbullying, as defined by Education Code 37.0832;
8. When criminal mischief is committed on or off school property or at a school-related event;
9. For certain offenses committed within 300 feet of school property as measured from any point on the school's real property boundary line;
10. For certain offenses committed while on school property or while attending a school-sponsored or school-related activity of another district in Texas;
11. When the student commits a felony, as provided by Education Code 37.006 or 37.0081; and
12. When the student is required to register as a sex offender.

Campus Behavior Coordinator

As required by law, a person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal or any other campus administrator selected by the principal. The CBC is primarily responsible for maintaining student discipline. The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at *www.seisd.net* and at *https://www.seisd.net/domain/247*

Threat Assessment and Safe and Supportive School Team

The CBC or other appropriate administrator will work closely with the campus threat assessment and safe and supportive school team to implement the district's threat assessment policy and procedures, as required by law, and shall take appropriate disciplinary action in accordance with the Code of Conduct.

Searches

District officials may conduct searches of students, their belongings, and their vehicles in accordance with state and federal law and district policy. Searches of students shall be conducted in a reasonable and nondiscriminatory manner. Refer to the district's policies at FNF(LEGAL) and FNF(LOCAL) for more information regarding investigations and searches.

The district has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable suspicion to believe it contains articles or materials prohibited by the district.

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice.

Reporting Crimes

The CBC and other school administrators as appropriate shall report crimes as required by law and shall call local law enforcement when an administrator suspects that a crime has been committed on campus.

Security Personnel

The board utilizes school resource officers (SROs), *and* security personnel to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.

The law enforcement duties of school resource officers and district security personnel are: A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

"Parent" Defined

Throughout the Code of Conduct and related discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

Participating in Graduation Activities

The district has the right to limit a student's participation in graduation activities for violating the district's Code of Conduct.

Participation might include a speaking role, as established by district policy and procedures.

Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, SRO, or district police officer shall have the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with policies FNG(LOCAL) or GF(LOCAL), as appropriate. However, the timelines for the district's grievance procedures shall be adjusted as necessary to permit the person to address the board in person within 90 calendar days, unless the complaint is resolved before a board hearing.

See **DAEP—Restrictions During Placement** on page 22 for information regarding a student assigned to DAEP at the time of graduation.

Standards for Student Conduct

Each student is expected to:

- Demonstrate courtesy, even when others do not.
- Behave in a responsible manner.
- Exercise self-discipline.
- Attend all classes regularly and on time.
- Bring appropriate materials and assignments to class.
- Meet district and campus standards of grooming and dress.
- Obey all campus and classroom rules.
- Respect the rights and privileges of students, teachers, and other district staff and volunteers.
- Respect the property of others, including district property and facilities.
- Cooperate with and assist the school staff in maintaining safety, order, and discipline.
- Adhere to the requirements of the Student Code of Conduct.

General Conduct Violations

The categories of conduct below are prohibited at school, in vehicles owned or operated by the district, and at all school-related activities, but the list does not include the most severe offenses. In the subsequent sections on **Out-of-School Suspension** on page 16, **DAEP Placement** on page 17, **Placement and/or Expulsion for Certain Offenses** on page 25, and **Expulsion** on page 28, those offenses that require or permit specific consequences are listed. Any offense, however, may be severe enough to result in **Removal from the Regular Educational Setting** as detailed on page 15.

Disregard for Authority

Students shall not:

- Fail to comply with directives given by school personnel.
- Leave school grounds or school-sponsored events without permission.
- Disobey rules for conduct in district vehicles.
- Refuse to accept discipline or consequence assigned by a teacher or principal.

Mistreatment of Others

Students shall not:

- Use profanity or vulgar language or make obscene gestures.
- Fight or scuffle. (For assault, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 25.)
- Threaten a district student, employee, or volunteer, including off school property if the conduct causes a substantial disruption to the educational environment.
- Engage in bullying, cyberbullying, harassment, or making hit lists. (See **glossary** for all four terms.)
- Release or threaten to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.
- Engage in sexual or gender-based harassment or sexual abuse, whether by word, gesture, or any other conduct directed toward another person, including a district student, employee, board member, or volunteer.
- Engage in conduct that constitutes dating violence. (See **glossary**.)
- Engage in inappropriate or indecent exposure of private body parts.
- Participate in hazing. (See **glossary**.)
- Coerce an individual to act through the use or threat of force.
- Commit extortion or blackmail.
- Engage in inappropriate verbal, physical, or sexual conduct directed toward another person, including a district student, employee, or volunteer.
- Record the voice or image of another without the prior consent of the individual being recorded or in any way that disrupts the educational environment or invades the privacy of others.

Property Offenses

Students shall not:

- Damage or vandalize property owned by others. (For felony criminal mischief, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 25.)
- Deface or damage school property, including textbooks, technology and electronic resources, lockers, furniture, and other equipment, with graffiti or by other means.
- Steal from students, staff, or the school.
- Commit or assist in a robbery or theft, even if it does not constitute a felony according to the Penal Code. (For felony robbery, aggravated robbery, and theft, see **DAEP— Placement and/or Expulsion for Certain Offenses** on page 25.)
- Enter, without authorization, district facilities that are not open for operations.

Possession of Prohibited Items

Students shall not possess or use:

- Fireworks of any kind, smoke or stink bombs, or any other pyrotechnic device;
- A razor, box cutter, chain, or any other object used in a way that threatens or inflicts bodily injury to another person;
- A “look-alike” weapon that is intended to be used as a weapon or could reasonably be perceived as a weapon;
- An air gun or BB gun;
- Ammunition;
- A hand instrument designed to cut or stab another by being thrown;
- A firearm silencer or suppressor;
- *A location-restricted knife;
- *A club;
- *A firearm;
- A stun gun;
- Knuckles;
- A pocketknife or any other small knife;
- Pornographic material;
- Tobacco products, cigarettes, e-cigarettes, and any component, part, or accessory for an e-cigarette device;
- Matches or a lighter;
- A laser pointer, unless it is for an approved use; or
- Any articles not generally considered to be weapons, including school supplies, when the principal or designee determines that a danger exists.

*For weapons and firearms, see **DAEP—Placement and/or Expulsion for Certain Offenses** on page 25. In many circumstances, possession of these items is punishable by mandatory expulsion under federal or state law.

Possession of Telecommunications or Other Electronic Devices

Students shall not:

- Use a telecommunications device, including a cell phone, or other electronic device in violation of district and campus rules.

Illegal, Prescription, and Over-the-Counter Drugs

Students shall not:

- Possess, use, give, or sell alcohol or an illegal drug. (Also see **DAEP Placement** on page 17 and **Expulsion** on page 28 for mandatory and permissive consequences under state law.)
- Possess or sell seeds or pieces of marijuana in less than a usable amount.
- Possess, use, give, or sell paraphernalia related to any prohibited substance. (See **glossary** for "paraphernalia.")
- Possess, use, abuse, or sell look-alike drugs or attempt to pass items off as drugs or contraband.
- Abuse the student's own prescription drug, give a prescription drug to another student, or possess or be under the influence of another person's prescription drug on school property or at a school-related event. (See **glossary** for "abuse.")
- Abuse over-the-counter drugs. (See **glossary** for "abuse.")
- Be under the influence of prescription or over-the-counter drugs that cause impairment to body or mind. (See **glossary** for "under the influence.")
- Have or take prescription drugs or over-the-counter drugs at school other than as provided by district policy.

Misuse of Technology Resources and the Internet

Students shall not:

- Violate policies, rules, or agreements signed by the student or the student's parent regarding the use of technology resources.
- Attempt to access or circumvent passwords or other security-related information of the district, students, or employees or upload or create computer viruses, including off school property if the conduct causes a substantial disruption to the educational environment.
- Attempt to alter, destroy, or disable district technology resources including, but not limited to, computers and related equipment, district data, the data of others, or other networks connected to the district's system, including off school property if the conduct causes a substantial disruption to the educational environment.
- Use the internet or other electronic communications to threaten or harass district students, employees, board members, or volunteers, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

- Send, post, deliver, or possess electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal, including cyberbullying and "sexting," either on or off school property, if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.
- Use the internet or other electronic communication to engage in or encourage illegal behavior or threaten school safety, including off school property if the conduct causes a substantial disruption to the educational environment or infringes on the rights of another student at school.

Safety Transgressions

Students shall not:

- Possess published or electronic material that is designed to promote or encourage illegal behavior or that could threaten school safety.
- Engage in verbal (oral or written) exchanges that threaten the safety of another student, a school employee, or school property.
- Make false accusations or perpetrate hoaxes regarding school safety.
- Engage in any conduct that school officials might reasonably believe will substantially disrupt the school program or incite violence.
- Throw objects that can cause bodily injury or property damage.
- Discharge a fire extinguisher without valid cause.

Miscellaneous Offenses

Students shall not:

- Violate dress and grooming standards as communicated in the Student Handbook.
- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.
- Gamble.
- Falsify records, passes, or other school-related documents.
- Engage in actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Truancy/Persistent tardies/Unexcused Absences: No more than 5 parent/guardian notes allowed for habitual offenders.
- Repeatedly violate other communicated campus or classroom standards of conduct.

The district may impose campus or classroom rules in addition to those found in the Code of Conduct. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code of Conduct.

Discipline Management Techniques

Discipline shall be designed to improve conduct and encourage students to be responsible members of the school community. Disciplinary action shall draw on the professional judgment of teachers and administrators and on a range of discipline management techniques, including restorative practices. Discipline shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment, and statutory requirements.

Students with Disabilities

The discipline of students with disabilities is subject to applicable state and federal law in addition to the Code of Conduct. In the event of any conflict, the district shall comply with federal law. For more information regarding discipline of students with disabilities, see policy FOF(LEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists (see **glossary**) until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct.

In deciding whether to order suspension, DAEP placement, or expulsion, regardless of whether the action is mandatory or discretionary, the district shall take into consideration a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct.

Techniques

The following discipline management techniques may be used alone, in combination, or as part of progressive interventions for behavior prohibited by the Code of Conduct or by campus or classroom rules:

- Verbal correction, oral or written.
- Cooling-off time or a brief "time-out" period, in accordance with law.
- Seating changes within the classroom or vehicles owned or operated by the district.
- Temporary confiscation of items that disrupt the educational process.
- Rewards or demerits.
- Behavioral contracts.
- Counseling by teachers, school counselors, or administrative personnel.
- Parent-teacher conferences.
- Behavior coaching.
- Anger management classes.
- Mediation (victim-offender).
- Classroom circles.
- Family group conferencing.
- Grade reductions for cheating, plagiarism, and as otherwise permitted by policy.

- Detention, including outside regular school hours.
- Sending the student to the office, another assigned area, or to in-school suspension (ISS).
- Assignment of school duties, such as cleaning or picking up litter.
- Withdrawal of privileges, such as participation in extracurricular activities, eligibility for seeking and holding honorary offices, or membership in school-sponsored clubs and organizations.
- Penalties identified in student organizations' extracurricular standards of behavior.
- Restriction or revocation of district transportation privileges.
- School-assessed and school-administered probation.
- Out-of-school suspension, as specified in **Out-of-School Suspension** on page 16.
- Placement in a DAEP, as specified in **DAEP** on page 17.
- Expulsion and/or placement in an alternative educational setting, as specified in **Placement and/or Expulsion for Certain Offenses** on page 25.
- Expulsion, as specified in **Expulsion** on page 28.
- Referral to an outside agency or legal authority for criminal prosecution in addition to disciplinary measures imposed by the district.
- Other strategies and consequences as determined by school officials.

Prohibited Aversive Techniques

Aversive techniques are prohibited for use with students and are defined as techniques or interventions intended to reduce the reoccurrence of a behavior by intentionally inflicting significant physical or emotional discomfort or pain. Aversive techniques include:

- Using techniques designed or likely to cause physical pain, other than corporal punishment as permitted by district policy. [See policy FO(LOCAL).]
- Using techniques designed or likely to cause physical pain by electric shock or any procedure involving pressure points or joint locks.
- Directed release of noxious, toxic, or unpleasant spray, mist, or substance near a student's face.
- Denying adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility.
- Ridiculing or demeaning a student in a manner that adversely affects or endangers the learning or mental health of the student or constitutes verbal abuse.
- Employing a device, material, or object that immobilizes all four of a student's extremities, including prone or supine floor restraint.
- Impairing the student's breathing, including applying pressure to the student's torso or neck or placing something in, on, or over the student's mouth or nose or covering the student's face.
- Restricting the student's circulation.
- Securing the student to a stationary object while the student is standing or sitting.

- Inhibiting, reducing, or hindering the student's ability to communicate.
- Using chemical restraints.
- Using time-out in a manner that prevents the student from being able to be involved in and progress appropriately in the required curriculum or any applicable individualized education program (IEP) goals, including isolating the student using physical barriers.
- Depriving the student of one or more of the student's senses, unless the technique does not cause the student discomfort or complies with the student's IEP or behavior intervention plan (BIP).

Notification

The CBC shall promptly notify a student's parent by phone or in person of any violation that may result in in-school or out-of-school suspension, placement in a DAEP, placement in a JJAEP, or expulsion. The CBC shall also notify a student's parent if the student is taken into custody by a law enforcement officer under the disciplinary provisions of the Education Code.

A good-faith effort shall be made to provide written notice of the disciplinary action to the student, on the day the action was taken, for delivery to the student's parent. If the parent has not been reached by telephone or in person by 5:00 p.m. of the first business day after the day the disciplinary action was taken, the CBC shall send written notification by U.S. Mail. If the CBC is not able to provide notice to the parent, the principal or designee shall provide the notice.

Before the principal or appropriate administrator assigns a student under age 18 to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the teacher, campus administration, or CBC, as appropriate. Appeals or complaints regarding the use of specific discipline management techniques should be addressed in accordance with policy FNG(LOCAL). A copy of the policy may be obtained from the principal's office, the CBC's office, or the central administration office or through Policy Online® at the following address: https://pol.tasb.org/PolicyOnline?key=439

The district shall not delay a disciplinary consequence while a student or parent pursues a grievance. In the instance of a student who is accused of conduct that meets the definition of sexual harassment as defined by Title IX, the district will comply with applicable federal law, including the Title IX formal complaint process. See policies FFH(LEGAL) and (LOCAL).

Removal from the School Bus

A bus driver may refer a student to the principal's office or the CBC's office to maintain effective discipline on the bus. The principal or CBC must employ additional discipline management techniques, as appropriate, which can include restricting or revoking a student's bus riding privileges.

To transport students safely, the vehicle operator must focus on driving and not be distracted by student misbehavior. Therefore, when appropriate disciplinary management techniques fail to improve student behavior or when specific misconduct warrants immediate removal, the principal or the CBC may restrict or revoke a student's transportation privileges, in accordance with law.

Removal from the Regular Educational Setting

In addition to other discipline management techniques, misconduct may result in removal from the regular educational setting in the form of a routine referral or a formal removal.

Routine Referral

A routine referral occurs when a teacher sends a student to the CBC's office as a discipline management technique. The CBC shall employ alternative discipline management techniques, including progressive interventions. A teacher or administrator may remove a student from class for behavior that violates this Code of Conduct to maintain effective discipline in the classroom.

Formal Removal

A teacher may initiate a formal removal from class if:

1. A student's behavior has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the class or with other students' ability to learn; or
2. The behavior is so unruly, disruptive, or abusive that the teacher cannot teach, and the students in the classroom cannot learn.

Within three school days of the formal removal, the CBC or appropriate administrator shall schedule a conference with the student's parent, the student, the teacher who removed the student from class, and any other appropriate administrator.

At the conference, the CBC or appropriate administrator shall inform the student of the alleged misconduct and the proposed consequences. The student shall have an opportunity to respond to the allegations.

When a student is removed from the regular classroom by a teacher and a conference is pending, the CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- Out-of-school suspension.
- DAEP.

A teacher or administrator must remove a student from class if the student engages in behavior that under the Education Code requires or permits the student to be placed in a DAEP or expelled. When removing for those reasons, the procedures in the subsequent sections on DAEP or expulsion shall be followed.

Returning a Student to the Classroom

A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's consent.

A student who has been formally removed by a teacher for any other conduct may be returned to the teacher's class without the teacher's consent if the placement review committee determines that the teacher's class is the best or only alternative available.

Out-of-School Suspension

Misconduct

Students may be suspended for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense.

The district shall not use out-of-school suspension for students in grade 2 or below unless the conduct meets the requirements established in law.

A student below grade 3 or a student who is homeless shall not be placed in out-of-school suspension unless, while on school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

- Conduct that contains the elements of a weapons offense, as provided in Penal Code sections 46.02 or 46.05;
- Conduct that contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code; or
- Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.

The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.

Process

State law allows a student to be suspended for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.

Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.

The CBC shall determine the number of days of a student's suspension, not to exceed three school days.

In deciding whether to order out-of-school suspension, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.

Coursework During Suspension

The district shall ensure a student receives access to coursework for foundation curriculum courses while the student is placed in in-school or out-of-school suspension, including at least one method of receiving this coursework that doesn't require the use of the internet.

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity before the beginning of the next school year to complete each course the student was enrolled in at the time of removal. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district.

Disciplinary Alternative Education Program (DAEP) Placement

The DAEP shall be provided in a setting other than the student's regular classroom. An elementary school student may not be placed in a DAEP with a student who is not an elementary school student.

For purposes of DAEP, elementary classification shall be kindergarten–grade 6 and secondary classification shall be grades 7–12.

Summer programs provided by the district shall serve students assigned to a DAEP in conjunction with other students.

A student who is expelled for an offense that otherwise would have resulted in a DAEP placement does not have to be placed in a DAEP in addition to the expulsion.

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of Conduct.

Misconduct Identified in State Law

In accordance with state law, a student **may** be placed in a DAEP for any of the following offenses:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Involvement in a public school fraternity, sorority, or secret society, or gang including participating as a member or pledge, or soliciting another person to become a pledge or member of a public school fraternity, sorority, secret society, or gang. (See **glossary**.)
- Involvement in criminal street gang activity. (See **glossary**.)
- Criminal mischief, not punishable as a felony.
- Any criminal mischief, including a felony.
- Assault (no bodily injury) with threat of imminent bodily injury.

- Assault by offensive or provocative physical contact.

In accordance with state law, a student **may** be placed in a DAEP if the superintendent or the superintendent's designee has reasonable belief (see **glossary**) that the student engaged in conduct punishable as a felony, other than aggravated robbery or those listed as offenses in Title 5 (see **glossary**) of the Penal Code, that occurs off school property and not at a school-sponsored or school-related event, if the student's presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

The CBC **may** place a student in a DAEP for off-campus conduct for which DAEP placement is required by state law if the administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.

Mandatory Placement: Misconduct That Requires DAEP Placement

A student **must** be placed in a DAEP if the student:

- Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. (See **glossary**.)
- Commits the following offenses on school property, within 300 feet of school property as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:
  - Engages in conduct punishable as a felony.
  - Commits an assault (see **glossary**) under Penal Code 22.01(a)(1).
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. (School-related felony drug offenses are addressed in **Expulsion** on page 28.) (See **glossary** for "under the influence", "controlled substance," and "dangerous drug.")
  - Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision.
  - Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol.
  - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
  - Sells, gives, or delivers to another person or possesses or uses an e-cigarette (See DOI Document for further guidance).
  - Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. (See **glossary**.)
  - Engages in conduct that contains the elements of an offense of harassment against an employee under Penal Code 42.07(a)(1), (2), (3), or (7).
- Engages in expellable conduct and is six to nine years of age.
- Commits a federal firearms violation and is younger than six years of age.

- Engages in conduct that contains the elements of the offense of retaliation against any school employee or volunteer on or off school property. (Committing retaliation in combination with another expellable offense is addressed in **Expulsion** on page 28.)
- Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 (see **glossary**) of the Penal Code when the conduct occurs off school property and not at a school-sponsored or school-related event and:

1. The student receives deferred prosecution (see **glossary**),
2. A court or jury finds that the student has engaged in delinquent conduct (see **glossary**), or
3. The superintendent or designee has a reasonable belief (see **glossary**) that the student engaged in the conduct.

Sexual Assault and Campus Assignments

A student shall be transferred to another campus if:

- The student has been convicted of continuous sexual abuse of a young child or disabled individual or convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault against another student on the same campus; and
- The victim's parent or another person with the authority to act on behalf of the victim requests that the board transfer the offending student to another campus.

If there is no other campus in the district serving the grade level of the offending student, the offending student shall be transferred to a DAEP.

Process

Removals to a DAEP shall be made by the CBC.

Conference

When a student is removed from class for a DAEP offense, the CBC or appropriate administrator shall schedule a conference within three school days with the student's parent, the student, and, in the case of a teacher removal, the teacher.

At the conference, the CBC or appropriate administrator shall provide the student:

- Information, orally or in writing, of the reasons for the removal;
- An explanation of the basis for the removal; and
- An opportunity to respond to the reasons for the removal.

Following valid attempts to require attendance, the district may hold the conference and make a placement decision regardless of whether the student or the student's parents attend the conference.

Consideration of Mitigating Factors

In deciding whether to place a student in a DAEP, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,

4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Placement Order

After the conference, if the student is placed in a DAEP, the CBC shall write a placement order. A copy of the DAEP placement order and information for the parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student for purposes of special education services shall be sent to the student and the student's parent.

Not later than the second business day after the conference, the board's designee shall deliver to the juvenile court a copy of the placement order and all information required by Section 52.04 of the Family Code.

If the student is placed in a DAEP and the length of placement is inconsistent with the guidelines included in this Code of Conduct, the placement order shall give notice of the inconsistency.

DAEP at Capacity

If a DAEP is at capacity at the time the CBC is deciding placement for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical, the student shall be placed in ISS then transferred to a DAEP for the remainder of the period if space becomes available before the expiration of the period of the placement.

If a DAEP is at capacity at the time the CBC is deciding placement for a student who engaged in violent conduct, a student placed in a DAEP for conduct related to marijuana, THC, an e-cigarette, alcohol, or an abusable volatile chemical may be placed in ISS to make a position in the DAEP available for the student who engaged in violent conduct. If a position becomes available in a DAEP before the expiration of the period of the placement for the student removed, the student shall be returned to a DAEP for the remainder of the period.

Coursework Notice

The parent or guardian of a student placed in DAEP shall be given written notice of the student's opportunity to complete, at no cost to the student, a foundation curriculum course in which the student was enrolled at the time of removal and which is required for graduation. The notice shall include information regarding all methods available for completing the coursework.

Length of Placement

The CBC shall determine the duration of a student's placement in a DAEP.

The duration of a student's placement shall be determined case by case based on the seriousness of the offense, the student's age and grade level, the frequency of misconduct, the student's attitude, and statutory requirements.

The maximum period of DAEP placement shall be one calendar year, except as provided below.

Unless otherwise specified in the placement order, days absent from a DAEP shall not count toward fulfilling the total number of days required in a student's DAEP placement order.

The district shall administer the required pre- and post-assessments for students assigned to DAEP for a period of 90 days or longer in accordance with established district administrative procedures for administering other diagnostic or benchmark assessments.

Exceeds One Year

Placement in a DAEP may exceed one year when a review by the district determines that the student is a threat to the safety of other students or to district employees.

The statutory limitations on the length of a DAEP placement do not apply to a placement resulting from the board's decision to place a student who engaged in the sexual assault of another student so that the students are not assigned to the same campus.

Exceeds School Year

Students who are in a DAEP placement at the end of one school year may be required to continue that placement at the start of the next school year to complete the assigned term of placement.

For placement in a DAEP to extend beyond the end of the school year, the CBC or the board's designee must determine that:

1. The student's presence in the regular classroom or campus presents a danger of physical harm to the student or others, or
2. The student has engaged in serious or persistent misbehavior (see **glossary**) that violates the district's Code of Conduct.

Exceeds 60 Days

For placement in a DAEP to extend beyond 60 days or the end of the next grading period, whichever is sooner, a student's parent shall be given notice and the opportunity to participate in a proceeding before the board or the board's designee.

Appeals

Questions from parents regarding disciplinary measures should be addressed to the campus administration.

Student or parent appeals regarding a student's placement in a DAEP should be addressed in accordance with policy FNG(LOCAL). A copy of this policy may be obtained from the principal's office, the CBC's office, the central administration office, or through Policy Online® at the following address: *https://pol.tasb.org/PolicyOnline?key=439*

Appeals shall begin at *Level One* with the *principal.*

The district shall not delay disciplinary consequences pending the outcome of an appeal. The decision to place a student in a DAEP cannot be appealed beyond the board.

Restrictions During Placement

The district does not permit a student who is placed in a DAEP to participate in any school-sponsored or school-related extracurricular or cocurricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

A student placed in a DAEP shall not be provided transportation unless he or she is a student with a disability who is entitled to transportation in accordance with the student's IEP or Section 504 plan.

For seniors who are eligible to graduate and are assigned to a DAEP at the time of graduation, the last day of placement in the program shall be the last instructional day, and the student shall be allowed to participate in the graduation ceremony subject to a review. The student will not be permitted to participate in related graduation activities unless otherwise specified in the DAEP placement order.

Placement Review

A student placed in a DAEP shall be provided a review of his or her status, including academic status, by the CBC or the board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of a teacher who removed the student without that teacher's consent.

Additional Misconduct

If during the term of placement in a DAEP the student engages in additional misconduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the CBC may enter an additional disciplinary order as a result of those proceedings.

Notice of Criminal Proceedings

When a student is placed in a DAEP for certain offenses, the office of the prosecuting attorney shall notify the district if:

1. Prosecution of a student's case was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication (see **glossary**), or deferred prosecution will be initiated, or
2. The court or jury found a student not guilty or made a finding that the student did not engage in delinquent conduct or conduct indicating a need for supervision, and the case was dismissed with prejudice.

If a student was placed in a DAEP for such conduct, on receiving the notice from the prosecutor, the superintendent or designee shall review the student's placement and schedule a review with the student's parent not later than the third day after the superintendent or designee receives notice from the prosecutor. The student may not be returned to the regular classroom pending the review.

After reviewing the notice and receiving information from the student's parent, the superintendent or designee may continue the student's placement if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

The student or the student's parent may appeal the superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. In the case of an appeal, the board shall, at the next scheduled meeting, review the notice from the prosecutor and receive information from the student, the student's parent, and the superintendent or designee, and confirm or reverse the decision of the superintendent or designee. The board shall make a record of the proceedings.

If the board confirms the decision of the superintendent or designee, the student and the student's parent may appeal to the Commissioner of Education. The student may not be returned to the regular classroom pending the appeal.

Withdrawal During Process

When a student violates the district's Code of Conduct in a way that requires or permits the student to be placed in a DAEP and the student withdraws from the district before a placement order is completed, the CBC may complete the proceedings and issue a placement order. If the student then re-enrolls in the district during the same or a subsequent school year, the district may enforce the order at that time, less any period of the placement that has been served by the student during enrollment in another district. If the CBC or the board fails to issue a placement order after the student withdraws, the next district in which the student enrolls may complete the proceedings and issue a placement order.

Newly Enrolled Students

The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state.

When a student enrolls in the district with a DAEP placement from a district in another state, the district has the right to place the student in DAEP to the same extent as any other newly enrolled student if the behavior committed is a reason for DAEP placement in the receiving district.

State law requires the district to reduce a placement imposed by a district in another state that exceeds one year so that the total placement does not exceed one year. After a review, however, the placement may be extended beyond a year if the district determines that the student is a threat to the safety of other students or employees or the extended placement is in the best interest of the student.

Emergency Placement Procedure

When an emergency placement is necessary because the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with classroom or school operations, the student shall be given oral notice of the reason for the action. Not later than the tenth day after the date of the placement, the student shall be given the appropriate conference required for assignment to a DAEP.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services to a student returning to the regular classroom from an alternative education program, including a DAEP. See policy FOCA(LEGAL) for more information.

Placement and/or Expulsion for Certain Offenses

This section includes two categories of offenses for which the Education Code provides unique procedures and specific consequences.

Registered Sex Offenders

Upon receiving notification in accordance with state law that a student is currently required to register as a sex offender, the district must remove the student from the regular classroom and determine appropriate placement unless the court orders JJAEP placement.

If the student is under any form of court supervision, including probation, community supervision, or parole, the student shall be placed in either DAEP or JJAEP for at least one semester.

If the student is not under any form of court supervision, the student may be placed in DAEP or JJAEP for one semester or placed in a regular classroom. The student may not be placed in the regular classroom if the board or its designee determines that the student's presence:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interests of the district's students.

Review Committee

At the end of the first semester of a student's placement in an alternative educational setting and before the beginning of each school year for which the student remains in an alternative placement, the district shall convene a committee, in accordance with state law, to review the student's placement. The committee shall recommend whether the student should return to the regular classroom or remain in the placement. Absent a special finding, the board or its designee must follow the committee's recommendation.

The placement review of a student with a disability who receives special education services must be made by the ARD committee.

Newly Enrolled Students

If a student enrolls in the district during a mandatory placement as a registered sex offender, the district may count any time already spent by the student in a placement or may require an additional semester in an alternative placement without conducting a review of the placement.

Appeal

A student or the student's parent may appeal the placement by requesting a conference between the board or its designee, the student, and the student's parent. The conference is limited to the factual question of whether the student is required to register as a sex offender. Any decision of the board or its designee under this section is final and may not be appealed.

Certain Felonies

Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see **glossary**) of the Penal Code. The student must have:

- Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense;
- Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or
- Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.

The district may expel the student and order placement under these circumstances regardless of:

1. The date on which the student's conduct occurred,
2. The location at which the conduct occurred,
3. Whether the conduct occurred while the student was enrolled in the district, or
4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.

Hearing and Required Findings

The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:

1. Threatens the safety of other students or teachers,
2. Will be detrimental to the educational process, or
3. Is not in the best interest of the district's students.

Any decision of the board or the board's designee under this section is final and may not be appealed.

Length of Placement

The student is subject to the placement until:

1. The student graduates from high school,
2. The charges are dismissed or reduced to a misdemeanor offense, or
3. The student completes the term of the placement or is assigned to another program.

Placement Review

A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.

Newly Enrolled Students

A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.

Expulsion

In deciding whether to order expulsion, regardless of whether the action is mandatory or discretionary, the CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

Discretionary Expulsion: Misconduct That May Result in Expulsion

Some of the following types of misconduct may result in mandatory placement in a DAEP, whether or not a student is expelled. (See **DAEP Placement** on page 17.)

Any Location

A student **may** be expelled for:

- Engaging in bullying that encourages a student to commit or attempt to commit suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.
- Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
- Criminal mischief, if punishable as a felony.
- Engaging in conduct that contains the elements of one of the following offenses against another student:
    - Aggravated assault.
    - Sexual assault.
    - Aggravated sexual assault.
    - Murder.
    - Capital murder.
    - Criminal attempt to commit murder or capital murder.
    - Aggravated robbery.
- Breach of computer security. (See **glossary**.)
- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.

At School, Within 300 Feet, or at a School Event

A student **may** be expelled for committing any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, A student with a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. (See **glossary** for "under the influence.")
- Selling, giving, or delivering another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
- Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.
- Engaging in deadly conduct. (See **glossary**.)

Within 300 Feet of School

A student **may** be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:

- Aggravated assault, sexual assault, or aggravated sexual assault.
- Arson. (See **glossary**.)
- Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.
- Aggravated kidnapping.
- Manslaughter.
- Criminally negligent homicide.
- Aggravated robbery.
- Continuous sexual abuse of a young child or disabled individual.
- Felony controlled substance or dangerous drug offenses, not including THC.
- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See **glossary**.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See **glossary**.)
- Possession of a firearm, as defined by federal law. (See **glossary**.)

Property of Another District

A student **may** be expelled for committing any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the

student is attending a school-sponsored or school-related activity of a school in another district in Texas.

While in a DAEP

A student may be expelled for engaging in documented serious misbehavior that violates the district's Code of Conduct, despite documented behavioral interventions while placed in a DAEP. For purposes of discretionary expulsion from a DAEP, serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Penal Code 1.07; or
4. Conduct that constitutes the offense of:
    a. Public lewdness under Penal Code 21.07;
    b. Indecent exposure under Penal Code 21.08;
    c. Criminal mischief under Penal Code 28.03;
    d. Hazing under Education Code 37.152; or
    e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Mandatory Expulsion: Misconduct That Requires Expulsion

A student **must** be expelled under federal or state law for any of the following offenses that occur on school property or while attending a school-sponsored or school-related activity on or off school property:

Under Federal Law

- Bringing to school or possessing at school, including any setting that is under the district's control or supervision for the purpose of a school activity, a firearm, as defined by federal law. (See **glossary**.)

Note*:* Mandatory expulsion under the federal Gun Free Schools Act does not apply to a firearm that is lawfully stored inside a locked vehicle or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure student safety.

Under the Penal Code

- Unlawfully carrying on or about the student's person the following, in the manner prohibited by Penal Code 46.02:
    - A handgun, defined by state law as any firearm designed, made, or adapted to be used with one hand. (See **glossary**.) *Note*: A student may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs at an approved target range facility that is not located on a school campus; while participating in or preparing for a school-sponsored, shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department; or a shooting sports sanctioning organization working with the department. [See policy FNCG(LEGAL).]
    - A location-restricted knife, as defined by state law. (See **glossary**.)

- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined in state law. (See **glossary**.)
- Behaving in a manner that contains elements of the following offenses under the Penal Code:
  - Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See **glossary**.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
  - Indecency with a child.
  - Aggravated kidnapping.
  - Aggravated robbery.
  - Manslaughter.
  - Criminally negligent homicide.
  - Continuous sexual abuse of a young child or disabled individual.
  - Behavior punishable as a felony that involves selling, giving, or delivering to another person or possessing, using, or being under the influence of a controlled substance or a dangerous drug.
- Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.

Under Age Ten

When a student under the age of ten engages in behavior that is expellable behavior, the student shall not be expelled, but shall be placed in a DAEP. A student under age six shall not be placed in a DAEP unless the student commits a federal firearm offense.

Process

If a student is believed to have committed an expellable offense, the CBC or other appropriate administrator shall schedule a hearing within a reasonable time. The student's parent shall be invited in writing to attend the hearing.

Until a hearing can be held, the CBC or other administrator may place the student in:

- Another appropriate classroom.
- ISS.
- Out-of-school suspension.
- DAEP.

Hearing

A student facing expulsion shall be given a hearing with appropriate due process. The student is entitled to:

1. Representation by the student's parent or another adult who can provide guidance to the student and who is not an employee of the district,

2. An opportunity to testify and to present evidence and witnesses in the student's defense, and
3. An opportunity to question the witnesses called by the district at the hearing.

After providing notice to the student and parent of the hearing, the district may hold the hearing regardless of whether the student or the student's parent attends.

The board of trustees delegates to the associate superintendent authority to conduct hearings and expel students.

Board Review of Expulsion

After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.

The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.

The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.

Expulsion Order

Before ordering the expulsion, the board or CBC shall take into consideration:

1. Self-defense (see **glossary**),
2. Intent or lack of intent at the time the student engaged in the conduct,
3. The student's disciplinary history,
4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
6. A student's status as homeless.

If the student is expelled, the board or its designee shall deliver to the student and the student's parent a copy of the order expelling the student.

Not later than the second business day after the hearing, the associate superintendent shall deliver to the juvenile court a copy of the expulsion order and the information required by Section 52.04 of the Family Code.

If the length of the expulsion is inconsistent with the guidelines included in the Code of Conduct, the expulsion order shall give notice of the inconsistency.

Length of Expulsion

The length of an expulsion shall be based on the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, and statutory requirements.

The duration of a student's expulsion shall be determined on a case-by-case basis. The maximum period of expulsion is one calendar year, except as provided below.

An expulsion may not exceed one year unless, after review, the district determines that:

1. The student is a threat to the safety of other students or to district employees, or
2. Extended expulsion is in the best interest of the student.

State and federal law require a student to be expelled from the regular classroom for a period of at least one calendar year for bringing a firearm, as defined by federal law, to school. However, the superintendent may modify the length of the expulsion on a case-by-case basis.

Students who commit offenses that require expulsion at the end of one school year may be expelled into the next school year to complete the term of expulsion.

Withdrawal During Process

When a student's conduct requires or permits expulsion from the district and the student withdraws from the district before the expulsion hearing takes place, the district may conduct the hearing after sending written notice to the parent and student.

If the student then re-enrolls in the district during the same or subsequent school year, the district may enforce the expulsion order at that time, less any expulsion period that has been served by the student during enrollment in another district.

If the CBC or the board fails to issue an expulsion order after the student withdraws, the next district in which the student enrolls may complete the proceedings.

Additional Misconduct

If during the expulsion, the student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted, and the CBC or the board may issue an additional disciplinary order as a result of those proceedings.

Restrictions During Expulsion

Expelled students are prohibited from being on school grounds or attending school-sponsored or school-related activities during the period of expulsion.

No district academic credit shall be earned for work missed during the period of expulsion unless the student is enrolled in a JJAEP or another district-approved program.

Newly Enrolled Students

The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.

If a student expelled in another state enrolls in the district, the district may continue the expulsion under the terms of the expulsion order, may place the student in a DAEP for the period specified in the order, or may allow the student to attend regular classes if:

1. The out-of-state district provides the district with a copy of the expulsion order, and
2. The offense resulting in the expulsion is also an expellable offense in the district in which the student is enrolling.

If a student is expelled by a district in another state for a period that exceeds one year and the district continues the expulsion or places the student in a DAEP, the district shall reduce the period of the expulsion or DAEP placement so that the entire period does not exceed one year, unless after a review it is determined that:

1. The student is a threat to the safety of other students or district employees, or
2. Extended placement is in the best interest of the student.

Emergency Expulsion Procedures

When an emergency expulsion is necessary to protect persons or property from imminent harm, the student shall be given verbal notice of the reason for the action. Within ten days after the date of the emergency expulsion, the student shall be given appropriate due process required for a student facing expulsion.

DAEP Placement of Expelled Students

The district may provide educational services to any expelled student in a DAEP; however, educational services in the DAEP must be provided if the student is less than ten years of age.

Transition Services

In accordance with law and district procedures, campus staff shall provide transition services for a student returning to the regular classroom from placement in an alternative education program, including a DAEP or JJAEP. See policies FOCA(LEGAL) and FODA(LEGAL) for more information.

Glossary

Abuse is improper or excessive use.

Aggravated robbery is defined in part by Penal Code 29.03(a) as when a person commits robbery and:

1. Causes serious bodily injury to another;
2. Uses or exhibits a deadly weapon; or
3. Causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death, if the other person is:
    a. 65 years of age or older, or
    b. A disabled person.

Armor-piercing ammunition is defined by Penal Code 46.01 as handgun ammunition used in pistols and revolvers and designed primarily for the purpose of penetrating metal or body armor.

Arson is defined in part by Penal Code 28.02 as a crime that involves:

1. Starting a fire or causing an explosion with intent to destroy or damage:
    a. Any vegetation, fence, or structure on open-space land; or
    b. Any building, habitation, or vehicle:
        (1) Knowing that it is within the limits of an incorporated city or town,
        (2) Knowing that it is insured against damage or destruction,
        (3) Knowing that it is subject to a mortgage or other security interest,
        (4) Knowing that it is located on property belonging to another,
        (5) Knowing that it has located within it property belonging to another, or
        (6) When the person starting the fire is reckless about whether the burning or explosion will endanger the life of some individual or the safety of the property of another.
2. Recklessly starting a fire or causing an explosion while manufacturing or attempting to manufacture a controlled substance if the fire or explosion damages any building, habitation, or vehicle; or
3. Intentionally starting a fire or causing an explosion and in so doing:
    a. Recklessly damaging or destroying a building belonging to another, or
    b. Recklessly causing another person to suffer bodily injury or death.

Assault is defined in part by Penal Code 22.01 as intentionally, knowingly, or recklessly causing bodily injury to another; intentionally or knowingly threatening another with imminent bodily injury; or intentionally or knowingly causing physical contact with another that can reasonably be regarded as offensive or provocative.

Breach of computer security includes knowingly accessing a computer, computer network, or computer system without the effective consent of the owner as defined in Penal Code 33.02, if the conduct involves accessing a computer, computer network, or computer system owned by or operated on behalf of a school district and the student knowingly alters, damages, or deletes

school district property or information or commits a breach of any other computer, computer network, or computer system.

Bullying is defined as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Bullying includes cyberbullying. (See below.) This state law on bullying prevention applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Chemical dispensing device is defined by Penal Code 46.01 as a device designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being. A small chemical dispenser sold commercially for personal protection is not in this category.

Club is defined by Penal Code 46.01 as an instrument, specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to a blackjack, nightstick, mace, and tomahawk.

Controlled substance means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, 2-A, 3, or 4 of the Texas Controlled Substances Act. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Agriculture Code 121.001, or the tetrahydrocannabinols (THC) in hemp.

Criminal street gang is defined by Penal Code 71.01 as three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.

Cyberbullying is defined by Education Code 37.0832 as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

Dangerous drug is defined by Health and Safety Code 483.001 as a device or a drug that is unsafe for self-medication and that is not included in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act. The term includes a device or drug that federal law prohibits dispensing without prescription or restricts to use by or on the order of a licensed veterinarian.

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control another person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense, as defined by Section 71.0021 of the Family Code.

Deadly conduct under Penal Code 22.05 occurs when a person recklessly engages in conduct that places another in imminent danger of serious bodily injury, such as knowingly discharging a firearm in the direction of an individual, habitation, building, or vehicle.

Deferred adjudication is an alternative to seeking a conviction in court that may be offered to a juvenile for delinquent conduct or conduct indicating a need for supervision.

Deferred prosecution may be offered to a juvenile as an alternative to seeking a conviction in court for delinquent conduct or conduct indicating a need for supervision.

Delinquent conduct is conduct that violates either state or federal law and is punishable by imprisonment or confinement in jail. It includes conduct that violates certain juvenile court orders, including probation orders, but does not include violations of traffic laws.

Discretionary means that something is left to or regulated by a local decision maker.

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 includes any device that is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description and a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Explosive weapon is defined by Penal Code 46.01 as any explosive or incendiary bomb, grenade, rocket, or mine and its delivery mechanism that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror.

False alarm or report under Penal Code 42.06 occurs when a person knowingly initiates, communicates, or circulates a report of a present, past, or future bombing, fire, offense, or other emergency that he or she knows is false or baseless and that would ordinarily:

1. Cause action by an official or volunteer agency organized to deal with emergencies;
2. Place a person in fear of imminent serious bodily injury; or
3. Prevent or interrupt the occupation of a building, room, or place of assembly.

Firearm is defined by federal law (18 U.S.C. 921(a)) as:

1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer, defined as any device for silencing, muffling, or diminishing the report of a portable firearm; or
4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

Such term does not include an antique firearm.

Graffiti includes markings with paint, an indelible pen or marker, or an etching or engraving device on tangible property without the effective consent of the owner. The markings may include inscriptions, slogans, drawings, or paintings.

Handgun is defined by Penal Code 46.01 as any firearm that is designed, made, or adapted to be fired with one hand.

Harassment includes:

1. Conduct that meets the definition established in district policies DIA(LOCAL) and FFH(LOCAL);
2. Conduct that threatens to cause harm or bodily injury to another person, including a district student, employee, board member, or volunteer; is sexually intimidating; causes physical damage to the property of another student; subjects another student to physical confinement or restraint; or maliciously and substantially harms another student's physical or emotional health or safety, as defined in Education Code 37.001(b)(2); or
3. Conduct that is punishable as a crime under Penal Code 42.07, including the following types of conduct if carried out with the intent to harass, annoy, alarm, abuse, torment, or embarrass another:
    a. Initiating communication and, in the course of the communication, making a comment, request, suggestion, or proposal that is obscene, as defined by law;
    b. Threatening, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property;
    c. Conveying, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury;
    d. Causing the telephone of another to ring repeatedly or making repeated telephone communications anonymously or in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;
    e. Making a telephone call and intentionally failing to hang up or disengage the connection;
    f. Knowingly permitting a telephone under the person's control to be used by another to commit an offense under this section;
    g. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another;

h. Publishing on an internet website, including a social media platform, repeated electronic communications in a manner reasonably likely to cause emotional distress, abuse, or torment to another person, unless the communications are made in connection with a matter of public concern, as defined by law; or

i. Making obscene, intimidating, or threatening telephone calls or other electronic communications from a temporary or disposable telephone number provided by an internet application or other technological means.

Hazing is defined by Education Code 37.151 as an intentional, knowing, or reckless act, on or off campus, by one person alone or acting with others, directed against a student for the purpose of pledging, initiation into, affiliation with, holding office in, or maintaining membership in a student organization if the act meets the elements in Education Code 37.151, including:

1. Any type of physical brutality;
2. An activity that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health, such as sleep deprivation, exposure to the elements, confinement to small spaces, calisthenics, or consumption of food, liquids, drugs, or other substances;
3. An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; or
4. Coercing a student to consume a drug or alcoholic beverage in an amount that would lead a reasonable person to believe the student is intoxicated. **Hit list** is defined in Education Code 37.001(b)(3) as a list of people targeted to be harmed, using a firearm, a knife, or any other object to be used with intent to cause bodily harm.

Improvised explosive device is defined by Penal Code 46.01 as a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components.

Indecent exposure is defined by Penal Code 21.08 as an offense that occurs when a person exposes the person's anus or any part of the person's genitals with intent to arouse or gratify the sexual desire of any person and is reckless about whether another is present who will be offended or alarmed by the act.

Intimate visual material is defined by Civil Practices and Remedies Code 98B.001 and Penal Code 21.16 as visual material that depicts a person with the person's intimate parts exposed or engaged in sexual conduct. "Visual material" means any film, photograph, video tape, negative, or slide of any photographic reproduction or any other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen.

Location-restricted knife is defined by Penal Code 46.01 as a knife with a blade over five and one-half inches.

Knuckles means any instrument consisting of finger rings or guards made of a hard substance and designed or adapted for inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

Look-alike weapon means an item that resembles a weapon but is not intended to be used to cause serious bodily injury.

Machine gun as defined by Penal Code 46.01 is any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Mandatory means that something is obligatory or required because of an authority.

Paraphernalia are devices that can be used for inhaling, ingesting, injecting, or otherwise introducing a controlled substance into a human body.

Possession means to have an item on one's person or in one's personal property, including, but not limited to:

1. Clothing, purse, or backpack;
2. A private vehicle used for transportation to or from school or school-related activities, including, but not limited to, an automobile, truck, motorcycle, or bicycle;
3. Telecommunications or electronic devices; or
4. Any school property used by the student, including, but not limited to, a locker or desk.

Prohibited weapon under Penal Code 46.05(a) means:

1. The following items, unless registered with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice: An explosive weapon;
    a. A machine gun;
    b. A short-barrel firearm;
2. Armor-piercing ammunition;
3. A chemical dispensing device;
4. A zip gun;
5. A tire deflation device; or
6. An improvised explosive device.

Public Lewdness is defined by Penal Code 21.07 as an offense that occurs when a person knowingly engages in an act of sexual intercourse, deviate sexual intercourse, or sexual contact in a public place or, if not in a public place, when the person is reckless about whether another is present who will be offended or alarmed by the act.

Public school fraternity, sorority, secret society, or gang means an organization composed wholly or in part of students that seeks to perpetuate itself by taking additional members from the students enrolled in school based on a decision of its membership rather than on the free choice of a qualified student. Educational organizations listed in Education Code 37.121(d) are excepted from this definition.

Reasonable belief is that which an ordinary person of average intelligence and sound mind would believe. Chapter 37 requires certain disciplinary decisions when the superintendent or designee has a reasonable belief that a student engaged in conduct punishable as a felony offense. In forming such a reasonable belief, the superintendent or designee may use all available information and must consider the information furnished in the notice of a student's arrest under Code of Criminal Procedure Article 15.27.

Self-defense is the use of force against another to the degree a person reasonably believes is immediately necessary to protect himself or herself.

Serious misbehavior means:

1. Deliberate violent behavior that poses a direct threat to the health or safety of others;
2. Extortion, meaning the gaining of money or other property by force or threat;
3. Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or
4. Conduct that constitutes the offense of:
    a. Public lewdness under Penal Code 21.07;
    b. Indecent exposure under Penal Code 21.08;
    c. Criminal mischief under Penal Code 28.03;
    d. Hazing under Education Code 37.152; or
    e. Harassment under Penal Code 42.07(a)(1) of a student or district employee.

Serious or persistent misbehavior includes, but is not limited to:

- Behavior that is grounds for permissible expulsion or mandatory DAEP placement.
- Behavior identified by the district as grounds for discretionary DAEP placement.
- Actions or demonstrations that substantially disrupt or materially interfere with school activities.
- Refusal to attempt or complete schoolwork as assigned.
- Insubordination.
- Profanity, vulgar language, or obscene gestures.
- Leaving school grounds without permission.
- Falsification of records, passes, or other school-related documents.
- Refusal to accept discipline assigned by the teacher or principal.

Short-barrel firearm is defined by Penal Code 46.01 as a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a rifle or shotgun that, as altered, has an overall length of less than 26 inches.

Terroristic threat is defined by Penal Code 22.07 as a threat of violence to any person or property with intent to:

1. Cause a reaction of any type by an official or volunteer agency organized to deal with emergencies;
2. Place any person in fear of imminent serious bodily injury;
3. Prevent or interrupt the occupation or use of a building; room, place of assembly, or place to which the public has access; place of employment or occupation; aircraft, automobile, or other form of conveyance; or other public place;
4. Cause impairment or interruption of public communications; public transportation; public water, gas, or power supply; or other public service;
5. Place the public or a substantial group of the public in fear of serious bodily injury; or
6. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state (including the district).

Tire deflation device is defined in part by Penal Code 46.01 as a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires.

Title 5 felonies are those crimes listed in Title 5 of the Penal Code that typically involve injury to a person and may include:

- Murder, manslaughter, or homicide under Sections 19.02–.05;
- Kidnapping under Section 20.03;
- Trafficking of persons under Section 20A.02;
- Smuggling or continuous smuggling of persons under Sections 20.05–.06;
- Assault under Section 22.01;
- Aggravated assault under Section 22.02;
- Sexual assault under Section 22.011;
- Aggravated sexual assault under Section 22.021;
- Unlawful restraint under Section 20.02;
- Continuous sexual abuse of a young child or disabled individual under Section 21.02;
- Bestiality under Section 21.09;
- Improper relationship between educator and student under Section 21.12;
- Voyeurism under Section 21.17;
- Indecency with a child under Section 21.11;
- Invasive visual recording under Section 21.15;
- Disclosure or promotion of intimate visual material under Section 21.16;
- Sexual coercion under Section 21.18;
- Injury to a child, an elderly person, or a disabled person of any age under Section 22.04;
- Abandoning or endangering a child under Section 22.041;
- Deadly conduct under Section 22.05;
- Terroristic threat under Section 22.07;
- Aiding a person to commit suicide under Section 22.08; and
- Tampering with a consumer product under Section 22.09.

Under the influence means lacking the normal use of mental or physical faculties. Impairment of a person's physical or mental faculties may be evidenced by a pattern of abnormal or erratic behavior, the presence of physical symptoms of drug or alcohol use, or by admission. A student "under the in-fluence" need not be legally intoxicated to trigger disciplinary action.

Use means voluntarily introducing into one's body, by any means, a prohibited substance.

Zip gun is defined by Penal Code 46.01 as a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

2024 -2025

Código de Conducta Estudiantil

Adoptado el 12 de junio

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Código de Conducta Estudiantil de San Elizario

Año escolar 2024-2025

Si tiene dificultad para acceder a la información de este documento debido a una discapacidad, comuníquese con Mrs. April Marioni at amarioni@seisd.net o hable al 915-872-3900.

Código de Conducta Estudiantil

Accesibilidad

Si tiene dificultad para acceder a la información en este documento debido a una discapacidad, comuníquese con Mrs. April Marioni at amarioni@seisd.net o hable al 915-872-3900.

Propósito

El Código de Conducta Estudiantil ("Código de Conducta"), como lo requiere el Capítulo 37 del Código de Educación de Texas, provee métodos y opciones para manejar la conducta de los estudiantes, prevenir e intervenir en los problemas de disciplina de los estudiantes e imponer disciplina.

La ley exige que el distrito defina la mala conducta que pueda, o deba, dar como resultado consecuencias disciplinarias específicas, incluida la remoción de un salón de clase regular o de la escuela, suspensión fuera de la escuela, asignación a un programa disciplinario de educación alternativa (DAEP), asignación en un programa de educación alternativa de la justicia juvenil (JJAEP), o expulsión de la escuela.

Este Código de Conducta ha sido adoptado por la junta escolar de *SEISD* desarrollado con el asesoramiento del comité de planificación y toma de decisiones a nivel del distrito. Provee información a padres y estudiantes referente a las normas de conducta, consecuencias de la mala conducta y procedimientos para administrar disciplina. Este Código de Conducta continúa en efecto durante la escuela de verano y en todos los eventos y actividades relacionados con la escuela fuera del año escolar hasta que la junta adopte una versión actualizada para el siguiente año escolar.

En conformidad con la ley estatal, el Código de Conducta se publicará en cada campus escolar o estará disponible para revisión en la oficina del director de la escuela. Adicionalmente, el Código de Conducta estará disponible en la oficina del coordinador de conducta del campus y se publicará en el sitio web del distrito. Bajo el Capítulo 37 del Código de Educación, se notificará a los padres sobre cualquier infracción de conducta que pueda dar como resultado la suspensión de un estudiante, asignación a un DAEP o JJAEP, expulsión o arresto por un oficial de la ley.

Dado que la junta escolar del distrito adoptó el Código de Conducta, éste tiene la fuerza del reglamento. En caso de que haya conflicto entre el Código de Conducta y el Manual para Estudiantes, el Código de Conducta prevalecerá.

Advierta que: La disciplina de los estudiantes discapacitados que reúnen los requisitos para recibir servicios bajo la ley federal (Ley de Educación de Estudiantes Discapacitados y la Sección 504 de la Ley de Rehabilitación de 1973) está sujeta a las disposiciones de esas leyes.

Autoridad y jurisdicción del distrito escolar

Las reglas de la escuela y la autoridad del distrito para administrar disciplina se aplican siempre que haya interés del distrito, dentro o fuera de la propiedad escolar, junto o independientemente de las clases y actividades patrocinadas por la escuela.

El distrito tiene autoridad disciplinaria sobre un estudiante:

1. Durante el día escolar regular;
2. Mientras el estudiante viaja en transporte del distrito;
3. Durante los periodos de almuerzo cuando un estudiante tenga permitido salir del campus;
4. En cualquier actividad relacionada con la escuela, sin importar la hora o el lugar;
5. Por cualquier mala conducta relacionada con la escuela, sin importar la hora o el lugar;
6. Cuando ocurra una represalia o amenaza en contra de un empleado de la escuela, miembro de la junta o voluntario, sin importar la hora o el lugar;
7. Cuando un estudiante participe en intimidación cibernética (cyberbullying), como se define en el Código de Educación 37.0832;
8. Cuando se cometa mala conducta delictiva dentro o fuera de la propiedad escolar o en un evento relacionado con la escuela;
9. Por ciertas infracciones cometidas dentro de 300 pies desde la propiedad escolar según lo medido desde cualquier punto del límite del inmueble escolar;
10. Por ciertas infracciones cometidas en la propiedad escolar o mientras asiste a una actividad patrocinada por la escuela o relacionada con la escuela de otro distrito en Texas;
11. Cuando el estudiante cometa un delito mayor, de acuerdo al Código de Educación 37.006 o 37.0081; y
12. Cuando el estudiante deba registrarse como delincuente sexual.

Coordinador de conducta del campus

En conformidad con la ley, se debe designar a una persona en cada escuela que tenga la función de coordinador de conducta del campus (CBC). La persona designada puede ser el director del campus u otro administrador seleccionado por el director. El CBC es el principal responsable de mantener la disciplina de los estudiantes. El distrito publicará en su sitio web y en el Manual para Estudiantes, para cada campus, la dirección de correo electrónico y el número de teléfono de la persona que actúa como CBC. La información de contacto se encuentra en *www.seisd.net* y en https://www.seisd.net/domain/247

Equipo escolar de evaluación de amenazas y de seguridad y apoyo

El CBC u otro administrador adecuado trabajará estrechamente con el equipo escolar de evaluación de amenazas y de seguridad y apoyo del campus para implementar el reglamento y los procedimientos de evaluación de amenazas del distrito, según lo requerido por la ley, y tomará la medida disciplinaria adecuada en conformidad con el Código de Conducta.

Registros

Los oficiales del distrito pueden realizar registros de estudiantes, sus pertenencias y sus vehículos en conformidad con la ley estatal y federal y el reglamento del distrito. Los registros

de estudiantes serán realizados en una manera razonable y no discriminatoria. Para obtener más información sobre investigaciones y registros, ver los reglamentos del distrito en FNF(LEGAL) y FNF(LOCAL).

El distrito tiene el derecho de registrar un vehículo conducido a la escuela por un estudiante y estacionado en la propiedad escolar siempre que exista una sospecha razonable para creer que contiene artículos o materiales prohibidos por el distrito.

Los escritorios, los casilleros, la tecnología provista por el distrito y artículos similares son propiedad del distrito y se proveen para uso del estudiante a efectos de la comodidad. La propiedad del distrito está sujeta a registro o inspección en cualquier momento sin previo aviso.

Denuncia de delitos

El director o CBC y otros administradores escolares, según corresponda, denunciarán delitos de acuerdo a lo que exige la ley y llamarán a la policía cuando un administrador sospeche que se ha cometido un crimen en el campus.

Personal de seguridad

La junta utiliza oficiales de recursos escolares (SRO por sus siglas en inglés), *y* personal de seguridad] para garantizar la seguridad y protección de los estudiantes, el personal y la propiedad. En conformidad con la ley, la junta se ha puesto de acuerdo con el CBC y otros empleados del distrito para garantizar la asignación de funciones de orden público adecuadas a estas personas. Las disposiciones que abordan los diversos tipos de personal de seguridad se pueden encontrar en la serie de reglamentos CKE.

Los deberes de aplicación de la ley de los oficiales de recursos escolares y del personal de seguridad son: Un oficial de paz del distrito, un oficial de recursos escolares y el personal de seguridad realizarán tareas de aplicación de la ley para el distrito escolar que deben incluir la protección de la seguridad y el bienestar de cualquier persona bajo la jurisdicción del oficial de paz, oficial de recursos o personal de seguridad; y la propiedad del distrito escolar.

Definición de “padre”

En todo el Código de Conducta y reglamentos de disciplina relacionados, el término “padre” incluye padre, madre, tutor legal u otra persona que tiene control legal del menor.

Participación en actividades de graduación

El distrito tiene derecho de limitar la participación de un estudiante en actividades de graduación por violar el Código de Conducta del distrito.

La participación podría incluir una función de orador, de acuerdo a lo establecido por el reglamento y los procedimientos del distrito.

Los estudiantes que cumplen con los requisitos de elegibilidad para dar los comentarios de apertura y cierre en la graduación serán notificados por el director del campus. No obstante cualquier otro requisito de elegibilidad, para ser considerado elegible, un estudiante no debe haber sido partícipe en ninguna mala conducta que dé como resultado una suspensión fuera de la escuela, la remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

El valedictorian y el salutatorian también pueden tener roles de orador en la graduación. Ningún estudiante será elegible para tener un rol de orador si participó en una mala conducta que

resultó en una suspensión fuera de la escuela, la remoción a un DAEP o expulsión durante el semestre inmediatamente anterior a la graduación.

Personas no autorizadas

En conformidad con el Código de Educación 37.105, un administrador escolar, SRO, u oficial de policía del distrito tendrán autoridad de negar la entrada o sacar a una persona de la propiedad del distrito si la persona se niega a salir pacíficamente cuando se le pide y:

1. La persona plantea un riesgo sustancial de daño a alguna persona, o
2. La persona se comporta de una manera inapropiada para el entorno escolar y continúa con dicha conducta después de que se le ha advertido verbalmente que la conducta es inapropiada y puede ocasionar que se le deniegue la entrada o que se le pida que se retire.

En conformidad con los reglamentos FNG(LOCAL) o GF(LOCAL), se pueden presentar apelaciones referentes a la negativa de entrada o peticiones de abandonar la propiedad escolar, según corresponda. Sin embargo, los plazos para los procedimientos de queja del distrito serán ajustados según sea necesario para permitirle a la persona dirigirse a la junta en persona dentro de los 90 días calendario, a menos que la queja se resuelva antes de una audiencia con la junta.

Ver DAEP – Restricciones durante la asignación en la página 24, para obtener información referente a un estudiante asignado a un DAEP al momento de la graduación.

Estándares de conducta estudiantil

Se espera que cada estudiante:

- Demuestre cortesía, incluso cuando otros no la demuestran.
- Se comporte de una manera responsable.
- Ejerza autodisciplina.
- Asista a todas las clases, con regularidad y puntualmente.
- Lleve los materiales adecuados y las tareas a clase.
- Cumpla las normas de aseo y vestimenta del distrito y de la escuela.
- Obedezca todas las reglas de la escuela y del salón de clase.
- Respete los derechos y privilegios de los estudiantes, maestros y otro personal y voluntarios del distrito.
- Respete las pertenencias de los demás, incluida la propiedad e instalaciones del distrito.
- Coopere y asista al personal de la escuela para mantener la seguridad, el orden y la disciplina.
- Cumpla con los requisitos del Código de Conducta Estudiantil.

Infracciones generales de conducta

Las categorías de conducta a continuación están prohibidas en la escuela, en vehículos que sean propiedad del distrito u operados por el distrito, y en todas las actividades relacionadas con la escuela, pero la lista no incluye las infracciones más graves. En las secciones subsiguientes de **Suspensión fuera de la escuela** en la página 17, **Asignación a un DAEP** en la página 19, **Asignación y/o expulsión por ciertas infracciones** en la página 27, y **Expulsión** en la página 30, se incluyen esas infracciones que requieren o permiten consecuencias específicas. Sin embargo, cualquier infracción puede ser lo suficientemente grave para dar como resultado la **Remoción del entorno educativo regular** según se detalla en la página 15.

Desobediencia a la autoridad

Los estudiantes no deben:

- Incumplir las instrucciones dadas por el personal de la escuela.
- Abandonar el terreno escolar ni los eventos patrocinados por la escuela sin autorización.
- Desobedecer las reglas de conducta en los vehículos del distrito.
- Negarse a aceptar la disciplina o consecuencia asignada por un maestro o director.

Maltrato a otras personas

Los estudiantes no deben:

- Usar lenguaje profano o vulgar ni hacer gestos obscenos.
- Pelearse o reñir. (Para agresiones, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 27).
- Amenazar a un estudiante, empleado o voluntario del distrito, incluso fuera de la propiedad escolar, si la conducta da como resultado una interrupción considerable al entorno educativo.
- Participar en intimidación escolar (bullying), intimidación cibernética (cyberbullying), acoso o hacer listas negras. (Ver los cuatro términos en el **glosario**).
- Publicar o amenazar con publicar material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Participar en acoso sexual o acoso basado en género, o abuso sexual, ya sea mediante palabras, gestos, o cualquier otra conducta, dirigida a otra persona, incluido un estudiante, empleado, miembro de la junta o voluntario del distrito.
- Participar en conducta que constituya violencia en la pareja. (Ver **glosario**).
- Exponer inadecuada o indecentemente las partes íntimas del cuerpo.
- Participar en novatadas maliciosas (hazing). (Ver **glosario**).
- Coaccionar a un individuo para que actúe mediante el uso o la amenaza de fuerza.
- Cometer extorsión o chantaje.
- Participar en una conducta inadecuada de naturaleza verbal, física o sexual dirigida a otra persona, incluido un estudiante, empleado o voluntario del distrito.

- Grabar la voz o imagen de otros sin el consentimiento previo de los individuos que se graban o que interrumpa el entorno educativo o invada la privacidad de otros.

Infracciones a la propiedad

Los estudiantes no deben:

- Dañar ni destrozar pertenencias de otros. (Para delitos criminales mayores, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 27).
- Desfigurar o dañar la propiedad escolar, incluidos libros de texto, tecnología y recursos electrónicos, casilleros, muebles y otro equipo, con grafiti u otros medios.
- Robar objetos de estudiantes, del personal o de la escuela.
- Cometer o asistir en un hurto o robo, incluso si no constituye un delito mayor en conformidad con el Código Penal. (Para delito de robo mayor, robo agravado y hurto, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 27).
- Ingresar, sin autorización, a las instalaciones del distrito que no estén abiertas para las operaciones.

Posesión de artículos prohibidos

Los estudiantes no deben poseer ni usar:

- Armas de fuego de ningún tipo, bombas de humo o fétidas, ni ningún otro artefacto pirotécnico;
- Rastrillo, navaja para cortar cajas, cadena ni ningún otro objeto usado de alguna manera que amenace o cause lesiones físicas a otra persona;
- Un arma de “imitación” con la intención de ser usada como un arma o que se podría percibir como un arma;
- Una pistola de aire o de postas;
- Munición;
- Un instrumento manual diseñado para cortar o penetrar a otra persona al ser lanzado;
- Un silenciador o supresor de arma de fuego;
- *Una navaja restringida en la ubicación;
- *Un garrote;
- *Un arma de fuego;
- Un arma paralizante;
- Manoplas;
- Una navaja de bolsillo u otro tipo de navaja pequeña;
- Material pornográfico;
- Productos de tabaco, cigarrillos, cigarrillos electrónicos, y cualquier componente, pieza o accesorio para un dispositivo de cigarrillo electrónico;
- Fósforos o un encendedor;

- Apuntador láser, a menos que sea para uso aprobado; o
- Cualquier artículo que generalmente no se considera armas, incluidos artículos escolares, cuando el director o su representante determina que existe un peligro.

*Para armas y armas de fuego, ver **Asignación a un DAEP y/o expulsión por ciertas infracciones** en la página 27. En muchas circunstancias, la posesión de estos artículos es sancionable mediante expulsión obligatoria bajo la ley federal o estatal.

Posesión de dispositivos de telecomunicaciones u otros dispositivos electrónicos

Los estudiantes no deben:

- Usar un dispositivo de telecomunicaciones, incluido un teléfono celular u otro dispositivo electrónico, que infrinja las reglas del distrito y de la escuela.

Drogas ilegales, medicamentos recetados y de venta libre

Los estudiantes no deben:

- Poseer, usar, regalar ni vender alcohol o drogas ilegales. (Ver también en **Asignación a un DAEP** en la página 19 y en **Expulsión** en la página 30 las consecuencias obligatorias y permisibles bajo la ley estatal).
- Poseer ni vender semillas ni piezas de marihuana en cantidad menor a la utilizable.
- Poseer, usar, dar o vender parafernalia relacionada con cualquier sustancia prohibida. (Ver “parafernalia” en el **glosario**).
- Poseer, usar, abusar o vender sustancias parecidas a las drogas o intentar pasar artículos como drogas o contrabando.
- Abusar de un medicamento recetado propio, dar un medicamento recetado a otro estudiante, o poseer o estar bajo los efectos del medicamento recetado de otra persona en la propiedad escolar o en un evento relacionado con la escuela. (Ver “abuso” en el **glosario**).
- Abusar de medicamentos de venta libre. (Ver “abuso” en el **glosario**).
- Estar bajo los efectos de medicamentos recetados o de venta libre que causen trastorno corporal o mental. (Ver “bajo los efectos” en el **glosario**).
- Tener o tomar medicamentos recetados o de venta libre en la escuela fuera de lo permitido por el reglamento del distrito.

Mal uso de recursos de tecnología e internet

Los estudiantes no deben:

- Violar los reglamentos, reglas o acuerdos firmados por el estudiante o el padre del estudiante referentes al uso de los recursos de tecnología.
- Intentar acceder o evadir contraseñas u otra información relacionada con seguridad del distrito, estudiantes o empleados, o subir o crear virus computacionales, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo.
- Intentar alterar, destruir o deshabilitar recursos tecnológicos del distrito, incluidos, entre otros, computadoras y equipo relacionado, datos del distrito, datos de otras personas u

otras redes conectadas al sistema del distrito, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo.

- Usar el internet u otras comunicaciones electrónicas para amenazar o acosar a los estudiantes, empleados, miembros de la junta o voluntarios del distrito, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.
- Enviar, publicar o poseer mensajes electrónicos abusivos, obscenos, orientados sexualmente, amenazadores, acosadores, que dañen la reputación de una persona, o ilegales, como intimidación cibernética y “sexting”, dentro o fuera de la propiedad escolar, si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.
- Usar el internet u otras comunicaciones electrónicas para participar o fomentar una conducta ilegal o amenazar la seguridad de la escuela, incluso fuera de la propiedad escolar si la conducta causa una interrupción importante al entorno educativo o infringe los derechos de otro estudiante en la escuela.

Transgresiones de seguridad

Los estudiantes no deben:

- Poseer material publicado o electrónico que está diseñado para promover o estimular una conducta ilegal o que podría amenazar la seguridad de la escuela.
- Participar en intercambios verbales (orales o escritos) que amenacen la seguridad de otro estudiante, un empleado de la escuela o la propiedad escolar.
- Hacer acusaciones falsas o engaños respecto de la seguridad de la escuela.
- Participar en cualquier conducta que los directivos de la escuela consideren de manera razonable que interrumpirá sustancialmente el programa escolar o incitará a la violencia.
- Arrojar objetos que puedan causar lesiones físicas o daños a la propiedad.
- Activar un extintor de fuego sin una razón válida.

Infracciones varias

Los estudiantes no deben:

- Violar las normas de vestimenta y aseo que se indican en el Manual para Estudiantes.
- Incurrir en deshonestidad académica, lo que incluye hacer trampa o copiar el trabajo de otro estudiante, el plagio y la comunicación no autorizada entre estudiantes durante un examen.
- Hacer trampa o copiar el trabajo de otra persona.
- Participar en juegos de azar.
- Falsificar registros, pases u otros documentos relacionados con la escuela.
- Participar en acciones o demostraciones que interrumpan sustancialmente o interfieran materialmente con las actividades escolares.
- Absentismo escolar/tardanzas persistentes/ausencias injustificadas: No se permiten mas de 5 notas de los padres/tutores para los infractores habituales.
- Infringir reiteradamente las normas de conducta de otras escuelas o salones de clase.

El distrito puede imponer reglas del campus o salón de clase además de las que se encuentran en el Código de Conducta. Estas reglas pueden publicarse en los salones de clase o entregarse al estudiante, y pueden o no constituir violaciones del Código de Conducta.

Técnicas de administración disciplinaria

Se diseñará la disciplina de manera que mejore la conducta y aliente a los estudiantes a ser miembros responsables de la comunidad escolar. La medida disciplinaria será a consideración profesional de maestros y administradores y mediante una variedad de técnicas de administración disciplinaria, incluidas las prácticas restaurativas. La disciplina debe basarse en la gravedad de la infracción, edad y nivel de grado del estudiante, frecuencia de la mala conducta, actitud del estudiante, efecto de la mala conducta en el ámbito escolar y requisitos estatutarios.

Estudiantes con discapacidades

La disciplina de los estudiantes con discapacidades está sujeta a la ley federal y estatal aplicable además del Código de Conducta. En caso de algún conflicto, el distrito cumplirá con la ley federal. Para obtener más información respecto de la disciplina de estudiantes con discapacidades, ver el reglamento FOF(LEGAL).

En conformidad con el Código de Educación, un estudiante que reciba servicios de educación especial no puede ser disciplinado por conductas que sean parte de la definición de intimidación escolar, intimidación cibernética, acoso o hacer listas negras (ver **glosario**) hasta que un comité de admisión, revisión y retiro (ARD) se reúna y revise la conducta.

Para decidir si se ordenará la suspensión, asignación a un DAEP o expulsión, sin importar si la medida es obligatoria o discrecional, el distrito tomará en cuenta una discapacidad que imposibilite considerablemente la capacidad del estudiante para distinguir la ilicitud de la conducta del estudiante.

Técnicas

Se pueden usar las siguientes técnicas de administración de disciplina por sí solas, en combinación o como parte de intervenciones progresivas a causa de conductas prohibidas por el Código de Conducta o por las reglas del campus o del salón de clase:

- Corrección verbal, oral o escrita.
- Tiempo para tranquilizarse o un breve periodo de reflexión, en conformidad con la ley.
- Cambio de asiento en el salón de clase o vehículos operados por o pertenecientes al distrito.
- Confiscación temporal de artículos que interrumpan el proceso de instrucción.
- Recompensas o deméritos.
- Contratos de conducta.
- Consejería por parte de maestros, consejeros escolares o personal administrativo.
- Reuniones de padres y maestros.
- Asesoría en conducta.
- Clases de control del enojo.
- Meditación (víctima-ofensor).
- Círculos en el salón de clase.
- Conferencias de grupos familiares.

- Reducciones de calificación por hacer trampa, plagio y de otra manera permitida por la ley.
- Detención, incluso fuera del horario escolar.
- Enviar al estudiante a la dirección, a otra área asignada, o a en suspensión escolar (ISS).
- Asignación de labores escolares, como limpiar o recoger basura.
- Retiro de privilegios, como participación en actividades extracurriculares, elegibilidad para postularse y ocupar cargos honorarios, o membresía en clubes y organizaciones patrocinados por la escuela.
- Sanciones identificadas en las normas de conducta de las actividades extracurriculares de organizaciones estudiantiles.
- Restricción o revocación de privilegios de transporte del distrito.
- Periodo de prueba evaluado y administrado por la escuela.
- Suspensión fuera de la escuela, de acuerdo a lo especificado en **Suspensión fuera de la escuela** en la página 17.
- Asignación a un DAEP, de acuerdo a lo especificado en **DAEP** en la página 19.
- Expulsión y/o asignación a un entorno educativo alternativo, de acuerdo a lo especificado en **Asignación y/o expulsión por ciertas infracciones** en la página 27.
- Expulsión, de acuerdo a lo especificado en **Expulsión** en la página 30.
- Traslado a una agencia externa o autoridad legal para proceso penal además de medidas disciplinarias impuestas por el distrito.
- Otras estrategias y consecuencias de acuerdo a lo determinado por los directivos de la escuela.

Técnicas aversivas prohibidas

Está prohibido el uso de técnicas aversivas con estudiantes y se definen como técnicas o intervenciones con el propósito de reducir la repetición de una conducta a través de infligir intencionalmente considerable molestia o dolor físico o emocional. Las técnicas aversivas incluyen:

- Usar técnicas diseñadas para causar dolor físico o que probablemente lo causen. [Ver el reglamento FO(LOCAL).]
- Usar técnicas diseñadas para causar dolor físico o que probablemente lo causen a través del electrochoque o cualquier procedimiento que incluye puntos de presión o inmovilización de articulaciones.
- Liberación dirigida de un espray, rocío o sustancia nocivo, tóxico o desagradable cerca del rostro de un estudiante.
- Privar de sueño adecuado, aire, alimentos, agua, albergue, cama, comodidad física, supervisión o acceso a un baño.
- Ridiculizar o denigrar a un estudiante de manera que perjudique o ponga en peligro el aprendizaje o la salud mental del estudiante o constituya abuso verbal.
- Emplear un dispositivo, material u objeto que inmovilice todas las cuatro extremidades de un estudiante, incluso sujeción en el suelo en posición prona o supina.

- Alterar la respiración de un estudiante, incluyendo la aplicación de presión sobre el torso o cuello del estudiante o colocar algo dentro, sobre o encima de la boca o nariz del estudiante o tapar la cara del estudiante.
- Restringir la circulación del estudiante.
- Sujetar al estudiante a un objeto inmóvil mientras el estudiante está de pie o sentado.
- Inhibir, reducir o entorpecer la capacidad del estudiante para comunicarse.
- Usar sujeciones químicas.
- Usar el tiempo de reflexión de una manera que evite que el estudiante pueda participar y avanzar como corresponde en el currículo requerido o en cualesquier metas programa de educación individualizada (IEP) que correspondan, incluso aislando al estudiante usando barreras físicas.
- Privar al estudiante de uno o más de los sentidos del estudiante, a menos que la técnica no cause incomodidad al estudiante o cumpla con el plan de intervención conductual (BIP) o IEP del estudiante.

Notificación

El CBC notificará inmediatamente al padre del estudiante por teléfono o en persona cualquier violación que pueda dar como resultado suspensión en la escuela o fuera de la escuela, asignación a un DAEP, asignación a un JJAEP, o expulsión. El CBC también notificará al padre del estudiante si el estudiante ha sido detenido por un oficial de la policía bajo las disposiciones disciplinarias del Código de Educación.

Se hará un esfuerzo de buena fe para proporcionar una notificación escrita de la medida disciplinaria al estudiante, el día en que se tomó la medida, para entregarla al padre del estudiante. Si se contacta al padre por teléfono o en persona antes de las 5:00 p.m. del primer día hábil después de que se haya seguido la medida disciplinaria, el CBC enviará una notificación escrita por correo postal de EE.UU. Si el CBC no puede informar al padre, el director o su representante le darán el aviso.

Antes de que el director o administrador adecuado asigne a un estudiante menor de 18 años a detención fuera del horario escolar regular, se informará al padre del estudiante el motivo de la detención y se permitirán arreglos para el transporte necesario.

Apelaciones

Las preguntas de los padres acerca de las medidas disciplinarias deberían dirigirse al maestro, a la administración del campus o al CBC, según corresponda. Las apelaciones o reclamos con respecto al uso de técnicas específicas de administración de disciplina se deben dirigir en conformidad con el reglamento FNG(LOCAL). Se puede obtener una copia del reglamento en la oficina del director, la oficina del CBC, o en la oficina de administración central o a través de Policy Online® en la siguiente dirección: *https://pol.tasb.org/PolicyOnline?key=439*

El distrito no demorará una consecuencia disciplinaria mientras un estudiante o padre tramita una queja. En el caso de que se acuse a un estudiante de haber tenido una conducta que coincida con la definición de acoso sexual según se define en el Título IX, el distrito cumplirá con la ley federal correspondiente, que incluye el proceso de quejas formales del Título IX. Vea los reglamentos FFH(LEGAL) y (LOCAL).

Remoción del autobús escolar

Un conductor de autobús puede derivar a un estudiante a la oficina del director o a la oficina del CBC para mantener una disciplina efectiva en el autobús. El director o CBC debe emplear técnicas adicionales de administración de disciplina, según corresponda, las cuales pueden incluir la restricción o revocación de los privilegios de viajar en autobús de un estudiante.

Para transportar a los estudiantes de manera segura, el operador del vehículo debe concentrarse en conducir y no distraerse con la mala conducta de algún estudiante. Por lo tanto, cuando las técnicas apropiadas de administración de disciplina no mejoran la conducta del estudiante o cuando una mala conducta específica justifica la remoción inmediata, el director o el CBC puede restringir o revocar los privilegios de transporte del estudiante, en conformidad con la ley.

Remoción del entorno educativo regular

Además de otras técnicas de administración de disciplina, la mala conducta puede dar como resultado la remoción del entorno educativo regular mediante un traslado de rutina o una remoción formal.

Derivación de rutina

Una derivación de rutina ocurre cuando un maestro envía a un estudiante a la oficina del CBC como técnica de administración de disciplina. El CBC empleará técnicas alternativas de administración de disciplina, incluyendo intervenciones progresivas. Un maestro o administrador puede remover a un estudiante de la clase por una conducta que infrinja este Código de Conducta para mantener una buena disciplina en el salón de clase.

Remoción formal

Un maestro puede iniciar una remoción formal de la clase si:

1. El maestro ha documentado que la conducta de un estudiante interfiere repetidamente con la capacidad del maestro de enseñar la clase o con la capacidad de aprender de otros estudiantes; o
2. La conducta es tan rebelde, perturbadora o abusiva que el maestro no puede enseñar y los estudiantes del salón de clase no pueden aprender.

En un plazo de tres días escolares de la remoción formal, el CBC o el administrador correspondiente programará una reunión con el padre del estudiante, el estudiante, el maestro que retiró al estudiante de la clase y cualquier otro administrador que corresponda.

En la reunión, el CBC o el administrador correspondiente informará al estudiante la supuesta mala conducta y las consecuencias propuestas. El estudiante tendrá una oportunidad para responder a las acusaciones.

Cuando un maestro remueva a un estudiante del salón de clase regular y esté pendiente una reunión, el CBC u otro administrador puede asignar al estudiante a:

- Otro salón de clase adecuado.
- ISS.
- Suspensión fuera de la escuela.
- DAEP.

Un maestro o administrador debe remover a un estudiante de la clase si el estudiante tiene una conducta que bajo el Código de Educación requiera o permita que el estudiante sea asignado a un DAEP o expulsado. Al ser removido por esos motivos, se seguirán los procedimientos de las secciones subsiguientes sobre DAEP o expulsión.

Regresar a un estudiante al salón de clase

Un estudiante que haya sido retirado formalmente de la clase por un maestro por conducta en contra del maestro que contenga elementos de agresión, agresión agravada, agresión sexual, o agresión sexual agravada no puede regresar a la clase el maestro sin el consentimiento del maestro.

Un estudiante que haya sido retirado formalmente por un maestro por alguna otra conducta puede regresar a la clase del maestro sin el consentimiento del maestro si el comité de revisión

de asignaciones determina que la clase el maestro es la mejor alternativa o la única alternativa disponible.

Suspensión fuera de la escuela

Mala conducta

Se puede suspender a los estudiantes por conducta incluida en el Código de Conducta como infracción general de conducta, infracción de DAEP o infracción que amerita expulsión.

El distrito no utilizará la suspensión fuera de la escuela para los estudiantes en el segundo grado o inferior a menos que la conducta cumpla con los requisitos establecidos por la ley.

Un estudiante en un grado inferior al tercer grado o un estudiante que no tiene hogar no será suspendido fuera de la escuela a menos que, mientras se encuentre en la propiedad escolar o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar, el estudiante:

- Participe en una conducta que incluya los elementos de una infracción con armas, en conformidad con la Sección 46.02 o 46.05 del Código Penal.
- Participe en una conducta que incluya los elementos de agresión, agresión sexual, agresión agravada o agresión sexual agravada, según lo dispuesto por el Código Penal; o
- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de cualquier cantidad de marihuana, una bebida alcohólica o una sustancia controlada o una droga peligrosa, según lo definido por la ley federal o estatal.

El distrito utilizará un programa de conducta positiva como alternativa disciplinaria para los estudiantes en grados inferiores al tercer grado que cometan violaciones de conducta general en lugar de suspensión o asignación a un DAEP. El programa deberá cumplir con los requisitos de la ley.

Proceso

La ley estatal permite que un estudiante sea suspendido un máximo de tres días escolares por violación de conducta, sin límite del número de veces que puede ser suspendido en un semestre o año escolar.

Antes de ser suspendido, un estudiante tendrá una reunión informal con el CBC o el administrador correspondiente, quien informará al estudiante la supuesta mala conducta.

El CBC determinará el número de días de la suspensión de un estudiante, pero no excederá tres días escolares.

Para decidir si se debe ordenar suspensión fuera de la escuela, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

El administrador correspondiente determinará las restricciones de la participación en actividades extracurriculares y paralelas patrocinadas por la escuela o relacionadas con la escuela.

Trabajo de clase durante la suspensión

El distrito se asegurará de que un estudiante reciba acceso al trabajo de la clase de los cursos del currículo básico mientras el estudiante está en suspensión dentro o fuera de la escuela, incluso al menos un método de recepción de este trabajo de clase que no requiera del uso de internet.

Un estudiante que se traslade del salón de clase regular a ISS u otro programa de educación, además de DAEP, tendrá una oportunidad, antes del inicio del siguiente año escolar, de completar un curso básico del plan de estudio en el cual el estudiante estaba matriculado al momento de la remoción. El distrito puede dar la oportunidad a través de cualquier método disponible, incluido un curso por correspondencia, otra opción de aprendizaje a distancia o la escuela de verano. El distrito no hará ningún cargo al estudiante por el método para completar el trabajo provisto por el distrito.

Asignación al Programa Disciplinario de Educación Alternativa (DAEP)

El DAEP se ofrecerá en un entorno distinto al salón de clase regular del estudiante. Un estudiante de primaria no puede ser asignado a un DAEP con un estudiante que no sea un estudiante de primaria.

Para propósitos del DAEP, la clasificación de primaria será de kindergarten a 6o. grado y la clasificación de secundaria será de 7o. a 12o. grado.

Los programas de verano provistos por el distrito darán servicio a los estudiantes asignados a un DAEP en conjunto con otros estudiantes.

Un estudiante expulsado por una infracción que de otra manera habría dado como resultado la asignación a un DAEP no tiene que asignarse a un DAEP además de la expulsión.

Para decidir si se debe asignar a un estudiante a un DAEP, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Asignación discrecional: Mala conducta que puede dar como resultado la asignación a un DAEP

Se puede asignar a un estudiante a un DAEP por conductas prohibidas en la sección de Violaciones generales de conducta de este Código de Conducta.

Mala conducta identificada en la ley estatal

En conformidad con la ley estatal, **se puede** asignar a un estudiante a un DAEP por alguna de las siguientes infracciones:

- Participación en intimidación escolar que anime a un estudiante a cometer o intentar cometer suicidio.
- Incitación de violencia en contra de un estudiante a través de intimidación escolar grupal.
- Publicación o amenaza de publicación de material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Participación en una fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública, incluida la participación como miembro o bajo juramento, o solicitar a otra persona que tome juramento o sea miembro de una fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública. (Ver **glosario**).
- Participación en una actividad delictiva de pandilla callejera delincuente. (Ver **glosario**).

- Travesura delictiva, no sancionable como delito mayor.
- Cualquier travesura delictiva, incluido un delito mayor.
- Agresión (sin lesión corporal) con amenaza de lesión corporal inminente.
- Agresión mediante contacto físico ofensivo o provocativo.

En conformidad con la ley estatal, se **puede** asignar a un estudiante a un DAEP si el superintendente o su representante cree de manera razonable (ver **glosario**) que el estudiante participó en una conducta sancionable como delito mayor, además de robo agravado o aquellos delitos descritos como ofensas con lesión a una persona en el Título 5 (ver **glosario**) del Código Penal, que ocurra fuera de la propiedad escolar y no en un evento patrocinado por la escuela o relacionado con la escuela, si la presencia del estudiante en el salón de clase regular amenaza la seguridad de otros estudiantes o maestros, o se considera peligroso para el proceso educativo.

El CBC **puede** asignar a un estudiante a un DAEP por conducta fuera de la escuela para la cual la ley estatal exija la asignación a un DAEP si el administrador no tiene conocimiento de la conducta antes del primer aniversario de la fecha en que ocurrió la conducta.

Asignación obligatoria: Mala conducta que requiere asignación a un DAEP

Se **debe** asignar a un estudiante a un DAEP si:

- Participa en una conducta relacionada con una falsa alarma o informe (incluida una amenaza de bomba) o una amenaza terrorista que incluya una escuela pública. (Ver **glosario**).
- Comete las siguientes infracciones en propiedad de la escuela, dentro de 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar, o mientras asiste a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:
    - Participa en una conducta sancionable como delito mayor.
    - Comete una agresión (ver **glosario**) bajo el Código Penal 22.01(a)(1).
    - Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de una sustancia controlada o droga peligrosa en una cantidad que no constituya un delito mayor. (Las infracciones de drogas consideradas delito mayor relacionadas con la escuela se incluyen en **Expulsión** en la página 30). (Ver en el **glosario** “bajo los efectos”, “sustancia controlada” y “droga peligrosa”).
    - Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de la marihuana o THC. Un estudiante con una receta válida de cannabis de bajo THC según lo autorizado por el Capítulo 487 del Código de Salud y Seguridad no infringe esta disposición.
    - Vende, da o entrega a otra persona una bebida alcohólica; comete una infracción grave mientras está bajo los efectos del alcohol; o posee, usa o está bajo los efectos del alcohol.
    - Se comporta de tal manera que sus actos contienen los elementos de una infracción relacionada con abuso de sustancias químicas volátiles.
    - Vende, da o entrega a otra persona o posee o utiliza un cigarrillo electrónico (Consulte el documento DOI para más información).

  - Se comporta de tal manera que sus actos contienen los elementos de lascivia o exhibicionismo público. (Ver **glosario**).
  - Participa en una conducta que contiene los elementos de una infracción de acoso contra un empleado bajo 42.07(a)(1), (2), (3) o (7) del Código Penal.
- Participa en una conducta que amerita expulsión y tiene de seis a nueve años de edad.
- Comete una violación federal con armas de fuego y es menor de seis años.
- Participa en una conducta que contiene los elementos de la infracción de represalia contra algún empleado o voluntario de la escuela dentro o fuera de la propiedad escolar. (Cometer represalia en combinación con otra infracción que amerite expulsión se incluye en **Expulsión** en la página 30).
- Participar en una conducta sancionable como robo agravado o un delito mayor bajo el Título 5 (ver **glosario**) del Código Penal cuando la conducta ocurre fuera de la propiedad escolar y en un evento no patrocinado por la escuela ni relacionado con la escuela y:

1. El estudiante recibe enjuiciamiento diferido (ver **glosario**),
2. Un tribunal o jurado determina que el estudiante ha participado en una conducta delictiva (ver **glosario**), o
3. El superintendente o su representante cree de manera razonable (ver **glosario**) que el estudiante participó en la conducta.

Agresión sexual y asignaciones de campus

Se transferirá a un estudiante a otro campus si:

- El estudiante ha sido convicto de abuso sexual continuo de un niño pequeño o de una persona discapacitada, o convicto o asignado a una adjudicación diferida por agresión sexual o agresión sexual agravada en contra de otro estudiante de la misma escuela; y
- El padre de la víctima u otra persona con autoridad de actuar en nombre de la víctima solicita que la junta transfiera al estudiante ofensor a otro campus.

Si no hay otra escuela en el distrito que brinde servicio al nivel de grado del estudiante ofensor, entonces se transferirá a un DAEP.

Proceso

Las remociones a un DAEP las debe hacer el CBC.

Reunión

Cuando se remueve a un estudiante de una clase por una infracción de DAEP, el CBC o el administrador correspondiente programará una reunión dentro de tres días escolares con el padre del estudiante, el estudiante y, en caso de la remoción por un maestro, el maestro.

En la reunión, el CBC o el administrador correspondiente brindará al estudiante:

- Información, oral o escrita, de las razones de la remoción;
- Una explicación de las bases de la remoción; y
- Una oportunidad para responder a las razones de la remoción.

Después de intentos válidos de pedir la asistencia, el distrito puede detener la reunión y tomar una decisión de la asignación sin importar si el estudiante o los padres del estudiante asisten a la reunión.

Consideración de factores de mitigación

Para decidir si se debe asignar a un estudiante a un DAEP, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Orden de asignación

Después de la reunión, si se asigna al estudiante a un DAEP, el CBC escribirá una orden de asignación. Se enviará una copia de la orden de asignación a un DAEP e información para el padre o la persona designada en la relación de padre con el estudiante sobre el proceso de solicitar una evaluación individual e inicial completa del estudiante para propósitos de servicios de educación especial al estudiante y al padre del estudiante.

A más tardar el segundo día hábil después de la reunión, el representante de la junta entregará al tribunal de menores una copia de la orden de asignación y toda la información requerida por la Sección 52.04 del Código de Familia.

Si se asigna al estudiante a un DAEP y el periodo de asignación no coincide con las pautas incluidas en este Código de Conducta, la orden de asignación dará aviso de la incoherencia.

DAEP con cupo lleno

Si un DAEP tiene cupo lleno al momento que el CBC decide la asignación por una conducta relacionada con marihuana, THC, un cigarrillo electrónico, alcohol o una sustancia química volátil, se asignará al estudiante a ISS y luego se le transferirá a un DAEP por el resto del período cuando haya cupo disponible antes del vencimiento del período de asignación.

Si un DAEP tiene cupo lleno al momento en que el CBC está decidiendo la asignación de un estudiante que participó en una conducta violenta, un estudiante asignado en un DAEP por una conducta relacionada con marihuana, THC, un cigarrillo electrónico, alcohol o una sustancia química volátil se puede asignar a ISS para disponer de espacio en el DAEP para el estudiante que participó en una conducta violenta. Si hay un lugar disponible en un DAEP antes del vencimiento del período de la asignación para el estudiante sacado de la escuela, el estudiante deberá regresar a un DAEP por el resto del período.

Aviso del trabajo del curso

Se dará un aviso escrito al padre o tutor de un estudiante asignado a un DAEP sobre la oportunidad del estudiante de completar, sin costo para el estudiante, un curso base del plan de estudios en el que el estudiante estaba matriculado al momento de la remoción y que se

requiere para graduación. El aviso incluirá información referente a todos los métodos disponibles para completar el trabajo del curso.

Duración de una asignación

El CBC determinará la duración de la asignación de un estudiante a un DAEP.

La duración de la asignación de un estudiante será determinada según cada caso en base a la gravedad de la infracción, la edad y nivel de grado del estudiante, la frecuencia de la mala conducta, la actitud del estudiante y los requisitos legales.

El periodo máximo de la asignación a un DAEP será de un año calendario, salvo lo estipulado a continuación.

A menos que se especifique de otra manera en la orden de asignación, los días ausentes de un DAEP no deberán contar para completar el número de días requeridos en la orden de asignación a un DAEP de un estudiante.

El distrito administrará las evaluaciones previas y posteriores requeridas para los estudiantes asignados a un DAEP durante un periodo de 90 días o más en conformidad con los procedimientos administrativos establecidos del distrito para administrar otras evaluaciones de diagnóstico o de punto de referencia.

Excede un año

La asignación a un DAEP puede exceder un año cuando una revisión del distrito determina que el estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito.

Las limitaciones estatutarias sobre el periodo de una asignación a un DAEP no se aplican a la asignación resultante de la decisión de la junta para asignar a un estudiante que participó en una agresión sexual de otro estudiante para que no se asigne a los estudiantes al mismo campus.

Excede el año escolar

A los estudiantes que cometen infracciones que requieren la asignación a un DAEP al final del año escolar se les puede exigir que continúen en esa asignación al inicio del siguiente año escolar para completar el término de la asignación.

Para una asignación a un DAEP que se extienda más allá del final del año escolar, el CBC o el representante de la junta debe determinar que:

1. La presencia del estudiante en el salón de clase regular o escuela presenta un peligro de daño físico para el estudiante o los demás, o
2. El estudiante ha participado en una mala conducta grave o persistente (ver **glosario**) que viola el Código de Conducta del distrito.

Excede 60 días

Para la asignación a un DAEP de más de 60 días o del final del siguiente periodo de calificaciones, lo que ocurra primero, se dará aviso al padre del estudiante y la oportunidad de participar en un proceso ante la junta o el representante de la junta.

Apelaciones

Las preguntas de los padres acerca de las medidas disciplinarias se deben dirigir a la administración escolar.

Las apelaciones de un estudiante o padre de la asignación a un DAEP se gestionarán en conformidad con el reglamento FNG(LOCAL). Se puede obtener una copia de este reglamento en la oficina del director, la oficina del CBC, la oficina de administración central o a través de Policy Online®™ en la siguiente dirección: *https://pol.tasb.org/PolicyOnline?key=439*

Las apelaciones comenzarán en Nivel I con el principal.

El distrito no demorará consecuencias disciplinarias en espera del resultado una apelación. La decisión de asignar a un estudiante a un DAEP no se puede apelar más allá de la junta.

Restricciones durante la asignación

El distrito no permite a ningún estudiante asignado a un DAEP participar en ninguna actividad extracurricular o paralela patrocinada por la escuela o relacionada con la escuela, incluyendo postularse para un cargo honorario y/o membresía en un club u organización patrocinado por la escuela.

A un estudiante asignado a un DAEP no se le proveerá transporte, a menos que el estudiante sea un estudiante con discapacidad que tenga derecho a transporte en conformidad con el IEP del estudiante o el plan de la Sección 504.

Para los estudiantes del último año que son elegibles para graduarse, o seniors, y están asignados a un DAEP en el momento de la graduación, el último día de colocación en el programa será el último día de instrucción y se permitirá que el estudiante participe en la ceremonia de graduación sujeto a una revisión. . Al estudiante no se le permitirá participar en actividades relacionadas con la graduación a menos que se especifique lo contrario en la orden de colocación en DAEP.

Revisión de asignación

El CBC o el representante de la junta proveerá a un estudiante asignado a un DAEP una revisión de su estatus, incluido el estatus académico, a intervalos que no excedan 120 días. En el caso de un estudiante de preparatoria, también se revisará el progreso del estudiante hacia la graduación y el plan de graduación del estudiante. En la revisión, se dará la oportunidad al estudiante o al padre del estudiante de presentar argumentos para el regreso del estudiante al salón de clase o campus regular. El estudiante no puede regresar al salón de clase regular de un maestro que haya removido al estudiante sin consentimiento de ese maestro.

Mala conducta adicional

Si durante el plazo de la asignación a un DAEP el estudiante participa en mala conducta adicional para la cual se requiere o permite la asignación a un DAEP o expulsión, se pueden llevar a cabo procesos adicionales y el CBC puede hacer una orden disciplinaria adicional como resultado de esos procesos.

Aviso de actuaciones penales

Cuando un estudiante se asigne a un DAEP por ciertas infracciones, la oficina del fiscal notificará al distrito si:

1. Se negó el enjuiciamiento del caso del estudiante por falta de mérito de acusación o evidencias insuficientes y no se iniciará ningún proceso formal, adjudicación diferida (ver **glosario**) ni enjuiciamiento diferido; o

2. El tribunal o jurado determinó que el estudiante no es culpable, o descubrió que el estudiante no participó en una conducta delictiva o conducta que indique una necesidad de supervisión, y el caso se desestimó con prejuicio.

Si se asignó a un estudiante a un DAEP por dicha conducta, al recibir el aviso del fiscal, el superintendente o su representante revisará la asignación del estudiante y programará una revisión con el padre del estudiante a más tardar el tercer día después de que el superintendente o su representante reciba aviso del fiscal. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la revisión.

Después de revisar el aviso y recibir información del padre del estudiante, el superintendente o su representante puede continuar la asignación del estudiante si hay motivos para pensar que la presencia del estudiante en el salón de clase regular amenaza la seguridad de los demás estudiantes o del maestro.

El estudiante o padre del estudiante puede apelar la decisión del superintendente a la junta. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la apelación. En caso de una apelación, la junta, en la siguiente reunión programada, revisará el aviso del fiscal y recibirá información del estudiante, el padre del estudiante y el superintendente o su representante, y confirmará o invertirá la decisión del superintendente o su representante. La junta hará un informe de los procesos.

Si la junta confirma la decisión del superintendente o su representante, el estudiante y el padre del estudiante pueden apelar ante el Comisionado de Educación. El estudiante no puede regresar al salón de clase regular hasta que se lleve a cabo la apelación.

Baja durante el proceso

Cuando un estudiante viole el Código de Conducta del distrito de una manera que requiera o permita que el estudiante se asigne a un DAEP y el estudiante se da de baja del distrito antes de completar la orden de la asignación, el CBC puede completar los procesos y emitir una orden de asignación. Si el estudiante se matricula nuevamente en el distrito durante el mismo año escolar o el subsiguiente, el distrito puede ejecutar la orden en ese momento, menos cualquier periodo que el estudiante haya cumplido la asignación durante su matrícula en otro distrito. Si el CBC o la junta no emite una orden de asignación después de la baja del estudiante, el siguiente distrito en el cual se matricule el estudiante puede completar los procesos y emitir una orden de asignación.

Estudiantes recién matriculados

El distrito continuará la asignación al DAEP de un estudiante que se matricule en el distrito y haya sido asignado a un DAEP en una escuela autónoma (charter) de inscripción abierta u otro distrito, incluido un distrito en otro estado.

Cuando un estudiante se matricula en el distrito con una asignación a un DAEP de un distrito de otro estado, el distrito tiene el derecho de asignar al estudiante en un DAEP de la misma manera que a cualquier otro estudiante recién matriculado si la conducta cometida es una razón de asignación a un DAEP en el distrito que recibe al estudiante.

La ley estatal requiere que el distrito reduzca una asignación impuesta por un distrito en otro estado que exceda un año de manera que la asignación total no exceda un año. Sin embargo, después de una revisión, la asignación se puede extender a más de un año si el distrito determina que el estudiante es una amenaza para la seguridad de otros estudiantes o empleados, o si la asignación extendida es para el mejor interés del estudiante.

Procedimiento de asignación de emergencia

Cuando sea necesaria una asignación de emergencia debido a la conducta indebida, perturbadora o abusiva que interfiera seriamente con las operaciones del salón de clase o de la escuela, se dará al estudiante un aviso oral de la razón de la acción. A más tardar el décimo día después de la fecha de asignación, se dará la oportunidad al estudiante de tener una reunión apropiada requerida para la asignación a un DAEP.

Servicios de transición

En conformidad con la ley y los procedimientos del distrito, el personal del campus proveerá servicios de transición a un estudiante que regresa al salón de clase regular de un programa alternativo de educación, incluso de un DAEP. Para obtener más información, ver el reglamento FOCA(LEGAL).

Asignación y/o expulsión por ciertas infracciones

Esta sección incluye dos categorías de infracciones para las cuales el Código de Educación estipula procesos únicos y consecuencias específicas.

Delincuentes sexuales registrados

En conformidad con la ley estatal, al recibir una notificación de que un estudiante debe registrarse actualmente como ofensor sexual, el distrito debe remover al estudiante del salón de clase regular y determinar la asignación apropiada, a menos que el tribunal ordene la asignación a JJAEP.

Si el estudiante está bajo alguna forma de supervisión de la corte, incluida libertad condicional, supervisión de la comunidad, libertad provisional, el estudiante se asignará a DAEP o JJAEP por lo menos un semestre.

Si el estudiante no está bajo ninguna forma de supervisión de la corte, el estudiante puede ser asignado a DAEP o JJAEP por un semestre o puede ser asignado a un salón de clase regular. El estudiante no puede ser asignado al salón de clase regular si la junta o su representante determina que la presencia del estudiante:

1. Amenaza la seguridad de otros estudiantes o maestros,
2. Será perjudicial para el proceso de instrucción, o
3. No es para el mejor interés de los estudiantes del distrito.

Comité de revisión

Al final del primer semestre de la asignación de un estudiante a un entorno educativo alternativo y antes del inicio de cada año escolar para el cual el estudiante permanezca en una asignación alternativa, en conformidad con la ley estatal, el distrito formará un comité para revisar la asignación del estudiante. El comité recomendará si el estudiante debería regresar al salón de clase regular o permanecer en la asignación. Sin tener ningún hallazgo especial, la junta o su representante debe seguir la recomendación del comité.

La revisión de la asignación de un estudiante discapacitado que recibe servicios de educación especial debe hacerla el comité de ARD.

Estudiante recién matriculado

Si un estudiante se matricula en el distrito durante una asignación obligatoria como ofensor sexual registrado, el distrito pude tomar en cuenta el tiempo que el estudiante ya pasó en una asignación, o puede exigir un semestre adicional en una asignación alternativa sin llevar a cabo una revisión de la asignación.

Apelación

Un estudiante o padre de un estudiante puede apelar la asignación solicitando una reunión entre la junta o su representante, el estudiante y el padre del estudiante. La reunión se limita a la pregunta factual sobre si el estudiante se debe registrar como ofensor sexual. Cualquier decisión de la junta o su representante bajo esta sección es definitiva y no se puede apelar.

Determinados delitos mayores

Sin importar si la asignación a DAEP o expulsión es requerida o permitida por una de las razones en las secciones de Asignación a DAEP o Expulsión, en conformidad con el Código de

Educación 37.0081, un estudiante puede ser expulsado y asignado a DAEP o JJAEP si la junta o el CBC hace ciertos hallazgos y existen las siguientes circunstancias en relación con robo agravado o un delito mayor bajo el Título 5 (ver **glosario**) del Código Penal. El estudiante debe haber:

- Recibido enjuiciamiento diferido por una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Sido encontrado por un tribunal o jurado que ha participado en una conducta delictiva por una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Recibido cargos de participar en una conducta definida como robo agravado o un delito mayor bajo el Título 5;
- Sido remitido a un tribunal de menores por presunta participación en una conducta delictiva definida como robo agravado o un delito mayor bajo el Título 5;
- Recibido libertad provisional o adjudicación diferida, o haber sido arrestado, acusado o convicto de robo agravado o un delito mayor bajo el Título 5.

El distrito puede expulsar al estudiante y ordenar otra asignación bajo estas circunstancias sin importar:

1. La fecha en la que ocurrió la conducta del estudiante,
2. El lugar donde ocurrió la conducta,
3. Si la conducta ocurrió mientras el estudiante estaba matriculado en el distrito, o
4. Si el estudiante completó satisfactoriamente los requisitos de alguna disposición del tribunal impuestos en relación con la conducta.

Audiencia y hallazgos requeridos

El estudiante debe tener primeramente una audiencia ante la junta o su representante, quien debe determinar que además de las circunstancias anteriores que permiten la expulsión, la presencia del estudiante en el salón de clase regular:

1. Amenaza la seguridad de otros estudiantes o maestros,
2. Será perjudicial para el proceso de instrucción, o
3. No es para el mejor interés de los estudiantes del distrito.

Cualquier decisión de la junta o su representante bajo esta sección es definitiva y no se puede apelar.

Duración de asignación

El estudiante está sujeto a la asignación hasta que:

1. El estudiante se gradúa de la escuela preparatoria,
2. Se levantan los cargos o se reducen a una infracción menor, o
3. El estudiante completa el término de la asignación o se le asigna a otro programa.

Revisión de asignación

Un estudiante asignado a un DAEP o JJAEP bajo esta sección tiene derecho a una revisión de su situación, incluido el estatus académico, por parte del CBC o el representante de la junta en

intervalos que no excedan los 120 días. En el caso de un estudiante de preparatoria, también se revisará el progreso del estudiante hacia la graduación y el plan de graduación del estudiante. En la revisión, el estudiante o su padre tendrá la oportunidad de presentar argumentos para el regreso del estudiante al salón de clase o escuela regular.

Estudiantes recién matriculados

Un estudiante que se inscriba en el distrito antes de completar una asignación bajo esta sección de otro distrito escolar debe completar el término de la asignación.

Expulsión

Para decidir si se debe ordenar la expulsión, sin importar si la acción es obligatoria o discrecional, el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Expulsión discrecional: Mala conducta que puede dar como resultado la expulsión

Algunos de los siguientes tipos de mala conducta pueden dar como resultado una asignación obligatoria a un DAEP, sin importar si se expulsa o no al estudiante. (Ver **Asignación a un DAEP** en la página 19).

Cualquier sitio

Un estudiante **puede** ser expulsado por:

- Participación en intimidación escolar que anime a un estudiante a cometer o intentar cometer suicidio.
- Incitación de violencia en contra de un estudiante a través de intimidación escolar grupal.
- Publicación o amenaza de publicación de material visual íntimo de un menor o de un estudiante de 18 años de edad o mayor sin el consentimiento del estudiante.
- Conducta que contiene los elementos de agresión bajo el Código Penal 22.01(a)(1) en represalia contra un empleado o voluntario de la escuela.
- Mala conducta delictiva, si es sancionable como delito mayor.
- Participación en una conducta que contenga los elementos de una de las siguientes infracciones en contra de otro estudiante:
  - Agresión agravada.
  - Agresión sexual.
  - Agresión sexual agravada.
  - Homicidio.
  - Homicidio en primer grado.
  - Tentativa de homicidio u homicidio en primer grado.
  - Robo agravado.
- Quebrantamiento de seguridad informática. (Ver **glosario**).

- Participación en una conducta relacionada con una falsa alarma o informe (incluida una amenaza de bomba) o una amenaza terrorista que incluya una escuela pública.

En la escuela, a 300 pies o en un evento escolar

Un estudiante **puede** ser expulsado por cometer cualquiera de las siguientes infracciones en la escuela o dentro de 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar, o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:

- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de cualquier cantidad de marihuana, una sustancia controlada o una droga peligrosa. Un estudiante con una receta válida de cannabis de bajo THC según lo autorizado por el Capítulo 487 del Código de Salud y Seguridad no infringe esta disposición. (Ver “bajo los efectos” en el **glosario**).
- Vende, da o entrega a otra persona, o posee, usa o está bajo los efectos de una bebida alcohólica; comete una infracción grave mientras está bajo los efectos del alcohol.
- Se comporta de tal manera que su conducta contiene los elementos de una infracción relacionada con abuso de químicos volátiles.
- Se comporta de tal manera que su conducta contiene los elementos de agresión bajo 22.01(a)(1) del Código Penal contra un empleado o un voluntario.
- Participa en una conducta mortal. (Ver **glosario**).

Dentro de 300 pies de la escuela

Un estudiante **puede** ser expulsado por participar en las siguientes conductas mientras se encuentra a 300 pies de la propiedad escolar según lo medido desde cualquier punto del límite de la propiedad escolar:

- Agresión agravada, agresión sexual o agresión sexual agravada.
- Incendio premeditado. (Ver **glosario**).
- Homicidio, asesinato capital o intento criminal de cometer homicidio o asesinato capital.
- Indecencia con un menor.
- Secuestro agravado.
- Homicidio no premeditado.
- Homicidio criminal negligente.
- Robo agravado.
- Abuso sexual continuo de un niño pequeño o de una persona discapacitada.
- Delito mayor por ofensas de una sustancia controlada o droga peligrosa, sin incluir THC.
- Portar ilegalmente sobre la persona del estudiante una pistola o una navaja restringida en el sitio, según la definición de estos términos en la ley estatal. (Ver **glosario**).
- Poseer, fabricar, transportar, reparar o vender un arma prohibida, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).
- Posesión de un arma de fuego, de acuerdo a lo definido por la ley federal. (Ver **glosario**).

Propiedad de otro distrito

Un estudiante **puede** ser expulsado por cometer una infracción que el estado considere infracción con expulsión obligatoria si la infracción se comete en la propiedad de otro distrito en Texas o mientras el estudiante asiste a una actividad patrocinada por la escuela o relacionada con la escuela de otro distrito en Texas.

En un DAEP

Un estudiante puede ser expulsado por participar en mala conducta grave documentada que viole el Código de Conducta del distrito, a pesar de las intervenciones de conducta documentadas mientras está asignado a un DAEP. Para propósitos de expulsión discrecional de un DAEP, mala conducta grave significa:

1. Conducta violenta deliberada que imponga una amenaza directa a la salud o seguridad de los demás;
2. Extorción, que significa la obtención de dinero u otra propiedad por fuerza o amenaza;
3. Conducta que constituya coerción, según lo definido por el Código Penal 1.07; o
4. Conducta que constituya la infracción de:
    a. Lascivia pública bajo el Código Penal 21.07;
    b. Exhibicionismo bajo el Código Penal 21.08;
    c. Mala conducta delictiva bajo el Código Penal 28.03;
    d. Novatadas maliciosas bajo el Código de Educación 37.152; o
    e. Acoso bajo el Código Penal 42.07(a)(1) de un estudiante o empleado del distrito.

Expulsión obligatoria: Mala conducta que requiere expulsión

Un estudiante **debe** ser expulsado bajo la ley federal o estatal por cualquiera de las siguientes infracciones que ocurran en la propiedad escolar o mientras asista a una actividad patrocinada por la escuela o relacionada con la escuela dentro o fuera de la propiedad escolar:

Bajo la ley federal

- Llevar o poseer en la escuela, incluido cualquier lugar que esté bajo control o supervisión del distrito para propósitos de una actividad escolar, un arma de fuego, según lo definido por la ley federal. (Ver **glosario**).

Nota: La expulsión obligatoria bajo la Ley Federal de Escuelas sin Armas no se aplica a un arma de fuego que esté legalmente guardada dentro de un vehículo con seguro, o a armas de fuego usadas en actividades aprobadas y autorizadas por el distrito cuando el distrito ha adoptado medidas de resguardo apropiadas para garantizar la seguridad del estudiante.

Bajo el Código Penal

- Portar ilegalmente sobre la persona del estudiante lo siguiente, de manera prohibida por el Código Penal 46.02:
    - Una pistola, definida por la ley estatal como un arma de fuego diseñada, hecha o adaptada para usarse con una mano. (Ver **glosario**). Nota: Un estudiante no puede ser expulsado únicamente con base en el uso, exhibición, o posesión del estudiante de un arma de fuego que ocurra en unas instalaciones de tiro al blanco que no estén ubicadas en un campus escolar, al participar o prepararse para participar en una competencia

deportiva de tiro patrocinada por la escuela o en una actividad deportiva de tiro patrocinada o apoyada por el Departamento de Parques y Vida Silvestre, o una organización deportiva de tiro trabajando con el departamento. [Ver el reglamento FNCG (LEGAL)].

- Una navaja restringida en el sitio, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).

- Poseer, fabricar, transportar, reparar o vender un arma prohibida, de acuerdo a lo definido por la ley estatal. (Ver **glosario**).
- Comportarse de una manera en la cual la conducta contenga elementos de las siguientes infracciones bajo el Código Penal:
  - Agresión agravada, agresión sexual o agresión sexual agravada.
  - Incendio premeditado. (Ver **glosario**).
  - Homicidio, asesinato capital o intento criminal de cometer homicidio o asesinato capital.
  - Indecencia con un menor.
  - Secuestro agravado.
  - Robo agravado.
  - Homicidio no premeditado.
  - Homicidio criminal negligente.
  - Abuso sexual continuo de un niño pequeño o de una persona discapacitada.
  - Conducta sancionable como delito mayor que incluye vender, dar o entregar a otra persona, o poseer, usar, o estar bajo los efectos de una sustancia controlada o una droga peligrosa.
- Participar en represalias contra un empleado o voluntario de la escuela en combinación con una de las infracciones de expulsión obligatoria indicadas previamente.

Menos de diez años

Cuando un estudiante menor de diez años participa en una conducta que se castiga con expulsión, el estudiante no será expulsado, sino que se le asignará a un DAEP. Un estudiante menor de seis años no se debe asignar a un DAEP a menos que haya cometido una infracción federal con armas de fuego.

Proceso

Si se piensa que un estudiante ha cometido una infracción cuyo castigo es la expulsión, el CBC u otro administrador apropiado programará una audiencia dentro de un periodo razonable. Se invitará al padre del estudiante por escrito para que asista a la audiencia.

Hasta que se pueda llevar a cabo una audiencia, el CBC u otro administrador puede asignar al estudiante a:

- Otro salón de clase adecuado.
- ISS.
- Suspensión fuera de la escuela.

- DAEP.

Audiencia

Se dará a un estudiante que se enfrente a la expulsión una audiencia con el debido proceso. El estudiante tiene derecho a:

1. Representación por el padre del estudiante u otro adulto que pueda proveer guía al estudiante y que no sea empleado del distrito,
2. Una oportunidad de testificar y presentar evidencias y testigos en su defensa, y
3. Una oportunidad de hacer preguntas a los testigos convocados por el distrito para la audiencia.

Después de dar aviso al estudiante y su padre sobre la audiencia, el distrito puede detener la audiencia sin importar si el estudiante o los padres del estudiante asisten.

La junta escolar delega al superintendente asociado autoridad de llevar a cabo audiencias y expulsar a estudiantes.

Revisión de la expulsión por parte de la junta

Después del debido proceso de la audiencia, el estudiante expulsado puede solicitar que la junta revise las decisiones de expulsión. El estudiante o padre debe presentar una solicitud escrita al superintendente en un plazo de siete días después de recibir la decisión escrita. El superintendente debe dar al estudiante o padre un aviso escrito de la fecha, la hora y el lugar de la reunión en la cual la junta revisará la decisión.

La junta revisará el informe de la audiencia de expulsión en una reunión privada, a menos que el padre solicite por escrito que el asunto se puede llevar a cabo en una reunión pública. La junta también puede escuchar una declaración del estudiante o padre y del representante de la junta.

La junta considerará y basará su decisión en evidencias reflejadas en el informe y en cualquier declaración hecha por las partes en la revisión. La junta hará y comunicará su decisión verbalmente al concluir la presentación. No se diferirán las consecuencias hasta que finalice el resultado de la audiencia.

Orden de expulsión

Antes de ordenar la expulsión, la junta o el CBC considerará:

1. Defensa propia (ver **glosario**),
2. Intención o falta de intención al momento en el que el estudiante participó en la conducta,
3. El historial disciplinario del estudiante,
4. Una discapacidad que imposibilite de manera significativa la capacidad del estudiante para distinguir la ilicitud de su conducta,
5. La situación de un estudiante bajo tutela del Departamento de Familia y Servicios de Protección (cuidado tutelar), o
6. La situación de no tener hogar de un estudiante.

Si el estudiante es expulsado, la junta o su representante darán al estudiante y al padre del estudiante una copia de la orden de expulsión del estudiante.

A más tardar el segundo día hábil después de la audiencia, el superintendente asociado entregará al tribunal de menores una copia de la orden de expulsión y toda la información requerida por la Sección 52.04 del Código de Familia.

Si el periodo de expulsión no coincide con las pautas incluidas en el Código de Código de Conducta, la orden de expulsión dará aviso de la incoherencia.

Duración de la expulsión

La duración de la expulsión se basará en la gravedad de la infracción, la edad y nivel de grado del estudiante, la frecuencia de la mala conducta, la actitud del estudiante y los requisitos estatutarios.

La duración de la expulsión de un estudiante se determinará con base en cada caso. El periodo máximo de la expulsión es un año calendario, salvo lo estipulado a continuación.

Una expulsión no puede exceder un año, a menos que, después de la revisión, el distrito determine que:

1. El estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito, o
2. La expulsión prolongada es para el mejor interés del estudiante.

La ley federal y estatal exige que un estudiante se expulse del salón de clase regular durante un periodo de por lo menos un año calendario por llevar a la escuela un arma de fuego, de acuerdo a lo definido por la ley federal. Sin embargo, el superintendente puede modificar la duración de la expulsión con base en cada caso.

A los estudiantes que cometen infracciones que requieren la expulsión al final del año escolar se les puede expulsar incluso después de iniciar el siguiente año escolar para completar el término de la expulsión.

Baja durante el proceso

Cuando la conducta de un estudiante requiera o permita la expulsión del distrito y el estudiante se da de baja del distrito antes de que se lleve a cabo la audiencia de la expulsión, el distrito puede llevar a cabo una audiencia después de enviar aviso escrito al padre o al estudiante.

Si el estudiante se matricula nuevamente en el distrito durante el mismo año escolar o el subsiguiente, el distrito puede ejecutar la orden de expulsión en ese momento, menos cualquier periodo que el estudiante haya cumplido el periodo de expulsión durante su matrícula en otro distrito.

Si el CBC o la junta no emite una orden de expulsión después de la baja del estudiante, el siguiente distrito en el cual se matricule el estudiante puede completar los procesos.

Mala conducta adicional

Si durante la expulsión el estudiante participa en mala conducta adicional para la cual se requiere o permite la asignación a un DAEP o expulsión, se pueden llevar a cabo procesos adicionales y el CBC puede emitir una orden disciplinaria adicional como resultado de esos procesos.

Restricciones durante la expulsión

Los estudiantes expulsados tienen prohibido estar en la propiedad escolar o asistir a actividades patrocinadas por la escuela o relacionadas con la escuela durante el periodo de expulsión.

No se obtendrá ningún crédito académico por el trabajo perdido durante el periodo de expulsión a menos que el estudiante esté matriculado en un JJAEP u otro programa aprobado por el distrito.

Estudiantes recién matriculados

El distrito continuará la expulsión de cualquier estudiante recién matriculado expulsado de otro distrito o de una escuela autónoma (charter) de inscripción abierta hasta que se complete el periodo de expulsión.

Si un estudiante expulsado de otro estado se matricula en el distrito, el distrito puede continuar la expulsión bajo los términos de la orden de expulsión, puede asignar a un estudiante a un DAEP durante el periodo especificado en la orden, o puede permitir que el estudiante asista a clases regulares si:

1. El distrito del otro estado provee al distrito una copia de la orden de expulsión, y
2. La infracción que causó la expulsión es también una infracción con motivo de expulsión en el distrito en el cual el estudiante se está matriculando.

Si un distrito escolar de otro estado expulsó al estudiante por un periodo que exceda un año y el distrito continúa la expulsión o asigna al estudiante a un DAEP, el distrito reducirá el periodo de expulsión o asignación a un DAEP de manera que el periodo no exceda un año, a menos que después de una revisión se determine que:

1. El estudiante es una amenaza para la seguridad de otros estudiantes o empleados del distrito, o
2. La asignación prolongada es para el mejor interés del estudiante.

Procedimientos de expulsión de emergencia

Cuando sea necesaria una expulsión de emergencia para proteger a personas o propiedad de un daño inminente, se dará al estudiante un aviso verbal de la razón de la acción. Dentro de diez días después de la fecha de la expulsión de emergencia, se dará al estudiante el debido proceso requerido para un estudiante que se enfrenta a una expulsión.

Asignación a un DAEP de estudiantes expulsados

El distrito puede proveer servicios de instrucción a cualquier estudiante expulsado en un DAEP. Sin embargo, servicios de instrucción en el DAEP deben proveerse si el estudiante tiene menos de diez años de edad.

Servicios de transición

En conformidad con la ley y los procedimientos del distrito, el personal del campus proveerá servicios de transición para un estudiante que regresa al salón de clase regular de una asignación a un programa alternativo de educación, incluso de un DAEP o JJAEP. Para obtener más información, ver los reglamentos FOCA(LEGAL) y FODA(LEGAL).

Glosario

Abuso es el uso inapropiado o excesivo.

Acoso incluye:

1. Conducta que cumple con la definición establecida en los reglamentos del distrito DIA(LOCAL) y FFH(LOCAL);
2. Conducta que amenaza causar daños o lesiones corporales a otra persona, incluido un estudiante del distrito, empleado, miembro de la junta, o voluntario; es sexualmente intimidante; causa daños físicos a las pertenencias de otro estudiante; sujeta a otro estudiante a restricción física; o daña maliciosa y considerablemente la salud o seguridad física o emocional de otro estudiante, de acuerdo a lo definido en el Código de Educación 37.001(b)(2); o
3. Conducta que es sancionable como delito bajo el Código Penal 42.07, incluso los siguientes tipos de conducta si se llevan a cabo con la intención de acosar, molestar, alarmar, abusar, atormentar o avergonzar a otro:
    a. Iniciar comunicación y, en el transcurso de la comunicación, realizar un comentario, solicitud, sugerencia o propuesta que es obsceno, según lo definido por la ley;
    b. Amenazar, en una forma que es razonablemente probable que alarme a la persona que recibe la amenaza, de que se va a infligir daño físico a la persona o a cometer un delito mayor en contra de la persona, un integrante de la familia o grupo familiar de la persona o los bienes de la persona;
    c. Expresar, en una forma que es razonablemente probable que alarme a la persona que recibe el informe, un informe falso, que el emisor sabe que es falso, que diga que otra persona ha fallecido o sufrido lesión física grave;
    d. Hacer que el teléfono u otro dispositivo timbre reiteradamente, o hacer comunicaciones telefónicas repetitivas de modo anónimo, o que de una manera razonable tenga la posibilidad de acosar, molestar, alarmar, abusar, atormentar, avergonzar u ofender a otra persona;
    e. Hacer una llamada telefónica e intencionalmente no colgar o desconectar la llamada;
    f. Permitir a sabiendas el uso de un teléfono bajo control de la persona por otra persona para cometer un delito bajo esta sección;
    g. Enviar comunicaciones electrónicas reiteradas en una forma que es razonable que produzca acoso, molestia, alarma, abuso, tormento, vergüenza u ofensa a otro; y
    h. Publicar en un sitio web de Internet, incluidas las plataformas de redes sociales, comunicaciones electrónicas repetidas de manera tal que sea razonablemente probable que causen angustia, abuso o tormento a otra persona, a menos que las comunicaciones se hagan en relación con un asunto de interés público, tal como lo define la ley; o
    i. Hacer llamadas telefónicas obscenas, intimidantes o amenazadoras o a través de otra comunicación electrónica de un número de teléfono temporal o desechable provisto por una aplicación de Internet u otro medio de tecnología.

Adjudicación diferida es una alternativa a la búsqueda de convicción en el tribunal que se puede ofrecer a un menor por una conducta delictiva o conducta que indique una necesidad de supervisión.

Agresión se define en parte en el Código Penal 22.01 como causar intencionalmente, a sabiendas o imprudentemente lesión corporal a otra persona; amenazar intencionalmente o a sabiendas a otra persona con lesión corporal inminente; o causar intencionalmente o a sabiendas contacto físico con otra persona que pueda considerarse de manera razonable como ofensivo o provocador.

Amenaza terrorista, definida por el Código Penal 22.07, es una amenaza de violencia a alguna persona o propiedad con la intención de:

1. Causar una reacción de cualquier tipo de alguna agencia oficial o voluntaria organizada para lidiar con emergencias;
2. Atemorizar a una persona de una lesión corporal grave e inminente;
3. Impedir o interrumpir la ocupación o uso de un edificio; habitación, lugar de reunión o lugar de acceso público; lugar de empleo u ocupación; avión, automóvil, u otro medio de transporte; u otro lugar público;
4. Impedir o interrumpir las comunicaciones públicas; el transporte público; suministro de agua, gas o electricidad pública; u otro servicio público;
5. Atemorizar al público o a un grupo público de una lesión corporal grave; o
6. Influir la conducta o actividades de una dependencia o agencia del gobierno federal, el estado, o una subdivisión política del estado (incluido el distrito).

Ametralladora, definida por el Código Penal 46.01, es cualquier arma de fuego que es capaz de disparar más de dos tiros automáticamente, sin recargo manual, con un solo apretón del gatillo.

Arma de cañón corto se define en el Código Penal 46.01 como un rifle con cañón de menos de 16 pulgadas de largo o una escopeta con cañón de menos de 18 pulgadas, o cualquier arma hecha de un rifle o escopeta que, al alterarse, tenga una longitud total de menos de 26 pulgadas.

Arma de fuego se define en la ley federal (18 U.S.C. 921(a)) como:

1. Cualquier arma (incluyendo una pistola de salva) que se convertirá, está diseñada para convertirse o se puede convertir en un dispositivo que lanza un proyectil mediante la acción de un explosivo;
2. El marco o receptor de cualquier tipo de arma;
3. Cualquier amortiguador de sonido de arma de fuego o silenciador de arma de fuego, que se define como cualquier dispositivo para silenciar, amortiguar o reducir la explosión de un arma de fuego portátil; o
4. Cualquier dispositivo destructivo, como un explosivo, bomba incendiaria o de gas venenoso, o granada.

Dicho término no incluye un arma de fuego considerada antigüedad.

Arma de imitación significa un objeto que se parece a un arma pero que no está destinado a causar lesiones corporales graves.

Arma explosiva, definida en el Código Penal 46.01, es un explosivo o bomba incendiaria, granada, cohete, o mina y su mecanismo de ejecución que está diseñado, hecho o adaptado para el propósito de infligir una lesión corporal grave, la muerte o daños considerables a la

propiedad, o para el propósito principal de causar un ruido muy fuerte que cause alarma o terror al público.

Arma improvisada, definida por el Código Penal 46.01, es un dispositivo, o combinación de dispositivos, que originalmente no son un arma de fuego, pero que se adaptan para disparar un proyectil a través de un cañón de ánima lisa o rayada usando la energía generada por una explosión o sustancia ardiente.

Arma prohibida bajo el Código Penal 46.05(a) significa:

1. Los siguientes artículos, a menos que estén registrados con la Agencia de Alcohol, Tabaco, Armas de Fuego y Explosivos de EE.UU., o que no estén sujetos de otra manera al requisito de registro, o a menos que el artículo esté clasificado como curiosidad o reliquia por el Departamento de Justicia de EE.UU.:
    a. Un arma explosiva;
    b. Una ametralladora;
    c. Un arma de cañón corto;
2. Munición perforante;
3. Dispositivo dispensador de químicos;
4. Un arma improvisada;
5. Un dispositivo para desinflar neumáticos; o
6. Un dispositivo de explosivo improvisado.

Autodefensa es el uso de fuerza contra otra persona hasta el grado que una persona piensa de manera razonable que es inmediatamente necesaria para protegerse a sí misma.

Bajo los efectos significa la falta del uso normal de las facultades físicas o mentales. El deterioro de las facultades físicas o mentales de una persona puede detectarse por un patrón de conducta anormal o errática, la presencia de síntomas físicos de uso de alcohol o drogas, o admitiéndolo. Un estudiante que esté “bajo los efectos” no tiene que estar intoxicado legalmente para causar una medida disciplinaria.

Cigarrillo electrónico significa un cigarrillo electrónico u otro dispositivo que simula el fumar usando un elemento de calentamiento mecánico, pila o circuito electrónico para dispensar nicotina u otras sustancias a la persona que inhala del dispositivo, o una solución líquida consumible u otro material aerosolizado o vaporizado durante el uso de un cigarrillo electrónico u otro dispositivo descrito en esta disposición. El término incluye cualquier dispositivo que es fabricado, distribuido o vendido como un cigarrillo electrónico, puro electrónico o pipa electrónica, o bajo otro nombre o descripción de producto y un componente, pieza o accesorio para el dispositivo, sin importar si el componente, pieza o accesorio se vende por separado del dispositivo.

Conducta delictiva es una conducta que viola la ley federal o estatal y que sea sancionable mediante prisión o encarcelamiento. Incluye la conducta que viole ciertas órdenes del tribunal de menores, incluyendo órdenes de libertad condicional, pero no incluye violaciones a las leyes de tránsito.

Conducta mortal bajo el Código Penal 22.05 ocurre cuando una persona participa imprudentemente en una conducta que plantea a otro un peligro inminente de lesión física

grave, como disparar un arma de fuego conscientemente en dirección a una persona, habitación, edificio o vehículo.

Creencia razonable es aquella que una persona común de inteligencia promedio y lucidez mental creería. El Capítulo 37 exige que el superintendente o su representante tome determinadas decisiones disciplinarias cuando tenga una creencia razonable de que el estudiante participó en una conducta sancionable como delito mayor. En la formación de una creencia razonable de ese tipo, el superintendente o su representante puede utilizar toda la información disponible y debe considerar la información provista en el aviso de la detención de un estudiante bajo el Código de Procedimientos Penales, Artículo 15.27.

Delitos mayores del Título 5 son los delitos mayores incluidos en el Título 5 del Código Penal que generalmente involucran lesión a una persona y pueden incluir:

- Asesinato, homicidio no premeditado u homicidio bajo las Secciones 19.02 - .05;
- Secuestro bajo la Sección 20.03;
- Trata de personas bajo la Sección 20A.02;
- Tráfico ilícito o continuo de personas bajo las Secciones 20.05 - .06;
- Agresión bajo la Sección 22.01;
- Agresión agravada bajo la Sección 22.02;
- Agresión sexual bajo la Sección 22.011;
- Agresión sexual agravada bajo la Sección 22.021;
- Privación ilegal de la libertad bajo la Sección 20.02;
- Abuso sexual continuo de un niño pequeño o de una persona discapacitada bajo la Sección 21.02;
- Bestialidad/bestialismo bajo la Sección 21.09;
- Relación inapropiada entre el educador y el estudiante bajo la Sección 21.12;
- Voyerismo bajo la Sección 21.17;
- Indecencia con un menor bajo la Sección 21.11;
- Grabación visual invasiva bajo la Sección 21.15;
- Revelación o promoción de material visual íntimo bajo la Sección 21.16;
- Coerción sexual bajo la Sección 21.18;
- Lesión a un menor, un anciano o una persona discapacitada de cualquier edad bajo la Sección 22.04;
- Abandono o puesta en peligro de un menor bajo la Sección 22.041;
- Conducta mortal bajo la Sección 22.05;
- Amenaza terrorista bajo la Sección 22.07;
- Ayuda a una persona a suicidarse bajo la Sección 22.08; y
- Manipulación de un producto de consumo bajo la Sección 22.09;

Discrecional significa que algo se deja o regula por un tomador de decisiones local.

Dispositivo dispensador de químicos, definido por el Código Penal 46.01, es un dispositivo diseñado, hecho o adaptado para el propósito de dispensar una sustancia capaz de causar un efecto psicológico o fisiológico adverso en un ser humano. Un dispensador de químicos pequeño que se vende comercialmente para protección personal no está dentro de esta categoría.

Dispositivo para desinflar neumáticos se define en parte por el Código Penal 46.01 como un dispositivo, incluyendo un abrojo o ponchallantas que, cuando se conduce por encima, impide o detiene el movimiento de un vehículo de ruedas perforando uno o más neumáticos del vehículo.

Droga peligrosa se define en el Código de Salud y Seguridad 483.001 como un dispositivo o una droga que no es segura para automedicación y que no está incluida en los Anexos I a V o en los Grupos 1 a 4 de Sanción de la Ley de sustancias controladas de Texas. El término incluye un dispositivo o una droga que la ley federal prohíbe dispensar sin receta o que restringe para uso de un veterinario habilitado o por orden del mismo.

Enjuiciamiento diferido se puede ofrecer a un menor como una alternativa a la búsqueda de convicción en el tribunal por una conducta delictiva o conducta que indique una necesidad de supervisión.

Exhibicionismo, definido por el Código Penal 21.08, es una ofensa que ocurre cuando una persona expone el ano de la persona o alguna parte de los genitales de la persona con la intención de despertar o gratificar los deseos sexuales de una persona, y al exhibidor no le importa si la otra persona presente se ofenderá o alarmará a causa de la acción.

Explosivo improvisado, definido por el Código Penal 46.01, es una bomba completa y funcional diseñada para causar lesiones corporales graves, la muerte o daños considerables a la propiedad, que se fabrica de una manera improvisada con el uso de componentes no militares.

Falsa alarma o informe bajo el Código Penal 42.06 ocurre cuando una persona deliberadamente inicia, comunica o distribuye un informe de una bomba, incendio, infracción u otra emergencia presente, pasada o futura que sabe que es falsa o sin fundamentos y que generalmente:

1. Causaría la acción de la policía o agencia voluntaria organizada para lidiar con emergencias;
2. Atemorizaría a una persona de una lesión corporal grave e inminente; o
3. Impediría o interrumpiría la ocupación de un edificio, habitación o lugar de reunión.

Fraternidad, hermandad, sociedad secreta o pandilla de una escuela pública significa una organización compuesta en su totalidad o en parte por estudiantes que buscan perpetuarse a sí mismos aceptando miembros adicionales de entre los estudiantes matriculados en la escuela con base a una membresía en lugar de la libre elección de un estudiante calificado. Las organizaciones educativas incluidas en el Código de Educación 37.121(d) son excepciones de esta definición.

Grafiti incluye marcas con pintura, pluma o marcador indeleble, o dispositivo de grabación en bienes tangibles sin el consentimiento del propietario. Las marcas pueden incluir inscripciones, eslogan, dibujos o pinturas.

Incendio premeditado se define en parte en el Código Penal 28.02 como un delito que incluye:

1. Crear un incendio o causar una explosión con la intención de destruir o hacer daños:
    a. De vegetación, cerca o estructura en un terreno abierto; o
    b. A cualquier edificio, habitación o vehículo:
        (1) Sabiendo que está dentro de los límites de una ciudad o poblado incorporado,
        (2) Sabiendo que está asegurado contra daños o destrucción,
        (3) Sabiendo que está sujeto a una hipoteca u otro interés de garantía,
        (4) Sabiendo que está ubicado en la propiedad de otra persona,
        (5) Sabiendo que está ubicado dentro de la propiedad de otra persona, o
        (6) Cuando la persona que inicia el incendio no considera que el incendio o la explosión pondrá en peligro la vida de alguna persona o la seguridad de la propiedad de una persona.
2. Crear un incendio o explosión de manera imprudente mientras se fabrique o intente fabricar una sustancia controlada si el incendio o la explosión daña algún edificio, habitación o vehículo; o
3. Crear un incendio o causar una explosión de manera intencional y esto causa:
    a. Dañar o destruir de manera imprudente un edificio que pertenece a otra persona, o
    b. Causar de manera imprudente que otra persona sufra lesiones corporales o la muerte.

Intimidación cibernética (cyberbullying), como se define en el Código de Educación 37.0832, es intimidación a través del uso de algún dispositivo de comunicación electrónica, incluso a través del uso de un teléfono celular u otro tipo de teléfono, una computadora, una cámara, correo electrónico, mensajes instantáneos, mensajes de texto, una aplicación de redes sociales, un sitio web de internet o cualquier otra herramienta de comunicación por internet.

Intimidación escolar (bulllying) se define como una acción o un patrón de acciones significativas por parte de uno o más estudiantes dirigidas a otro estudiante que aprovecha un desequilibrio de poder, e implica participar en la expresión verbal o escrita, en la expresión a través de medios electrónicos o en conducta física que:

1. Tiene el efecto o tendrá el efecto de lastimar físicamente a un estudiante, dañar las pertenencias de un estudiante o imponer en un estudiante un temor razonable de daño a su persona o daño a sus pertenencias;
2. Es tan grave, persistente e intensa que la acción o amenaza crea un entorno educativo que es intimidante, amenazador o abusivo para un estudiante;
3. Perturba de manera sustancial y considerable el proceso de instrucción o el funcionamiento ordenado de un salón de clase o escuela, o
4. Infringe los derechos de la víctima en la escuela.

La intimidación escolar incluye la intimidación cibernética (cyberbullying). (Ver a continuación) Las leyes de este estado sobre la intimidación escolar se aplican a:

1. Intimidación escolar que ocurre en la propiedad escolar, se dirige deliberadamente a la propiedad escolar o al sitio de una actividad patrocinada o relacionada con la escuela, dentro o fuera de la propiedad escolar;

2. Intimidación escolar que ocurre en un autobús o vehículo escolar público o privado que se utiliza para transportar estudiantes de ida o vuelta a la escuela o a una actividad patrocinada o relacionada con la escuela; y
3. Intimidación cibernética que ocurre fuera de la propiedad escolar o fuera de una actividad patrocinada o relacionada con la escuela si dicha intimidación interfiere con las oportunidades educativas de un estudiante o interrumpe considerablemente la operación ordenada de un salón de clase, escuela o actividad patrocinada o relacionada con la escuela.

Lascivia pública, definida por el Código Penal 21.07, es una ofensa que ocurre cuando una persona participa deliberadamente en el coito sexual, coito sexual desviado o contacto sexual en un lugar público o, si no es un lugar público, lo hace sin importarle si otras personas presentes se ofenderán o alarmarán a causa de la acción.

Mala conducta grave significa:

1. Conducta violenta deliberada que imponga una amenaza directa a la salud o seguridad de los demás;
2. Extorción, que significa la obtención de dinero u otra propiedad por fuerza o amenaza;
3. Conducta que constituya coerción, según lo definido por el Código Penal 1.07; o
4. Conducta que constituya la infracción de:
    a. Lascivia pública bajo el Código Penal 21.07;
    b. Exhibicionismo bajo el Código Penal 21.08;
    c. Mala conducta delictiva bajo el Código Penal 28.03;
    d. Novatadas maliciosas bajo el Código de Educación 37.152; o
    e. Acoso bajo el Código Penal 42.07(a)(1) de un estudiante o empleado del distrito.

Mala conducta grave o persistente incluye, entre otras cosas:

- Conducta que es causa de expulsión permisible o asignación obligatoria a un DAEP.
- Conducta identificada por el distrito como causa de asignación discrecional a un DAEP.
- Acciones o demostraciones que interrumpan de manera considerable o interfieran materialmente con las actividades escolares.
- Negarse a tratar de hacer o completar el trabajo escolar asignado.
- Insubordinación.
- Usar lenguaje profano o vulgar, o hacer gestos obscenos.
- Salir de la propiedad escolar sin permiso.
- Falsificar registros, pases u otros documentos relacionados con la escuela.
- Negarse a aceptar medidas disciplinarias asignadas por un maestro o director.

Manoplas significa cualquier instrumento que consiste de anillos o cubiertas hechas de una sustancia dura y diseñado o adaptado para causar lesiones corporales graves o la muerte golpeando a una persona con el puño apretando los nudillos.

Material visual íntimo, definido por el Código Civil de Prácticas y Remedios 98B.001 y el Código Penal 21.16, es un material visual que representa a una persona con sus partes íntimas expuestas o participando en una conducta sexual. “Material visual” significa cualquier película, fotografía, cinta de video, negativo o diapositiva de cualquier reproducción fotográfica o cualquier otro medio físico que permite que una imagen se presente en una computadora u otra pantalla de video y cualquier imagen transmitida a una computadora u otra pantalla visual.

Munición perforante se define en el Código Penal 46.01 como munición de pistola usada en pistolas y revólveres y diseñada principalmente para penetrar metal o blindaje personal.

Navaja restringida en el sitio, definida por el Código Penal 46.01, es una navaja con una cuchilla de más de cinco pulgadas y media.

Novatada maliciosa (hazing) se define en el Código de Educación 37.151 como un acto intencional, consciente o imprudente, en el campus o fuera de él, hecho por una persona sola o que actúa con otras, dirigido a un estudiante con el propósito de comprometer, iniciar, afiliar, tener un cargo o mantener la membresía en una organización estudiantil si el acto contiene los elementos del Código de Educación 37.151, entre ellos:

1. Cualquier tipo de brutalidad física;
2. Una actividad que someta al estudiante a un riesgo irrazonable de daño o que perjudique la salud física o mental del estudiante, como privación de sueño, exposición a factores meteorológicos, encierro en espacios reducidos, calistenia o consumo de alimentos, líquidos, drogas u otras sustancias;
3. Una actividad que induzca, cause o exija que el estudiante realice una función o tarea que infrinja el Código Penal; o
4. Forzar a un estudiante a consumir una droga o bebida alcohólica en una cantidad que llevaría a una persona razonable a creer que el estudiante está intoxicado. **Lista negra (lista de víctimas)**, definida en el Código de Educación 37.001(b)(3), es una lista de gente a la que se desea lastimar, usando un arma de fuego, una navaja o cualquier otro objeto con la intención de causar lesiones corporales.

Obligatorio significa que algo es obligatorio o requerido por una autoridad.

Pandilla callejera delincuente se define en el Código Penal 71.01 como tres o más personas que tienen una señal o símbolo de identificación común o un liderazgo identificable que se relaciona continua o regularmente con la perpetración de actividades delictivas.

Parafernalia son dispositivos que se pueden usar para inhalar, ingerir, inyectar o de otra manera introducir una sustancia controlada en el cuerpo humano.

Pistola, definida por el Código Penal 46.01, es cualquier arma de fuego que esté diseñada, hecha o adaptada para dispararse con una mano.

Porra (club), como se define en el Código Penal 46.01, es un instrumento especialmente diseñado, hecho o adaptado para el propósito de infligir una lesión corporal grave o la muerte al golpear a una persona con el instrumento, e incluye, entre otros, cachiporra, porra de policía, maza, y hacha.

Posesión significa tener un artículo en su persona o en la propiedad personal, que incluye, entre otros:

1. Ropa, bolso o mochila;

2. Un vehículo privado usado para transportarse hacia o desde la escuela o actividades relacionadas con la escuela, incluyendo, entre otros, un automóvil, camioneta, motocicleta o bicicleta;
3. Dispositivos de telecomunicaciones o electrónicos; o
4. Cualquier propiedad escolar usada por el estudiante, incluyendo, entre otros, un casillero o escritorio.

Quebrantamiento de seguridad informática incluye acceder deliberadamente a una computadora, red o sistema computacional sin el consentimiento efectivo del propietario de acuerdo a lo definido por el Código Penal 33.02, si la conducta incluye acceder a una computadora, red o sistema computacional que es propiedad de un distrito escolar u operado a nombre del distrito y el estudiante deliberadamente altera, daña o borra propiedad o información del distrito escolar o comete un quebrantamiento de alguna otra computadora, red o sistema computacional.

Robo agravado se define en parte en el Código Penal 29.03(a) como cuando una persona comete un robo y:

1. Causa lesiones físicas graves a otra persona;
2. Usa o enseña un arma mortal; o
3. Causa lesiones físicas a otra persona o amenaza o atemoriza a otra persona de una lesión física inminente o muerte, si la otra persona es:
    a. Mayor de 65 años, o
    b. Una persona discapacitada.

Sustancia controlada significa una sustancia, incluso un fármaco, un adulterante y un diluyente, enumerados en los Anexos I a V o Grupo 1, 1-A, 1-B, 2, 2-A, 3 o 4 de Sanción de la Ley de sustancias controladas de Texas. El término incluye el peso total de cualquier mezcla, solución u otra sustancia que contenga una sustancia controlada. El término no incluye cáñamo, según se define en el Código de Agricultura 121.001, o el tetrahidrocannabinol (THC) en el cáñamo.

Uso significa introducción voluntaria al propio cuerpo, por cualquier medio, de una sustancia prohibida.

Violencia en la pareja ocurre cuando una persona en una relación de pareja actual o pasada utiliza el abuso físico, sexual, verbal o emocional para dañar, amenazar, intimidar o controlar a la otra persona en la relación. La violencia en la pareja también ocurre cuando una persona comete estos actos contra una persona en una relación de matrimonio o de pareja con la persona que está o estuvo casada o en una relación de pareja con la persona que comete la ofensa, de acuerdo a lo definido en la Sección 710021 del Código de Familia.

San Elizario ISD
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Fax 915.872.3903

MEMORANDUM

To: San Elizario ISD Board Members
From: Sandra Sanchez, CTE Administrator
Subject: Engineering and Health Science Textbooks Selection and Purchase
Date: May 22, 2024

HISTORY: The Engineering has been only using PLTW curriculum. This will be great opportunity for the students to explore another avenue of information through the textbooks. Health Science is a new program that has been using online curriculum and will be receiving textbook. Through the adoption of the textbook's teachers were able to review in-depth which books would best support each program TEKS. Students will be able to use the textbooks to further support each program.

RATIONALE: The students will be able to explore another avenue of gathering information and connect their knowledge received from the textbooks and be able to do hands-on applications that will allow students to experience and connect what is read in the textbook. It is also a major support in the student preparing for their program certifications.

Engineering

Both textbooks offer a document that shows how each textbook addresses the TEKS for the content for the Principles of Applied Engineering and Engineering Design and Presentation I. This document breaks down the TEKS needed and the corresponding page from the book that addresses the TEKS.

The Engineering Fundamentals textbook offers lessons in 10 different disciplines of engineering as well as the history and background of engineering. All of this is crucial for the beginning course so students can get a full view of what engineering is and what to expect if they continue this pathway.

The Exploring Drafting textbook addresses the needs of the Engineering Design and Presentation I course by showing how the textbook addresses the TEKS for this course and the page number where the TEKS lessons are. This textbook also offers lessons on CAD and will help set up the students with the first year of CAD and the pathway to reaching a CAD certification after their second year.

Both textbooks have online capabilities and provide files that can be uploaded to google classroom for use online. At the moment, both of these textbooks will provide a resource for our upcoming freshman and sophomore classes and assist in our CAD certification program.

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Health Science

The Medical Terminology - Mastering the Basics textbook addresses and meets the needs of covering the TEKS for this course and the page number where the TEKS lessons are. This book also offers procedures, treatments, and diagnostics that will enhance student understanding as it applies to real life scenarios. This textbook will assist the students in pursuit of their EMT, PCT certification.

Introduction to Health Science and Health Science Concepts and Skills incorporate CTSO HOSA criteria. The content is organized well with TEKS. Very user friendly and prepares students for a career in healthcare and for PCT/EMT certifications. Both have hands on activities- Skills.

All textbooks have online capabilities and provide files that can be uploaded to google classroom for use online.

BUDGET: Engineering: $ 7,188.48

Health Science: $11,583.78

TOTAL: $18,772.26

ADMINISTRATIVE RECOMMENDATION: It is recommended that the Board approval the textbooks for the Engineering Program and Health Science program. These textbooks will support the CTE courses with their TEKS. It will all so support the hands-on applications that will foster our students' needs when preforming relevant and rigorous learning to earn a certification.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

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Quote Date
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SANDRA SANCHEZ
PO BOX 920
SAN ELIZARIO TX 79849-0920

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Email Address
ssanchez@seisd.net

Process No.	Process Date	Purchase Order Number	Shipped Via	Expiration Date
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ISBN	Quantity	Item	Title (©)	List Price	Disc. %	Net Extended Price
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BSL	BrightSpace License	OLS	Online Learning Suite	TAW	Teacher's Annotated Workbook
CCL	Common Cartridge License	OSC	Online Student Center	TE	Teacher's Edition
CCK	Common Cartridge Packet	OT	Online Textbook	TSE	Exam View Test Software
CUR	Curriculum Center	PP	PowerPoint	TXT	Textbook
EBI	Ebook Instructor	RCD	Instructor's Resource CD	WB	Workbook
EBS	Ebook Student	SDG	Software Design Guide		
LM	Lab Manual				

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QUOTE

Account Number
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9798891186910	26	BDL	BDL HEALTH SCIENCE CON TXT/SSO3 (2024)	202.32	25.00	3,945.24
9798889993049	1	OIR	OIR TX HEALTH SCIENCE CO 8YR EM (2024) DESK COPY	0.00	.00	0.00
9798889994268	1	OIR	OIR TX INTRO MEDICAL TERM 8YR EM(2023) DESK COPY	0.00	.00	0.00
9798894480282	26	BDL	BDL INTRO TO HEALTH TX/OLS3 (2024)	206.92	25.00	4,034.94
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9798891187016	26	BDL	BDL INTRO MEDICAL TERM TXT/SSO3 (2023)	184.80	25.00	3,603.60

Sub-Total	Sales Tax	Shipping Charge	PAY THIS AMOUNT	11,583.78
11,583.78	0.00	0.00		

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BDL	Bundle	OG	Observation Guide	SG	Study Guide
BSK	BrightSpace Packet	OIR	Online Instructor Resource	SHP	Shop Manual
BSL	BrightSpace License	OLS	Online Learning Suite	TAW	Teacher's Annotated Workbook
CCL	Common Cartridge License	OSC	Online Student Center	TE	Teacher's Edition
CCK	Common Cartridge Packet	OT	Online Textbook	TSE	Exam View Test Software
CUR	Curriculum Center	PP	PowerPoint	TXT	Textbook
EBI	Ebook Instructor	RCD	Instructor's Resource CD	WB	Workbook
EBS	Ebook Student	SDG	Software Design Guide		
LM	Lab Manual				

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MEMORANDUM

To: Dr. Meza-Chavez, Superintendent and Board
From: Sandra Sanchez, CTE Administrator
Subject: Effective Advising Framework (EAF) Presentation and Implementation Grant
Date: May 28, 2024

HISTORY: We are always seeking to improve our programs. In an EPADOG meeting Region 19 reached out to the El Paso Region to participate in the Effective Advising Framework. They specifically wanted to assist the rural communities. After further review with immediate administration, we moved forward in the participation of the Effective Advising Framework. After participating this current year, we are interested in applying for the EAF Implementation Grant that will open on June 2, 2024. We also need to present to the board as part of the qualification for the grant. The grant can provide up to $700.000 or less depending on what they award the districts. A letter of interest is also required.

RATIONALE: We are requesting permission to apply for the EAF Implementation Grant and present to the Board on the EAF. This grant will strictly provide monies that can be used to support the counseling program. This will assist us in further aligning the district counselors, receive counseling supports and resources, support the requirements on the T-SCESS and support the Texas Counseling Model. This grant will allow our counselors to grow and improve on the service provided to the students.

BUDGET: $0.00. It is a grant that will provide us monies.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the Superintendent and Board approve the application for the EAF Implementation Grant to improve the services provided to the San Elizario ISD students and to provide support to our counselors.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

Effective Advising Framework

June 12, 2024



EAF Steering Committee

Sandra Sanchez
Project Lead &
CTE Administrator

Troy Enriquez
Administrator

Patricia Villarreal
HS Counselor/DC
Representative

Marisol Galarza
MS Counselor
Representative

Nora Garcia
Elem. Counselor
Representative

Jeffery Seay
Special Education
Representative

SY23-24 Participating Districts

Planning Grant	Implementation Grant Year 1	Implementation Grant Year 2
ESC 1: Rio Grande City Grulla, Sharyland, Weslaco **ESC 3:** Goliad, East Bernard, **ESC 4:** Sheldon, Waller **ESC 10:** Lovejoy, Wills Point, Waxahachie **ESC 11:** Kennedale, White Settlement **ESC 13:** Georgetown, Katherine Anne Porter **ESC 14:** Baird, Paint Creek, Albany **ESC 15:** Eden, Harper **ESC 16:** Dumas, Hereford **ESC 19:** Tornillo, San Elizario	**ESC 1:** South Texas, Lasara **ESC 4:** Cleveland **ESC 8:** Como-Pickton, Mt. Vernon **ESC 11:** Azle, Springtown, Krum **ESC 13:** Dripping Springs, Taylor **ESC 15:** Bronte, Sonora, Robert Lee, Richland Springs, Brady **ESC 16:** Clarendon, Amarillo	**ESC 4:** Channelview, Hempstead **ESC 9:** Jacksboro **ESC 10:** Community, Farmersville **ESC 11:** Cleburne, Everman, Weatherford **ESC 13:** Bartlett, Jarrell **ESC 15:** Winters

The Law: HB 18 & TEC 33.005

School Counselor Roles and Responsibilities in Statute:

HB 18 Section 11 –

Amends Section 33.005 of the Education Code

This section changes the Developmental Guidance and Counseling Programs to the Comprehensive School Counseling Programs. A Comprehensive program will be considered such if it conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs….

TEC 33.005 COMPREHENSIVE SCHOOL COUNSELING PROGRAMS.

(a) A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

(b) The school counselor shall design the program to include:

(1) a guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;

(2) a responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk;

(3) an individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development; and

(4) system support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

Effective Advising Framework

The Effective Advising Framework:

- Provides a clear vision for designing and implementing an individual student planning system.
- Leverages internal partners, external partners, and high-quality advising materials and assessments.



EAF Prioritized Levers

- Lever 1: Strong Program Leadership and Planning
- Lever 2: Effective, well supported school counselors and advisors
- Lever 3: Internal School Culture of Advising
- Lever 4: Effective External Partnerships
- Lever 5: High-quality Advising Materials and Assessments



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District EAF Process

- Administered Survey to high school students
- Results used to create counseling goal areas:
  - Career Development
  - Academic Development
  - Personal & Social Development
  - Financial Literacy and Aid
- Created 3-year plan to address Grade Level Expectation (GLE) priorities
- Analyzed the gaps in: CCMR, Career Development, Increase access to counseling services, and Financial Literacy & Aid
- Present to our school district and community stakeholders

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EAF Goals SY 2024-2025

- Goal I: Academic/CCMR – Increase student completion of the Texas Bridge.
- Goal II: Career Development – Increase student workplace visits that align to their careers and provide more exposure to real life experiences
- Goal III: Personal & Social – Increase student self-care awareness through networking influences and discovering individual strengths to plan for their future.
- Goal IV: Financial Literacy & Aid – Increase the FAFSA, TASFA and College Scholarship Service profiles.

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Integration of Effective Advising

Effective Advising includes supporting students to navigate the pathway opportunities.

- **Connecting to Comprehensive School Counseling** - The framework underscores integrating effective advising into the school district's individual student planning via its comprehensive counseling program, aligning with Texas law. Strong leadership should ensure holistic advising, including evaluation within the annual counseling program assessment.

- **Connecting to Career and Technical Education** - Effective advising leverages the district's career and technical education program offerings to connect a student's postsecondary aspirations to academic pathways with multiple entry and exit points.

- **Connecting to Work-based Learning** - Effective advising should leverage work-based learning experiences as an opportunity to facilitate meaningful conversation in individual career and academic planning with students, making appropriate connections between the educational experience and postsecondary planning.

- **Connecting to External Partners** - The School Counseling Program leverages community and regional partners in effective advising to support program guidance and service delivery.

Benefits of Effective Advising

Below are projected benefits of the EAF for multiple stakeholders:

- **Community Benefits** – Students will graduate ready for postsecondary success aligned to community and local workforce needs.
- **Administrators** – Students will graduate college, career, or military ready, which will boost accountability in CCMR ratings and produce outcome bonuses.
- **School Counselors** – Districts will strategically leverage internal and external resources to support school counselors in leading the implementation of a comprehensive school counseling program responsible for all students' academic, career, personal, and social development.
- **Educators** – Students will be more engaged in a learning process that is connected to their post-secondary plans.
- **Students & Parents/Caregivers** – Families will be equipped with tools and resources to make informed decisions regarding their student's future and enable the student to obtain a high-growth, high-demand career.

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SY23-24 EAF Grants Overview

	Planning Grant	Year 1 and Year 2 Implementation Grants
Purpose	Support the identification and training of **new EAF Coaches** or to continue the training of **Designated EAF Coaches** while they support **new EAF Districts** through the planning process.	Support school districts who successfully completed all requirements of the **2022-2023 or 2021-2022 Effective Advising Planning Grant** in the implementation of their EAF priorities for Year 1 or Year 2 of EAF Implementation in grades 5-12.
Strategy	Technical assistance of a new **EAF Coach** or an **EAF Designated Coach** located at the Education Service Center (ESC).	Districts will be supported by an Effective Advising Framework Implementation Coach (EAF Coach) at the ESC who will monitor, support, and coach the district through implementation.
Funding	Carl D. Perkins Career and Technical Education Act of 2006	

EAF Highlights for Our District

- Region 19 offered the opportunity for our district to participate in the EAF planning process with their guidance.
- Our district may receive up to $700,000 in EAF grant funding to support the sustainability of the advising framework depending upon how many districts are chosen.
- If approved, the framework will increase community partnerships and continued investment in our students
- The district will have counseling alignment from pre-K to high school with a common language and vision for student success.

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Thank you!

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Executive Director-Support Services
Subject: Consider and Possible Board Action to Approve the Third Amendment to Ground Facilities Lease Agreement Between San Elizario ISD and Organizacion Progresiva of San Elizario
Date: June 12, 2024

HISTORY: The original Lease Agreement was executed on January 18, 2023, and made effective as of January 1, 2023 (the "Original Lease Agreement"). The Landlord and Tenant have entered a First Amendment and Second Amendment. The Second Amendment lease agreement ended on April 30, 2024.

RATIONALE: The provisions of this Third Amendment shall modify the Original Lease Agreement, and Second Amendment with the provisions of this amendment to be effective as of May 1, 2024. The term of the lease would be extended to December 31, 2024, and terminated thereafter.

BUDGET: No budget impact.

ADMINISTRATIVE RECOMMENDATION: Administration recommends for the Board to approve extending the lease term as stated on the Third Amendment.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

THIRD AMENDMENT
TO GROUND FACILITIES LEASE AGREEMENT

This document is the THIRD Amendment to the Ground Facilities Lease Agreement entered into by the SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT ("Landlord" or "SEISD") and LA ORGANIZACION PROGRESIVA DE SAN ELIZARIO INC. ("Tenant" or "OP"), originally executed on January 18, 2023, and made effective as of January 1, 2023 (the "Original Lease Agreement"). The Landlord and Tenant have entered a First Amendment and Second Amendment. The Second Amendment's lease agreement was to terminate on April 30, 2024, but could have been extended by the Landlord until December 31, 2024 at the Landlord's full and sole discretion. The provisions of this Third Amendment shall modify the Original Lease Agreement, and Second Amendment with the provisions of this amendment to be effective as of May 1, 2024. By signing this Amendment, Landlord and Tenant agree to the following amendments to the Original Lease Agreement.

1. Extension of Term:

   The term of the lease is extended to December 31, 2024, and terminated thereafter.

2. Waiver of Sovereign Immunity, etc.:

   NO WAIVER OF SOVEREIGN IMMUNITY; AUTHORITY. NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, (A) TENANT EXPRESSLY UNDERSTANDS THAT SEISD IS A POLITICAL SUBDIVISION OF THE STATE OF TEXAS, AND NOTHING IN THIS AGREEMENT WILL BE CONSTRUED AS A WAIVER OR RELINQUISHMENT BY SEISD OF ITS RIGHT TO CLAIM SUCH EXEMPTIONS, PRIVILEGES, AND IMMUNITIES AS MAY BE PROVIDED BY LAW.

3. Entire Agreement: Except as expressly modified in this Third Amendment, all terms and conditions of the Original Lease Agreement and prior amendments remain in full force and effect. This Third Amendment, together with the Original Lease Agreement and terms set out in the First Amendment section 1 and 2, constitute the entire agreement between the Landlord SEISD and Tenant OP regarding the Tenant OP's Lease Agreement and supersede all prior and contemporaneous agreements or understanding, whether written or oral.

[signature page follows]

EXECUTED as of the date first shown below in El Paso County, Texas.

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

_____ Date: _____

Eduardo Chavez, Board President

ORGANIZACION PROGRESIVA DE SAN ELIZARIO

_____ Date: _____

Antonio Araujo, Director

Localized Policy Manual Update 123

071904 San Elizario ISD

Update 123 contains local policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy Online® manual.

Please note that legal policies will not be published on Policy Online until the board acts on the local policies or specifically requests earlier publication.

What should I do to prepare for board adoption?

1. Log in to Policy Online,[1] select **Local Manual Updates** from the **My Policy Manual** drop-down menu, click **Numbered Updates**, then click **UPDATE 123**.
2. Download and save the numbered update resource materials for Update 123.
3. Present the local policies to your board for adoption. Provide your board with the explanatory notes and encourage them to review those along with the local policies.

How do I notify Policy Service that the board has adopted the update?

1. Following board action, go to **Numbered Updates**,[2] select the appropriate numbered update, then click **Notify TASB of Board Action**.
2. Fill out and submit the electronic form so we can incorporate the adopted policies into your district's Policy Online manual.
3. If there are additional changes, submit the annotated changes with your adoption notification.

Questions?

- For questions about Policy Online, visit the User's Guide[3] or contact pol-support@tasb.org.
- For questions about policy text, contact your district's assigned policy consultant.[4]

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[1] Policy Online: https://pol.tasb.org/
[2] Policy Online Numbered Updates: https://pol.tasb.org/Member/LocalManualUpdates
[3] Policy Online User's Guide: https://www.tasb.org/resources/policy-online-user-guide
[4] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details

Localized Policy Manual Update 123

San Elizario ISD

You can download a PDF of this update packet, annotated copies of the local policies, editable local policy text, and more under Local Manual Updates on Policy Online®.[1]

Other materials, including an overview video of the local policy changes and a document outlining common legal issues specific to the local policies in this update, are also available in Local Manual Updates.

Need help? Please contact your policy consultant,[2] or call Policy Service at 800-580-7529 or email policy.service@tasb.org.

Overview

Update 123 includes revisions to legal policies based on legislative and regulatory changes. Changes to local policies offered for consideration address the following topics:

- Board member training and orientation
- Conflict of interest disclosures
- Economic development
- Emergency plans
- Security personnel
- Technology equipment
- Other types of employment contracts
- Homebound instruction
- Instructional resources and library materials

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Board action on the local policies included in the update must occur within a properly posted, open meeting of the board. Instructions for placing policy changes on the agenda for board action and keeping minutes are included with the Update 123 materials under Local Manual Updates[3] on Policy Online.

For more guidance on reviewing and adopting TASB numbered updates, including information on incorporating the update into the district's policy manual and maintaining a historical record of policies, please refer to *The Administrator's Guide to Policy Management*,[4] available in the Policy Online Governance and Management Library[5] *(TASB login required)*.

(LEGAL) vs. (LOCAL): Remember the Difference

Legal policies:

- Reflect the ever-changing legal context for governance and management of the district
- Inform local decision making
- Are NOT adopted, but only reviewed

Local policies:

- Require close attention by the administration and the board
- Reflect the practices of the district and the intentions of the board
- Are changed only by board action (adopt, revise, or repeal)

Keep Your Administrative Regulations Current

Regulations Resource Manual[6] Update 69, which includes revisions to model regulations and forms corresponding with Update 123, will soon be available through the Governance and Management Library (*TASB login required*).

Inspect your district's administrative procedures and documents — including exhibits, regulations, handbooks, and guides — that may be affected by Update 123 policy changes.

If you need to make changes to the regulations or exhibits contained in your board policy manual, please notify your policy consultant.

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

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[1] Policy Online: https://pol.tasb.org/
[2] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details
[3] Local Manual Updates: https://pol.tasb.org/Member/LocalManualUpdates
[4] *The Administrator's Guide to Policy Management*: https://pol.tasb.org/Member/Collections/Details?id=10
[5] Governance and Management Library: https://pol.tasb.org/Member/Collections
[6] *TASB Regulations Resource Manual*: https://pol.tasb.org/Member/Collections/Details?id=21

Instruction Sheet

TASB Localized Policy Manual Update 123

San Elizario ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBD	(LOCAL)	Replace policy	Revised policy
BBFA	(LOCAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	Replace policy	Revised policy
CKC	(LOCAL)	Replace policy	Revised policy
CKEC	(LOCAL)	Replace policy	Revised policy
CKED	(LEGAL)	ADD policy	See explanatory note
CMD	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQC	(LEGAL)	Replace policy	Revised policy
CQC	(LOCAL)	ADD policy	See explanatory note
DCE	(LOCAL)	Replace policy	Revised policy
DGBA	(LOCAL)	Replace policy	Revised policy
DHE	(LEGAL)	Replace policy	Revised policy
DNA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EEH	(LOCAL)	Replace policy	Revised policy
EF	(LEGAL)	DELETE policy	See explanatory note
EF	(LOCAL)	DELETE policy	See explanatory note
EFA	(LEGAL)	Replace policy	Revised policy
EFA	(LOCAL)	ADD policy	See explanatory note
EFB	(LEGAL)	Replace policy	Revised policy
EFB	(LOCAL)	ADD policy	See explanatory note
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy

San Elizario ISD

Code	Type	Action To Be Taken	Note
EHBE	(LEGAL)	Replace policy	Revised policy
EHBE	(LOCAL)	No policy enclosed	See explanatory note
EHBJ	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FA	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FNG	(LOCAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GF	(LEGAL)	Replace policy	Revised policy
GF	(LOCAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 123

San Elizario ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 88th Legislature, regular and special sessions. All referenced bills have already gone into effect unless otherwise noted.

The Local Policy Overview for Update 123, available with your Update 123 materials under Local Manual Updates on Policy Online® (TASB login required), provides a general, high-level overview of the changes to the local policies included in the update. **Legal policies provide the legal framework for key areas of district operations and are not adopted by the board.**

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

The Results Driven Accountability (RDA) section of the policy has been deleted. TEA included RDA information in the Accountability Manual starting in 2023 and repealed the RDA information in the Administrative Code. This change aims to streamline information used in academic accountability and RDA systems.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

A citation to the Administrative Code has been included under Student Enrollment and Assignment, Enrollment Provision in Contract, regarding campuses that are closed and repurposed.

As 19 TAC 97.2005 has been repealed, the reference to Results Driven Accountability has been deleted from the section on Special Program Performance Determination.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

The word "accreditation" has been removed as a descriptor for investigations in two places within the policy after an amendment to the Administrative Code, effective January 17, 2024.

BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

At Intent to Return, language from the Election Code has been included to minimize confusion regarding the specific requirements for establishing an intent to return to the individual's residence after a temporary absence.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 5180 added new requirements for public inspection of election records. A reference has been added at Election Records regarding where to find information on public inspection of those records for districts who serve as custodians of their own election records.

BBD(LOCAL) BOARD MEMBERS: TRAINING AND ORIENTATION

HB 3033 authorizes the attorney general to require trustees to complete training on the Public Information Act if the attorney general finds that there has been a violation of the Act. Language is recommended to make clear that this training after a violation cannot be delegated to the district’s Public Information Act coordinator.

BBFA(LOCAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES

Language is recommended to clarify that a trustee's ethical duty to disclose a financial or other personal interest in board transactions goes beyond the statutory conflicts of interest set out in state and federal law. The added language serves to demonstrate a commitment to avoid undue influence, increase transparency, and avoid the appearance of impropriety in public dealings.

San Elizario ISD

CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

HB 3273, effective January 1, 2024, revised the Tax Code and requires a taxing unit, including a school district, to provide specific notice to property owners on its website. These provisions have been included in the Appraisal District Property Tax Database section of the policy.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

This policy has been updated to indicate that a board that adopted an exemption for the 2022 tax year may not reduce the amount or repeal that exemption based on SB 2 from the second special session of the 88th Legislature. [See Homestead, Local Options.]

HB 4559, from the 88th regular session, increased the population range for certain districts to provide that the split payment option does not apply to the district's taxes collected by another taxing unit that has adopted that option. [See Split Payments, In Certain Counties.]

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

HB 4559 increased the population threshold for determining a large municipality for provisions related to the appointment of reinvestment zone board members. [See Tax Increment Financing Act, Large Municipality.]

Substantial changes have also been made based on HB 5 to incorporate the Texas Jobs, Energy, Technology, and Innovation Act.

CKB(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

TEA’s amendments to the Administrative Code rules for mandatory school drills necessitated reorganization of definitions and added clarity to several sections of the policy. Changes in this policy also reflect TEA’s amendments to the Administrative Code rules related to active threat exercises.

CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

A section on Notice Regarding Violent Activity is recommended to comply with legal requirements. Administrative procedures must be created to align with TEA's model standards.

CKEC(LOCAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

Significant revisions are recommended to the CKE policy series to promote compliance and clarification with HB 3 and other legal requirements. The policy has been edited to clarify that a district may have agreements with multiple law enforcement agencies depending on district needs and jurisdiction. A statement regarding the jurisdiction of school resource officers has been added. The policy also now includes a list of authority and duties as reflected in the controlling memorandum of understanding.

CKED(LEGAL) SECURITY PERSONNEL: OTHER SECURITY ARRANGEMENTS

The provisions of this policy address commissioned security officers with Level III training under the Department of Public Safety hired through a security services contractor or as a district employee in accordance with the Education Code and the Occupations Code.

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

Cross-references throughout this policy have been updated to EFA since policy EF has been separated into EFA (instructional materials) and EFB (library materials).

Explanatory Notes

TASB Localized Policy Manual Update 123

San Elizario ISD

CPC(LEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

Edits to this policy at Destruction of Records remove a reference to 13 TAC 7.123(c), which was deleted from Texas State Library and Archives Commission rules, effective March 6, 2024.

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

HB 3273, effective January 1, 2024, requires school districts to post a notice informing property owners of the property tax database maintained by the appraisal district. Language has been added at item 28 under the section on Other Required Internet Postings.

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

A section on Guidelines for Use of Digital Devices has been added to address the TEA and Health and Human Services Commission model health and safety guidelines for the use of digital devices, which are required by the Education Code and were issued in October 2023.

CQC(LOCAL) TECHNOLOGY RESOURCES: EQUIPMENT

This new local policy is recommended to meet the legal requirement for the board to adopt a policy for the effective integration of digital devices in the district. The policy language adopts the model health and safety guidelines developed by TEA and the Health and Human Services Commission and clarifies that the superintendent must develop regulations for implementation.

DCE(LOCAL) EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Revisions at Termination During Contract Term are recommended to specify that an employee may request a hearing before the board to appeal discharge during the contract period and to differentiate between terminations during and at the end of the contract term.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DGBA(LOCAL) PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS/GRIEVANCES

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes.

Also, to accommodate planned restructuring of policy DIA, we have revised the references to that code in this policy to reflect the DIA series. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

New Department of Transportation rules amend the department's regulated industry drug testing program. The language in the Reports to DPS section has been amended for clarity.

San Elizario ISD

DNA(LEGAL) PERFORMANCE APPRAISAL: EVALUATION OF TEACHERS

Amendments to the Administrative Code allow districts to begin using the Alternate Domain I rubric as part of the Texas Teacher Evaluation and Support System (T-TESS) beginning with the 2024-25 school year. Language has been updated to reflect this change.

DP(LEGAL) PERSONNEL POSITIONS

The section on School Psychological Services has been amended to provide additional clarity and to set out the correct title for licensed specialists in school psychology (LSSPs) as indicated in the Administrative Code.

EEH(LOCAL) INSTRUCTIONAL ARRANGEMENTS: HOMEBOUND INSTRUCTION

TEA's revisions to the *Student Attendance Accounting Handbook* (*SAAH*) prompted recommended updates to this policy. Students may now receive homebound services for psychological, as well as medical, conditions. The *SAAH* also indicates that the weeks of confinement due to a medical or psychological condition do not need to be consecutive to qualify. The policy language has been updated to reflect this change.

EF(LEGAL) INSTRUCTIONAL RESOURCES

In order to clarify the differences in requirements for instructional materials and library materials, as well as to accommodate the new library collection development standards, policy EF has been divided into EFA (instructional material) and EFB (library material). The content in EF(LEGAL) has moved to either EFA or EFB, as appropriate.

EF(LOCAL) INSTRUCTIONAL RESOURCES

As explained at EF(LEGAL), above, this local policy addressing instructional resources is being deleted. New local policies to address instructional materials and library materials separately are included at EFA and EFB.

EFA(LEGAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

Content regarding instructional material review and federally required parental inspection has been moved from EF(LEGAL) to EFA(LEGAL).

EFA(LOCAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

The enclosed policy regarding instructional materials is recommended to coordinate with the policy addressing library materials at EFB(LOCAL). The provisions previously housed at EF(LOCAL) have been moved to this code with the following revisions:

- At Selection, a clarification has been made to reflect that instructional materials must be chosen in accordance with stated objectives and administrative regulations and may include items from the State Board of Education list.
- At Reconsideration of Instructional Materials, the list of individuals who can submit a request for reconsideration has been revised. This change is recommended to align with the list provided in the new EFB(LOCAL), which permits an employee or parent or guardian to submit these requests. If the district would like to expand this list, please contact your policy consultant.

Please review the information at Formal Reconsideration, which specifies who will receive forms requesting the reconsideration of instructional material and who will appoint a reconsideration committee. If the policy needs to identify a different position for these responsibilities, please contact your policy consultant for assistance with revisions.

San Elizario ISD

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

EFB(LEGAL) has been revised to incorporate new library collection development standards adopted by the Texas State Library and Archives Commission (TSLAC), effective January 23, 2024. The policy includes a note regarding the Fifth Circuit Court of Appeals enjoinment and the resulting unenforceability of certain statutes related to library material. The TSLAC Library Collection Development Standards are not currently enjoined by the Fifth Circuit Court of Appeals.

EFB(LOCAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

This recommended policy aligns with changes to the Administrative Code and the new collection development standards for school libraries as a result of HB 900. Please review the following information in your policy:

- The location of the form for formal reconsideration;
- The position title for the person responsible for appointing the reconsideration committee; and
- The number of days allocated for appointing the committee, providing the material for review to the committee, and completing the committee's final report.

If any information needs to be updated or if further revisions to the policy are needed, please contact your policy consultant for assistance.

EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

A cross-reference to policy EHB has been included for additional requirements relating to the evaluation and identification process when dyslexia is a suspected disability. [See Determination of Initial Eligibility.]

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

The section on Supplemental Special Education Services (SSES) has been revised to reflect amended Administrative Code rules, effective April 18, 2023. The district is required to notify parents of SSES eligibility and related information during an ARD committee meeting.

A provision regarding an IEP supplement for each child who was enrolled in a district's special education program during the 2019-20 school year or the 2020-21 school year has been removed. That requirement expired on September 1, 2023.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

Extensive revisions have been made throughout this policy to reflect amended rules relating to emergent bilingual students.

EHBE(LOCAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

Significant revisions to the Administrative Code require districts to revise local policy addressing dual language immersion (DLI) programs. Please contact your policy consultant for assistance with updating this policy.

San Elizario ISD

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to this policy stem from amended Administrative Code provisions relating to innovative courses. The amended rules became effective February 18, 2024.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Revisions have been made to remove language that does not require district action to aid in readability and clarity. Citations have also been updated based on rule changes.

FA(LEGAL) PARENT RIGHTS AND RESPONSIBILITIES

The cross-reference at Parental Rights relating to teaching materials has been updated to reflect the division of policy EF into EFA and EFB.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

A section on Telehealth in Medicaid Covered Services has been added to provide guidance from Administrative Code rules specific to telehealth services authorized as Texas Medicaid covered services.

The section on opioid antagonists has been updated to reflect new rules effective November 1, 2023.

Changes have also been made to the section on epinephrine auto-injectors to reflect amended Administrative Code rules.

Citations throughout have been updated based on rule amendments.

FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes.

Also, to accommodate planned restructuring of policy FFH, we have revised the references to that code in this policy to reflect the FFH series. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

GBA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

A cross-reference regarding economic development negotiations under Government Code Chapter 403 has been added.

GF(LEGAL) PUBLIC COMPLAINTS

The division of policy EF into EFA and EFB necessitated an update to the cross-reference in this policy.

GF(LOCAL) PUBLIC COMPLAINTS

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

San Elizario ISD

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Amendments to the Code of Federal Regulations necessitated changes to the section regarding operation of a small unmanned aircraft system.

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

The Definitions section has been revised to reflect amended Administrative Code rules that include school resource officers and contracted police officers in the definition of "school personnel and volunteers."

Language has been added at Notice to School Personnel to provide direction if the superintendent is the individual alleged to have committed child abuse or neglect.

The Students Taken into Custody section has been updated to incorporate appropriate legal citations and improve clarity.

District Annual Report

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 61.1022(a)-(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 61.1022(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 61.1022(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 61.1021

Website Notices

Not later than the 10th day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

Quality of Learning Indicators

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301(a)-(c)

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;

2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

District Data on Academic Achievement

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:

    a. Student academic achievement and growth;

    b. Teacher and student attendance; and

    c. Student discipline records; and

2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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Interventions and Sanctions for School Districts

The commissioner of education shall take any of the actions authorized by Education Code Chapter 39A, Subchapter A, to the extent the commissioner determines necessary if:

Grounds for Commissioner Action

1. A district does not satisfy:
    a. The accreditation criteria under Education Code 39.052 [see AIA];
    b. The academic performance standards under Education Code 39.053 or 39.054 [see AIA]; or
    c. Any financial accountability standard as determined by commissioner rule [see CFA]; or
2. The commissioner considers the action to be appropriate on the basis of a special investigation under Education Code 39.003.

Education Code 39A.001

Authorized Commissioner Actions

If a district is subject to commissioner action, the commissioner may:

1. Issue public notice of the deficiency to the board;
2. Order a hearing to be conducted by the board to notify the public of:
    a. The insufficient performance;
    b. The improvements in performance expected by the Texas Education Agency (TEA); and
    c. The interventions and sanctions that may be imposed if the performance does not improve;
3. Order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Education Code 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;
4. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
5. Arrange a monitoring review of the district;
6. Appoint a TEA monitor to participate in and report to TEA on the activities of the board or superintendent;

7. Appoint a conservator to oversee the operations of the district;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or

10. Order the use of the board improvement and evaluation tool as provided by Education Code 11.182 [see BG].

Education Code 39A.002

Regardless of whether the commissioner lowers a district's status or rating, the commissioner may take action under Education Code Chapters 39 and 39A or 19 Administrative Code 97.1057 if the commissioner determines that the action is necessary to improve any area of performance by the district or campus.

Subject to 19 Administrative Code 97.1057(h)-(k), once the commissioner takes action under 19 Administrative Code Chapter 97, Subchapter EE (accreditation status, standards, and sanctions), the commissioner may impose on the district or campus any other sanction under Education Code Chapter 39 or 39A, or Subchapter EE, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in 19 Administrative Code 97.1053.

19 TAC 97.1057(c), (e)

In making a determination to impose district and campus accreditation sanctions under 19 Administrative Code Chapter 97, Subchapter EE, the commissioner shall meet the requirements of 19 Administrative Code 97.1059. *19 TAC 97.1059*

Conservator or Management Team

The commissioner shall clearly define the powers and duties of a conservator or management team appointed to oversee the operations of a district.

At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance of the district or delivery of instructional services.

A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of the appointment of a board of managers or the revocation of accreditation.

The conservator or management team may:

1. Direct an action to be taken by the principal of a campus, the superintendent of the district, or the board; and
2. Approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board.

The conservator or management team may not:

1. Take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;
2. Change the number of or method of selecting the board;
3. Set a tax rate for the district; and
4. Adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board.

A conservator or management team may exercise the powers and duties defined by the commissioner or described above regardless of whether the conservator or management team was appointed to oversee the operations of a district in its entirety or the operations of a certain campus within the district.

Education Code 39A.003

Regardless of whether a district has satisfied the accreditation criteria, if for two consecutive school years, including the current school year, a district has had a conservator or management team assigned to the district or campus for any reason, the commissioner may appoint a board of managers, a majority of whom must be residents of the district, to exercise the powers and duties of the board of trustees. For purposes of this subsection, a school year begins on the first day of instruction and includes any portion of the school year. This applies to an appointed conservator or management team, regardless of the scope or any changes to the scope of the conservator's or team's oversight. *19 TAC 97.1057(d); Education Code 39A.006(a)-(b)*

Board of Managers

The commissioner may appoint a board of managers to exercise the powers and duties of a district's board if the district is subject to commissioner action and:

1. Has a current accreditation status of accredited-warned or accredited-probation;
2. Fails to satisfy any standard under Education Code 39.054(e); or
3. Fails to satisfy financial accountability standards as determined by commissioner rule.

Education Code 39A.004

Revocation of Accreditation

The commissioner may revoke the accreditation of a district if the district is subject to commissioner action, and for two consecutive school years, including the current school year, the district has:

1. Received an accreditation status of accredited-warned or accredited-probation;
2. Failed to satisfy any standard under Education Code 39.054(e); or
3. Failed to satisfy financial accountability standards as determined by commissioner rule.

In addition to revoking a district's accreditation, the commissioner may:

1. Order closure of the district and annex the district to one or more adjoining districts under Education Code 13.054; or
2. In the case of a home-rule school district, order closure of all programs operated under the district's charter.

Education Code 39A.005

Intervention to Improve High School Completion Rate

If a district is subject to commissioner action and the district has failed to satisfy any standard under Education Code 39.054(e) because of the district's dropout rates, the commissioner may impose sanctions against a district designed to improve high school completion rates, including:

1. Ordering the development of a dropout prevention plan for approval by the commissioner;
2. Restructuring the district or appropriate campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Education Code 29.081;
3. Ordering lower student-to-counselor ratios on campuses with high dropout rates; and

4. Ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Education Code 39A.007

Interventions after Certain D Ratings

Until another performance rating is issued, TEA may not implement the following intervention or sanctions to a D-rated district or campus, if the D rating is considered acceptable [see AIA]. The following interventions and sanctions are subject to a pause:

1. Revocation of a charter under Education Code 12.115(c);
2. Annexation under Education Code 13.054;
3. Change in accreditation status under rules adopted for accreditation under Education Code 39.052; and
4. Interventions or sanctions under Education Code 39A.101(a), 39A.107(a) or (c), or 39A.111.

A performance rating of D that is considered acceptable may not be included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings.

Interventions or sanctions implemented prior to a pause shall continue during a school year for which interventions or sanctions listed above are paused.

Education Code 39A.118

Certain D-Rating Improvement Plans

A district or campus that is assigned a rating of D that qualifies under Education Code 39.0543(b) [see AIA] shall develop and implement a local improvement plan using the guidance provided by TEA.

The district or campus shall:

1. Conduct a data analysis related to areas of low performance;
2. Conduct a needs assessment based on the results of the data analysis, as follows:
    a. The needs assessment shall include a root cause analysis.
    b. Root causes identified through the needs assessment will be addressed in the local improvement plan; and
3. Create a local improvement plan, as follows:

a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251 [see BQB]; parents; and community members, prior to the development of the local improvement plan, using the following steps.

(1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.

(2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.

(3) All input provided by family and community members should be considered in the development of the final local improvement.

b. The completed local improvement plan must be presented at a public hearing and approved by the board.

19 TAC 97.1061(b)

Campus Intervention Team and Targeted Improvement Plan

Actions Based on Campus Performance

If the performance of a campus is below any standard under Education Code 39.054(e), the commissioner shall:

1. Take actions, to the extent the commissioner determines necessary, as provided by Education Code Chapter 39A; and
2. Assign a campus intervention team.

To the extent the commissioner determines necessary, the commissioner may:

1. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement;
2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the commissioner;

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or

4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

Texas Accountability Intervention System

If a campus's performance is below any standard under Education Code 39.054(e), the campus shall engage in interventions as described by TEA. The commissioner shall assign members to a campus intervention team as outlined in 19 Administrative Code 97.1063 and Education Code 39A.052. The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.

If a campus is assigned an unacceptable rating under Education Code 39.054(e):

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.

2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.

3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under Education Code 39.054(e).

Interventions and sanctions listed under this provision begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

19 TAC 97.1061(a), (d), (f)-(j)

Campus Intervention Team

The campus intervention team shall follow the requirements of 19 Administrative Code 97.1061 and Education Code 39.106.

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team. *Education Code 39A.052*

A campus intervention team must include a district coordinator of school improvement (DCSI) and the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor. The DCSI must submit qualifications to TEA for approval.

An education professional, approved through an application either by TEA or TEA's technical assistance provider, who is not an employee of the campus or district, shall assist with the needs assessment.

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

1. Conduct, with the involvement and advice of the school community partnership team, if applicable:
    a. If the commissioner determines necessary, a comprehensive on-site needs assessment; or
    b. A targeted on-site needs assessment relevant to an area of insufficient performance of the campus; and
2. Recommend appropriate actions as provided by Education Code 39A.054.

An on-site needs assessment must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the guidelines and procedures at Education Code 39A.053(c) and 19 Administrative Code 97.1061(e).

In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described above relevant to each area of insufficient performance.

Education Code 39A.053; 19 TAC 97.1061(e)

Recommendations

On completing the on-site needs assessment, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

1. Reallocation of resources;
2. Technical assistance;
3. Changes in school procedures or operations;
4. Staff development for instructional and administrative staff;
5. Intervention for individual administrators or teachers;
6. Waivers from state statutes or rules;
7. Teacher recruitment or retention strategies and incentives provided by the district to attract and retain appropriately certified and experienced teachers; or
8. Other actions the campus intervention team considers appropriate.

Education Code 39A.054

Targeted Improvement Plan

In addition to the duties relating to the on-site needs assessment, the campus intervention team shall:

1. Assist the campus in developing a targeted improvement plan;
2. Conduct a public meeting at the campus with the campus principal, the members of the campus-level planning and decision-making committee, parents of students attending the campus, and community members residing in the district to review the campus performance rating and solicit input for the development of the targeted improvement plan [see Notice of Public Meeting, below];
3. Assist the campus in submitting the targeted improvement plan to the board for approval and presenting the plan in a public hearing [see Public Hearing, below]; and
4. Assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan.

Education Code 39A.055; 19 TAC 97.1061(e)(3)-(4)

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting. *Education Code 39A.056*

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:

1. Notify the public of:
    a. The insufficient performance of the campus;
    b. The improvements in performance expected by TEA; and
    c. The intervention measures or sanctions that may be imposed under Education Code Chapter 39A if the performance does not improve within a designated period; and
2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan.

The board must post the targeted improvement plan on the district's internet website before the hearing.

The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Education Code 39A.057

Submission to Commissioner

The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. *Education Code 39A.058*

Executing Plan

In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Local Improvement Plan

A district or campus that is assigned a rating of D that is considered acceptable [see AIA] shall develop and implement a local improvement plan.

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning and Site-Based Decision-Making

The commissioner may authorize a school community partnership team established under Education Code 39A.051 to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee.

The commissioner may authorize a targeted improvement plan, an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan.

Education Code 39A.061

Submission of Campus Improvement Plan

If the performance of a campus satisfies performance standards under Education Code 39.054(e) for the current school year but would not satisfy the performance standards if the standards to be used for the following school year were applied to the current school year, on the request of the commissioner, the campus-level planning and decision-making committee shall revise and submit to the commissioner the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. The revised portions of the improvement plan must be submitted in an electronic format. *Education Code 39A.062*

Compliance Through Federal Accountability

Notwithstanding the provisions of Education Code Chapter 39A, if the commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with Education Code Chapter 39A. *Education Code 39A.063*

Campus Turnaround Plan

If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;
2. Submitting the updated targeted improvement plan to the board for approval and presenting the plan in a public hearing as provided by Education Code 39A.057;
3. Obtaining approval of the updated plan from the commissioner; and
4. Executing the updated plan on approval by the commissioner.

The updated targeted improvement plan submitted to the board must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board.

Education Code 39A.101

Public Notice

Within 60 days of receiving a campus's preliminary accountability rating, the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan in accordance with 19 Administrative Code 97.1064. *19 TAC 97.1064(d)*

Submission and Approval

Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district. *19 TAC 97.1064(g)-(h); Education Code 39A.103-.104*

Implementation, Modification, and Withdrawal

A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.

A campus that has received an unacceptable rating for the school year following the development of the campus turnaround plan must implement its commissioner-approved campus turnaround plan with fidelity until the campus operates for two consecutive school years without an unacceptable rating.

Change in Circumstances

A campus may modify its campus turnaround plan with commissioner approval if it is determined that due to a change in circumstances occurring after the plan's approval under Education Code 39A.107 a modification of the plan is necessary to achieve the plan's objectives.

A change in circumstance may be the following, but not limited to:

1. A campus that has written a turnaround plan but has not yet been ordered to implement it and has received a Not Rated; Declared State of Disaster rating for two consecutive years prior to receiving its next F rating; or
2. A campus that has implemented its turnaround plan for no more than one year prior to receiving a Not Rated; Declared State of Disaster rating for two consecutive years.

A campus that has modified its turnaround plan under this provision may only request additional modifications to the plan based on circumstances that have changed since the last commissioner-approved modification.

Commissioner Authority

The commissioner may appoint a monitor, conservator, management team, or board of managers for a school district that has a campus that has been ordered to implement an updated targeted improvement plan. The commissioner may order any of the interventions as necessary to ensure district-level support for the low-performing campus and the implementation of the updated targeted improvement plan. The commissioner may make the appointment at any time during which the campus is required to implement the updated targeted improvement plan.

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
    a. Instructional methods;
    b. Length of school day and school year;

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

3. If a district charter is to be granted for the campus under Education Code 12.0522:

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

a. The campus-level committee established under Education Code 11.251, if applicable;

b. Parents; and

c. Teachers at the campus;

5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

Education Code 39A.105(a) [Acts of the 85th Legislative Session, Senate Bill 1566, amended former Education Code 39.107(b-1) to include the information provided at Subsection (6)]

Implementing Entities

A campus ordered to prepare a campus turnaround plan shall implement the updated targeted improvement plan as approved by the commissioner.

The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

The commissioner shall appoint a conservator to a district unless and until each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year or the commissioner determines a conservator is not necessary.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with

student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating. *Education Code 39A.106*

Commissioner Approval or Rejection

Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection. *Education Code 39A.107(a-1)*

If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from TEA staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan. *Education Code 39A.107(a-2)*

The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Education Code 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan.

Education Code 12.0522(b) does not apply to a district charter approved by the commissioner. An approved district charter may be renewed or continue in effect after the campus is no longer subject to the commissioner’s order under Education Code 39A.101.

If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

1. Appointment of a board of managers to govern the district;
2. Alternative management of the campus; or
3. Closure of the campus.

Education Code 39A.107; 19 TAC 97.1065

Preparation

Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. *Education Code 39A.108*

Assistance and Partnerships

A district may:

1. Request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or
2. Partner with an institution of higher education to develop and implement a campus turnaround plan.

Education Code 39A.109

Modification in Campus Turnaround Plan

If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the board may:

1. Implement the campus turnaround plan;
2. Implement a modified version of the campus turnaround plan; or
3. Withdraw the campus turnaround plan.

A district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan.

The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval, a modification of the plan is necessary to achieve the plan's objectives.

Education Code 39A.110

Continued Unacceptable Performance Rating

If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner shall order:

1. Appointment of a board of managers to govern the district; or
2. Closure of the campus.

Education Code 39A.111

Parent Petition for Action

“Parent” means the parent who is indicated on the student registration form at that campus and the signature of only one parent of a student is required.

If the commissioner is presented, in the time and manner specified by commissioner rule, with a written petition signed by the parents of a majority of the students enrolled at a campus with an unacceptable performance rating for three consecutive school years, specifying an authorized action that the parents request the commissioner to order, the commissioner shall order the specific action requested.

If the board presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific authorized action other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board.

Education Code 12.051, 39A.112; 19 TAC 97.1065(d)

Repurposing of Closed Campus

If the commissioner orders the closure of a campus, that campus may be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and approves a new campus identification number for the repurposed campus. A campus may be repurposed if the campus:

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
    a. Has a governing board that is independent of the district;
    b. Has a successful history of operating school district campuses or open-enrollment charter schools:
        (1) That cumulatively serve 10,000 or more students; and
        (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
    c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus.

The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

Noncontracted Repurposed Campus

The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year if the campus was repurposed to serve a majority of grade levels not served at the original campus.

Enrollment Provision in Contract

A contract approved by the school board with a nonprofit organization must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39A.114*

Alternative Management

The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 97.1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

Solicitation of Proposals

If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

The commissioner may appoint a school district to assume management of the campus if the district:

1. Is not the district in which the campus is located; and
2. Is located within the boundaries of the same regional education service center as the campus.

If a school district is appointed, the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

The commissioner may annually solicit proposals for the alternative management of a campus. The commissioner shall notify a qualified entity that has been approved as a provider under this section.

Education Code 39A.151

Qualifications of Managing Entity

To qualify for consideration as a managing entity, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals who have:

1. Documented success in whole school interventions that increased the educational and performance levels of students in campuses considered to have an unacceptable performance rating;
2. A proven record of effectiveness with programs assisting low-performing students;
3. A proven ability to apply research-based school intervention strategies;
4. A proven record of financial ability to perform under the management contract; and
5. Any other experience or qualifications the commissioner determines necessary.

In selecting a managing entity, the commissioner shall give preference to a qualified entity that:

1. Meets any of the commissioner’s qualifications; and
2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with Managing Entity

If the commissioner has ordered alternative management of a campus, the district shall execute a contract with an approved provider to serve as a managing entity for the campus. The term of the contract may not exceed five years with an option to renew the contract. The district must execute the contract and relinquish control of the campus before January 1 of the school year.

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and

2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

Performance measures must be consistent with the priorities of Education Code Chapters 39 and 39A.

The management contract must be approved by the commissioner before the contract is executed. As appropriate, the commissioner may require the district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the contract.

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

The commissioner may require a district to extend the term of a management contract with a managing entity if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. *Education Code 39A.154*

Evaluation of Managing Entity

The commissioner shall evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract.

If the evaluation fails to demonstrate improvement as negotiated under the management contract by the first anniversary of the date of the contract, the district may:

1. Terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and

2. Select another provider from an approved list provided by the commissioner.

If the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, the district shall:

1. Terminate the contract; and

2. Select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

If the commissioner approves the district's resumed operation of the campus, the commissioner shall assign a technical assistance team to assist the campus.

Education Code 39A.155

Cancellation of Management Contract

If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. *Education Code 39A.156*

Return of Management to District

Unless a campus has an unacceptable performance rating for three consecutive school years [see Continued Unacceptable Performance Rating, above], at the end of a management contract term or on the cancellation of a management contract, the board shall resume management of the campus. *Education Code 39A.157*

Applicability of Accountability Provisions

Each campus operated by a managing entity is subject to Education Code Chapters 39 and 39A in the same manner as any other campus in the district. *Education Code 39A.158*

Funding

The funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. *Education Code 39A.159*

Open Meetings and Public Information

With respect to the management of a campus by a managing entity:

1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and
2. Any requirement in the Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District	Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district: 1. The powers of the board are suspended for the period of the appointment; and 2. The commissioner shall appoint a district superintendent. A board of managers appointed to govern a school district may amend the budget of the district. Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district. *Education Code 39A.202*
Composition of Board of Managers	A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205* The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(h)*
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. *Education Code 39A.206*
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

The commissioner may remove a board of managers appointed to govern a school district only if the campus that was the basis for the appointment of the board of managers receives an acceptable performance rating for two consecutive school years.

If a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

Following the removal of a board of managers, or at the request of a managing entity to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan.

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

A challenge is under the substantial evidence rule [see Government Code Chapter 2001, Subchapter G]. The commissioner shall adopt procedural rules for a challenge under this section.

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906*

Annual Review

The commissioner shall annually review the performance of a district or campus subject to intervention and sanction to determine the appropriate actions to be implemented.

The commissioner must review at least annually the performance of a district for which the accreditation status or performance rating has been lowered due to insufficient student performance and may not raise the accreditation status or performance rating until the district has demonstrated improved student performance.

If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

Education Code 39A.901

Increasing Intensity

If a district or campus does not exhibit improvement in student performance, the commissioner may increase the intensity of intervention and sanction that would otherwise be required by statute or rule, including ordering campus closure, district annexation, or appointment of a board of managers.

For purposes of this section, improvement means an increase in the scaled score for the overall academic performance rating under Education Code Chapter 39.

19 TAC 97.1070(a)-(b)

Intervention Programs

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)-(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a 10-year period of time. *Education Code 29.934(a)-(b)*

Strong Foundations Intervention

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;
2. Is assigned an overall performance rating of D or F; and
3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

In addition to other authorized interventions and sanctions, the commissioner may order a district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or
2. Provide for or participate in the appropriate training of district staff or board members in the case of a district, or campus staff, in the case of a campus.

Education Code 39A.902

Costs Paid by District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

1. Pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or
2. Recover the amount of the costs in the manner provided for recovery of an over allocation of state funds under Education Code 48.272.

Education Code 39A.903

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. *Education Code 39A.904*

Campus Name Change

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1005 [repealed] according to the criteria and requirements in 19 Administrative Code 97.1071.

The commissioner shall notify in writing each district identified for review under this section as a result of assigned determination level or cyclical selection prior to requiring a district to implement or

participate in any activities included in 19 Administrative Code 97.1071(f)(1)-(6).

Actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and 74.28 and Education Code sections 28.006 and 38.003 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

19 TAC 97.1071(c), (g), (h)

Intervention Pause

Except as otherwise provided by 19 Administrative Code 97.1062 and unless extended by the commissioner, TEA will cease to enforce the interventions under Education Code 39A.101-39A.111 until conclusion of the second consecutive school year of operation under:

1. A partnership as defined by 19 Administrative Code 97.1077(a)(2), (b), or (c) of this title [see ELA]; or
2. Designation as a mathematics innovation zone under Education Code 28.020 and applicable rules.

Any intervention or sanction not covered by the provision above shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

If TEA receives notice from the Texas School Safety Center of a district's failure to submit a multihazard emergency operations plan [see CKC], the commissioner may appoint a conservator for the district under Education Code Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan. If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Education Code Chapter 39A to oversee the operations of the district. *Education Code 37.1082(a)-(b)*

Note: The following provisions apply to a district with a central administrative office that is located in a county with a population of more than two million and that has a student enrollment that is more than 125,000 and less than 200,000, and that is operating under a turnaround plan.

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)-(f)*

Special Investigations

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. When 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;

16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004-.007.

Commissioner Action

Based on the results of a special investigation, the commissioner may:

1. Take appropriate action under Education Code Chapter 39A, [see AIC];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements;
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39 and 39A; and
4. Qualification for funding under Education Code Chapter 48.

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation and review

of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (redesignated to Education Code 39.003, special investigations).

Activities described in item 1, above, are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC] and dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB].

19 TAC 97.1071(a)-(b)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)-(f)*

Appeals

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

Compliance Investigation

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special investigation subject to Education Code 39.003 and 39.004 (above). *19 TAC 102.1401(a)(1)*

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below].
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
    a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
    b. For a write-in candidate, the date of the election at which the candidate's name is written in.
    c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

Election Code 1.020, 141.001(a); Gov't Code 601.009; Tex. Const. Art. XVI, Sec. 14

Qualified Voter

A person may not be elected trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

"Qualified voter" means a person who:

1. Is 18 years of age or older;

2. Is a United States citizen;

3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;

4. Has not been finally convicted of a felony or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote;

5. Is a resident of this state; and

6. Is a registered voter.

Election Code 1.020, 11.002 [See *Atty. Gen. Op. KP-0251 (2019)* (concluding that the restoration of a convicted felon's qualification to vote under Election Code 11.002(a)(4)(A) after fully discharging a sentence does not restore the person's eligibility to hold public office under Election Code 141.001(a)(4))]

Residence

"Residence" Defined

In the Election Code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person may not establish residence for the purpose of influencing the outcome of a certain election. A person does not lose the person's residence by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism'd w.o.j.)*

Intent to Return

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person has made a reasonable and substantive attempt to effectuate that intent and has a legal right and practical ability to return to the residence. This does not apply to a person displaced from the person's residence

due to a declared local, state, or national disaster. *Election Code 141.001(a-1)-(a-2)*

Single-Member Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent. *Education Code 11.052(g)*

Ineligibility

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43.021 (solicitation of prostitution). *Education Code 11.066*

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Tie Votes

Second Election

In an election requiring a plurality, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the deadlines and other requirements of Election Code 2.002.

Other Options

Casting Lots

The tying candidates may agree to cast lots to resolve the tie. The agreement must be filed with the board. The board president shall supervise the casting of lots.

Withdrawal

A tying candidate may resolve the tie by filing with the board a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a second election or casting of lots is not held.

Automatic Recount

If the tie is not resolved by casting lots or withdrawal, an automatic recount shall be conducted under Election Code Chapter 216 before the second election is held. If the recount resolves the tie, the second election is not held.

If the recount does not resolve the tie, the tied candidates may cast lots not later than the day before the date the board must order the second election under Election Code 2.002(b) or withdraw from the election not later than 5:00 p.m. of the day after the date the automatic recount is held.

Election Code 2.002

Runoff Election

In a district in which trustees are elected by majority vote under Education Code 11.057(c) [see BBB], if no candidate for a particular office receives the vote necessary to be elected, a runoff election for that office is required. *Election Code 2.021 et seq.*

If the candidates in a runoff election tie, an automatic recount shall be conducted under Election Code Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. The board president shall supervise the casting of lots. A tying candidate may resolve the tie by filing with the board president a signed and sworn to written statement of withdrawal. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of withdrawal

is received not later than 5:00 p.m. the day after the date the automatic recount is conducted, the remaining candidate is the winner, and a casting of lots is not held. *Election Code 2.028*

Ballot Order

The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot. *Election Code 2.002(d), 52.094(a)*

Recounts

The district shall conduct an authorized recount in accordance with Election Code Title 13. *Election Code 211.001*

A candidate in a board election may obtain an initial recount in an election if the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot, if applicable, is less than 10 percent of that candidate's number of votes, or the total number of votes received by all candidates for the office is less than 1,000. *Election Code 212.022*

A ground for obtaining an initial recount is not required to obtain an initial recount of electronic voting system results. A candidate may obtain an initial recount of electronic voting system results in an election only if the candidate is shown by the election returns not to be elected. *Election Code 212.0241*

An initial recount may not be conducted unless an authorized candidate submits a petition for the recount to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B, accompanied by a deposit to cover the costs of the recount in accordance with Subchapter E. *Election Code 212.025, .026, .111*

Effect of Petition

The submission of a recount petition before a board completes its canvass does not delay the canvass for the office involved in the recount. The board shall make a notation on the tabulation of any office involved in a recount. The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. This provision does not affect a candidate who has received a certificate of election and qualified for office before the submission of a recount petition involving the office. *Election Code 212.033, .0331*

Canvass Returns

General Rule

Except as provided below, a board shall convene to conduct the local canvass at the time set by the presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;

2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

November Election — Even-Numbered Years

For an election held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the time for the canvass may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Quorum for Canvass

Two members of a board constitute a quorum for purposes of canvassing an election.

At the time set for convening the board for the local canvass, the presiding officer shall deliver the sealed precinct returns to the board. The board shall open the returns for each precinct and canvass them as provided by Election Code 67.004.

Minutes

The presiding officer shall note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act (Government Code 551.021). [See BE]

Election Code 67.004(a), (g)

Internet Posting of Election Results

A district that holds an election and maintains an internet website shall post on its public internet website:

1. The results of each election;

2. The total number of votes cast;

3. The total number of votes cast for each candidate or for or against each measure;

4. The total number of votes cast by personal appearance on election day;

5. The total number of votes cast by personal appearance or mail during the early voting period; and

6. The total number of counted and uncounted provisional ballots cast.

The information described above must be:

1. Posted as soon as practicable after the election; and

2. Accessible without having to make more than two selections or view more than two network locations after accessing the internet website home page of the district.

Election Code 65.016(b), (c)

Qualifying for Office

Certificate of Election

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the board's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition. [See Effect of Petition, above]

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

Election Code 67.016

Certificate for Unopposed Candidate

A certificate of election shall be issued to each unopposed candidate declared elected in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)* [See BBBA regarding the election of an unopposed candidate.]

Officer's Statement

All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b), (c)*

Oath of Office

All elected and appointed trustees, before they enter upon the duties of the office, shall take the official oath or affirmation of office. Newly elected trustees shall file their official oaths with the board president. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061(a)*

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A justice of the peace, retired justice of the peace, or clerk of a justice court.
4. A notary public.

Gov't Code 602.002

Election Records

Except as otherwise provided by the Election Code, a district shall preserve the precinct election records distributed to it for at least 22 months after election day. *Election Code 66.058(a)* [See CPC]

[For public inspection of election records when a district is the custodian of its election records, see Election Code 1.012(e)-(h).]

Destruction of Records

After expiration of the prescribed period for preserving election records under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. *Election Code 1.013*

Public Information Coordinator

After Election or Appointment

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

After a Violation

A Board member who receives written notice from the attorney general that the member must complete Public Information Act (PIA) training described by GBAA(LEGAL) following the District's failure to comply with a PIA requirement shall complete the training within the timelines described in law. The completion of the training in response to such a notice cannot be delegated.

Reporting Continuing Education Credit

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

In addition to disclosures required by law, a Board member shall disclose to the Board any personal financial interest, business interest, or obligation or relationship that in any way creates a potential conflict of interest with a vote on a pending matter.

A Board member shall not use coercive means or promise special treatment in order to influence Board or District decisions, nor use the member's position to seek personal advantage. [See also BBF(LOCAL)]

Annual Financial Management Report

Each Board member shall provide to the District in a timely manner information necessary for the District's annual financial management report. [See CFA]

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

Restriction on Maintenance Tax Levy

A district may not levy the district's maintenance taxes at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

Note: For information on the consequences of violating this restriction, see Education Code 45.0021(c)-(e). See also Taxpayer Injunction, below.

Exceptions

Education Code 45.0021 does not prohibit a district from:

1. Using a surplus in maintenance tax revenue to pay the district's debt service if the district's interest and sinking fund tax revenue is insufficient to pay the district's debt service due to circumstances beyond the district's control and the use of the surplus maintenance tax revenue to pay the district's debt service is necessary to prevent a default on the district's debt;
2. Paying a portion of the district's maintenance tax revenue into the tax increment fund for a reinvestment zone under Tax Code Chapter 311; or
3. Using money disbursed from the tax increment fund for a reinvestment zone under Tax Code Chapter 311 in accordance with the agreement entered into by the district with the governing body of the municipality or county that designated the zone under Tax Code 311.013(f).

Education Code 45.0021(f)

Maintenance Tax Rate Components

Tier One

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551. *Education Code 45.0032(a)*

Maximum Compressed Rate

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Local appraisal districts, school districts, and the comptroller shall provide any information necessary to TEA to implement Education Code 48.2551.

Education Code 48.2551(a)(3), (d), (d-1)

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR 10 calendar days following TEA's approval of the district's preliminary MCR. *19 TAC 61.1000(d)-(f)*

A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than 10 calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.
2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g); Education Code 48.2551(d-2)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and

2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject to Disaster Exception

For a district to which Tax Code 26.042(e) [see Disaster Exception to Election Requirement, below] applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(3) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

Maximum Tax Rate

For any year, the maintenance tax rate per $100 of taxable value adopted by the district may not exceed the rate equal to the sum of $0.17 and the district's maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with 2005 Tax Rate over $1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which $1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by $1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing

for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values

By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. *Tax Code 26.01(e)*

Appraisal Roll

By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.

If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.

Tax Code 26.01(a)-(a-1)

By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

Tax Code 26.04(b)

Designated Employee/Officer to Calculate Rates

After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district.

Required Calculation Forms

The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate.

Calculation Forms to County Tax Assessor-Collector

As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

Tax Code 26.04(c), (d-1), (d-3)

[See CE regarding the requirement to attach tax rate calculation forms as an appendix to a district's budget.]

Truth-in-Taxation Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers detailed guidance on setting local property tax rates for school districts.[1]

Meeting to Adopt Budget

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central adminis-

trative office is located. The notice shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

Form and Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)-(d)

Debt Service Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

Districts with July 1 Fiscal Year

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

Tax Rate Adoption Requirements

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a tax rate that exceeds the voter-approval tax rate not later than the

71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for Certain Districts

A district that before January 1, 1989, has for at least 10 years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42. *Tax Code 26.135*

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate."

Language and Internet Posting

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the district that ex-

ceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

   a. The following statement: “THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

   b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”; and

2. Include on the home page of any internet website operated by the district:

   a. The following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

   b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district’s tax roll. *Tax Code 26.09(a), (e)*

Failure to Adopt Tax Rate

If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the

lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. *Tax Code 26.05(c)*

Taxpayer Injunction

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Education Code 44.004(b), (c), (c-1), (c-2), and (d), and, if applicable, (i) [see above at Published Notice, including Form and Contents, and Districts with July 1 Fiscal Year, if applicable] and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 44.004(e)*

A person who owns taxable property is entitled to an injunction prohibiting the district in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the district, the chief appraiser of the applicable appraisal district, or the district, as applicable, has not complied with the computation, publication, or posting requirements of Tax Code 26.04 or 26.16, 26.17, or 26.18 [see below at Tax Information to County, Appraisal District Property Tax Database, and Internet Posting of Tax Rate and Budget Information]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. *Tax Code 26.04(g)*

A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a district in which the property is taxable if the district has not complied with the requirements of Tax Code 26.04 and 26.05 [see above at Designated Employee/Officer to Calculate Rates and Tax Rate Adoption Requirements]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the district adopts a tax rate. A property owner is not required to pay the taxes imposed by a district on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the district on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the district to receive the refund. *Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of Education Code 45.0021(a) [see above at Restriction on Maintenance Tax Levy]. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)-(b)*

Appraisal District Property Tax Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

The assessor for the district shall post prominently on the district's internet website a notice informing each owner of property located in the appraisal district that the estimated amount of taxes to be imposed on the owner's property by each taxing unit in which the property is located may be found in the property tax database maintained by the appraisal district under Tax Code 26.17. The notice must include the elements required by Tax Code 26.04(e-2). *Tax Code 26.04(e-2)*

Internet Posting of Tax Rate and Budget Information

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

Election to Approve Tax Rate

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Voter-Approval Tax Rate

For purposes of Tax Code 26.08, the voter-approval tax rate of a district is the sum of the following:

1. The rate per $100 of taxable value that is equal to the district's maximum compressed tax rate for the current year;

2. The greater of:

   a. The district's enrichment tax rate for the preceding tax year, less any amount by which the district is required to reduce the district's enrichment tax rate under Education Code 48.202(f) in the current tax year; or

   b. The rate of $0.05 per $100 of taxable value; and

3. The district's current debt rate.

Tax Code 26.08(n)

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

Legislative Budget Board Guidelines

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and

efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

Efficiency Audit Guidelines[2] are found on the LBB website.

Disaster Exception

To Efficiency Audit Requirement

The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. *Education Code 11.184(b-1)*

To Election Requirement

When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required under Tax Code 26.08 to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. *Tax Code 26.042(e)*

If a district adopts a tax rate under Tax Code 26.042(e) above, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate.

A district that in a tax year elects to adopt a tax rate that exceeds the district’s voter-approval tax rate for that tax year without holding an election under Tax Code 26.042(e) above must specify the disaster declaration that provides the basis for authorizing the district to calculate or adopt a tax rate under that provision. A district that in a tax year specifies a disaster declaration as providing the basis for authorizing the district to adopt a tax rate under Tax Code 26.042(e) above may not in a subsequent tax year specify the same disaster declaration as providing the basis for authorizing the district to adopt a tax rate under that provision if in an intervening tax year the taxing unit specifies a different disaster declaration as the basis for authorizing the taxing unit to adopt a tax rate under that provision.

Tax Code 26.042(f)-(g)

Time for Election

The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that

occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. *Tax Code 26.08(b)*

Uniform Election Date

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.005(c)* [See BBBA for other election procedures and requirements.]

Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional $_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year).". *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)*

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)-(d)*

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[1] Truth-in-Taxation: Tax Rate Adoption: https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php
[2] LBB Efficiency Audit Guidelines: https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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Note: For more information on property tax exemptions, see the Texas Comptroller's Property Tax Exemptions[1] website.

Exemptions

Homestead

Mandatory

An adult is entitled to exemption from taxation by a district of $100,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only $5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

Persons 65 or Older or Disabled

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of $10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

Exception

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

Portability of Tax Limitation

If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). *Tax Code 11.26(g)*

Surviving Spouse

If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. *Tax Code 11.26(i)*

Local Options

All Taxpayers

In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than $5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of $5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. *Tax Code 11.13(n)*

A board that adopted an exemption for the 2022 tax year may not reduce the amount of or repeal the exemption. The requirements in this paragraph expire December 31, 2027. *Tax Code 11.13(n-1)*

Disabled or 65 or Older

An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.

Amount

The amount of an exemption adopted as provided at Disabled or 65 or Older is $3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In

the case of a decrease, the amount of the exemption may not be reduced to less than $3,000 of the market value.

Tax Code 11.13(d)-(f)

Continuation of Exemption during Construction

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. *Tax Code 11.135(a), .26(n); 34 TAC 9.416*

Surviving Spouse of First Responder

The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. *Tax Code 11.134*

Veteran Exemptions

100 Percent Disabled

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. *Tax Code 11.131(b)*

Partially Disabled with Donated Residence

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. *Tax Code 11.132(b)*

Surviving Spouse of Veteran

The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and

2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Tax Code 11.131(c), .132(c)

Surviving Spouse of Individual Killed in Action

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)

Disabled Veteran

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for Subsequent Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary Exemption for Property Damaged by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*

3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*

4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit *Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

Option to Tax

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-

transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(j)-(j-2)

Payment Options

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

Discounts

Option 1

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

Option 2

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

Both Options

If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

Rescission

The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payments

The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.

If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.

Tax Code 31.03

This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

In Certain Counties

The board of a district located in a county having a population of not less than 315,000 and not more than 351,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment Payments

Certain Homesteads

An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. *Tax Code 31.031*

Disaster or Emergency Area

Property Damaged — Automatic

A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.

This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.032

Property Not Damaged — Board Option

The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.

This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.033; 34 TAC 9.3061(b), (c)

Definitions

"Disaster" has the meaning assigned by Government Code 418.004.

"Emergency" means a state of emergency proclaimed by the governor under Government Code 433.001.

Tax Code 31.032(g), .033(a); 34 TAC 9.3061(a)

Services in Lieu of Paying Taxes

The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees. *Tax Code 31.035, .036, .037*

Persons 65 and Over

Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual's residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. *Tax Code 31.035(a), (g)*

Teaching Services

An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or

2. Obtains a school district teaching permit under Education Code 21.055.

Tax Code 31.036(h), .037(i)

By Individual

Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

By Employee of Business Entity

Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

Delinquent Taxes

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

Note: Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

[1] Texas Comptroller Property Tax Exemptions website: https://comptroller.texas.gov/taxes/property-tax/exemptions/

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Tax Increment Financing Act

Board of Directors

Except as provided at Large Municipality below, each district that levies taxes on real property in a reinvestment zone designated by a county or municipality in accordance with the Tax Increment Financing Act, Tax Code Chapter 311, may appoint one member of the reinvestment zone board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. A district may waive its right to appoint a director. *Tax Code 311.009(a), (b)*

Large Municipality

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 2.1 million in which the principal municipality has a population of 1.1 million or more, each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members to the board in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone. *Tax Code 311.0091(a)-(c)*

Tax Increments

Amount

The amount of a district's tax increment for a year is the amount of property taxes levied and assessed by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone or the amount of property taxes levied and collected by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone. The board of the district shall determine which of the methods is used to calculate the amount of the district's tax increment.

"Captured Appraised Value"

The captured appraised value of real property taxable by a district for a year is the total taxable value of all real property taxable by the district and located in a reinvestment zone for that year less the tax increment base of the district.

"Tax Increment Base"

The tax increment base of a district is the total taxable value of all real property taxable by the district and located in a reinvestment zone for the year in which the zone was designated under Tax Code Chapter 311.

Tax Code 311.012

Collection and Deposit

Each district that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the district. Each district shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the district, less the sum of:

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a

reinvestment zone, required to be paid by the district to another political subdivision; and

2. A portion, not to exceed 15 percent, of the tax increment produced by the district as provided by the reinvestment zone financing plan or a larger portion as provided at Agreement Required below.

Tax Code 311.013(a)-(b)

Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, a district shall make the required payment not later than the 90th day after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected. *Tax Code 311.013(c), (i)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) (determination of district property values by the comptroller) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 48.253 (additional state aid for tax increment financing payments). The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 48.253. *Tax Code 311.013(n)*

Agreement Required

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the district enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the

district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to the reinvestment zone under Tax Code 311.007(a) or (b) unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, a district is not required to participate in the zone or portion of the zone for the extended term unless the district enters into a written agreement to do so. *Tax Code 311.007(c)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

Reinvestment Zone

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the board, in the manner required for official action and for purposes of former Tax Code Chapter 313, Subchapter B or C [see Texas Economic Development Act below] or Government Code Chapter 403, Subchapter T [see Texas Jobs, Energy, Technology, and Innovation Act below], may designate an area entirely within the territory of the district as a reinvestment zone if the board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or
2. Attract major investment in the reinvestment zone that would:
    a. Be a benefit to property in the reinvestment zone and to the district; and
    b. Contribute to the economic development of the region of this state in which the district is located.

The board may seek the recommendation of the commissioners court of each county and the governing body of each municipality

that has territory in the district before designating an area as a reinvestment zone.

Tax Code 312.0025

Texas Jobs, Energy, Technology, and Innovation Act

Note: The Texas Jobs, Energy, Technology, and Innovation Act, Government Code Chapter 403, Subchapter T, took effect on January 1, 2024.

The Act will expire on December 31, 2033. *Gov't Code 403.603*

The comptroller's rules enacted to implement the Act are found at 34 Administrative Code 9.5000-9.5012.

Definitions

Agreement "Agreement" means an agreement to limit the taxable value for maintenance and operations ad valorem tax purposes of the district of eligible property used as part of an eligible project under Government Code 403.612.

Applicant "Applicant" means a person that applies for, or enters into an agreement, including the person's assignees or successors-in-interest.

Eligible project "Eligible project" means a project to construct or expand critical infrastructure or a new or existing:

1. Manufacturing facility;
2. Facility related to the provision of utility services, including an electric generation facility that is considered to be dispatchable;
3. Facility related to the development of natural resources; or
4. Facility engaged in the research, development, or manufacture of high-tech equipment or technology.

The term does not include a project to construct or expand a new or existing nondispatchable electric generation facility or electric energy storage facility.

Eligible property "Eligible property" means property that is used as part of an eligible project that is wholly owned by an applicant or leased by an applicant under a capitalized lease and consists of:

1. A new building or expansion of an existing building, constructed after the date the agreement is entered into and located in an area designated as a reinvestment zone or as an enterprise zone at the time the agreement is entered into; or

2. Tangible personal property, other than inventory, first located in an area designated as a reinvestment zone or as an enterprise zone after the date the agreement pertaining to the project is entered into.

Incentive period "Incentive period" for an eligible project means the period prescribed by the agreement pertaining to the project during which the eligible property used as part of the project is subject to a limitation on taxable value.

Investment "Investment" means the costs incurred by an applicant to acquire or construct eligible property composing an eligible project, other than the cost of land or inventory.

Required job "Required job" means a job that an applicant commits to create or demonstrate in connection with an eligible project as prescribed by Government Code 403.604.

Gov't Code 403.602(2), (3), (8), (9), (11), (13), (16)

Required Jobs and Investment

To be eligible to enter into an agreement, an applicant for a limitation on taxable value of eligible property to be used for a proposed eligible project must agree to create the number of jobs and make the minimum investment applicable to the population of the county where the project is to be located as set out in Government Code 403.604(b).

If an eligible project is located in more than one county, the jobs and investment requirement applicable to the project is determined using the jobs and investment requirement applicable to the county with the smallest population in which any part of the project is located.

Each required job created in connection with an eligible project must be a new full-time job in this state and may not be transferred by the applicant from an existing facility or location in this state or otherwise created to replace an existing job, unless the applicant fills the vacancy caused by the transfer.

An applicant may demonstrate that the applicant has met the applicable minimum investment requirement by any reasonable means. The applicant is considered to have met the applicable minimum investment requirement if the most recent appraisal roll for the county used to determine the minimum investment requirement indicates that the appraised value of the eligible property composing the project as of January 1 of the second tax year of the incentive period prescribed by the agreement is equal to or greater than the minimum investment requirement applicable to the project.

Gov't Code 403.604(b)-(e)

Taxable Value of Eligible Property

The taxable value for school district maintenance and operations ad valorem tax purposes of eligible property subject to an agreement for each tax year of the incentive period prescribed by the agreement is equal to:

1. 50 percent of the market value of the property for that tax year; or
2. If the property is located in a qualified opportunity zone, 25 percent of the market value of the property for that tax year.

The taxable value of eligible property for school district maintenance and operations ad valorem tax purposes is zero for each tax year beginning with the tax year following the year in which the agreement pertaining to the property is entered into and ending December 31 of the tax year that includes the construction completion date for the applicable eligible project.

Gov't Code 403.605

Application

A person who proposes to construct an eligible project in a school district for which the person seeks a limitation on the taxable value for maintenance and operations ad valorem tax purposes of the district of the eligible property used as part of the proposed project must submit an application to the comptroller using the form prescribed by the comptroller.

An applicant must include with an application the following:

1. An application fee payable to the comptroller in an amount determined by the comptroller not to exceed an amount sufficient to cover the costs associated with the comptroller's evaluation of the application;
2. An application fee payable to the school district in an amount determined by the comptroller not to exceed $30,000 to cover the costs associated with the district's evaluation of the application, including the cost of processing the application, retaining professional services, and, if applicable, creating a reinvestment zone or enterprise zone;
3. A map showing the site of the proposed project;
4. The economic benefit statement prepared under Government Code 403.608 [see Economic Benefit Statement below] in connection with the proposed project; and
5. A sworn affidavit stating that the applicant is not ineligible under Government Code 403.606 to submit the application.

The comptroller shall notify an applicant and the applicable school district when the applicant's application is administratively complete.

Gov't Code 403.607(a), (b), (d), (f)

Economic Benefit Statement

An applicant shall submit an economic benefit statement with the applicant's application. The economic benefit statement must include the information required by Government Code 403.608(b). *Gov't Code 403.608(a)*

Comptroller Action on Application

The comptroller shall determine whether to recommend or not recommend for approval an application submitted to the comptroller. The comptroller shall recommend an application for approval if the comptroller makes the findings prescribed by Government Code 403.609(b). The comptroller may not recommend an application for approval if the comptroller is unable to make the required findings.

Not later than the 60th day after the date the comptroller determines that an application is complete, the comptroller shall take action regarding the application and provide written notice of the action to the governor, the school district in which the project is proposed to be located, and the applicant.

The comptroller shall send to the governor and the applicable school district a copy of the application and each document and item of information the comptroller relied on to recommend the application.

Gov't Code 403.609(a), (d), (e)

Governor Action on Application

The governor shall, not later than the 30th day after the date the governor receives an application sent to the governor by the comptroller, consider the application and by official action determine whether the governor is agreeable to entering into the agreement that is the subject of the application.

The governor shall provide written notice of the governor's determination to the comptroller, the applicable school district, the oversight committee, and the applicant not later than the seventh day after the date the governor makes the determination.

Gov't Code 403.610

School District Action on Application

The board shall, not later than the 30th day after the date the district receives an application sent to the district by the comptroller, consider the application and by official action determine whether the district is agreeable to entering into the agreement that is the subject of the application.

Public Hearing

The board shall hold a public hearing on the application during the 30-day period.

The board must provide notice of the public hearing in the manner required by Government Code Chapter 551 (Open Meetings Act), except that the district must provide the notice not later than the 15th day before the date of the hearing.

The notice must contain:

1. The name of the applicant;
2. The name and location of the existing or proposed reinvestment zone or enterprise zone in which the eligible project that is the subject of the application is proposed to be located;
3. A general description of the proposed eligible project; and
4. The projected investment the applicant will make in the project.

The board shall provide written notice of the district's determination to the comptroller, the governor, and the applicant.

Gov't Code 403.611

Agreement

The governor, the board, and an applicant may enter into an agreement to limit the taxable value for maintenance and operations ad valorem tax purposes of the district of the eligible property used as part of an eligible project that is the subject of an application for which both the governor and the board have made a favorable determination.

Required Terms, Payment to District Prohibited

An agreement entered into between the governor, a school district, and an applicant pertaining to an eligible project shall contain the specifications and requirements of Government Code 403.612(b), including a provision that states that the applicant is prohibited from making a payment to the district related to the agreement.

Termination

The agreement must provide that:

1. The governor or the district is authorized to terminate the agreement if the applicant fails to comply with an applicable jobs or wage requirement of the agreement;
2. The governor or the district may not terminate the agreement until the party provides written notice to the applicant of the proposed termination;
3. The governor or the district must provide the applicant a 180-day period to cure and dispute the alleged failure, including through judicial action; and

4. In the event the agreement is terminated, the state shall recover from the applicant a penalty in an amount equal to all lost ad valorem tax revenue from the project and interest on that amount calculated as provided by Tax Code 111.060.

An agreement terminated is void, and all remaining obligations and benefits under the agreement and the Texas Jobs, Energy, Technology, and Innovation Act terminate on the date the agreement is terminated.

Modifications — The parties to an agreement may modify the terms of the agreement that do not materially modify the jobs or investment requirements prescribed by the agreement.

Submission to Comptroller — An agreement must be submitted to the comptroller not later than the seventh day after the date the agreement is entered into. A copy of the economic benefit statement applicable to the project that is the subject of the agreement must be attached to the agreement.

Gov't Code 403.612

Incentive Period — An incentive period pertaining to an eligible project is a period of 10 consecutive tax years specified in the agreement pertaining to the project. *Gov't Code 403.613*

Conflict of Interest — A person may not, directly or indirectly, represent, advise, or provide a service to both an applicant and a school district in connection with the same application submitted or agreement entered into. *Gov't Code 403.619*

Certain Benefits Prohibited — An employee or representative of a district, a member of the board, or any other person may not intentionally or knowingly solicit, accept, agree to accept, or require any payment of money or transfer of property or other thing of value, directly or indirectly, to the district, an employee or representative of the district, a member of the board, or any other person in recognition of, anticipation of, or consideration for approval of an agreement unless authorized by Government Code Chapter 403, Subchapter T.

An applicant, an employee or representative of the applicant, or any other person may not intentionally or knowingly offer, confer, agree to confer, or make a payment of money or transfer of property or other thing of value, directly or indirectly, to the governor or the school district, an employee or representative of the governor or the district, a member of the board, or any other person in recognition of, anticipation of, or consideration for approval of an agreement unless authorized by the law.

Gov't Code 403.620

Confidentiality of Certain Business Information	Information provided to the comptroller, the governor, or a district by an applicant that is a trade secret, as defined by Civil Practice and Remedies Code 134A.002, is confidential and not subject to disclosure under Government Code Chapter 552 (Public Information Act). *Gov't Code 403.621*
Texas Economic Development Act	The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022. *Tax Code 313.007*
	A limitation on appraised value approved under the Texas Economic Development Act before its expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value. *Tax Code 313.171*
Disclosure of Appraised Value Limitation Information	If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Former Tax Code 313.0265(c), as continued in effect by Tax Code 313.171*
Property Redevelopment and Tax Abatement Act	On or after September 1, 2001, a school district may not enter into a tax abatement agreement under Tax Code Chapter 312. *Tax Code 312.002(f)*

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

Definitions

The following words and terms related to drills and exercises shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in Education Code 37.1141 [see Active Threat Exercises, below].

General

Active aggressor: An individual actively engaged in killing or attempting to kill people in a confined and populated area.

Drill: A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

Exercise: An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

Levels of Exercises

Full-scale exercise: Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school district is not the organizer of such an exercise, but the district or school would play a critical role in both function and potential facility use.

Functional exercise: Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emer-

gency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

Seminar exercise: A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

Tabletop exercise: A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

Workshop exercise: A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

Types of Drills

Evacuation drill: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Lockdown drill: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Secure drill: A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill

uses the security of the physical facility to act as protection to deny entry.

Shelter-in-place for hazardous materials (hazmat) drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1209, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure drill — One per school year.
2. Lockdown drill — Two per school year (once per semester).
3. Evacuation drill — One per school year.
4. Shelter-in-place drill (for either severe weather or hazmat) — One per school year.
5. Fire evacuation drill — Districts should consult with the local authority having jurisdiction (e.g., fire marshal) and comply with its requirements and recommendations. If a district does not have a local authority, it shall conduct four per school year (two per semester).

Best Practices

For more information about best practices for conducting drills and exercises, refer to Texas School Safety Center (TxSSC) guidance.

Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the TxSSC.

Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals, and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

1. The district School Safety and Security Committee;
2. First responders;
3. Mental and behavioral health professionals;
4. Students and families; and
5. Staff, including nontraditional teachers, coaches, trade instructors, custodians, and food service workers.

Drill and exercise design elements should include:

1. Physical and psychological safety for all participants;
2. Planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;
3. Providing advance notification of drills and exercises;
4. Planning for post-drill or after-action reviews of each drill and exercise; and
5. Ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

Exercises are more complex than drills. It is recommended that school systems start with discussion-based exercises and work up to operation-based exercises. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

1. Testing and validating policies, plans, procedures, training, equipment, and interagency agreements;
2. Clarifying and training personnel in roles and responsibilities;
3. Improving interagency coordination and communications;
4. Identifying gaps in resources;
5. Improving individual performance; and

6. Identifying opportunities for improvement.

19 TAC 103.1209; Education Code 37.114

Active Threat Exercises

An active threat exercise is defined as any exercise that includes a simulated active aggressor or an active shooter simulation.

Not Mandatory

Districts are not required to conduct active threat exercises.

19 TAC 103.1211(a), (b)

Requirements

A district that elects to conduct an active threat exercise shall do so in accordance with Education Code 37.1141 and 19 Administrative Code 103.1211.

The district shall consider using a discussion-based tabletop exercise [see Levels of Exercises, above] to achieve the purpose, goals, and objectives of the exercise rather than using an operations-based, a functional, or a full-scale active threat exercise.

Before a district may conduct an active threat exercise, including an active shooter simulation, the district shall ensure the following:

Adequate Notice

If conducting an operations-based, a functional, or a full-scale exercise, the district shall provide adequate notice of the exercise directly to individuals participating in the exercise, parents of students participating in the exercise, and all other individuals impacted by the exercise. Adequate notice of the active threat exercise shall also be posted through multiple distribution networks, including, but not limited to, the district's website and social media platforms.

To be considered adequate notice, notice shall be provided and posted at least two weeks prior to the exercise.

The notice shall include:

1. The date on which the exercise will occur;
2. The content, form, and tone of the exercise; and
3. Whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident.

The notice shall be provided to parents in the parents' native language to the greatest extent practicable.

Announcement

The district shall make an audible announcement over the campus public address system immediately prior to the commencement of the exercise to signal the start of the exercise to the participants, noting that it is only an exercise and not a real emergency. If applicable, the announcement must state that the exercise will include a

live simulation that mimics or appears to be an actual threat, such as a shooting incident.

First Responders The district shall ensure that first responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise.

Safe Zone The district shall ensure that a safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds.

The requirement for creating a safe zone may not be construed to prohibit a parent, legal guardian, or other person acting on a parent's or legal guardian's behalf from transporting or storing in the person's motor vehicle a firearm, ammunition, or other weapon that the person is legally authorized to possess while the person is picking up a child from school.

Content The district shall ensure that the content of the exercise:

1. Is age appropriate and developmentally appropriate;
2. Has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and
3. Is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted.

The district shall ensure that the content of the exercise, which includes planning and execution of the exercise, addresses the following elements:

1. Input from multiple stakeholder perspectives in the design of the exercise, including law enforcement personnel;
2. The physical and psychological safety of all participants before, during, and after the exercise, including:
    a. Planning in a trauma-informed manner to minimize potential trauma for students, staff, and other participants;
    b. The development and communication of a predetermined method for participants to withdraw from the exercise before or during the exercise; and

c. Access to mental health supports before, during, and after the exercise; and

3. The developmental appropriateness of the exercise, which includes a comprehensive perspective that supports the cognitive and emotional well-being of each individual and considers the impact that prior trauma, grief, and crisis experiences have had on a participant's development prior to the exercise. Developmental appropriateness considerations include the needs of special populations, including students with disabilities and emergent bilingual students;

Noninstructional Time

The district shall conduct the exercise during noninstructional time when nonparticipants are not present in the facility. Additionally, the district must require that:

1. If a student participates in the exercise, which is discouraged, the student is in grade 9 or higher and participates only if it provides the student with an educational benefit;

2. All participants (students and staff) opt in rather than opt out of the exercise. A student participant must have written permission to opt in from the parent or guardian of the student;

3. Exercise participants be permitted to withdraw from the exercise at any time, before or during the exercise, using a predetermined method of withdrawal; and

4. The exercise is organized, conducted, and overseen by law enforcement, first responders, or emergency management personnel. The district or one of its schools shall play a critical role in exercise coordination, overall function, and use of the facility.

After-Action Review

The district shall conduct an after-action review of the exercise to determine the extent to which the exercise achieved key planning objectives, to include ensuring:

1. Incident command and control structures work as intended in accordance with the district's multihazard emergency operations plan;

2. Two-way communications work as intended with emergency first responders in accordance with the district's multihazard emergency operations plan; and

3. Emergency notification systems (e.g., voice calls, text messages, and email notifications) work as intended.

Data Collection

The district shall ensure that data regarding the efficacy and impact of the exercise will be tracked, including any feedback regarding

the exercise from students, staff, or family members of students and staff. Data shall be collected and submitted to the TxSSC using the methods developed by the TxSSC.

19 TAC 103.1211(c); Education Code 37.1141

Eye and Face Protection

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Recommended Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (DSHS) recommends the guidelines entitled “Eye and Face Protection,” available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, DSHS recommends the guidelines entitled “Nonmandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection,” available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141-.142

Emergency Operations Plan

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency;
3. Response to a nearby train derailment, as applicable; and
4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Notice Regarding Violent Activity

The Superintendent shall develop procedures to notify parents regarding violent activity that has occurred or is being investigated at a campus or other District facility or at a District-sponsored activity.

School Resource Officers

To implement the District's comprehensive safety programs, the District has entered into a memorandum of understanding (MOU) with each local law enforcement agency that provides the District with school resource officers. School resource officers shall provide services consistent with the terms of the agreement, the comprehensive safety programs, and Board policy.

Jurisdiction

The jurisdiction of school resource officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Authority and Duties

A school resource officer shall perform duties as described in the MOU and as included in the District improvement plan and the Student Code of Conduct. Pursuant to the MOU, a school resource officer shall:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, school resource officers may serve search warrants in connection with 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 District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry a firearm in accordance with the MOU and the directives with the commissioning entity.
8. Carry out all other duties in accordance with the MOU.

A school resource officer shall not be assigned routine classroom discipline or administrative tasks. Each school resource officer shall receive at least the minimum amount of education and training required by law.

[See CKE(LEGAL) and CKEC(LEGAL)]

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

"Commissioned security officer" is a security officer under Occupations Code Chapter 1702 authorized by the Department of Public Safety (DPS) to carry a firearm and operating in compliance with 37 Administrative Code Chapter 35, Subchapter F.

Security Services Contractor

For the purposes of providing security personnel, the board may contract with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by DPS.

Education Code 37.081; Occupations Code 1702.002; 37 TAC 35.81-.83

Employed by the District

A district may not employ a commissioned security officer unless it provides notice to DPS in the form prescribed by the Public Safety Commission of:

1. The district's intent to employ a commissioned security officer and register with DPS;
2. The name, title, and contact information of the person serving in the district as the contact for DPS; and
3. Any change in the information provided above.

Occupations Code 1702.181

The provisions of Occupations Code Chapter 1702 relating to security officer commissions apply to a person employed by a district whose duties include serving as a security guard, security watchman, or security patrolman on property owned or operated by the district if the board files a written request with DPS to issue a commission to the district's employees with those duties.

The commission expires at the time the officer's employment as a security officer by the district is terminated.

Occupations Code 1702.321

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

Instructional Materials and Technology

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

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

Allotment

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

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

Additional State Aid

State-Approved Instructional Materials

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

Open Education Resource (OER) Instructional Materials

Subject to Education Code 31.0751 (OER transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of OER instruc-

tional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

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

Permitted Expenditures

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

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the SBOE under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;

10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access.

The allotment funds may not be used to purchase instructional material that contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below].

Education Code 31.0211(c), (f)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

Instructional Materials and Technology Account

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

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

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

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

Education Code 31.0212(a)-(d)

Purchasing Method

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

Requisitions, Use, and Distribution

Delegation of Authority

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

Local Funds

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

Online Requisition Program

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

Distribution

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

OER Instructional Materials

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

OER Transition Plan

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

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

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision.

Education Code 31.0751

TEA Assistance Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material. Education Code 31.0752

Requisition

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

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

Education Code 31.103(d)

Parent Portal

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

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

Bilingual Instructional Materials

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

Certification of Instructional Materials

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

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and

b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and

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

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

1. Instructional materials adopted by the SBOE;

2. Instructional materials developed, purchased, or otherwise acquired by the district; and

3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

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

Ownership

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

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

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

Responsibility for Instructional Materials and Equipment

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

technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

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

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

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

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

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

Acceptable Condition

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

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

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

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or

otherwise hinder the performance of any computer's memory, file system, or software; and

4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and

2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

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

Sale or Disposal

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

Sale

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

Use of Proceeds

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

Disposal

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

Education Code 31.105

Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

Definitions

Custodian — "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov't Code 201.003(2)*

Disposition — "Disposition" means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record — "Electronic record" means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

Note: Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

Electronic Records System — "Electronic records system" means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media — "Electronic storage media" means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record — "Essential record" means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov't Code 201.003(5)*

Local Government Record — "Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. *Local Gov't Code 201.003(10)*
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. *Local Gov't Code 201.003(12)*
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. *Local Gov't Code 201.003(13)*

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] *Local Gov't Code 201.003(14)*
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov't Code 201.003(15)*
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. *Local Gov't Code 201.003(16)*
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

Board's Responsibilities

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov't Code 203.021

District's Duties

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Minimum Requirements for Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

Security of Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

Note: The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

Custodians of Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov't Code 203.022

Records Management Officer

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e)

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:

   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

b. Identify and take adequate steps to preserve local government records of permanent value;

c. Identify and take adequate steps to protect essential local government records;

d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Electronic Records Management Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;

2. Integrate the management of electronic records into existing records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;

4. Address electronic records management requirements, including retention requirements and final disposition;

5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other

necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

13 TAC 7.73

Records Management Program

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)-(c)*

Electronic Records Management

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;

2. Integrate the management of electronic records with other records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;

4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;

5. Make training available for users of electronic records systems that addresses:

    a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and

b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

Amendment of Schedules

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records

control schedule or amended schedule by the officers of the district as it considers necessary.

Local Gov't Code 203.041

Retention Periods

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules

TSLAC has adopted the following retention schedules, among others: Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

Note: Local government records retention schedules[1] are available on the TSLAC website.

Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least 10 days before destroying the record as required by Government Code 441.169 [see District's Duties, above];
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001

Electronic Records Destruction

Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a), (b)

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

Records Offenses

Destruction or Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Federal Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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[1] Local Government Retention Schedules:
https://www.tsl.texas.gov/slrm/recordspubs/localretention.html

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received under Election Code 254.0401. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. A district shall post prominently a notice informing property owners of the property tax database maintained by the appraisal district under Tax Code 26.17. [See CCG]

29. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

30. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

31. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

32. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

33. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

34. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

35. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

36. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

37. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

38. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

39. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

40. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

41. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

42. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

44. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

45. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

46. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

47. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district, under Education Code 29.081(e-6). [See EHBC]

48. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

49. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

50. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

51. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

52. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

53. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

54. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

55. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

56. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

57. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

58. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

59. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

60. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

61. A board that allows requestors to use the public information request form created by the attorney general must post the

form on the district website under Government Code 552.235. [See GBAA]

62. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district shall either post online or provide physical copies of the report on library materials under Education Code 35.006. [See EFB]
5. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
7. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Note: For information on purchasing technological equipment with the instructional materials and technology allotment, see CMD.

Technology Lending Program Grant

A district may apply to the commissioner of education to participate in the technology lending grant program established under Education Code 32.301. *Education Code 32.301(b)*

A district may use a grant awarded under this program or other local funds to purchase, maintain, and insure equipment for a technology lending program. Equipment purchased by a district with a grant is the property of the district. *Education Code 32.303*

Guidelines for Use of Digital Devices

The Texas Education Agency, in consultation with the Health and Human Services Commission, shall develop and distribute model health and safety guidelines that districts may use to determine best practices for the effective integration of digital devices in public schools.

The board shall adopt a policy for the effective integration of digital devices in the district. In adopting the policy, the board may decide whether to adopt the guidelines for use in the district.

Each district that adopts the guidelines may implement the guidelines in a manner that best meets the district's individual needs and the individual needs of students in the district, including students with intellectual or physical disabilities.

If a district adopts the guidelines, the district shall post the guidelines publicly on the district's internet website.

Education Code 38.0231

Transfer of Equipment to Students

"Data processing" means information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means.

Definitions

"Electronic device" means a device that is capable of connecting to a cellular network or the internet, including a computer, smartphone, or tablet.

"Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

Education Code 32.101; Gov't Code 2054.003(3)

Transfers

A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, or a state eleemosynary institution or state agency under Government Code 2175.905 [see Fees, below];
2. Any equipment purchased by the district, to the extent consistent with the provisions at Use of Public Funds, below; and
3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment or an electronic device to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;
2. Determine that the transfer serves a public purpose and benefits the district;
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district;
4. Adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and
5. For the transfer of an electronic device to be used for an educational purpose, install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

Education Code 32.104

Donations

A district may accept:

1. Donations of data processing equipment for transfer under these provisions; and
2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

Fees

A state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from a district for surplus or salvage data processing equipment transferred to the district. *Gov't Code 2175.905(c)*

Use of Public Funds

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and

2. Store, transport, or transfer data processing equipment under these provisions.

Education Code 32.105

Eligibility

A student is eligible to receive data processing equipment under these provisions only if the student does not otherwise have home access to data processing equipment, as determined by the district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of Equipment

Except as provided below, a student who receives data processing equipment from a district under these provisions shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;

2. The date the student graduates;

3. The date the student transfers to another district; or

4. The date the student withdraws from school.

The requirements above do not apply if, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value.

Education Code 32.106

Prohibited Applications on District-Owned Devices

"Covered application" means the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the governor to pose a risk to the state. *Gov't Code 620.001(1), .005.*

A district shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the district and requiring the removal of covered applications from those devices. The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for districts to use in developing the required policy. *Gov't Code 620.003*

The district's policy may provide for the installation and use of a covered application to the extent necessary for providing law enforcement or developing or implementing information security measures. A policy allowing the installation and use of a covered application must require the use of measures to mitigate risks posed to the state during the use of the covered application and the documentation of those measures. *Gov't Code 620.004*

With this policy, the Board adopts the model health and safety guidelines for the effective integration of digital devices in schools that have been developed by the Texas Education Agency and the Health and Human Services Commission.

The Superintendent shall develop regulations that implement these guidelines.

Non-Chapter 21 Contracts

The District shall employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code, the following positions: coordinator special and federal programs, coordinator risk management, accountant, chief financial officer, purchasing specialist, director food service, human resources administration and compliance, social worker, supervisor transportation, communications officer, CTE coordinator, PEIMS specialist, speech language pathologist, speech language pathologist assistant, director support services, network administrator, database systems administrator, and director technology.

Termination During Contract Term

In accordance with DCE(LEGAL), an employee may request a hearing before the Board to appeal discharge during the contract period.

An employee whose contract is not reissued at the end of the contract period may appeal in accordance with DGBA(LOCAL).

Complaints

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

Other Complaint Processes

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

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with the DIA series.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with the DIA series.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with the DIA series.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

Direct Communication with Board Members

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

Formal Process

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

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

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

Freedom from Retaliation

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

Whistleblower Complaints

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

Complaints Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

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

Response	At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s email address of record, or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”
Representative	“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process. The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

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

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

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

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

Complaint forms must be filed:

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

   In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

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

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

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

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the con-

ference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

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

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

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

The Level One record shall include:

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

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

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

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

Level Three

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

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

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

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

The Level Two record shall include:

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

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

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

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

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board

with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Searches — General Rule

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

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

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and

2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

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

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

Drug/Alcohol Testing

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

Random Drug Testing

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

Safety-Sensitive Positions

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

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

Testing of Drivers

A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 31306; 49 C.F.R. Part 382*

Commercial Motor Vehicle Defined

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

49 C.F.R. 382.107

Testing Procedures

A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. *49 C.F.R. 382.105*

U.S. Department of Transportation (DOT) tests must be completely separate from non-DOT tests in all respects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. *49 C.F.R. 40.13*

Tests Required

Required DOT testing includes:

1. Pre-employment controlled substance tests required under 49 C.F.R. 382.301 [see DBAA];
2. Post-accident alcohol or controlled substance tests required under 49 C.F.R. 382.303;
3. Random alcohol or controlled substances tests required under 49 C.F.R. 382.305;
4. Reasonable suspicion alcohol or controlled substance tests required under 49 C.F.R. 382.307;
5. Return-to-duty alcohol or controlled substances tests required under 49 C.F.R. 382.309; or
6. Follow-up alcohol or controlled substance tests required under 49 C.F.R. 382.311.

No Refusal	No driver shall refuse to submit to a required DOT test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 C.F.R. 382.211*
Education and Treatment	A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the DOT. However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations. *49 C.F.R. 40.289*
Return-to-Duty Testing	If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements. *49 C.F.R. 40.305(a)-(b)*
Educational Materials	A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting the requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under 49 C.F.R. Part 382 and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. *49 C.F.R. 382.601*

Reports to DPS

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

1. A valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen, as defined by 49 C.F.R. 40.3;
2. A refusal to provide a specimen for an alcohol or drug test; or
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

"Employee" includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing.

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

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Teacher Appraisal

The employment policies adopted by the board must require a written evaluation of each teacher at annual or more frequent intervals.

A teacher appraisal must be done at least once for each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.

Education Code 21.203, .352(c)

Interim Evaluations and Guidance

In addition to conducting a complete appraisal as frequently as required by Education Code 21.352(c), a district shall require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. A district shall give priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency. *Education Code 21.352(c-1)*

Required Components

The statutorily required components of teacher appraisal are defined as follows:

1. The implementation of discipline management procedures is the teacher's pedagogical practices that produce student engagement and establish the learning environment.
2. The performance of teachers' students is how the individual teacher's students progress academically in response to the teacher's pedagogical practice as measured at the individual teacher level by one or more student growth measures.

19 TAC 150.1001(f)

Notice and Use of Evaluations

A district shall use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and developing career recommendations for the teacher. *Education Code 21.352(e)*

The district shall notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher. *Education Code 21.352(f)*

Role of Extracurricular Activities

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the

basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

Disciplinary Referrals

A district may not assign an area of deficiency to a teacher solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher under Education Code 37.002. [See FOA for discretionary removal] A district is not prohibited from assigning an area of deficiency to a teacher based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report. *Education Code 21.352(a-1)*

Access to Evaluations

A district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

Confidentiality

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act, Government Code 552. *Education Code 21.355(a)* [For disclosure requirements on evaluations, see GBA]

Two Appraisal Methods

A district shall use one of the following methods to appraise teachers:

1. The teacher appraisal system recommended by the commissioner of education [see State Method (T-TESS), below]; or
2. A local teacher appraisal system [see District Option and Campus Option, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

Selection of Appraisal Method

A superintendent, with the approval of a board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher appraisal system must follow the requirements set forth below at District Option or Campus Option. *19 TAC 150.1001(c)*

Notice to Service Center

A superintendent shall notify the executive director of the district's regional education service center in writing of the district's choice of appraisal system when using an alternative to the state appraisal method and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.

A district shall submit annually to its service center a summary of the campus-level evaluation scores from the state appraisal method or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

19 TAC 150.1008

Note: The following provisions apply to teacher appraisal using the state appraisal method.

State Method (T-TESS)

The commissioner's recommended teacher appraisal system, the Texas Teacher Evaluation and Support System (T-TESS), was developed in accordance with Education Code 21.351. *19 TAC 150.1001(b), .1002(a)*

Orientation and Annual Review

A district shall ensure that all teachers are provided with an orientation to the T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. The teacher is new to the district;
2. The teacher has never been appraised under the T-TESS; or
3. District policy regarding teacher appraisal has changed since the last time the teacher was provided with an orientation to the T-TESS.

The teacher orientation shall be conducted in a face-to-face setting during a district's first year of T-TESS implementation and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the T-TESS specifics and to have their questions answered.

19 TAC 150.1006

Appraisers

The teacher appraisal process requires at least one certified appraiser. An appraiser must be the teacher's supervisor or a person approved by the board.

Campus Administrator

Only a campus administrator may act as a certified appraiser, except as provided below.

Under the T-TESS, a "campus administrator" includes a principal, an assistant principal, an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification, or supervisory staff whose job descrip-

tion includes the appraisal of teachers and who is not a classroom teacher.

An individual other than a campus administrator may act as a certified appraiser if:

1. The individual has been certified by completing the required training prior to conducting appraisals; and
2. In the case where the certified appraiser is a classroom teacher, the certified appraiser:
    a. Conducts appraisals at the same school campus at which the certified appraiser teaches if the certified appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities; or
    b. Does not conduct appraisals of classroom teachers who teach at the same campus as the certified appraiser if the certified appraiser is not a department or grade-level chair.

Training and Certification

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed the state-approved T-TESS appraiser training and having passed the T-TESS certification examination, and must have received Instructional Leadership Training (ILT), Instructional Leadership Development (ILD), or Advanced Educational Leadership (AEL) certification. Appraisers without ILT, ILD, or AEL certification before January 1, 2016, may not take ILT or ILD to satisfy the requirement. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1005

Appraisal Calendar

A district shall establish a calendar for teacher appraisals and provide that calendar to teachers within three weeks from the first day of instruction. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The appraisal calendar shall:

1. Exclude observations in the two weeks after the day of completion of the T-TESS orientation in the school years when an orientation is required; and

2. Indicate a period for end-of-year conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

Assessment of Teacher Performance

Each teacher must be appraised each school year, except as provided below at Less-Than-Annual Appraisal. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

During the appraisal period, the certified appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in 19 Administrative Code 150.1002(a) and the performance of teachers' students as defined in 19 Administrative Code 150.1001(f)(2). *19 TAC 150.1003(e)*

Less-Than-Annual Appraisal

A teacher may receive a full appraisal less than annually if the teacher agrees in writing and the teacher's most recent full appraisal resulted in the teacher receiving summative ratings of at least proficient on nine of the sixteen dimensions and did not identify any area of deficiency, defined as a rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2). A teacher who receives a full appraisal less than annually must receive a full appraisal at least once during each period of five school years.

District policy may stipulate:

1. Whether the option to receive a full appraisal less frequently than annually is to be made available to teachers;

2. Whether the option to receive a full appraisal less frequently than annually is to be adopted district-wide or is to be campus specific;

3. If the appraisal accompanying a teacher new to a district or campus meets this option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and

4. Whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies

documented in accordance with 19 Administrative Code 150.1003(b)(6) and (f) (cumulative data regarding teacher performance in addition to formal classroom observations).

A school district may choose annually to review the written agreement to have less frequent full appraisals with the teacher. However, at the conclusion of the school year, the district may modify appraisal options through board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous year(s).

In a year in which a teacher does not receive a full appraisal due to meeting the requirements, a teacher shall participate in:

1. The Goal-Setting and Professional Development Plan process;
2. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
3. A modified end-of-year conference that addresses:
    a. The progress on the Goal-Setting and Professional Development Plan;
    b. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
    c. The following year's Goal-Setting and Professional Development plan.

19 TAC 150.1003(l)

Domains and Dimensions

Each teacher shall be appraised on the following domains and dimensions of the T-TESS rubric that is aligned to the Texas Teacher Standards in 19 Administrative Code Chapter 149 (Commissioner's Rules Concerning Educator Standards):

1. Domain I. Planning or Alternate Domain I. Lesson Internalization, which includes the following dimensions:
    a. Standards and alignment;
    b. Data and assessment;
    c. Knowledge of students; and
    d. Activities.
2. Domain II. Instruction, which includes the following dimensions:

a. Achieving expectations;

b. Content knowledge and expertise;

c. Communication;

d. Differentiation; and

e. Monitor and adjust.

3. Domain III. Learning Environment, which includes the following dimensions:

a. Classroom environment, routines, and procedures;

b. Managing student behavior; and

c. Classroom culture.

4. Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:

a. Professional demeanor and ethics;

b. Goal setting;

c. Professional development; and

d. School community involvement.

The evaluation of each of the dimensions above shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal-Setting and Professional Development Plan process, and other documented sources.

Each teacher shall be evaluated on the 16 dimensions in Domain I or Alternate Domain I and Domains II-IV identified above using the following categories:

1. Distinguished;

2. Accomplished;

3. Proficient;

4. Developing; and

5. Improvement needed.

Beginning with the 2024-25 school year, teachers may be appraised using Domain I or Alternate Domain I based on the alignment of teacher responsibilities to lesson planning or lesson internalization.

Student Performance

Beginning with the 2017-18 school year, each teacher appraisal shall include the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures).

If calculating a single overall summative appraisal score for teachers, the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), shall count for at least 20 percent of a teacher's summative score.

Each teacher shall be evaluated on the performance of teachers' students using one of the terms from the following categories:

1. Distinguished or well above expectations;
2. Accomplished or above expectations;
3. Proficient or at expectations;
4. Developing or below expectations; or
5. Improvement needed or well below expectations.

19 TAC 150.1002

Appraisal Process

The annual teacher appraisal, or full appraisal, shall include:

1. A completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
    a. Submitted to the teacher's appraiser within the first six weeks from the day of completion of the T-TESS orientation for teachers in their first year of appraisal under the T-TESS or for teachers new to the district; or
    b. Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
    c. Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
    d. Shared with the teacher's appraiser prior to the end-of-year conference; and
    e. Used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the T-TESS rubric;

2. For a teacher in the first year of appraisal under the T-TESS or for teachers new to the district, a Goal-Setting and Professional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;

3. After a teacher's first year of appraisal under the T-TESS within the district, an observation pre-conference conducted prior to announced observations;

4. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the certified appraiser and in accordance with the Education Code 21.352(c-1). Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will impact the teacher's summative appraisal ratings, in which case the written summary shall be shared within 10 working days after the completion of the additional observation or walk-through. Title 19 Administrative Code 150.1004 (Teacher Response and Appeals) applies to a written summary of an additional observation or walk-through that will impact the teacher's summative appraisal ratings;

5. An observation post-conference that:

    a. Shall be conducted within 10 working days after the completion of an observation;

    b. Is diagnostic and prescriptive in nature;

    c. Includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and

    d. Can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;

6. Cumulative data from written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;

7. An end-of-year conference that:

    a. Reviews the appraisal data collected throughout the current school year and previous school years, if available;

b. Examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the T-TESS rubric;

c. Examines and discusses evidence related to the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures), when available; and

d. Identifies potential goals and professional development activities for the teacher for the next school year; and

8. A written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the end-of-year conference.

19 TAC 150.1003(b)

Shorter Observations — By written, mutual consent of the teacher and the certified appraiser, the required 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes. *19 TAC 150.1003(g)*

Cumulative Data — The certified appraiser is responsible for documentation of cumulative data. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within 10 working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal. *19 TAC 150.1003(f)*

Summative Report — A written summative annual appraisal report shall be shared with the teacher no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

End-of-Year Conference — An end-of-year conference shall be held within a time frame specified on the district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV; the results of the performance of teachers' students, when available, as defined in 19 Administrative Code 150.1001(f)(2); and the potential goals and professional development plans for the following year. The written summative annual appraisal report shall be shared with the teacher within 10 working days following the con-

clusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

In cases where the certified appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the end-of-year conference.

19 TAC 150.1003(i), (j)

Additional Documentation

Any documentation collected after the end-of-year conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any dimension, another summative report shall be developed to inform the teacher of the changes. *19 TAC 150.1003(k)*

Teacher Response and Rebuttal

A teacher may submit a written response or rebuttal at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or

2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after receiving a written summative annual appraisal report.

Any written response or rebuttal must be submitted within 10 working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal. A teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domain I or Alternate Domain I, Domain II, and Domain III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.

Education Code 21.352(c); 19 TAC 150.1004(a), (b)

Request for Second Appraisal

A teacher may request a second appraisal by another certified appraiser at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary with which the teacher disagrees; or

2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after re-

ceiving a written summative annual appraisal report with which the teacher disagrees.

The second appraisal must be requested within 10 working days of receiving a written observation summary or a written summative annual appraisal report. A teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.

A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.

The second appraiser shall make observations and walk-throughs as necessary to evaluate the dimensions in Domains I-III or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. Cumulative data may also be used by the second appraiser to evaluate other dimensions.

A district shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed.

Education Code 21.352(c); 19 TAC 150.1004(c)-(g)

Note: The following provisions apply to teacher appraisal using a district-developed appraisal method.

District Option

A district that does not choose to use the T-TESS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

Development of Appraisal System

The district-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the district.

Appraisal Process

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal, above];
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
    a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and
    b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

A district-level planning and decision-making committee shall submit the appraisal process and criteria to the superintendent, who shall submit the appraisal process and criteria to the board with a recommendation to accept or reject.

The board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(a)

Note: The following provisions apply to teacher appraisal using a campus-developed appraisal method.

Campus Option

A campus within a district may choose to develop a local appraisal system.

Development of Appraisal System

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the district-level planning and decision-making committee.

Appraisal Process

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal above];

2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and

3. Criteria based on observable, job-related behavior, including:

   a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and

   b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

Upon submission of the appraisal process and criteria to the district-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the superintendent.

The superintendent shall submit to the board:

1. The recommended campus appraisal process and criteria;

2. The district-level planning and decision-making committee's recommendation; and

3. The superintendent's recommendation.

The board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(b)

Note: The following provision applies to appraiser training under a local appraisal process (district- or campus-developed).

Appraisers

A district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district. *19 TAC 244.3*

Note: The standards to be used to inform the training, appraisal, and professional development of teachers are outlined in 19 Administrative Code 149.1001.

Principal

Qualifications

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

Certification

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

Duties

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

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

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

Principal's Report to Superintendent

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

Educators

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

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

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

Noncertified Employees

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

1. Abused or otherwise committed an unlawful act with a student or minor; or

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

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

Sanctions and Administrative Penalty

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

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

Criminal Offense

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

School Nurse

Minimum Salary Schedule

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

Licensed Vocational Nurse

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

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

Nursing Peer Review Committee

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

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

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

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

Occupations Code 303.001(4), .0015

Certified School Counselor

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

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

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

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

Education Code 33.002

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

School Counselor Duties

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

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

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

School Counselor Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time

on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

Exception

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

School Counselor Contracts

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy as required above.

Education Code 33.006(a)-(g)

Tracking and Documentation

A district shall require each district school counselor to track and document, using a standardized tracking tool, as established by the district, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:

1. Include the following components:

a. The total work time worked by the school counselor for the year;

b. The total time spent on the following duties that are components of a counseling program developed under Education Code 33.005:

(1) Provision of a guidance curriculum;

(2) Responsive services for students;

(3) Individual planning for students; and

(4) System support; and

c. The total time spent on duties that are not components of a counseling program developed under Education Code 33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and

2. Be maintained by the district in a format that can be made available to the Texas Education Agency (TEA) upon request.

19 TAC 61.1073(b)

Annual Assessment

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to TEA on or before the date specified by the commissioner.

The assessment shall include:

1. Work time tracking documentation as described above for each school counselor in the district;

2. The number of school counselors whose work was in compliance with the district's school counselor policy; and

3. The number of school counselors in the district whose work was not in compliance with the district's school counselor policy.

The assessment shall be maintained by the district in a format that can be made available to TEA upon request.

Education Code 33.006(h); 19 TAC 61.1073(c), (d)

Nonphysician Mental Health Professional

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

In this section, “nonphysician mental health professional” means:

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

Education Code 38.0101

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

School Psychological Services

The rules of the Texas Behavioral Health Executive Council (TBHEC) acknowledge the unique difference in the delivery of school psychological services in schools from psychological services in the private sector. The TBHEC recognizes the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas. Mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in schools which reflect the occupational distinctions from the private practice of psychology. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

A person may not be employed by a school district as a school psychologist or associate school psychologist unless the person holds a specialist in school psychology license under Occupations Code 501.260. A specialist in school psychology license is the appropriate credential for a person who provides psychological services for a school district. *Education Code 21.003(b); Occupations Code 501.002(2), .260(a)*

The correct title for an individual holding a specialist in school psychology license is Licensed Specialist in School Psychology or (LSSP), or the individual may use the title School Psychologist. An LSSP who has achieved certification as a Nationally Certified School Psychologist (NCSP) may use this credential along with the license title of LSSP. *22 TAC 465.38(d)*

School psychological services may be provided in Texas public schools only by LSSPs and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

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

1. Addressing special education eligibility;
2. Conducting manifestation determinations;
3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

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

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

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with Applicable Education Laws

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

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;

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

22 TAC 465.38 (f)

School Chaplains

A district may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board. A chaplain employed or volunteering is not required to be certified by SBEC.

A district that employs or accepts as a volunteer a chaplain shall ensure that the chaplain complies with the applicable requirements under Education Code Chapter 22, Subchapter C, before the chaplain begins employment or volunteering at the district.

A district may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Code of Criminal Procedure Chapter 62.

Education Code 23.001

General Education

Consistent with the Texas Education Agency (TEA) *Student Attendance Accounting Handbook* (*SAAH*), a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. The parent's request for services shall be submitted to the principal in accordance with TEA's *SAAH* and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, if applicable, the length of the transition period to the school-based setting based on current information regarding the medical or psychological condition.

Special Education

Consistent with state rule and the *SAAH*, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. The weeks need not be consecutive.

If a student's admission, review, and dismissal committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law, and, if applicable, the length of the transition period to the school-based setting based on current information regarding the medical or psychological condition.

Documentation of Services

The District shall maintain full documentation about students receiving homebound services, in accordance with administrative procedures, the *SAAH,* and a student's individualized education program, as applicable.

Note: For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

Definitions

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

Education Code 31.002(1-a)

"Open education resource (OER) instructional material" is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-b)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

State Materials Selection and Assistance

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if

the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*

TEA Website — TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. *Education Code 31.025(a)*

TEA Support — On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials.

Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE.

Education Code 31.0251

OER Instructional Material — Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0721(a)*

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

Local Selection — A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*

Special Education — Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*

Criminal Offense — A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Human Sexuality Materials

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC). *Education Code 28.004(e)*

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]

Instructional Material Review

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

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

Taking Home Materials

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Students Without Reliable Access to Technology

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

Learning Management System or Online Portal

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

District Instructional Material Review

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

The process:

1. May not require more than one parent of a student to make the request;

2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process; and

3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review.

If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition.

The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental access to instructional material provided by an instructional material review conducted under this provision is in addition to any other right to access instructional material granted by the Education Code or school district policy.

Education Code 26.0061

TEA shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. Education Code 31.0252

Harmful Materials

“Harmful material” means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;

2. Depicts or describes

   a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or

   b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and

3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(1)

Federally Required Parental Inspection

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

Note: For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

Selection

Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above.

The Board shall rely on District professional staff to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives. [See also EMB regarding instruction about controversial issues.]
5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

Reconsideration of Instructional Materials

A District employee or a parent or guardian of a District student may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives for instructional materials set out in this policy.
2. A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator may offer a concerned parent an alternative instructional ma-

terial to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Note: As of the date issued below, the following sections of the Texas Education Code are enjoined by the United States Fifth Circuit Court of Appeals: 35.001, 35.002, 35.0021, 35.003. *Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024)*. These sections, as well as any other sections that are not severable, are unenforceable unless affected by further legal action.

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021(b)*

Collection Development

A district shall adhere to the standards for school library collection development in developing or implementing the district's library collection development policies. *Education Code 33.021(c)*

Library Material Definitions

Patently Offensive

"Patently offensive" means so offensive on its face as to affront current community standards of decency.

Sexually Explicit Material

"Sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code 28.002(a) (foundation and enrichment curriculum) that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25, in a way that is patently offensive, as defined by Penal Code 43.21.

Education Code 33.021; Penal Code 43.21(a)(4)

Harmful Material

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Library Collection Development Standards

A district must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials.

A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should:

1. Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code 28.002 [see EHAA], while taking into consideration students' varied interests, maturity levels, abilities, and learning styles;
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and
4. Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world.

13 TAC 4.2(a)-(b)

Responsibility

A district is responsible for ensuring its school libraries implement and adhere to these collection development standards. *13 TAC 4.2(j)*

A district should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials. *13 TAC 4.2(f)*

Procedures

A district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in

the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection. *13 TAC 4.2(g)*

A district may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements. *13 TAC 4.2(i)*

Policy Requirements

A school library collection development policy must:

1. Describe the purpose and collection development goals;
2. Designate the responsibility for collection development;
3. Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;
4. Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;
5. Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code 35.001 consistent with any policies adopted by the Texas Education Agency (TEA) and local school board requirements; *[This regulation is inoperable; see editorial note above.]*
6. Include an access plan that, at a minimum, allows efficient parental access to the district's library and online library catalog; and
7. Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:
    a. Recognize that parents are the primary decision makers regarding their student's access to library material;
    b. Prohibit the possession, acquisition, and purchase of harmful material, as defined by Penal Code 43.24, library material rated sexually explicit material by the selling library material vendor under Education Code 35.002 *[inoperable; see editorial note above]*, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);
    c. Recognize that obscene content is not protected by the First Amendment to the United States Constitution;

d. Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;

e. Ensure schools provide library catalog transparency, including, but not limited to:

(1) Online catalogs that are publicly available; and

(2) Information about titles and how and where material can be accessed;

f. Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:

(1) Access to district/campus policies relating to school libraries;

(2) Consistent access to library resources; and

(3) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; and

g. Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

Evaluation of Materials

Evaluation of materials as referenced in this provision includes a consideration of the factors described at 13 Administrative Code 4.2(b), consideration of local priorities and district standards, and at least two of the following:

1. Consideration of recommendations from parents, guardians, and local community members;

2. Consultation with the district's educators and library staff and/or consultation with library staff of similarly situated districts and their collections and collection development policies;

3. An extensive review of the text of item;

4. The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

5. Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book

reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

Policy Review

A district's collection development policy should be reviewed at least every three years and updated as necessary.

13 TAC 4.2(c)-(d), (h)

Reconsideration of Library Material

A reconsideration process as referenced in this provision should ensure that any parent or legal guardian of a student currently enrolled in the district or employee of the district may request the reconsideration of a specific item in their school district's library catalog.

A reconsideration process should:

1. Establish a uniform procedure an individual must follow when filing a request;
2. Require a district to include a form to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a district administrative office;
3. Require that the completed request for reconsideration form be distributed to the superintendent or superintendent designee, school librarian, and the board at the time of submission;
4. Include a reasonable timeframe, approved by the board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take into account:
    a. The time necessary to convene a committee to meet and review the item;
    b. Flexibility that may be necessary depending on the number of pending reconsideration requests; and
    c. Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;
5. Establish a uniform process approved by the board for the treatment of any library material undergoing reconsideration;
6. Include a review and appeal process approved by the board; and

7. Provide that if an item has gone through the reconsideration process and remains in the collection, a district may not be required to reconsider an item within two calendar years of the final decision.

13 TAC 4.2(e)

Library Material Purchases

[See editorial note above.]

Ratings Requirement

A library material vendor may not sell library materials to a district unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a district.

A library material vendor may not sell library material rated sexually explicit material and shall issue a recall for all copies of library material sold to a district that is rated sexually explicit material and in active use by the district.

Education Code 35.002(a)-(b)

TEA Library Material List

Not later than September 1 of each year, each library material vendor shall submit to TEA an updated list of library material rated as sexually explicit material or sexually relevant material sold by the vendor to a district during the preceding year and still in active use by the district. TEA shall post each submitted list in a conspicuous place on its website. *Education Code 35.002(d)-(e)*

Prohibited Vendor List

A district may not purchase library material from a library material vendor on TEA's website list of vendors who have failed to comply with Education Code 35.003(b). *Education Code 35.003(d)*

Procedures for Sexually Relevant Material

[See editorial note above.]

Sexually Relevant Material

"Sexually relevant material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code 28.002(a) (foundation and enrichment curriculum), that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25. *Education Code 35.001*

Parent Consent

A district may not allow a student enrolled in the district to reserve, check out, or otherwise use outside the school library material the library material vendor has rated as sexually relevant material under Education Code 35.002(a) (library vendor ratings) unless the district first obtains written consent from the student's parent or person standing in parental relation. *Education Code 35.005*

Review and Reporting of Library Material

Not later than January 1 of every odd-numbered year, each district shall:

1. Review the content of each library material in the catalog of a district library that is rated as sexually relevant material by the library material vendor;
2. Determine in accordance with the district's policies regarding the approval, review, and reconsideration of school library materials whether to retain each library material reviewed; and
3. Either post a report in a conspicuous place on the district website or provide physical copies of the report at the central administrative building for the district.

The report must include the title of each library material reviewed; the district's decision regarding the library material; and the school or campus where the library material is currently located.

Education Code 35.006

Liability

A district or a teacher, librarian, or other staff member employed by a district is not liable for any claim or damage resulting from a library material vendor's violation of Education Code Chapter 35. *Education Code 35.004*

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Note: For information related to the selection of instructional materials, see EFA.

The purpose of this policy is to ensure that the District provides a wide range of library materials for students and faculty that support student achievement and present varying levels of difficulty, diversity of appeal, and a variety of points of view. This policy also provides standards for collection development and the selection and evaluation of library materials.

Collection Development Policy

In this policy, "library materials" may include printed and electronic library acquisitions, including online catalogs, and other ancillary or supplementary materials maintained in a campus library.

The library collection development standards shall apply to all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.

In developing library collections, the District shall consider the age groups, grade levels, and access to library material by all students on a campus.

Responsibility

The District shall ensure librarians, professional library staff, and other designated professional staff trained on the proper collection development standards select and acquire library materials in accordance with state law and rules, this collection development policy, and administrative procedures.

The Superintendent shall develop administrative procedures to ensure that library collections comply with applicable law and the District's collection development purpose and goals.

Collection Development Goals

In addition to the requirements in state law and rules, the District's library collections shall:

1. Present multiple viewpoints related to controversial issues [see EMB regarding instruction about controversial issues].
2. Provide a wide range of background information that will enable students to make intelligent decisions in their daily lives.
3. Include accurate and authentic factual content from authoritative sources.
4. Have a high degree of potential user appeal and interest.
5. Offer a global perspective that promotes equity of access, including print and nonprint materials such as electronic and multimedia, to meet the needs of individual learners.

6. Represent diverse viewpoints and cultures appropriate to each campus to ensure the collection embodies the unique background of its student population.

Selection and Evaluation of Materials

Library materials shall be selected and acquired in accordance with guidelines adopted by the Texas State Library and Archives Commission and the District standards and priorities expressed in this policy.

When selecting, acquiring, and evaluating library materials, librarians and other professional staff shall ensure that the materials:

1. Enrich and support the TEKS and the state and local curriculum, taking into consideration students' varied interests, maturity levels, abilities, and learning styles.
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis.
4. Represent ethnic, religious, and cultural groups of the state and their contributions to the state, the nation, and the world.

The Superintendent shall ensure that administrative procedures regarding the selection of library materials consider at least two of the following factors:

1. Recommendations from students, parents or guardians, teachers, and District community members.
2. Consultation with District teachers and library staff.
3. Consultation with library staff from other districts.
4. Extensive review of the library material.
5. Context of the library material, including overall fit within the existing collection and support of District curriculum.
6. Reviews of the library material from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.
7. Coverage of topics, authors, series, or genres that fill gaps in the school library collection.

Access Plan

The District shall allow efficient parental access to the District's library and any available online catalogs.

Online catalogs shall be publicly available. The District shall publish information about library material titles, including how and where material can be accessed.

Each campus shall communicate the following to parents and guardians:

- Access to policies relating to school libraries and library materials;
- Consistent access to library materials and resources; and
- Opportunities for students, parents and guardians, educators, and community members to provide feedback on library materials and services.

Parental Involvement

Parents and guardians are the primary decision makers regarding their student's access to library material. In general, a student is afforded the opportunity to self-select library materials as part of literacy development and the library program. District staff may assist a student in selecting library material; however, the ultimate determination of appropriateness remains with the student and parent or guardian. Parents and guardians are encouraged to communicate with the campus librarian and their child's teacher about special considerations regarding library materials self-selected by their student.

In accordance with state law and administrative procedures, parents or guardians may select alternative library materials for their student. [For information on parental rights regarding instructional materials and other instructional resources, see EFA(LEGAL).]

The District shall focus on maximizing transparency with parents while meeting student needs and providing enrichment opportunities with library materials. Parental involvement in library acquisition, maintenance, and campus activities is encouraged.

Access Procedures

School Library

A parent or guardian who wishes to access a school's library shall first submit a request to the principal. The principal or a staff member designated by the principal shall work with the parent or guardian to determine a time to access the library that will not interfere with the delivery of instruction or disrupt student use of library services.

Online Catalog

A parent or guardian who wishes to access an online catalog shall submit a written request to the principal. The principal or a staff member designated by the principal shall respond to the request in accordance with administrative procedures.

Protection from Inappropriate Material

Library materials shall not include “harmful material” as defined by Penal Code 43.24(a)(2); “obscene” material as defined by Penal Code 43.21(a)(1); any library material that is pervasively vulgar or educationally unsuitable as referenced in *Board of Education v. Pico*; or any other material legally prohibited from inclusion in a public school library. [See EFB(LEGAL)]

Obscene material is not protected by the First Amendment to the United States Constitution.

Library materials shall comply with the Children's Internet Protection Act (CIPA), including technology protection measures. [See CQ]

Reconsideration of Library Material

A District employee or a parent or guardian of a District student may request the reconsideration of a library material maintained in the District’s library program.

Guiding Principles

The following principles shall guide the review of a request to reconsider a library material:

1. An individual may raise an objection to a library material used in the District’s library program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for library materials set out in this policy.
2. A parent’s or guardian’s ability to exercise control over instruction and instructional resources, including library materials, extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a student if requested by the student’s parent or guardian.

In addition to compliance with state law and this policy, a criterion for the final decision on challenged library materials is the appropriateness of the material for its intended use. No challenged library material shall be removed solely because of the ideas expressed in the library material or the personal background of the library material’s author or the personal background of the characters in the material.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of a library material, the appropriate librarian or administrator shall try to resolve the matter informally. The librarian or ad-

ministrator shall explain the selection process and discuss the intended purpose for the library material.

The librarian or administrator shall offer a concerned parent or guardian an alternative library material to be used by the child in place of the material and, if requested, shall restrict the child's access to the material objected to by the parent or guardian.

If the individual wishes to make a formal challenge, the administrator shall make available to the individual a copy of this policy and a form to request a formal reconsideration of the library material.

Formal Request for Reconsideration

The District shall make a form to request reconsideration of library material available in the District's administrative office.

If an employee or a parent or guardian of a District student wishes to request reconsideration of a library material, they shall follow the procedures to complete and submit the request for reconsideration form.

After a request for reconsideration form is submitted, the form shall be provided to the Superintendent. Copies of the form shall be provided to the school librarian, the Board, and any other staff designated in administrative procedures.

Reconsideration Committee

For purposes of this policy, "days" shall mean District business days, unless otherwise noted.

The principal shall appoint a reconsideration committee and notify committee members within 10 days of receiving the request for reconsideration form.

The reconsideration committee shall include the librarian and at least one member of the instructional staff who is familiar with the material's content. Other members of the committee may include District-level staff, secondary-level students, parents or guardians, and any other appropriate individuals.

Within 10 days of appointment of the committee the District shall provide members of the committee the relevant materials to review. If additional time is required to obtain and distribute the materials for review, all members of the committee shall be informed that a reasonable extension of time is needed.

All members of the committee shall review the challenged library material in its entirety and determine whether the material conforms to this policy and whether the material will continue to be available in the library. The committee shall prepare a written report of its findings.

Absent extenuating circumstances, the written report shall be provided to the administration within 60 days of the District providing the material to the committee members. In calculating timelines under this policy, the day the committee is provided the materials is "day zero." The following business day is "day one."

Extensions of time due to extenuating circumstances shall take into consideration the time necessary to convene the committee members, the amount of material being reviewed, and any other pending reconsideration requests being handled by the committee.

An extension of any deadline shall be promptly communicated to the individual who submitted the request for reconsideration.

The Superintendent, the school librarian, the individual submitting the request for reconsideration, and any other appropriate administrators shall receive a copy of the committee's report.

Appeal

An individual who submitted a request for reconsideration may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the level immediately preceding Board consideration of a complaint. [See DGBA and FNG]

Frequency of Review

After a library material has been reviewed through the reconsideration process, it shall not be reviewed again within two calendar years of the reconsideration committee's final decision.

Maintenance of Library Materials

In accordance with state guidelines and District administrative procedures, collections shall be evaluated and updated regularly based on the collections' age, relevance, diversity, and variety. The Superintendent shall ensure administrative procedures are established for regular maintenance of the library collection on each campus. Standard maintenance procedures for any library collection include repair, replacement, and removal of materials as necessary. Regular maintenance shall also include scheduled inventories of the collection. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

Gifts and Donations

The District shall accept gifts and donations of library materials with the understanding that the use and disposition of the materials and monies will be in accordance with District policy and the selection criteria noted above. [See CDC]

Policy Review

This policy shall be reviewed at least every three years and revised as necessary.

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, the Texas Education Agency (TEA), another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

19 TAC 89.1011(a)

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e); Education Code 29.004; 19 TAC 89.1011

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

[For more information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

[For information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

Initial Provision of Services

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;

2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;

3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how

to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C).*19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Admission, Review, and Dismissal Committee

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

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

Committee Members

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

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
    b. Is knowledgeable about the general education curriculum; and
    c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;
7. The student, if appropriate;

8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.156.

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

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

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

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

Regular Education Teacher

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

Parent Involvement

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

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

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

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

Alternative Means of Meeting Participation

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

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

Meetings

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

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such

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

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

Meeting at Parent's Request

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

Written Notice

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

Students New to a District

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district , the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The timeline for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 20 school days from the date the student is verified as being a student eligible for special education services.

In-State Transfers

Transfers from Another State

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

300.323(f)(2) is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)(1)-(2)

Transfer During the Summer

A student who registers in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, if the parents or in- or out-of-state district verifies before the new school year begins that the student had an IEP that was in effect in the previous district, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year. If the student's eligibility for special education and related services cannot be verified before the start of the new school year, the timelines for transfer students apply to the student.

If the new district wishes to convene an ARD committee meeting to consider revision to the student's IEP before the beginning of the school year, the new district must determine whether the parent will agree to waive the requirement in 19 Administrative Code 89.1050(d) that the written notice of the ARD committee meeting must be provided at least five school days before the meeting. If the parent agrees to a shorter timeframe, the new district must make every reasonable effort to hold the ARD committee meeting prior to the first day of the new school year if the parent agrees to the meeting time.

19 TAC 89.1050(j)(4)-(5)

Verification

For purposes of the transfer provisions in 19 Administrative Code 89.1050, "verify" means that the new school district has received a copy of the student's IEP that was in effect in the previous district.

Services Before Verification

While waiting for verification, the new district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous school district of the student's special education and related services and placement.

19 TAC 89.1050(j)(6)-(7)

Transfer of Records

The new district must take reasonable steps to promptly obtain the student's records from the previous school district, and, in accordance with Education Code 25.002, and 34 C.F.R. 300.323(g), the previous district must furnish the new school district with a copy of the student's records, including the student's special education

records, not later than the 10th working day after the date a request for the information is received by the previous school district.

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

Students Who Are Homeless or in Substitute Care

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

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

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

Individualized Education Program

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

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

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

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;

4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;

5. A statement of the program modifications or supports for school personnel that will be provided for the student;

6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;

7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

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

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

Supplemental Special Education Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and

2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

Education Code 29.048

A district shall notify families of their eligibility for the SSES program and shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts and information about the types of goods and services that are available through the SSES grant.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(i)-(j)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:
    a. The placement of the student in a different educational setting;
    b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
    c. A pattern of unexcused absences; or
    d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(g); Education Code 29.005(h)

Translation of IEP into Native Language

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

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

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the

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

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

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

19 TAC 89.1050(i)

Autism/Pervasive Developmental Disorder

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

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (ac-

quisition, fluency, maintenance, generalization) that encourages work towards individual independence;

8. Communication interventions, including language forms and functions that enhance effective communication across settings;

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;

10. Professional educator/staff support; and

11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

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

19 TAC 89.1055(e)-(f)

Visual Impairment

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

Collaborative Process

All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language other than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student’s presence on campus represents a danger of physical harm to the student or others;

2. The student has committed an expellable offense; or

3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

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

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

Failure to Reach Agreement

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

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

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

Modification of Existing IEP

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

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

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

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

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

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an op-

portunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

Teacher Request to Review IEP

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

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

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

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Title III Requirements

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

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

Definitions

“Alternative language program” means a temporary instructional plan that meets the affective, linguistic, and cognitive needs of emergent bilingual students and equips the teacher under a bilingual education exception or English as a second language (ESL) waiver to align closely to the required bilingual or ESL program through the comprehensive professional development plan.

“Certified bilingual education teacher” means a teacher appropriately certified in bilingual education as well as for the grade level and content area.

“Certified English as a second language teacher” means a teacher appropriately certified in ESL as well as for the grade level and content area. The term “certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

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

“Emergent bilingual student” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English. “Emergent bilingual student” also means a student identified by the language proficiency assessment committee (LPAC) who is in the process of acquiring English and has another language as the student’s primary or home language. This term is interchangeable with English learner as used in federal regulations and replaces the term “limited English proficient student.”

“English as a second language program” means a special language program in accordance with Education Code, Chapter 29, Subchapter B. Another related term for an ESL program is “English as an additional language program.”

"English proficient student" means a former emergent bilingual student who has met reclassification as English proficient by the LPAC.

"Exit" refers to the point when a student is no longer classified as an emergent bilingual student (i.e., the student is reclassified) and the student ends bilingual or ESL program participation with parental approval and based on the recommendation of the LPAC. The term "exit" is synonymous with the description in Education Code, Chapter 29, of "transferring out" of bilingual or special language programming. For the purpose of meeting the goals of a DLI program, the LPAC may recommend continued program participation beyond reclassification.

"Language proficiency assessment committee" means a designated group of committee members as described in 19 Administrative Code 89.1220 (relating to Language Proficiency Assessment Committee) that ensures the appropriate identification, placement, assessment, services, reclassification, and monitoring of emergent bilingual students. The LPAC also meets in conjunction with all other committees related to programs and services for which an emergent bilingual student qualifies.

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

"Reclassification" means the process by which the LPAC determines that an emergent bilingual student has met the appropriate criteria to be classified as English proficient, and the student enters year 1 of monitoring as indicated in the Texas Student Data System Public Education Information Management System.

Education Code 29.052; 19 TAC 89.1203(1), (3)-(4), (6), (8)-(9), (11)-(12), (14), (17), (21)

District Responsibility

Each district shall:

1. Identify emergent bilingual students based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the general program;
3. Seek appropriately certified teaching personnel to ensure that emergent bilingual students are afforded full opportunity to master the essential knowledge and skills; and
4. Assess academic achievement and linguistic progress in accordance with Education Code Chapter 29 to ensure account-

ability for emergent bilingual students and the schools that serve them.

19 TAC 89.1201(a)

Identification of Emergent Bilingual Students

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

Language Proficiency Assessment Committees

A district shall by local board policy establish and operate one or more LPACs. The district shall have on file a policy and procedures for the selection, appointment, and orientation of members of the LPAC(s).

A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of an emergent bilingual student.

19 TAC 89.1220(a), (e)

Membership of LPAC

The LPAC shall include:

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

A district may add other trained members to the committee.

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

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

Meetings	The LPAC may use alternative meeting methods, such as phone or video conferencing and the use of electronic signatures that adhere to district policy. *19 TAC 89.1220(b)-(d), (f); Education Code 29.063(a)-(b);*
Duties	The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)-(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.
Home Language Survey	A district shall administer only the TEA-developed home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12. This home language survey will serve as the original and only home language survey throughout the student's educational experience in Texas public schools. The district shall require that the survey be signed by the student's parent for each student in prekindergarten through grade 8, or by the student in grades 9 through 12. It is the district's responsibility to ensure that the student's parent understands the language used in the survey and its implications. The original copy of the survey shall be kept in the student's permanent record and transferred to any subsequent Texas public school districts in which the student enrolls. If the response on the home language survey indicates that a language other than English is or was used for communication, the student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students). If a parent determines an error was made when completing the original home language survey, the parent may request a correction only if the student has not yet been assessed for English proficiency; and corrections are made within two calendar weeks of the student's initial enrollment date in Texas public schools. *19 TAC 89.1215(a), (c), (e)*
English Language Proficiency Testing	Within four calendar weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the state-approved English language proficiency test in accordance with 19 Administrative Code 89.1226 and shall be identified as emergent bilingual and recommended for placement into the required bilingual education or ESL program in accordance with the testing and classification requirements in 19 Administrative Code 89.1226. *19 TAC 89.1226(b)*

Emergent Bilingual Classification

The LPAC may classify a student as emergent bilingual if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the date of the student's classification as an emergent bilingual student, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's primary language that their child has been identified as an emergent bilingual student and recommended for placement in the required bilingual education or ESL program using the TEA-developed identification and placement letter.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or through allowable alternatives described in 19 Administrative Code 89.1220, in order to have the student included in the bilingual education allotment. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement. A change between bilingual education and ESL program placement requires new parental approval using the TEA-developed change in placement letter.

If a parent denies program placement at any point, the TEA-developed denial letter shall be used to ensure parents are informed of the implications of program denial, including understanding that the child will continue to be identified as an emergent bilingual student

and will continue to be assessed annually using the Texas English Language Proficiency Assessment System (TELPAS) until reclassification criteria have been met.

The district shall use the TEA-developed letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for his or her exit from the bilingual education or ESL program. Students meeting reclassification criteria who have been recommended for exit by the LPAC may only exit the bilingual education or ESL program with parental approval. Parental approval is also required for students participating in a dual language immersion program who have met reclassification criteria and for whom the LPAC has recommended continued program participation as an English proficient student.

19 TAC 89.1240(a)-(b); Education Code 29.056(a)

Pending completion of the identification process, receipt of LPAC documentation for transferring students, or parental approval of an identified emergent bilingual student's placement into the bilingual education or ESL program recommended by the LPAC, a district shall place the student in the recommended program. Only emergent bilingual students with parental approval for program participation will be included in the bilingual education allotment.

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

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

19 TAC 89.1220(j), (m)

Participation of Other Students

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

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

Students with Disabilities

For students with disabilities, a district shall utilize the state's criteria for identification of emergent bilingual students as described in 19 Administrative Code 89.1226(f) (relating to Testing and Classification of Students) and shall establish placement procedures that ensure that the placement recommendation by the LPAC, in conjunction with the admission, review, and dismissal (ARD) committee, in a bilingual education or English as a second language program is not refused based on the student's disabling condition.

LPAC members shall meet in conjunction with ARD committee members to review progress and provide recommendations regarding the educational needs of each emergent bilingual student who also qualifies for services in the district's special education program. [See EHBAB] *19 TAC 89.1230*

Bilingual and ESL Programs

Each district that has an enrollment of 20 or more students identified as emergent bilingual students in any language classification in the same grade level district-wide shall offer a bilingual education program for the emergent bilingual students in prekindergarten through the elementary grades with that language classification. "Elementary grades" shall include at least prekindergarten through grade 5; sixth grade shall be included when clustered with elementary grades.

A district required to provide a bilingual education program shall offer dual-language instruction (English and primary language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in 19 Administrative Code 89.1210 (relating to Program Content and Design).

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

A district shall provide an ESL program to all emergent bilingual students for whom a district is not required to offer a bilingual education program, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. A district required to provide an ESL program shall provide an ESL program using one of the two models described in 19 Administrative Code 89.1210.*19 TAC 89.1205(c)-(d)*

A district is authorized to establish a bilingual education program even if the district has fewer than 20 students identified as emergent bilingual students in any language classification in the same grade level district-wide and is not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a

program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)-(g)*

Exceptions and Waivers

A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an exception or waiver to the certification requirement on or before November 1. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer a bilingual education or ESL program shall provide each emergent bilingual student the opportunity to be enrolled in the required program at his or her grade level.

A district's bilingual education or ESL program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the bilingual or ESL program and the general educational program.

19 TAC 89.1210(a)-(b)

Emergent bilingual students shall participate with their non-emergent bilingual peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other non-emergent bilingual peers in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

Bilingual Education Program Models

The bilingual education program shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

19 TAC 89.1210(c)

ESL Program Models

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

1. An ESL/content-based program model is an English acquisition program that serves students identified as emergent bilingual students through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), using content-based language instruction in reading and language arts, mathematics, science, and social studies. The goal of content-based ESL is for emergent bilingual students to attain full proficiency in English in order to participate equitably in school.

2. An ESL/pull-out program model is an English acquisition program that serves students identified as emergent bilingual students through English instruction using content-based language instruction methods provided by an appropriately certified ESL teacher under Education Code 29.061(c), through English reading and language arts in a pull-out or inclusionary delivery setting. The goal of ESL pull-out is for emergent bilingual students to attain full proficiency in English in order to participate equitably in school.

19 TAC 89.1210(d)

Dual Language Immersion Program

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

Implementation

Program implementation shall:

1. Begin at prekindergarten, kindergarten, or grade 1 as applicable, according to the district's earliest grade level provided;

2. Continue without interruption incrementally through the elementary grades;

3. Consider expansion to middle school and high school whenever possible; and

4. Include participation of former emergent bilingual students who have reclassified as English proficient for the duration of the program.

19 TAC 89.1227(e)

Requirements

A DLI program model shall be a full-time program of academic instruction in the program's partner language and English for all program participants, emphasizing the participation of identified emergent bilingual students. Access to the DLI program shall not be restricted based on race, creed, color, religious affiliation, age, or disability.

A DLI program shall meet the minimum requirements described in 19 Administrative Code 89.1227.

19 TAC 89.1227(b)

Two-Way DLI Program Enrollment

Student enrollment in a two-way DLI program model is optional for non-emergent bilingual students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. Additionally, identified emergent bilingual students and non-emergent bilingual students shall not be restricted access to the two-way DLI program model based on any linguistic or academic achievement measures in the program's partner language or English.

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

1. Equitable access, including the program's intention to maintain a ratio of 50 percent emergent bilingual students to 50 percent non-emergent bilingual students and have no more than two-thirds speakers of the partner language to one-third speakers of English in each classroom;
2. Program goals and benefits;
3. The district's commitment to providing equitable access to services for emergent bilingual students and to ensuring continuity of program for all program participants;
4. The program's language allocation plan for the grade levels in which the program will be implemented;
5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
6. Expectations for students and parents.

19 TAC 89.1228(a)-(c)

A district implementing a two-way DLI program model shall obtain written parental approval as follows:

1. For emergent bilingual students in accordance with 19 Administrative Code 89.1240; and
2. For non-emergent bilingual students, through a district-developed process.

19 TAC 89.1228(d)

Two-Way DLI Program State Assessment

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

1. For emergent bilingual students, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each emergent bilingual student in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).
2. For non-emergent bilingual students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined by the LPAC or through a district-developed process.

19 TAC 89.1228(e)

School District Recognition

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

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.
2. The school must receive an acceptable performance rating in the state accountability system.
3. The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the state's accountability system.

Student Recognition

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

19 TAC 89.1229

Facilities

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

Cooperation Among Districts

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

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

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

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

Summer Program

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

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

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

Other Programs

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

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060; 19 TAC 89.1250

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)-(b-2)

A district shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and ESL programs. A district that is unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs may request activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. *19 TAC 89.1245(a); Education Code 29.061(c)*

A district that is unable to provide the required bilingual education program because of an insufficient number of appropriately certified teachers shall request from the commissioner an exception to the bilingual education program and the approval of a temporary alternative language program. Emergent bilingual students with parental approval for program participation under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall adhere to the requirements in 19 Administrative Code 89.1207. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)-(b); Education Code 29.054*

Emergent Bilingual Students and State Assessments

In kindergarten-grade 12, an emergent bilingual student shall participate in the state assessment in accordance with commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Notice to Parents

A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*

Post-Exit Monitoring and Reenrollment

The language proficiency assessment committee may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to implement a bilingual education or ESL program shall conduct an annual evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year. The report shall be retained at the district level and must meet the requirements of 19 Administrative Code 89.1265(b)-(c).

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to emergent bilingual students.

In alignment with the district improvement plan, each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for emergent bilingual students. [See BQB]

19 TAC 89.1265

Innovative Courses

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. The State Board of Education (SBOE) may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval from the SBOE, the applying district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(3).

To request approval from the commissioner for a career and technical education innovative course, the applying district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

To request approval of a new innovative course, the applying district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas. This requirement does not apply to the consideration of a course developed to support a program of study in career and technical education.

Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.

With the approval of the board, a district may offer, without changes or deletions to content, any state-approved innovative course.

19 TAC 74.27(a)(1)-(8)

Magnet Schools or Programs

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3-8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Emergent Bilingual Students

In grades 3-12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)-(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;

2. National norm-referenced achievement tests; or

3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

Religious Holy Days

The board may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district during the period set by the State Board of Education (SBOE) for the administration of state assessment instruments in establishing:

1. The district's calendar for that school year; and

2. The instructional days within that period on which students are administered the required assessment instruments, provided that the board not exclude more than two instructional

days from that period based solely on the occurrence of a single religious holy day or period of observance.

"Religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Tax Code 11.20.

In establishing a school calendar under this provision, the board shall provide for alternative dates for the administration of state assessment instruments to a student who is absent from school to observe a religious holy day or period of observance on the date an assessment instrument is administered.

Education Code 39.0238

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Test Administration Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district

campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)-(b-2)*

Paper Administration

A district may administer a state assessment instrument required under Education Code 39.023(a), (c), or (l) in paper format to any student whose parent, guardian, or teacher in the applicable subject area requests the assessment instrument be administered to the student in paper format.

A request for the administration of an assessment instrument in paper format to a student must be submitted to the district:

1. For a fall administration of an assessment instrument, not later than September 15 of the school year in which the assessment instrument will be administered; and
2. For a spring administration of an assessment instrument, not later than December 1 of the school year in which the assessment instrument will be administered.

The number of students enrolled at a district who are administered an assessment instrument in paper format for any single administration under this provision may not exceed three percent of the number of students enrolled in the district. On receipt of more requests for administration of an assessment instrument than the maximum number permitted, the district shall accept the requests in the order received until the maximum number is reached.

This limitation does not apply to a student whose ARD committee determines that the administration of an assessment instrument in paper format is a necessary modification for the student.

Education Code 39.02342

Notice to Parents and Students

A superintendent shall be responsible for the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7-12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-

of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.3012

Testing in Grades 3-8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3-8;
2. Reading, annually in grades 3-8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3-8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an as-

sessment instrument not required to be administered to the student.

Education Code 28.0211(o)-(p), 39.023(a-2); 19 TAC 101.3011(a)(1)-(3)

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011-12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with SBOE rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is

necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled Below High School Level

Beginning in the 2011-12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

Exceptions

English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3022(a)-(c)

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011-12 spring administration, the student is not required to take the corresponding EOC assessment. *19 TAC 101.3021(e)*

Substitute Assessments

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

TSI Additional Criteria

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student’s ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. [See EIF]

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any re-

maining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

For more information on graduation requirements for special education students, see EIF.

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents, Students, and Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's aca-

demic achievement record and shall be furnished for each student transferring to another district or charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014(a)-(d)

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2), 39.023(e)*

Out-of-State Transfers

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's

other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014(e)

Security and Confidentiality

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within 10 working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
    a. Met the requirements to participate in the student assessment program;
    b. Received training in test security and test administration procedures; and
    c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)-(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;

3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and

3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.003(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a)(3)-(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)-(b), (g)(8)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: This policy encompasses many, but not all, rights held by parents of Texas public school children. Additional information regarding parent rights exists throughout the policy manual, including:

- District-level and site-based decision making at BQA and BQB
- Access to review instructional materials at the EF series
- Requests for educational programs at EHA
- Human sexuality instruction at EHAA
- Special education at the EHBA series
- Student retention at EIE
- Homeschool rights at FD
- Consent to medical treatment at the FFA series
- Consent to mental health and counseling at FFEA and FFEB
- Access to student records at FL
- Complaints and grievances processes at FNG
- Access to campus and campus visitor policies at GKC

Education Code Chapter 26

Parents are partners with educators, administrators, and the board in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children. *Education Code 26.001(a)*

Unless otherwise provided by law, a board, an administrator, an educator, or other person may not limit parental rights. *Education Code 26.001(c)*

"Parent" Defined

For purposes of Education Code Chapter 26 (Parental Rights), "parent" includes a person standing in parental relation, but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Education Code Title 2 and all educational rights under Family Code 151.001(a)(10) shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order. *Education Code 26.002*

Parental Rights

Parental rights listed in Education Code Chapter 26 are:

1. Rights concerning academic programs. *Education Code 26.003, .0061* [See EHA, EIF, FDB, and FMH]
2. Access to student records. *Education Code 26.004* [See FL]
3. Access to state assessments. *Education Code 26.005* [See EKB]
4. Access to teaching materials and test results, and observation of virtual instruction. *Education Code 26.006* [See EF series and EKB]
5. Access to board meetings, other than a closed meeting under the Open Meetings Act. *Education Code 26.007* [See BE and BEC]
6. Right to full information concerning a student. *Education Code 26.008* [See DF, FFE, and FM]
7. Right to information concerning special education and education of students with learning disabilities. *Education Code 26.0081* [See FB]
8. Requests for public information. *Education Code 26.0085* [See GBA and GBAA]
9. Consent required for certain activities. *Education Code 26.009* [See EHA, FFE, FL, FM, and FO]
10. Refusal of psychiatric or psychological treatment of child as basis for report of neglect. *Education Code 26.0091* [See FFG]
11. Exemption from instruction. *Education Code 26.010* [See EMB]

Right to Attend School Activities

Unless limited by court order, a parent appointed as a conservator of a child has at all times the right to attend school activities, including school lunches, performances, and field trips. *Family Code 153.073(a)(6)*

Objection to School Assignment

The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, a board shall follow the procedures set forth at Education Code 25.034. *Education Code 25.033(2), .034* [See FDB]

Challenge to Education Records

A district shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in

the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 C.F.R. 99.21* [See FL]

Public Information Requests

A district that receives a request from a parent for public information relating to the parent's child shall comply with Government Code Chapter 552 (Public Information Act). A district shall also comply with the deadlines and provisions set forth at Education Code 26.0085. *Gov't Code Ch. 552; Education Code 26.0085* [See GBAA]

Title I Funding — Parent Right to Know

Professional Qualifications

At the beginning of each school year, a district shall notify the parents of each student attending any school receiving funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA), that the parents may request, and the district will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers. *20 U.S.C. 6312(e)(1)(A)* [See DBA]

Title I Required Notice

A school that receives funds under Title I, Part A of ESEA shall provide to each individual parent of a child who is a student in such school, with respect to such student:

1. Information on the level of achievement and academic growth of the student, if applicable and available, on each of the required state academic assessments [see EKB]; and
2. Timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned [see DBA].

20 U.S.C. 6312(e)(1)(B)

For information on the parent and family engagement requirements for districts receiving funds under the Elementary and Secondary Education Act, see EHBD.

Information Collection

U.S. ED-Funded Surveys (PPRA)

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the United States Department of Education (U.S. ED), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.

2. Mental and psychological problems of the student or the student's family.

3. Sex behavior and attitudes.

4. Illegal, anti-social, self-incriminating, and demeaning behavior.

5. Critical appraisals of other individuals with whom students have close family relationships.

6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.

7. Religious practices, affiliations, or beliefs of the student or student's parent.

8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

Information Collection Funded by Other Sources

Policies

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.

2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under U.S. ED-Funded Surveys, above, is administered or distributed to a student.

3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.

4. The administration of physical examinations or screenings that a district may administer to the student.

5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of per-

sonal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if the Texas Education Agency (TEA) or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

Parental Notification

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and

2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this provision:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.

2. The administration of any survey containing one or more items described at U.S. ED-Funded Surveys, above.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary

to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)-(4) [See FFAA]

"Personal Information" Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

For information about parental access to instructional materials under the PPRA, see FA.

Videotapes and Recordings

A district employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a)-(b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
    a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
    b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
        (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
        (2) The name and purpose of the medicine;
        (3) The prescribed dosage for the medicine;
        (4) The times at which or circumstances under which the medicine may be administered; and
        (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;
2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;
3. Establish the number of opioid antagonists that must be available at each campus at any given time; and
4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c)

Definitions

“Authorized healthcare provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

“Campus” means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

“Opioid antagonist” as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

	"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid. *25 TAC 40.82(2)-(3), (5)-(6)*
Maintenance	Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.
Prescription	A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists). The campus must renew this prescription or obtain a new prescription annually. The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority. *25 TAC 40.85(a)-(b)*
Standing Order	A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*
Storage of Medication	The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.
Disposal	Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy. Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district. *25 TAC 40.85(d)-(f)*
Reporting Requirement	The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;
2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the opioid antagonist was administered;
4. The number of doses of opioid antagonist administered;
5. The title of the person who administered the opioid antagonist; and
6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;
2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Auto-Injectors

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be ex-

periencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

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

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine auto-injector policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Education Code 38.0151 [see FFAF]. *25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *25 TAC 40.65(a)(2)*

Definitions

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individ-

ual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.125 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the administration of an unassigned epinephrine auto-injector.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine auto-injector;
3. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
4. Properly disposing of used or expired epinephrine auto-injectors.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211(a)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school per-

sonnel must coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *25 TAC 40.65(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212*

A district shall provide electronic or written notice to the parent or guardian of each student.

If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days.

25 TAC 40.69

Storage

Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*

Replacement

The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 40.65(i)*

Disposal

Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy.

Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy.

25 TAC 40.65(j)-(k) [See DBB]

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that will adopt a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1)*

Definitions

"Medication for respiratory distress" means albuterol, levalbuterol, or another medication designated by the executive commissioner of the Health and Human Services Commission for treatment of respiratory distress Education Code 38.208(c).

"School personnel" means an employee of a district. The term includes a member of the board.

Education Code 38.201(3-a), (6)

Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer medication for respiratory distress present during regular school hours. *Education Code 38.208(d-1)*

Referral Required

If medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name of the medication for respiratory distress administered to the student; and
3. Any patient care instructions given to the student.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student's parent or guardian must receive information to

assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3)

Storage

The supply of medication for respiratory distress at each campus must be stored in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. The training must include information on:

1. Recognizing the signs and symptoms of respiratory distress;
2. Administering medication for respiratory distress;
3. Implementing emergency procedures, if necessary, after administering medication for respiratory distress; and
4. Proper sanitization, reuse, and disposal of medication for respiratory distress.

Education Code 38.210(a-1)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;
2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;
3. The dosage of the medication for respiratory distress administered;
4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Education Code 38.2091

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine auto-injectors or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine autoinjectors or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

Complaints

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

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with the FFH series.
2. Complaints concerning dating violence shall be submitted in accordance with the FFH series.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with the FFH series.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

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

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

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

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

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

Freedom from Retaliation

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

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

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

Response

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

Days

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

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

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

Consolidating Complaints

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

Untimely Filings

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

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

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

Complaint and Appeal Forms

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

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

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

Level One

Complaint forms must be filed:

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

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

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

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

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

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

Level Two

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

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

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

The Level One record shall include:

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

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

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

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

Level Three

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

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

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

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

The Level Two record shall include:

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

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

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

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide re-

buttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

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

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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Note: For forms prescribed by the attorney general, see the Attorney General's Public Information website.[1]

Public Information

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

Availability of Public Information

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

Special Rights of Access

Person Whose Information the District Holds

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

Board Members

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

Parents

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

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

Information That Must Be Disclosed

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

1. A completed report, audit, evaluation, or investigation made of, for, or by a board or district, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a board.

4. The name of each official and the final record of voting on all proceedings of a board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.
6. A description of a district's central and campus organization, including where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.
7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
8. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
9. A substantive rule of general applicability adopted or issued by a board as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the board.
10. Each amendment, revision, or repeal of the information described in items 6-9.
11. Final opinions and orders issued in the adjudication of cases.
12. A policy statement or interpretation adopted or issued by a board.
13. Administrative manuals and instructions to staff that affect a member of the public.
14. Information regarded as open to the public under a district's policies.
15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
16. Information that is also contained in a public court record.
17. A settlement agreement to which a board is a party.

Gov't Code 552.022

Contracting Information

Contracting information, as that term is defined in Government Code 552.003(1-a) [see GBAA], is public and must be released unless excepted from disclosure under the Public Information Act. The exceptions to disclosure provided by Government Code 552.110 (trade secrets) and 552.1101 (proprietary information) do not apply to the types of contracting information listed at Government Code 552.0222(b). *Gov't Code 552.0222(a), (b)* [See GBAA for additional procedures related to contracting information.]

Investment Information

Certain categories of information held by a district relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the Public Information Act. *Gov't Code 552.0225*

Confidential Information That Must Not Be Disclosed

A person commits an offense if the person distributes information considered confidential under the terms of the Public Information Act. A violation under this provision also constitutes official misconduct. *Gov't Code 552.352*

Confidential by Law

Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Note: For confidentiality and access provisions addressed by specific statutes other than Government Code Chapter 552 (Public Information Act), see the applicable policy code.

Privileged Attorney-Client Information

The Texas Rules of Civil Procedure and the Texas Rule of Evidence are "other law" within the meaning of Government Code 552.022 (allowing "other law" to make information confidential from required disclosure). A district does not forfeit the attorney-client privilege by failing to timely request an attorney general's decision, and the privilege is sufficiently compelling to rebut the presumption of public disclosure after an untimely request. *In re City of Georgetown, 53 S.W.3d 328, 336 (Tex. 2001); Paxton v. City of Dallas, 509 S.W.3d 247 (Tex. 2017)*

The attorney-client privilege does not apply if the attorney or attorney's representative acts in a capacity other than that of providing or facilitating professional legal services to the client. *Harlandale Indep. Sch. Dist. V. Cornyn, 25 S.W.3d 328 (Tex. App.—Austin 2000, pet. Denied)*

Closed Meeting Records

The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(c); Atty. Gen. ORD 684 (2009)*

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

Student Education Records

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

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

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

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

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

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

Enrollment or Transfer Information

If an applicant, or a parent or legal guardian of a minor applicant, for admission to an educational institution funded wholly or partly by state revenue requests information in the record of the applicant, the district shall disclose any information that is related to the application for admission and was provided to the district by the applicant. *Gov't Code 552.114(e)*

Student Victim Information

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

Juvenile Law Enforcement Records

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

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

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

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

Exclusions

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

Certain Personnel Information

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

Employee Social Security Numbers

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

Invasion of Privacy

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

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

Employee Birth Dates

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

College Transcripts

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

Evaluations

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

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

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

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

Educator Certification Exam

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

Employee Accused of Improper Relationship with Student

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

1. Report the accusation:

a. To TEA, another state agency, or local law enforcement or as otherwise required by law; or

b. To the school's community in accordance with the school's policies or procedures; or

2. Conduct an investigation of the accusation.

Penal Code 21.12(d-1)

Credit Card, Debit Card, Charge Card, and Access Device Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or

2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

Email Addresses of the Public

An email address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

This confidentiality does not apply to an email address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;

2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;

3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a

district in the course of negotiating the terms of a contract or potential contract;

4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this provision includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

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

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

Individuals Who Inform of Legal Violations

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

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

This exception does not apply if the informer:

1. If the informer is a student or former student, and the student, student's legal guardian, or student's spouse consents to disclosure of the student's name;

2. If the informer is an employee or former employee who consents to disclosure of the employee's name; or

3. The informer planned, initiated, or participated in the possible violation.

Information may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the Public Information Act.

Gov't Code 552.135

Crime Victim Information

Address Confidentiality Program

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

Employee Victims

A district employee who is a victim under Code of Criminal Procedure Chapter 56B (Crime Victims' Compensation Act) regardless of whether the employee has filed an application for compensation may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the district develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132(d)

Victims of Certain Crimes

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

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

Notwithstanding the above, information may be disclosed:

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

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

Gov't Code 552.1315

Location or Layout of Shelter Centers

Information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential. A district may redact this information from any information the district discloses without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.138(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Restriction on Release of Licensee Information

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

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

Criminal History Records

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

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

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

1. The individual who is the subject of the information;
2. TEA;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or

5. By court order.

Gov't Code 411.097(d) [See CJA, DBAA, and DHB]

Sensitive Crime Scene Image

A sensitive crime scene image in the custody of a district is confidential and excepted from public disclosure, regardless of the date that the image was taken or recorded. A district may not permit a person to view or copy the image unless the person is one of the individuals specified by Government Code 552.1085(d) and the district is not otherwise asserting an exception to disclosure under another provision of the Public Information Act or another law. *Gov't Code 552.1085*

Computer Security

Computer Networks

Information is excepted from public disclosure if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network.

The following information is confidential:

1. A computer network vulnerability report;

2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use;

3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and

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

   A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 [see Voluntary Disclosure, below].

Gov't Code 552.139

Cybersecurity Information

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

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

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

Texas VIRT Information

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

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

Gov't Code 2054.52010

Military Discharge Records

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. During that period, the district may only permit inspection, copying, or disclosure of the information contained in the record only in accordance with Government Code 552.140 or a court order. The district is authorized to withhold a Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of the district on or after September 1, 2003, under this provision without the necessity of requesting an attorney general decision. *Gov't Code 552.140(a), (b); Atty. Gen. ORD 684 (2009)*

Limited Use

A district that obtains this information from another governmental body shall limit the district's use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140(e)*

Firefighter or EMS Work Schedules

A work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by Health and Safety Code 773.003 is confidential and excepted from public disclosure. *Gov't Code 552.159*

Out-of-State Health-Care Provider Information

Information obtained by a district that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state health-care provider pays for is confidential and excepted from public disclosure. *Gov't Code 552.162*

Applicant for Disaster Recovery Funds

The following information maintained by a district is confidential:

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(b), (c)

Threat of Physical Harm

Information in the custody of a district that relates to an employee or officer of the district is excepted from public disclosure if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Exceptions to Disclosure

Voluntary Disclosure

The Public Information Act does not prohibit a district or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law. Information voluntarily made available as allowed under this provision must be made available to any person and cannot be withheld from further disclosure. *Gov't Code 552.007; Atty. Gen. ORD 518 (1989)*

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

for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

Drafts Involving Legislation

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

Certain Legal Information

Information is excepted from public disclosure if it is not privileged information but information that an attorney of a district is prohibited from disclosing because of a duty to the board under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct, or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

Certain Law Enforcement Information

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

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

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

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

Basic Information

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

Certain Crime Information

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

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

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

Gov't Code 552.108

Private Correspondence of Elected Official	Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. *Gov't Code 552.109; Industrial Foundation of the South v. Texas Indus. Acc. Bd., 540 S.W.2d 668 (Tex. 1976)*
Trade Secrets	Except as provided by Government Code 552.0222 (disclosure of contracting information), information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*
Certain Commercial and Financial Information	Except as provided by Government Code 552.0222 (disclosure of contracting information), commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from public disclosure. *Gov't Code 552.110(c)*
Proprietary Information	Except as provided by Government Code 552.0222 (disclosure of contracting information), information submitted to a district by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor demonstrates based on specific factual evidence that disclosure of the information would be proprietary as specified under Government Code 552.1101(a). This exception to disclosure may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the interests of the vendor, contractor, potential vendor, or potential contractor. A district must decline to release this information as provided by Government Code 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to as-

sert the exception to disclosure provided by Government Code 552.1101(a) (proprietary information).

Gov't Code 552.1101 [See GBAA for additional procedures related to information involving proprietary interests of a vendor, contractor, or potential vendor or contractor.]

Proprietary Records and Trade Secrets in Certain Partnerships

Information in the custody of a district that relates to a proposal for a qualifying project authorized under Government Code Chapter 2267 is excepted from public disclosure if the information and records meet the criteria outlined at Government Code 552.153(b). The district is not authorized to withhold information as outlined by Government Code 552.153(c). *Gov't Code 552.153* [See CDH]

Certain Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with a district is excepted from public disclosure. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

Audit Working Paper

An audit working paper of an auditor of a school district, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted.

"Audit" means an audit authorized or required by a statute of Texas or the United States or a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, and includes an investigation.

"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*

Personal Information of Certain Individuals

Board Members and Others

Option to Restrict Access

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom Government Code 552.1175(a) applies (including a current or honorably retired peace officer, commissioned security officer, elected public officer, members of the military, or a firefighter or volunteer firefighter), or that reveals whether the individual has family members is confidential and may not be disclosed to the public if the individual to whom the information relates chooses to restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status. This choice remains valid until rescinded in writing by the individual.

Redaction and Notice to Requestor

In accordance with Government Code 552.1175(f), a district may redact information that must be withheld under this provision from any information the district discloses under the Public Information Act without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

Board Member and Employee Personnel Information

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

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

Gov't Code 552.117

Choice To Allow Access

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

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

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

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

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

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

Redaction and Notice to Requestors

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

A district that redacts or withholds information under this provision shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-1), (c-2)*

Photograph of Peace Officer

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

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

Testing Items

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

Certain Library Records

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

1. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or a subpoena obtained in compliance with this provision.

Gov't Code 552.124

Superintendent Applicants

The name of an applicant for superintendent of a district is excepted from public disclosure, except that the board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

Certain Motor Vehicle and Personal Identification Information

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

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information (including a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number) under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Atty. Gen. ORD 684 (2009)

Economic Development Negotiations

Information is excepted from public disclosure if the information relates to economic development negotiations involving a board and a business prospect that the board seeks to have locate, stay, or expand in or near a district and the information relates to:

1. A trade secret of the business prospect; or
2. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person is excepted from public disclosure.

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

1. By the board; or
2. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

Gov't Code 552.131(b), (c)

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

Social Security Numbers of Any Living Person

Except for the social security number of a district employee in the custody of the district, the social security number of a living person is excepted from public disclosure, but is not confidential under the Public Information Act. A district may redact the social security number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a), (c)*

Exclusions from Public Information

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

Protected Health Information

Subpoena or Discovery Request

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

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

No Right of Access

Commercially Available Publications

A district is not required under the Public Information Act to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information.

Exception

The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the board or district.

Gov't Code 552.027

Requests from Incarcerated Individuals

A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the Public Information Act. This provision does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information held by the district that pertains to the individual. *Gov't Code 552.028*

Retirement Eligibility Records

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system that are in the custody of the system or in the custody of an administering firm, a carrier, the district, or another governmental body, acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure.

An administering firm, carrier, or the district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For this provision, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the re-

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

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

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

United States Constitution

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

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

Texas Constitution

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

Response to Complaints

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

Federal Laws

Section 504

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

Americans with Disabilities Act

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

Closed Meeting

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

Record of Proceedings

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

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

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

19 TAC 157.1073(d)

Disruption

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

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

Complaints

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

Other Complaint Processes

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

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

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

Guiding Principles

Informal Process

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

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

Formal Process

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

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

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

Freedom from Retaliation

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

General Provisions

Filing

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

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

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

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

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

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

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

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

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

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

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

Costs Incurred

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

Complaint and Appeal Forms

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

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

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

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

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

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

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

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

Level Two

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

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

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

The Level One record shall include:

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

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

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

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

Level Three

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

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

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

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

The Level Two record shall include:

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

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

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

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

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with re-

sponses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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Applicability of Criminal Laws

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

Trespass

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

Refusal of Entry or Ejection of Unauthorized Persons

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

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

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

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

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

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

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

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

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

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

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

Education Code 37.105; 19 TAC 103.1207

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

Vehicles on School Property

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

Disruption of Lawful Assembly

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

Disruptive activity means:

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

Free Speech

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

Education Code 37.123

Disruption of Classes

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

Disrupting the conduct of classes or other school activities includes:

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

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

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

Education Code 37.124

Disruption of Transportation

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

Tobacco and E-Cigarettes

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

Smoking in Buildings

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

Criminal Penalty

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

Defense

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

Facilities for Extinguishment

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

Penal Code 48.01(a)-(c)

Alcohol

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

Intoxicants

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

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

Education Code 37.122 [See also FNCF]

Fireworks

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

Federal Gun-Free School Zones Act

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

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

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

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

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

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

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

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

Possession of Weapons

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

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

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (2), (8), (14), (f)

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

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

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

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

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

Penal Code 46.15(m)-(o)

Transportation or Storage of Firearm in School Parking Area

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

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

Education Code 37.0815

Volunteer Emergency Services Personnel

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

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

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

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

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

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

Exhibition of Firearm

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

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

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

Education Code 37.125

Trespass — Concealed Carry of Handgun

A license holder commits an offense if the license holder:

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

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

Notice / Sign — Concealed Carry of Handgun

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

“Written communication” means:

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

son licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

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

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

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

Trespass — Open Carry of Handgun

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

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign — Open Carry of Handgun

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

"Written communication means":

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

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

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

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

Penal Code 30.07

Unmanned Aircraft Systems

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

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

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

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

14 C.F.R. 1.1, 107.3

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

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

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

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

14 C.F.R. 107.1

Exception for Limited Recreational Operation

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

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

49 U.S.C. 44809(a)

State Law

Regulation Limited

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

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

Exception

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

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

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

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

Privacy Law

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

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

Gov't Code 423.002(a)

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

Child Protective Investigations

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

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

Special Investigations

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

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

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

Definitions

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

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

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

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

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

Notice to School Personnel

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

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

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

Family Code 261.105(d); 40 TAC 707.615

No Interference with Investigation

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

Interviews on School Premises

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

Presence of School Personnel

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

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

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

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

Report of Findings

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

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

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

Family Code 261.406(b); 40 TAC 707.623

Prohibited Law Enforcement Citations

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

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

Education Code 37.141, .143

Students Taken into Custody

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

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

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

Family Code 51.02(2)

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

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

Family Code 52.01(a), 58.0021

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

Students in Custody

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

Regular Meeting

Wednesday, May 8, 2024 5:30 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

Meeting was called to order at 5:30 pm

1.B. Roll Call

The following Board of Trustees were present:

Mr. Eduardo Chavez, Board President
Ms. Myrna Hernandez, Board Vice-President
Ms. Sandra Licon, Board Secretary
Mr. Lorenzo Luevano, Board Trustee
Ms. Guadalupe Caro, Board Trustee
Mr. Axel Lopez, Board Trustee
Ms. Monica Chavez, Board Trustee

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

Ms. Guadalupe Caro , Board Trustee, left the meeting at 8:23 p.m.

Ms. Guadalupe Caro, Board Trustee, returned to the meeting at 8:26 p.m.

1.C. The Pledge of Allegiance

1.D. Texas Pledge of Allegiance

1.E. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **OPEN FORUM** (five-minute limit)

2.A. Mr. Jesus Martinez, Executive Director of Support Services, and Mr. Jose Cardona, Security Supervisor, recognized Mr. Florentino Lugo for going above and beyond the line of duty.

2.B. Mr. Richard Salcido, Principal, Ann M. Garcia-Enriquez Middle School, recognized

Mariana Lozano who was selected as the Ambassador of Peace for the Do the Write Thing Challenge.

3. **DISTRICT RECOGNITIONS**

3.A. Recognition of Student Athletes and Coaches

Mr. Cesar Morales, Executive Director of Athletics, recognized all Coaches and Athletes for their continued achievement and support.

3.A.1. TASCO- High School Boys Soccer 4A Head Coach of the Year - Coach Max Sappenfield

3.A.2. San Elizario High School District Coaches of the Year

3.A.2.a. Coach Angel Gonzalez - Varsity Softball

3.A.2.b. Coach Arturo Gonzalez - Varsity Boys Basketball

3.A.2.c. Coach Miguel Mendez - Varsity Girls Soccer

3.A.3. San Elizario ISD Athletic Trainers and Sports Medicine III Students

3.A.4. San Elizario High School - Track & Field Girls Varsity 4A District and Area Champions

3.A.5. San Elizario High School - Track & Field Boys Varsity 4A Area Champions

3.A.6. San Elizario High School - Varsity Softball Team - Back-to-Back Bi-District Champions

3.A.7. San Elizario High School Varsity Tennis District Champions

3.A.8. San Elizario High School Varsity Golf Team - Regional Qualifiers and 3rd place

3.B. Recognition of 3rd Annual Literacy Anthology Ecos ancestrales: Embracing Our Roots

Dr. Jeannie Meza-Chavez, Superintendent, and Dr. Rogelio Segovia, Associate Superintendent recognized Ms. Anna Alvarez and Ms. Georgina Diaz for their continued support as District Coordinators.

Ms. Anna Alvarez, Instructional Officer, and Ms. Georgina Diaz, Instructional Officer, recognized the student Top Winners of the 3rd Annual Literacy Anthology Ecos ancestrales: Embracing Our Roots Event.

3.B.1. District Coordinators - Ms. Anna Alvarez and Ms. Georgina Diaz

3.B.2. Top Winners

3.C. Recognition of Class of 2024 Graduating Migrant Students

Ms. Beatriz Apodaca, Federal & Special Programs Coordinator, recognized Migrant Students graduating with the Class of 2024.

3.C.1. Alexa Oliva

3.C.2. Sebastian Stephenson Gordillo

3.D. Recognition of San Elizario High School - UIL Academic Regional Qualifiers

Item was not presented due to students unable to attend.

3.E. Recognition of Spanish Spelling Bee Winners

Mr. Josue Palomino, Instructional Officer, recognized student Spanish Spelling Bee Winners.

3.F. Recognition of San Elizario High School Band Student - Winter Guard International World Championship - Winds Independent A Class Champion - Elianna Ramirez

Mr. Troy Enriquez, Principal, San Elizario High School, recognized Elianna Ramirez for her achievement.

3.G. Recognition of Ann M. Garcia-Enriquez Middle School Concert Band Students - Division 1 Rating - Riverside Young Band Festival Competition

Mr. Richard Salcido, Principal, Ann M. Garcia-Enriquez Middle School, and Mr. Alejandro Perez, Band Director, Ann M. Garcia-Enriquez Middle School, recognized students who achieve Division1 Rating at the Riverside Young Band Festival Competition.

3.H. Recognition of Teacher and Employee of the Month for Josefa L. Sambrano Elementary School

Ms. Susana Frescas, Principal, Josefa L. Sambrano Elementary, recognized Ms. Nanette Raulston as the Teacher of the Month and

Ms. Anahi Galvan as Employee of the Month for Josefa L. Sambrano Elementary Echool.

3.H.1. Ms. Nanette Raulston - Teacher of the Month

3.H.2. Ms. Anahi Galvan - Employee of the Month

3.I. Recognition of Teacher Incentive Allotment Designation Recipients

Dr. Jeannie Meza-Chavez, Superintendent, and Dr. Rogelio Segovia, Associate Superintendent, recognized Teacher recipients of the Teacher Incentive Allotment Designation

3.J. Recognition of District & Campus Parent Liaisons

Dr. Jeannie Meza-Chavez, Superintendent, and Dr. Rogelio Segovia, Associate Superintendent, recognized the District & Campus Parent Liaisons for their continued effort and support.

3.K. Recognition of National School Nurse Day 2024

Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, recognized School Nurses for their continued support to students and staff.

3.L. Recognition of School Communicators - Mr. Horacio Hernandez and Ms. Perla Magallon

Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, recognized the School Communicators Team for their excellent continued support.

3.M. Recognition of Instructional Officers and Instructional Specialists

Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, recognized Instructional Officers and Instructional Specialists for their excellent and continued support.

3.N. Recognition of 2024 Charles Butt Foundation Raising School Leaders Finalist - Mr. Richard Salcido, Principal, Ann M. Garcia-Enriquez Middle School

Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, recognized Mr. Richard Salcido for being chosen as a 2024 Charles Butt Foundation Raising School Leaders Finalist.

4. **NEW BUSINESS / BOARD ACTION ITEMS**

4.A. Student Outcome Goals

4.A.1. Josefa L. Sambrano Elementary School - Monitoring Student Progress

Ms. Susana Frescas, Principal, Josefa L. Sambrano Elementary School, presented Monitoring Student Progress for Josefa L. Sambrano Elementary School.

No questions asked.

4.B. Discussion on TASB - Building Condition Assessment and Asbestos Testing Results for district facility located at 1444 Main Street, San Elizario, TX 79849

Mr. Jesus Martinez, Executive Director of Support Services, presented the Building Condition Assessment and Asbestos Testing Results for district facility located at 1444 Main Street, San Elizario, TX 79849

Mr. Eduardo Chavez, Board President, stated building would need to be demolished as recommended by the report. Build a multipurpose building that will allow to partnership between the San Elizario ISD and local government.

Ms. Sandra Licon, Board Secretary, stated she would like a community center to be built.

Mr. Lorenzo Luevano, stated the City of San Elizario applied for a grant to build a community center. He would also like the building to be demolished and would like to ask administration to investigate the purchasing of the land and small building adjacent to the basketball courts.

Mr. Eduardo Chavez stated he would like to have a thinking session between board members and community as to what would be needed. The subject of a bond might need to be brought up to complete this

construction.

4.C. Discussion and possible Board action to nominate officers for the Far West Texas School Boards Association

Mr. Eduardo Chavez made a motion to nominate Ms. Sandra Licon as Chair for the Far West Texas School Boards Association.

Ms. Myrna Hernandez seconded the motion.

Motion passed.

Ms. Sandra Licon made a motion to nominate Mr. Lorenzo Luevano as Secretary/Treasurer for the Far West Texas School Boards Association.

Ms. Guadalupe Caro seconded the motion.

Motion passed.

4.D. Discussion and possible Board action to nominate a Trustee for the Region 19 seat on the TASB Board

No Action Taken

5. **CONSENT AGENDA** - Consider and possible Board action on

Mr. Lorenzo Luevano pulled out Item 5.C.

Ms. Myrna Hernandez made a motion to approve the consent agenda as presented with the exception of Item 5.C.

Ms. Monica Chavez seconded the motion.

Motion Passed.

5.A. Financial Reports

5.A.1. Tax Report

5.A.2. Financial Statements

5.A.3. Investment Report

5.A.4. Budget Amendment

5.A.5. Purchase Orders exceeding $25,000

5.A.5.a. PO# 51093 - AREDI Enterprises - $142,998.17

5.A.5.b. PO# 51094 - EP Big Media, Inc - $32,850.00

5.A.5.c. PO# 51104 - Excel Energy Group, Inc - $100,000.00

5.A.5.d. PO# 51124 - Caldwell Country Chevrolet - $46,135.00

5.B. Consider and possible Board action to approve final payment to EP Big Media, Inc. for the SEHS jumbotron PO#48446

5.C. Consider and possible Board action to approve the Sun City Musical Arts Facility Use Agreement

Mr. Lorenzo Luevano would like to know how this agreement will further impact the students.

Mr. Kevin Elizalde stated Sun City Musical Arts staff are helping students grow in their musical endeavors. Sun City Musical Art Staff helps the band program grow by providing constructive criticism for students to keep improving.

Dr. Jeannie Meza-Chavez stated bringing programs like this one to San Elizario will help encourage students to pursue a musical career.

Mr. Lorenzo Luevano made a motion to approve the Sun City Musical Arts Facility Use Agreement.

Mr. Axel Lopez seconded the motion.

Motion Passed.

5.D. Consider and possible Board action to approve the Diamond Towers V LLC Site Marketing Agreement

5.E. Consider and possible Board action to approve Goal Progress Monitoring

5.E.1. **GPM 2.3 -** Grade 3 Reading Growth

5.F. Consider and possible Board action to approve the 2024 Summer School Schedule

5.G. Consider and possible Board action to approve the Resolution in Support of School Communicators Day

5.H. Consider and possible Board action to approve the Resolution in Support of School Nurses Day

5.I. Consider approval of minutes for the following:

5.I.1. April 17, 2024 - Regular Board Meeting

6. **PRESENTATION / REPORTS / INFORMATION**

6.A. Meal Service Update (Information)

6.B. Board of Trustees Communication Follow-Up Matrix (Information)
Link: https://seisdnet-my.sharepoint.com/:w:/g/personal/jmeza-chavez_seisd_net/EXp5mmc3pjxPtjoepCuMEnQBgr7-Pbuv834ZAwYuaMYEeg

Dr. Jeannie Meza-Chavez, Superintendent, and Mr. Horacio Hernandez, Executive Director of Technology, explained the information and training recommended to implement the Board of Trustees Communication Follow-Up Matrix.

Mr. Eduardo Chavez asked what information would not be entered into the form.

Dr. Jeannie Meza-Chavez stated information regarding students and employees would not be entered into the form.

Ms. Sandra Licon asked if the Cabinet members will join the training.

Dr. Jeannie Meza-Chavez stated Cabinet members would also receive the training.

All Board members stated they agree to start this training.

7. **EXECUTIVE SESSION**
The Board entered a closed meeting **at 8:32 p.m.** to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:

7.A. Discussion on Employee / Board / Superintendent Communication

8. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**

The Board returned to open session at **10:17 p.m.** to take possible action on the matters discussed in Executive Session.

No Action items.

9. **NEXT MEETING DATE:**
Tuesday, May 21, 2024 at 7:30 a.m. - Board Campus Visits

Wednesday, June 5, 2024 at 5:30 p.m. - Health Insurance and Budget Workshop
Wednesday, June 12, 2024, at 5:30 p.m. - Regular Board Meeting
Tuesday, June 25, 2024 at 5:30 p.m. - Budget Adoption and Instructional Workshop

10. **ADJOURNMENT**

Ms. Sandra Licon made a motion to adjourn the meeting at **10:19 p.m.**

Ms. Monica Chavez seconded the motion.

Motion Passed.

_____
Board President

_____
Board Secretary

Health Insurance and Budget Workshop

Wednesday, June 5, 2024, 5:30 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

Meeting was called to order at 5:30 pm

1.B. Roll Call

The following Board of Trustees were present:

Mr. Eduardo Chavez, Board President
Ms. Myrna Hernandez, Board Vice-President
Ms. Sandra Licon, Board Secretary
Mr. Lorenzo Luevano, Board Trustee
Ms. Guadalupe Caro, Board Trustee
Ms. Monica Chavez, Board Trustee

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

The following Board of Trustees were absent:

Mr. Axel Lopez, Board Trustee

1.C. The Pledge of Allegiance

1.D. Texas Pledge of Allegiance

1.E. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **OPEN FORUM** (five-minute limit)

3. **NEW BUSINESS / BOARD ACTION ITEMS**

3.A. Consider and possible Board action to approve request for competitive sealed proposals (RFCSP#24-1155) for employee health plan

Mr. Roberto Gallegos, Risk Management Coordinator, presented the competitive

sealed proposals (RFCSP#24-1155) for employee health plan.

Health Plan Committee members provided feedback on the process they took to review the competitive sealed proposals (RFCSP#24-1155) for employee health plan

Mr. Eduardo Chavez presented a health insurance plan presentation he would like to propose.

Mr. Eduardo Chavez would have liked for TRS to present to the Health Plan Committee.

Dr. Jeannie Meza-Chavez stated TRS did not submit a proposal.

Dr. Jeannie Meza-Chavez stated TRS can be brought back, but a health plan needs to be approved for next school year.

Ms. Sandra Licon stated she would like to accept the committee recommendation for the upcoming school year. She stated other districts have gone to TRS because of their current deficit. She agrees employees should be educated on TRS if the need arises.

Ms. Guadalupe Caro stated the board is trying to reach an agreement to what is best for district employees.

Ms. Myrna Hernandez stated she is currently enrolled in TRS. She would have liked if her current employer had provided a presentation regarding TRS.

Dr. Jeannie Meza-Chavez stated TRS requires a 5-years commitment; the district would not be able to opt-out or know the premium rates at a practical time.

Ms. Sandra Licon made a motion to accept the administrative recommendation to approve AETNA for third party administration of group medical health benefits, medical provider network, pharmacy benefit management, stop loss insurance, and COBRA administration

Mr. Lorenzo Luevano seconded the motion

Motion Passed.

3.B. Discussion regarding health plan premium rates and health plan design for the 2024-2025 Plan Year

Mr. Norberto Rivas presented health plan premium rates and health plan design for the 2024-2025 Plan Year.

Mr. Eduardo Chavez stated something will have to altered for the upcoming school years due to sustainability.

Mr. Randy McGraw, Hub International Account Executive, provided different design options for the health plan.

Ms. Jasmine Lozano stated employees need to be provided with training/guidance on when and how to use insurance services/benefits.

Dr. Jeannie Meza-Chavez proposed to set aside 1 hour of training/guidance from AETNA during the upcoming convocation on July 19, 2024.

Mr. Horacio Hernandez stated provide an incentive to employees who attend the training.

Mr. Roberto Gallegos stated the incentive is feasible and a local AETNA representative can provide training.

Mr. Eduardo Chavez stated his TRS presentation includes the hiring of two new employees who can assist district personnel with training/guidance when they need to use insurance services.

Dr. Jeannie Meza-Chavez proposed to provide a second training/guidance session, after the convocation training session, at eight separate district locations to make sure everyone knows how to properly use insurance services.

No more discussion.

3.C. Budget Workshop #3 for the 2024-2025 Fiscal Year

Mr. Norberto Rivas presented Budget Workshop #3 presentation for the 2024-2025 Fiscal Year.

Ms. Myrna Hernandez wanted clarification on the Teacher with Diagnostician duties.

Mr. Norberto Rivas explained the district currently has a teacher with a diagnostician certification and would be able to complete diagnostician duties if it aligns with her schedule.

Ms. Myrna Hernandez asked who will handle the duties that were completed by the support services secretary.

Mr. Norberto Rivas stated duties will be shifted to the remaining staff located at the support services building.

Ms. Myrna Hernandez asked who will cover the receptionist desk at Central Office.

Mr. Norberto Rivas stated support services secretaries will no longer come to Central Office. Central Office will be covered by the secretaries at Central Office. A plan is being worked on with Workforce Border Solutions to attain clerical position through a grant.

Ms. Myrna Hernandez asked why student co-op positions are not being used for this purpose.

Mr. Norberto Rivas stated that is another option.

Ms. Myrna Hernandez stated what happened with the SPED co-op.

Mr. Norberto Rivas stated the funds were allotted but is not aware why the co-op was not attained.

Ms. Myrna Hernandez stated the reception co-op at Central Office is a good opportunity for students to attain job experience.

Mr. Eduardo Chavez asked if the AETNA rates are sustainable for 5 years.

Mr. Norberto Rivas stated the current AETNA rates are just calculated for the upcoming school year.

Dr. Jeannie Meza-Chavez asked Mr. Eduardo Chavez if he would like different scenarios.

Mr. Eduardo Chavez stated that the

calculations are viable for the upcoming school year.

Mr. Lorenzo Luevano stated the City of San Elizario Marshal's Officer are cost effective.

4. **CONSENT AGENDA** – Consider and possible Board action on

Ms. Sandra Licon made a motion to accept the consent agenda as presented.

Ms. Monica Chavez seconded the motion.

Motion Passed.

4.A. Consider and possible Board action to approve Emergent Bilingual Early Childhood Summer School Hours

5. **NEXT MEETING DATE:**
Wednesday, June 12, 2024, at 5:30 p.m.:
Regular Board Meeting
Wednesday, June 26, 2024, at 5:30 p.m.:
Instructional Workshop and Budget Adoption

Instructional Workshop and Budget Adoption will be scheduled for Tuesday, June 25, 2024, at 5:30 p.m.

6. **ADJOURNMENT**

Ms. Guadalupe Caro made a motion to adjourn the meeting at **8:55 p.m.**

Ms. Myrna Hernandez seconded the motion.

Motion Passed

_____
Board President

_____
Board Secretary

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Executive Director-Support Services
Subject: May 2024, Non-Technology Fixed Asset Discards
Date: June 12, 2024

HISTORY: Campuses and departments periodically replace obsolete, broken or non-repairable items. We assist campuses and departments in removing these items to maximize space and minimize unnecessary item accumulation.

RATIONALE: To prevent unnecessary accumulation of obsolete, broken, or non-repairable fixed assets at all our campuses and departments, discard requests are now submitted monthly until further notice.

BUDGET: No budget impact

ADMINISTRATIVE RECOMMENDATION: For the Board of Trustees to declare the listed fixed assets as surplus or discards and authorize the administration to sell or dispose of them by any reasonable means.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Fixed Asset Discard List



[X] Other: ___Tansportation

[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] Middle School [ ] Alarcon [ ] Borrego [ ] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	#12	1992 school Bus	0000501600/	1	Not in use. Not cost effective to
2		International	1HVBBNMN5NH427215		repair.
3	#18	1993 school Bus	0000500800/	1	Not in use. Not cost effective to
4		International	1HVBAZRM0NH427150		repair.
5	#20	1993 school Bus	0000504900/	1	Not in use. Not cost effective to
6		Ford	1FDXJ75C1PVA36960		repair.
7	#21	1993 school Bus	0000504700/	1	Not in use. Not cost effective to
8		Ford	1FDXJ75C3PVA36961		repair.
9	#28	1996 school Bus	0000500500/	1	Not in use. Not cost effective to
10		Chevrolet	1GBHG31Y4TF108373		repair.
11	#32	1997 school Bus	0000500300/	1	Not in use. Not cost effective to
12		Ford	1FDXB80C6VVA37366		repair.
13	#33	1997 school Bus	0000500400/	1	Not in use. Not cost effective to
14		Ford	1FDXB80C7VVA38283		repair.
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Date: 5/28/2024

Authorized Campus Signature Jesus Martinez

Page 1 of 1

Warehouse Department

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☒ Alarcon CNS ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	C181	skillet		1	obsolete
2	C181	stainless steel table	no tag	1	obsolete
3	C181	Metal shelf	no tag	2	obsolete
4	C181	3 Comp sink	no tag	1	obsolete
5	C181	wood shelf	no tag	1	obsolete
6	C181	Food blender	1208170113	1	obsolete
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Date: 5-8-2024

Authorized Campus Signature [signature] 5-3-24

Page 1 of 1

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MEMORANDUM

To: Members of the Board of Trustees
From: Horacio Hernandez, Technology Director
Subject: May 2024 Technology Fixed Asset Discard
Date: June 12, 2024

HISTORY:
Campus and Departments periodically replace obsolete or non-repairable technology items. To aid the campuses and departments in removing these items to maximize space, the Technology Department will submit monthly disposal lists for approval.

RATIONALE:
The District Technology Department has reviewed the items on the attached lists and concurs with campus/department(s) administration to dispose of or sell listed items.

BUDGET IMPACT:
No budget impacts.

ADMINISTRATIVE RECOMMENDATION:
For the Board to declare the fixed assets listed as surplus and authorize the administration to sell or dispose of items by any reasonable means.

Please check one: X For approval ☐ Report/Information only ☐ Recognition only.

Loya
Primary

Fixed Asset Discard List



[X] Other: _Technology_____

[ ] Excell [X] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] Middle School [ ] Alarcon [ ] Borrego [ ] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		Hp Printer ColorJet	1112082144	1	Not working
2		iPad	3600002270	1	Broken Screen
3		Sony Radio	1006160216	1	Obsolete not in use
4		RCV DVD/VHS	503171130	1	Obsolete
5		Toshiba DVD/VHS	906014732	1	Obsolete
6		Panasonic Plasma	IAPF462466-09	1	Obsolete
7		iPad	1510190212	1	Obsolete
8		iPad	2600000216	1	Broken Screen/not supported by district
9		iPad	TEA158779	1	not supported by district
10		iPad	2600004694	1	not supported by district
11		iPad	2600003010	1	not supported by district
12		**IPad**	TEA158781	1	not supported by district
13		iPad	TEA158788	1	not supported by district
14		iPad	TEA158782	1	not supported by district
15		iPad	3600002268	1	not supported by district
16		iPad	3600000510	1	not supported by district
17		iPad	3600000210	1	not supported by district
18		iPad	3600001254	1	not supported by district
19		iPad	3600002373	1	not supported by district
20		iPad	3600001261	1	not supported by district
21		iPad	3600002276	1	not supported by district
22		iPad	3600002179	1	not supported by district
23		Dell Laptop	1404221812	1	not supported by district
24		Dell Laptop	3600002015	1	not supported by district
25		Dell Laptop	3600000650	1	not supported by district
26		Dell Laptop	3600000891	1	not supported by district
27		Dell Laptop	1507102705	1	not supported by district
28		Dell Laptop	3600000236	1	not supported by district
29		Dell Laptop	3600002019	1	not supported by district
30		Dell Laptop	3600000918	1	not supported by district

Date: 5/28/24

Authorized Campus Signature _____

Fixed Asset Discard List



☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		Dell Laptop	3600000649	1	Not supported by district
2		iPad	TEA158758	1	Not supported by district
3		iPad	TEA158826	1	Not supported by district
4		iPad	TEA158785	1	Not supported by district
5		iPad	TEA158751	1	Not supported by district
6		iPad	TEA158756	1	Not supported by district
7		Elmo	907284656	1	Not supported by district
8		iPad	2600004790	1	Broken/Headphone jack
9		iPad	3600004761	1	Broken/Headphone jack
10		iPad	3600002174	1	Not supported by district
11		iPad	3600000203	1	Not supported by district
12		iPad	3600000192	1	Not supported by district
13		iPad	3600000509	1	Not supported by district
14		iPad	3600002229	1	Not supported by district
15		iPad	3600002180	1	Not supported by district
16		Hamilton Radio	S/N 170315220960	1	Not supported by district
17		iPad	3600000511	1	Not supported by district
18		iPad	3600002213	1	Not supported by district
19		iPad	3600000322	1	Not supported by district
20		iPad	3600000206	1	Not supported by district
21		iPad	3600000508	1	Not supported by district
22		iPad	3600000187	1	Not supported by district
23		iPad	3600001264	1	Not supported by district
24		iPad	360000213	1	Not supported by district
25		iPad	3600001270	1	Not supported by district
26		iPad	3600002220	1	Not supported by district
27		Dell Desktop	3600001995	1	Not supported by district
28		Audio transmitter	Model #W9000 Multi	1	Not supported by district
29		Wireless head phones	no tags	11	Not supported by district
30		Dell Desktop	1301285234	1	Not supported by district

Date: 5/28/24

Authorized Campus Signature Julian C Engel

Page ____ of ____

Page 2 of 2

Sambrano Elementary

Fixed Asset Discard List

[XX] Other Technology

[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] GEMS [ ] Alarcon [ ] Borrego [xx] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	115	Ipad	1304190616	1	Discard
2	115	Ipad	2600000560	1	Discard
3	115	Ipad	1604270027	1	Discard
4	115	Dell Chromebook	3600005638	1	Discard
5	115	Dell Chromebook	3600005681	1	Discard
6	115	Dell Chromebook	2600004397	1	Discard
7	115	Dell Chromebook	2600002960	1	Discard
8	115	Dell Chromebook	3600005571	1	Discard
9	115	Dell Chromebook	2600005264	1	Discard
10	115	Dell Chromebook	3600005550	1	Discard
11	115	Dell Chromebook	2600005262	1	Discard
12	115	Dell Chromebook	3600005557	1	Discard
13	115	Dell Chromebook	3600005639	1	Discard
14	115	Dell Chromebook	3600005541	1	Discard
15	115	Dell Chromebook	3600005599	1	Discard
16	115	Dell Chromebook	2600002523	1	Discard
17	115	Dell Desktop	1403274702	1	Discard
18	115	Dell Desktop	611014917	1	Discard
19	115	Dell Desktop	1403270440	1	Discard
20	115	Dell Desktop	1402041505	1	Discard
21	115	Dell Desktop	1402042246	1	Discard
22	115	Dell Desktop	1403274327	1	Discard
23	115	Dell Desktop	C4GMFZ1	1	Discard
24	115	Dell Desktop	C48LFZ1	1	Discard
25	115	Dell Desktop	C4JNFZ1	1	Discard
26	115	Dell Desktop	C4ZLFZ1	1	Discard
27	115	Dell Desktop	C4KLFZ1	1	Discard
28	115	Dell Desktop	C53LFZ1	1	Discard
29	115	Dell Desktop	C51NFZ1	1	Discard
30	115	Dell Desktop	C55NFZ1	1	Discard
31	115	Dell Desktop	C49LFZ1	1	Discard
32	115	Dell Desktop	C48NFZ1	1	Discard

Borrego Elementary

Discard

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☒ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	Computer Lab	Coby DVD player	No barcode	1	S/N1125013066
2	Computer Lab	Magnabox DVD/CD	0000820600	1	
3	Computer Lab	naxa DVD player	No barcode	1	S/N 2533-01-2019
4	Computer Lab	Callfone radio	0204180739	1	
5	Computer Lab	JVC stereo	No barcode	1	N/N110X5350
6	Computer Lab	Lenovo chromebook	3600001395	1	
7	Computer Lab	Lenovo chromebook	3600004437	1	
8	Computer Lab	Lenovo chromebook	2600002649	1	
9	Computer Lab	Lenovo chromebook	2600002569	1	
10	Computer Lab	Lenovo chromebook	3600002598	1	
11	Computer Lab	Dell laptop	1402262357	1	
12	Computer Lab	Dell desktop	1403270401	1	C6LLFZ1
13	Computer Lab	Flip video camcorder	1103114919	1	
14	Computer Lab	Flip video camcorder	1001064212	1	
15	Computer Lab	Flip video camcorder	1103115224	1	
16	Computer Lab	Lenovo Chromebook	3600002509	1	
17	Computer Lab	DELL Desktop	2600000904	1	
18	Computer Lab	DELL Desktop	2600000905	1	
19	Computer Lab	Lenovo Chromebook	3600002760	1	
20	Computer Lab	Lenovo Chromebook	2600005123	1	
21	Computer Lab	Lenovo Chromebook	2600002567	1	
22	Computer Lab	Lenovo Chromebook	3600002772	1	
23	Computer Lab	Lenovo Chromebook	3600001398	1	
24	Computer Lab	Lenovo Chromebook	3600004033	1	
25	Computer Lab	Lenovo Chromebook	2600005077	1	
26	Computer Lab	Lenovo Chromebook	3600002780	1	
27	Computer Lab	Lenovo Chromebook	3600003957	1	
28	Computer Lab	Aver vision camera	3600003801	1	
29	Computer Lab	Lenovo Chromebook	3600002576	1	
30	Computer Lab	Lenovo Chromebook	2600002608	1	

Date: 9-6-23

Authorized Campus Signature _____

Page 1 of 2

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☒ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	Computer Lab	HP Chromebook	2600004338	1	
2	Computer Lab	Microsoft Tablet	2600001756	1	
3	Computer Lab	Microsoft Tablet	2600001346	1	
4	Computer Lab	Chromebook Charging Cart	1305071448	1	
5	Computer Lab	IPEVO document camera	2600005579	1	
6	Computer Lab	Lenovo chromebook	3600001377	1	
7	Computer Lab	Aver Document Camera	3600004071	1	
8	Computer Lab	Dell Chromebook	3600005499	1	
9	Computer Lab	Lenovo Chromebook	3600004421	1	
10	Computer Lab	Lenovo Chromebook	2600005047	1	
11	Computer Lab	Lenovo Chromebook	2600005103	1	
12	Computer Lab	Apple Ipad	2600000871	1	
13	Computer Lab	Lenovo Chromebook	3600002777	1	
14	Computer Lab	Lenovo Chromebook	2600002586	1	
15	Computer Lab	Apple Ipad	2600001245	1	
16	Computer Lab	Elmo Doc. Camera	0907290236	1	
17	Computer Lab	Elmo Doc. Camera	0907290540	1	
18	Computer Lab	Elmo Doc. Camera	0907282647	1	
19	Computer Lab	Elmo Doc. Camera	2600001311	1	
20	Computer Lab	Surface Laptop	2600001443	1	
21	Computer Lab	Lenovo Chromebook	3600004004	1	
22	Computer Lab	Elmo Doc. Camera	2600001767	1	
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Date: 9-6-23

Authorized Campus Signature _____

Page 2 of 2

Borrego Discard List

Room Number	Description	Serial number	Qty	Comments/Reason
Safe Room	Lenovo Chromebook	3600001397	1	
Safe Room	Lenovo Chromebook	3600001498	1	
Safe Room	Lenovo Chromebook	2600002629	1	
Safe Room	Elmo Projector	2600001261	1	
Safe Room	Dell Laptop	2600002050	1	
Safe Room	Dell Chromebook	3600005471	1	
Safe Room	Dell Chromebook	3600004008	1	
Safe Room	Dell Chromebook	3600007585	1	
Safe Room	Activepanel	2600001903	1	
Safe Room	Lenovo Chromebook	3600004429	1	
Safe Room	HP Chromebook	2600004354	1	
Safe Room	Lenovo Chromebook	3600003931	1	
Safe Room	Lenovo Chromebook	3600002529	1	
Safe Room	Lenovo Chromebook	2600005095	1	
Safe Room	Lenovo Chromebook	2600005111	1	
Safe Room	Lenovo Chromebook	3600002767	1	
Safe Room	Aver Vision Camera	3600004073	1	
Safe Room	Lenovo Chromebook	3600004028	1	
Safe Room	Lenovo Chromebook	3600004433	1	
Safe Room	Dell Laptop	2600001450	1	
Safe Room	Dell Chromebook	3600005470	1	
Safe Room	Lenovo Chromebook	3600001519	1	
Safe Room	Lenovo Chromebook	3600001375	1	
Safe Room	Lenovo Chromebook	2600002631	1	
Safe Room	Lenovo Chromebook	3600002035	1	
Safe Room	Lenovo Chromebook	3600001402	1	
Safe Room	Lenovo Chromebook	3600001509	1	
Safe Room	Lenovo Chromebook	3600002565	1	
Safe Room	Apple Ipad	2600003769	1	
Safe Room	Lenovo Chromebook	3600002561	1	
Safe Room	Lenovo Chromebook	3600004434	1	
Safe Room	Lenovo Chromebook	3600001392	1	
Safe Room	Lenovo Chromebook	2600002624	1	
Safe Room	Lenovo Chromebook	2600004969	1	
Safe Room	Lenovo Chromebook	2600002598	1	
Safe Room	Lenovo Chromebook	2600002630	1	
Safe Room	Lenovo Chromebook	3600002527	1	
Safe Room	Elmo Document Presenter	711263632	1	
Safe Room	Lenovo Chromebook	3600001386	1	
Safe Room	Lenovo Chromebook	2600002635	1	
Safe Room	Dell Laptop	1603030004	1	
Safe Room	Elmo Visual Presenter	811210431	1	
Safe Room	Califone Radio	1309302930	1	
Safe Room	Elmo Visual Presenter	907290425	1	
Safe Room	Echo Smart Pen	1105173430	1	

Borrego Discard List

Room Number	Description	Serial number	Qty	Comments/Reason
Safe Room	Echo Smart Pen	1105172849	1	
Safe Room	Echo Smart Pen	1105173136	1	
Safe Room	Echo Smart Pen	1105173333	1	
Safe Room	Echo Smart Pen	1105173212	1	
Safe Room	Dell Laptop	3600001747	1	
Safe Room	Speakers Harnan/Kadon	no barcode	1	
Safe Room	Lenovo Chromebook	3600002028	1	
Safe Room	Lenovo Chromebook	2600002645	1	
Safe Room	Dell Laptop	3600004238	1	
Safe Room	Lenovo Chromebook	3600001497	1	
Safe Room	Dell Desktop	1403275504	1	
Safe Room	Lenovo Chromebook	3600002036	1	
Safe Room	Dell Chromebook	3600007668	1	
Safe Room	Dell Chromebook	3600005482	1	
Safe Room	Lenovo Chromebook	2600004964	1	
Safe Room	Lenovo Chromebook	2600005115	1	

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MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: HB 3 Goal Progress Monitoring—GPM 3.1—Meeting CCMR Criteria
Date: June 12, 2024

HISTORY:

Student Outcome Goal 3 is a 5-year goal that is measured annually. It is related to the A-F Accountability System and the College, Career, and Military Readiness (CCMR) point system. Each senior is expected to earn one CCMR point prior to graduation via at least 1 of 11 different ways.

Goal 3

SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System.

To measure our progress toward this annual goal, we examine Goal Progress Measure (GPM) 3.1.

GPM 3.1

The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 30% in May 2023 to ≥40% by June 2024, as measured by the OnData Suite CCMR Early Warning System.

RATIONALE:

GPM 3.1 can be measured using the program OnData Suite. This program will give us CCMR data to determine which students are not on track to earn a CCMR point prior to graduation. We then use this data to target those seniors who do not have a path to a point, so that we may intervene prior to graduation.

CCMR is a "lagging" indicator in the A-F Accountability System. This means it runs a year behind. Our seniors from the class of 2023 will impact our 2024 accountability ratings. This report shares the OnData Suite CCMR percentage for the 2023 seniors which will impact our upcoming accountability ratings. That percentage shows that 50% of the 2023 seniors have the CCMR point, or 113 out of 126. Our target was ≥40%, so we are 10% above the CCMR target and on track towards meeting Goal 3.

BUDGET:

There is no budget for this item.

ADMINISTRATIVE RECOMMENDATION:

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition
☐ Attachment Included

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MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: End-of-Year Pulse Check on Academic Growth
Date: June 12, 2024

HISTORY:
San Elizario ISD conducts testing three times per year for all students in grades PK-12. This testing is focused on measuring academic growth and achievement in math and reading. In the 2023-2024 school year, three rounds of testing have occurred (BOY—September 2023), MOY (January 2024), and EOY (May 2024).

BOY stands for beginning-of-year, MOY stands for middle-of-year, and EOY stands for end-of-year. The two testing instruments that are used are MAP (Measures of Academic Progress) in grades 3-12 and CIRCLE (Pre-K). The CIRCLE test is conducted by teachers and involves mostly observational assessments since the students are 4 years old. The MAP assessment is online and computer-adaptive, changing course for each individual student as they take the test and exhibit mastery and/or learning gaps in particular standards.

RATIONALE:
The end-of-year pulse check is focused on grades PK-10, in the following grades and subjects:

- Grade PK Math and Reading (CIRCLE)
- Grades K-8 Math and Reading (MAP)
- Grade 9 Algebra I and English I (MAP)
- Grade 10 English II (MAP)

This report is examining three types of data:

- **Growth**—Shows a growth percentile and the percentage of students who met or did not meet their MAP-predicted growth targets. The table shows color coding. Pink cells show the percentage that did not meet their growth targets. Green cells show the percentage that did meet their growth targets. Ideally, we are looking for over 50% of the students to have met their growth target in reading and math.

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Example of MAP Growth Results

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	169	40th	51%	49%
Reading (English)	74	32nd	58%	42%
Reading (Spanish)	95	25th	73%	27%

In the example above, students taking MAP math were in the 40th percentile for growth. This means that our students performed better than 40% of other same-grade students nationwide but underperformed compared to 60% of other same-grade students nationwide. Following this row of the table to the right, we see that 51% of our students did not meet their growth targets, while 49% did.

- **Achievement**—Shows the BOY and EOY "scores" for the MAP assessments, in which the desired result is a *gain* from BOY to EOY. The difference is then calculated. Below is an example of this achievement data.

This example shows that math scores declined by 2% from BOY to EOY, which is color-coded in pink to indicate a decline. If a color-coding of orange is seen within the data, this indicates "no change."

Green	Growth
Orange	No change
Pink	No Growth

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	169	48th	46th	-2%

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Beyond growth and achievement, this report will show "overall takeaways" for each grade level. Bright spots indicate the most profound area of gain. Work zones show the most crucial area in which intervention is needed. An example of this is seen below.

Example of Grade-Level Overall "Takeaways"

Overall Takeaways	BRIGHT SPOTS	WORK ZONE
7th Grade	44% of 7th graders met their growth projection in reading!	Work towards decreasing the percentage regressing in math.

The last type of data that will be shown is subgroup data. This breaks down the data from an "all students" view to data three subgroups--English Learners (EL), Gifted and Talented (GT), and Special Education (SPED) students. The data demonstrate how these subgroups performed from BOY to EOY on math and reading assessments. An example of this subgroup data is shown below.

Subgroup Data—8th Grade Math (Sample)

Eighth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	142	29%	34%	+5%
EL	112	25%	27%	+2%
GT	2	63%	53%	-10%
SPED	26	73%	69%	-4%

The table above shows that the EL subgroup grew (green), while the GT and SPED subgroups performed lower at MOY (pink). This would lead to possible interventions to address why these 2 subgroups regressed overall.

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As a response to this MAP and CIRCLE data, each campus team is in the process of disaggregating the data and formulating an instructional approach for the 2024-2025 school year based on these results.

The attachment is a detailed data packet for grades PK-10. This packet includes growth and achievement data, the bright spot and work zone for each grade level, and the subgroup data.

BUDGET:
There is no budget for this item.

ADMINISTRATIVE RECOMMENDATION:
It is recommended that the Board review the end-of-year growth and achievement math and reading data as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☒ Attachment Included

End-of-Year Pulse Check on Academic Growth

Data Packet

June 12, 2024

Loya Primary Pre-Kindergarten

Pre-Kindergarten; CIRCLE Assessment

Reading (English)

Pre-K Reading (English)	Wave 1	Wave 3	Total Points	Wave 1 Percent	Wave 3 Percent	Difference
Early Writing Skills	6.23	15.2	20	31%	76%	+45%
Book and Print Knowledge	4.35	9.8	11	40%	89%	+49%
Story Retell and Comprehension	2.86	5.61	6	48%	94%	+46%
Letter-Sound Correspondence	2.55	10.6	12	21%	88%	+67%
Syllabication	1.45	6.27	7	21%	90%	+69%
Onset-Rime	0.63	3.65	5	13%	73%	+60%
Alliteration	1.63	5.67	7	23%	81%	+58%
Rhyming I	1.84	6.9	9	20%	77%	+57%
Rapid Letter Naming	6.94	34.49	52	13%	66%	+53%

Pre-K Reading (English) has 9 separate skills that are measured independently and each has their own weighting scale. The green color-coding indicates strong, double-digit gains in all 9 pre-reading skills from Wave 1 (BOY) to Wave 3 (EOY). Subgroup data is not available for the CIRCLE assessment.

Green	Growth
Orange	No change
Pink	No Growth

Pre-Kindergarten; CIRCLE Assessment

Reading (Spanish)

Pre-K Reading (Spanish)	Wave 1	Wave 3	Total Points	Wave 1 Percent	Wave 3 Percent	Difference
Escritura temprana	2.85	18	20	14%	90%	+76%
Libras y material impreso	3.77	8.48	11	34%	77%	+43%
Recontrar y comprehension	3.03	5.39	6	51%	90%	+39%
Sonidos de letras	1.02	8.07	12	9%	67%	+58%
Division Silabica	1.81	6.1	7	26%	87%	+61%
Aliteracion	1.16	4.71	7	17%	67%	+50%
Rimas I	1.62	6.83	9	18%	76%	+58%
Letras rapidas	2.17	15.77	54	4%	29%	+25%

Pre-K Reading (Spanish) has 8 separate skills that are measured independently and each has their own weighting scale. The green color-coding indicates strong, double-digit gains in all 8 pre-reading skills from Wave 1 (BOY) to Wave 3 (EOY). Subgroup data is not available for the CIRCLE assessment.

Green	Growth
Orange	No change
Pink	No Growth

Pre-Kindergarten; CIRCLE Assessment

Mathematics

Math-PK--(English)	Wave 1	Wave 3	Total Points	Wave 1 Percent	Wave 3 Percent	Difference
Overall Measure of Math Growth	15.76	25.37	28	56%	91%	+35%

Math-PK--(Spanish)	Wave 1	Wave 3	Total Points	Wave 1 Percent	Wave 3 Percent	Difference
Overall Measure of Math Growth	11.67	23.14	28	42%	83%	+41%

Mathematics in Pre-K showed strong gains in growth from Wave 1 (BOY) to Wave 3 (EOY). Math is tested in English or Spanish as per student need. Both languages showed significant gains. Subgroup data is not available for the CIRCLE assessment.

Overall Takeaways

Overall Takeaways	BRIGHT SPOTS	WORK ZONE
Pre-K	Math growth for both English and Spanish testers were similar, which shows the teachers are planning as a team on quality lessons.	Rhyming and rapid letter naming in RLA continue to be areas of growth.

The table to the left indicates bright spots and work zones for Pre-Kindergarten.

Green	Growth
Orange	No change
Pink	No Growth

Sambrano Elementary Grades K-2

Kindergarten; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	169	40th	51%	49%
Reading (English)	74	32nd	58%	42%
Reading (Spanish)	95	25th	73%	27%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	169	48th	46th	-2%
Reading Achievement Percentile (English)	74	48th	40th	-8%
Reading Achievement Percentile (Spanish)	95	68th	45th	-23%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways	 712	
Kindergarten	Math Growth is almost at 50%.	Reading (Spanish) testers show low growth overall.

The table to the left indicates bright spots and work zones for Kindergarten.

Kindergarten Subgroups; MAP Assessment

Mathematics

Kindergarten Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	168	48%	46%	-2%
EL	102	48%	50%	+2%
GT (N/A in Kinder)				
SPED	27	38%	37%	-1%

For math, all subgroups are very close. The differences are not significant.

Reading (English)

Kindergarten Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	74	48%	40%	-8%
EL	9	61%	40%	-21%
GT (N/A in Kinder)				
SPED	14	36%	40%	4%

EL students need additional support in Reading.

Reading (Spanish)

Kindergarten Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	94	68%	45%	-23%
EL	91	68%	45%	-23%
GT (N/A in Kinder)				
SPED	13	63%	27%	-36%

SPED and EL students need additional help in Reading (Spanish).

Green	Growth
Orange	No change
Pink	No Growth

First Grade; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	188	30th	62%	38%
Reading (English)	92	27th	67%	33%
Reading (Spanish)	95	25th	76%	24%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	188	43rd	34th	-9%
Reading Achievement Percentile (English)	92	38th	28th	-10%
Reading Achievement Percentile (Spanish)	95	56th	33rd	-23%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
1st Grade	Math shows the strongest potential for improvement.	Reading (Spanish) testers show low growth overall.

The table to the left indicates bright spots and work zones for first grade.

First Grade Subgroups; MAP Assessment

Mathematics

First Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	188	43%	34%	-9%
EL	118	37%	30%	-7%
GT	12	78%	78%	No change
SPED	28	21%	14%	-7%

Subgroups across the board should be scoring higher at EOY.

Reading (English)

First Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	92	38%	28%	-10%
EL	26	49%	32%	-17%
GT	7	83%	77%	-6%
SPED	13	26%	19%	-7%

Subgroups across the board should be scoring higher at EOY.

Reading (Spanish)

First Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	95	56%	33%	-23%
EL	91	56%	36%	-20%
GT	5	97%	78%	-19%
SPED	13	63%	27%	-36%

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Second Grade; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	201	40th	50%	50%
Reading (English)	99	27th	63%	37%
Reading (Spanish)	103	26th	67%	33%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	201	38th	37th	-1%
Reading Achievement Percentile (English)	99	34th	23rd	-11%
Reading Achievement Percentile (Spanish)	103	43rd	31st	-12%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
2nd Grade	Math is holding steady with 50% reaching targets.	Reading (Spanish) testers show low growth overall.

The table to the left indicates bright spots and work zones for second grade.

Second Grade Subgroups; MAP Assessment

Mathematics

Second Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	201	38%	37%	-1%
EL	134	35%	33%	-2%
GT	3	92%	84%	-8%
SPED	35	18%	11%	-7%

Subgroups across the board should be scoring higher at EOY.

Reading (English)

Second Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	99	34%	23%	-11%
EL	35	21%	17%	-4%
GT	3	85%	81%	-4%
SPED	19	11%	8%	-3%

Subgroups across the board should be scoring higher at EOY.

Reading (Spanish)

Second Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	102	45%	31%	-14%
EL	99	46%	31%	-15%
GT (None)				
SPED	16	31%	18%	-13%

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Alarcon Elementary Grades 3-6

Third Grade (Alarcon); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	64	44th	47%	53%
Reading (English)	47	58th	38%	62%
Reading (Spanish)	17	19th	82%	18%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	64	44th	49th	+5%
Reading Achievement Percentile (English)	47	47th	47th	No change
Reading Achievement Percentile (Spanish)	17	47th	30th	-17%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways	BRIGHT SPOTS	WORK ZONE
3rd Grade	Reading (English) has 62% meeting growth goals.	Reading (Spanish) regressed by 17% at EOY.

The table to the left indicates bright spots and work zones for third grade.

Third Grade (Alarcon) Subgroups; MAP Assessment

Mathematics

Third Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	64	44%	49%	5%
EL	49	44%	33%	-11%
GT (None)				
SPED	12	24%	8%	-16%

The EL and SPED groups are underperforming when compared to all students.

Reading (English)

Third Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	47	47%	47%	No change
EL	32	47%	49%	2%
GT (None)				
SPED	7	29%	38%	-9%

SPED students need assistance in Reading.

Reading (Spanish)

Third Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	17	47%	30%	-17%
EL	17	47%	30%	-17%
GT (None)				
SPED	5	28%	8%	-20%

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Fourth Grade (Alarcon); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	73	51st	47%	53%
Reading (English)	52	42nd	48%	52%
Reading (Spanish)	20	23rd	60%	40%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	73	45th	44th	-1%
Reading Achievement Percentile (English)	52	49th	46th	-3%
Reading Achievement Percentile (Spanish)	20	53rd	40th	-13%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
4th Grade	721 Math has 53% meeting or exceeding growth targets.	Reading (Spanish) is lower than desired in academic growth.

The table to the left indicates bright spots and work zones for fourth grade.

Fourth Grade (Alarcon) Subgroups; MAP Assessment

Mathematics

Fourth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	73	45%	44%	-1%
EL	52	48%	44%	-4%
GT	6	88%	91%	3%
SPED	16	33%	31%	-2%

Subgroups across the board should be scoring higher at EOY. GT did make a small gain.

Reading (English)

Fourth Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	52	49%	46%	-3%
EL	24	41%	37%	-4%
GT	6	84%	81%	-3%
SPED	10	19%	17%	-2%

Subgroups across the board should be scoring higher at EOY.

Reading (Spanish)

Fourth Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	20	61%	53%	-8%
EL	20	61%	53%	-8%
GT (None)				
SPED	6	54%	30%	-24%

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Fifth Grade (Alarcon); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	71	41st	49%	51%
Reading (English)	57	53rd	33%	67%
Reading (Spanish)	15	31st	60%	40%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	71	42nd	46th	+4%
Reading Achievement Percentile (English)	57	44th	45th	+1%
Reading Achievement Percentile (Spanish)	15	53rd	40th	-13%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
5th Grade	Reading (English) has 67% meeting or exceeding growth goals.	Reading (Spanish) regressed at EOY by 13%.

The table to the left indicates bright spots and work zones for fifth grade.

Fifth Grade (Alarcon) Subgroups; MAP Assessment

Mathematics

Fifth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	71	42%	46%	+4%
EL	41	34%	32%	-2%
GT	3	85%	71%	-14%
SPED	8	36%	41%	+5%

EL and SPED subgroups have improved.

Reading (English)

Fifth Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	57	44%	45%	+1%
EL	35	39%	43%	+4%
GT	3	74%	84%	+10%
SPED	7	32%	33%	+1%

Subgroups across the board should be scoring higher at EOY. Fifth grade is performing well in all groups.

Reading (Spanish)

Fifth Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	15	53%	40%	-13%
EL	15	53%	40%	-13%
GT (None)				
SPED (None)				

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Sixth Grade (Alarcon); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	79	56th	37%	63%
Reading	79	55th	41%	59%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

The table below indicates bright spots and work zones for sixth grade.

Overall Takeaways		
6th Grade	Math has 63% of the students meeting or exceeding growth goals.	Reading dropped slightly at EOY.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	79	48th	48th	No change
Reading Achievement Percentile	79	40th	39th	-1%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Sixth Grade (Alarcon) Subgroups; MAP Assessment

Mathematics

Sixth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	79	48%	48%	No change
EL	51	28%	33%	+5%
GT	6	73%	80%	+7%
SPED	13	17%	27%	+10%

Sixth grade had a strong showing in all subgroups.

Reading

Sixth Grade Reading Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	79	40%	39%	-1%
EL	56	33%	31%	-2%
GT	6	75%	82%	+7%
SPED	13	8%	6%	-2%

Subgroups across the board should be scoring higher at EOY.

Green	Growth
Orange	No change
Pink	No Growth

Borrego Elementary Grades 3-6

Third Grade (Borrego); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	122	34th	59%	41%
Reading (English)	82	47th	43%	57%
Reading (Spanish)	28	40th	50%	50%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	122	38th	35th	-3%
Reading Achievement Percentile (English)	82	45th	42nd	-3%
Reading Achievement Percentile (Spanish)	28	47th	53rd	+6%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
3rd Grade	728 Reading growth is strong for both English and Spanish testers.	Work towards increasing math growth to 50% or higher.

The table to the left indicates bright spots and work zones for third grade.

Third Grade (Borrego) Subgroups; MAP Assessment

Mathematics

Third Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	122	38%	35%	-3%
EL	80	41%	38%	-3%
GT	5	79%	78%	-1%
SPED	29	13%	10%	-3%

All subgroups are underperforming when compared to all students.

Reading (English)

Third Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	82	45%	42%	-3%
EL	39	52%	33%	-19%
GT	5	88%	85%	-3%
SPED	20	20%	20%	No change

EL students need assistance in Reading.

Reading (Spanish)

Third Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	28	47%	53%	6%
EL	28	47%	53%	6%
GT	1	99%	96%	-3%
SPED	5	21%	7%	-14%

SPED students need assistance in Reading.

Green	Growth
Orange	No change
Pink	No Growth

Fourth Grade (Borrego); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	105	32nd	57%	43%
Reading (English)	78	40th	51%	49%
Reading (Spanish)	25	35th	52%	48%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	105	45th	41st	-4%
Reading Achievement Percentile (English)	78	48th	48th	No change
Reading Achievement Percentile (Spanish)	25	63rd	64th	1%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
4th Grade	Reading growth is strong for both English and Spanish testers.	Work towards increasing math growth to 50% or higher.

The table to the left indicates bright spots and work zones for fourth grade.

Fourth Grade (Borrego) Subgroups; MAP Assessment

Mathematics

Fourth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	105	45%	41%	-4%
EL	69	42%	36%	-6%
GT	14	75%	75%	No change
SPED	12	16%	15%	-1%

SPED and EL subgroups are underperforming when compared to all students.

Reading (English)

Fourth Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	78	48%	48%	No change
EL	40	44%	44%	No change
GT	13	71%	67%	-4%
SPED	11	17%	9%	-8%

SPED students need assistance in Reading.

Reading (Spanish)

Fourth Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	25	63%	64%	1%
EL	25	63%	64%	1%
GT	1	99%	95%	-4%
SPED	1	77%	52%	-25%

SPED students need assistance in Reading.

Green	Growth
Orange	No change
Pink	No Growth

Fifth Grade (Borrego); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	104	35th	56%	44%
Reading (English)	96	35th	54%	46%
Reading (Spanish)	10	19th	70%	30%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	104	36th	27th	-9%
Reading Achievement Percentile (English)	96	36th	31st	-5%
Reading Achievement Percentile (Spanish)	10	60th	39th	-21%

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

Overall Takeaways		
5th Grade	732 Reading (English) has solid growth from BOY to EOY.	Work towards increasing growth for the small group of Spanish Reading testers.

The table to the left indicates bright spots and work zones for fifth grade.

Fifth Grade (Borrego) Subgroups; MAP Assessment

Mathematics

Fifth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	104	36%	27%	-9%
EL	72	30%	17%	-13%
GT	10	72%	65%	-7%
SPED	21	57%	12%	-45%

All subgroups are underperforming when compared to all students.

Reading (English)

Fifth Grade Reading (English) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	96	36%	31%	-5%
EL	62	25%	22%	-3%
GT	11	65%	67%	+2%
SPED	20	13%	8%	-5%

The subgroups are on par with the all students group overall.

Reading (Spanish)

Fifth Grade Reading (Spanish) Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	10	60%	39%	-21%
EL	10	60%	39%	-21%
GT (None)				
SPED	1	68%	32%	-36%

SPED students need assistance in Reading.

Green	Growth
Orange	No change
Pink	No Growth

Sixth Grade (Borrego); MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	108	78th	25%	75%
Reading	108	75th	23%	77%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

The table below indicates bright spots and work zones for sixth grade.

Overall Takeaways		
6th Grade	Math showed a dramatic improvement in achievement from BOY to EOY.	Continue increasing the growth percentage in reading.

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	108	36th	50th	+14%
Reading Achievement Percentile	108	28th	38th	+10%

Sixth Grade (Borrego) Subgroups; MAP Assessment

Mathematics

Sixth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	108	36%	50%	+14%
EL	73	34%	48%	+14%
GT	16	76%	86%	+10%
SPED	23	22%	17%	-5%

SPED students need additional assistance in math.

Reading

Sixth Grade Reading Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	108	28%	38%	+10%
EL	73	25%	26%	+1%
GT	16	57%	72%	+15%
SPED	23	8%	13%	+5%

All student groups are performing relatively well.

Green	Growth
Orange	No change
Pink	No Growth

Garcia-Enriquez Middle Grades 7-8

GEMS Grade 7; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	190	39th	51%	49%
Reading	189	33rd	59%	41%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

The table below indicates bright spots and work zones for 7th grade.

Overall Takeaways		
7th Grade	Math is close to 50% reaching growth goals.	Continue raising reading to 50% or above on growth goals.

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	190	43rd	38th	-5%
Reading Achievement Percentile	189	38th	31st	-7%

GEMS Grade 7 Subgroups; MAP Assessment

Mathematics

Seventh Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	190	43%	38%	-5%
EL	132	32%	32%	-2%
GT	21	68%	65%	-3%
SPED	26	16%	11%	-5%

All subgroups are performing on par with the all students group.

Reading

Seventh Grade Reading Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	189	38%	31%	-7%
EL	132	24%	21%	-3%
GT	21	69%	54%	-15%
SPED	25	13%	6%	-7%

The small GT group needs additional assistance.

Green	Growth
Orange	No change
Pink	No Growth

GEMS Grade 8; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Math	138	39th	54%	46%
Reading	197	46th	48%	52%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Green	Growth
Orange	No change
Pink	No Growth

Overall Takeaways

The table below indicates bright spots and work zones for 8th grade.

Overall Takeaways		
8th Grade	Reading is over 50% in reaching growth goals.	Continue working towards 50% or higher for math growth.

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Math Achievement Percentile	138	28th	30th	+2%
Reading Achievement Percentile	197	37th	35th	-2%

GEMS Grade 8 Subgroups; MAP Assessment

Mathematics

Eighth Grade Math Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	138	28%	30%	+2%
EL	109	24%	25%	+1%
GT	1	55%	27%	-28%
SPED	26	12%	5%	-7%

SPED students need additional assistance in math.

Reading

Eighth Grade Reading Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	197	37%	35%	-2%
EL	149	35%	33%	-2%
GT	14	78%	78%	No change
SPED	26	10%	14%	+4%

All student groups are performing relatively well.

Green	Growth
Orange	No change
Pink	No Growth

San Elizario High School Grades 9-12

SEHS Grades 9-12; MAP Assessment

Academic Growth

Subject	Total Number Tested	EOY Growth Percentile	Percentage not Meeting Growth Targets	Percentage Meeting or Exceeding Growth Targets
Algebra I	156	32nd	63%	37%
English I	178	31st	59%	41%
English II	108	37th	53%	47%

Academic growth is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have over 50% in the green area, which would indicate that half or more of our students met or exceeded their MAP growth target.

Green	Growth
Orange	No change
Pink	No Growth

Academic achievement is listed for Math, Reading (English), and Reading (Spanish). The ideal is to have green in the right column, indicating a gain from BOY to EOY in the MAP achievement score.

Overall Takeaways

The table below indicates bright spots and work zones for SEHS.

Overall Takeaways	BRIGHT SPOTS	WORK ZONE
SEHS	English II is nearing 50% for academic growth.	Continue working on raising Algebra I growth and achievement.

Academic Achievement

Subject/Category	Total Number Tested	BOY	EOY	% Change
Algebra I Achievement Percentile	156	31st	24th	-7%
English I Achievement Percentile	178	41st	32nd	-9%
English II Achievement Percentile	108	35th	32nd	-3%

SEHS Grades 9-12 Subgroups; MAP Assessment

Algebra I

High School Algebra I Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	156	31%	24%	-7%
EL	115	25%	20%	-5%
GT	11	62%	36%	-26%
SPED	16	13%	15%	+2%

GT students need to be examined for drops in performance.

English I

High School English I Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	178	41st	32nd	-9%
EL	128	33rd	25th	-8%
GT	15	73rd	60th	-13%
SPED	28	12th	14th	+2%

All student groups are performing at similar levels.

English II

High School English II Achievement Percentile	Number of Students	BOY	EOY	% Change
All Students	108	35th	32nd	-3%
EL	79	31st	28th	-3%
GT	7	61st	62nd	+1%
SPED	17	9th	6th	-3%

All student groups are performing at similar levels.

Green	Growth
Orange	No change
Pink	No Growth

Alfredo Cardona

From: Norberto Rivas
Sent: Tuesday, June 4, 2024 3:55 PM
To: Jeannie Meza-Chavez; Alfredo Cardona
Subject: legal services information
Attachments: RFQ#17-1028 General Counsel of Record.pdf; January 10, 2017 at 5_30 PM - Special Meeting.pdf; Working with Your School District's Attorney.pdf; re written contract w attorney.pdf

Hello Dr. Meza-Chavez,

As requested, here is some information regarding our legal services. In November of 2016 Mr. Baskind, our former attorney, passed unexpectedly and we subsequently published an RFQ for a general counsel of record (attached) which the Board selected in January of 2017 as indicated in the minutes (attached) of that special meeting. I do not have any information regarding the process followed when Mr. Baskind was hired by the Board as that was before my time.

I am also attaching a document from TASB which includes information regarding the hiring process of a school attorney (begins on page 4). The key point is that competitive procurement, addressed under policy CH, is not required and *a district may procure the services of an attorney or a law firm by any means the board deems appropriate.*

You will also find correspondence (attached) from our external auditor regarding a written contract as I did not have one on file and believe that there was not one on file with the Superintendent's office either, but item #5 on the attached RFQ document does contain a 30 day written termination notice clause for convenience.

Please review and let me know if you need additional information, thanks!

Norberto Rivas,
Chief Financial Officer
San Elizario Independent School District

CONFIDENTIALITY NOTICE: The information or document(s) included in this e-mail may contain confidential information. All information is intended only for the use of the named e-mail recipient(s). If you are not the named e-mail recipient(s), you are not authorized to read, disclose, copy, distribute, or take any action with regard to the information. Any action other than the delivery to the named recipient(s) is strictly prohibited. As the e-mail recipient, you are not authorized to reveal any of this information to any other unauthorized person and are hereby instructed to destroy the information if no longer needed. San Elizario Independent School District does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in its programs, activities, or employment.

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT
REQUEST FOR STATEMENTS OF QUALIFICATIONS
FOR GENERAL COUNSEL OF RECORD
RFQ # 17-1028

The Board of Trustees of the San Elizario Independent School District is requesting Statements of Qualifications for General Counsel of Record from qualified attorneys and/or law firms to provide legal services as the District's General Counsel of Record.

Interested parties may obtain a copy of the Request for Statements of Qualifications by contacting Mr. Norberto Rivas at the email address listed below.

Sealed Statements of Qualifications will be received by the District until 10:00 a.m. on Friday, December 9, 2016. They must be hand delivered or mailed to the District at the following address:

San Elizario Independent School District
PO Box 920 (for mailing)
1050 Chicken Ranch Road (for hand delivery)
San Elizario, Texas 79849
Attn: Norberto Rivas, Chief Financial Officer
Email: nrivas@seisd.net
Phone: 915-872-3939, ext. 3533

Facsimile, emailed, or late Statements of Qualification will not be accepted.

1. Background. The San Elizario Independent School District is located southeast of El Paso County, serves approximately 4,000 students across six campuses, employs approximately 600 individuals and operates approximately a $40 million annual budget.

2. General. The District accepts no obligation for the costs incurred in responding to this RFQ in anticipation of being awarded a contract. The District reserves the right to select qualified responses in this RFQ without discussion of the responses with the proposers. The District reserves the right to reject any and all submitted statements of qualifications and also reserves the right to waive or dispense ay formalities contained herein. Proposers are invited to submit their statements of qualifications in accordance with the requirements outlined in this document.

3. Purpose. The District is requesting Statements of Qualifications from qualified attorneys and/or law firms to provide legal services at an hourly rate on an **as needed** basis. The District's primary objective is to secure the highest quality legal representation at a reasonable cost. Consideration will be given to firms that can demonstrate experience with school law.

4. Scope of Services. To represent the District as General Counsel in matters requiring legal advice. Legal services required will include, but will not be limited to the following areas of law:

a. Routine:

- Personnel matters
- State and Federal Statutes
- Open Meeting & Record Statutes
- Preventive Law
- Consultation with the Board of Trustees
- Consultation with District Administrators

b. Non-Routine:

- Governmental Tort Claims
- Governmental Immunity
- Personal Injury
- Real Estate Law
- Law Enforcement
- State Whistle Blower Act Compliance

The list is not all inclusive, other matters may be included in routine or non-routine services and formal legal opinions for the district may be required depending on the circumstance. In addition, the General Counsel may be required to attend meetings of the Board of Trustees as requested and should be available to provide, if out of town attorneys/legal firm (a 1-800), phone service that allows District Administrators the ability to call for legal advice regarding school related legal issues.

5. Contract Term and Conditions. The successful proposer will be awarded a contract and may be subject to an annual evaluation by the Board of Trustees. The initial contract term will begin upon Board approval and will expire one year from that date. The contract will automatically renew if both parties agree. Renewals will be subject to annual review based upon various criteria including, but not limited to, the satisfactory negotiation of terms, acceptable rates, and fund availability. Any resulting contract may be terminated by either party with thirty (30) days written notice, for cause or convenience. In the event of termination by the District, San Elizario ISD shall be liable for the payment of all approved work performed prior to the termination.

6. Proposal Format and Content. Please include the following minimum information in your response to this RFQ in the order and format prescribed below. Statements of qualifications that do not conform to the prescribed format may be rejected.

a. Transmittal Letter

i. Shall contain the following annotation

San Elizario Independent School District
Request for Statements of Qualifications

- **ii.** Shall identify the full, official business name as registered with Secretary of State that the respondent will be doing business as for this RFQ
- **iii.** Shall state that the submittal is valid for 90 days
- **iv.** Shall include the original signature of a person legally authorized to bind the proposer to the representations in the response
- **v.** Shall include a statement of acceptance of the terms and conditions of this RFQ. If a proposer takes exception to any of the proposed terms and conditions stated in this RFQ, those exceptions must be noted in the transmittal letter, but failure to accept the terms and conditions specified in this RFQ may result in disqualification of the proposal

b. Table of Contents

- **i.** Shall identify the sections of the submittal by page number

c. General Information

- **i.** Full, official business name of firm
- **ii.** Names of all partners, shareholders and associates of firm
- **iii.** Address, phone and fax numbers of firm's principal office
- **iv.** Contact information for the person and office that will be providing the legal services to the District
- **v.** Form of ownership of firm: sole proprietorship, partnership, corporation, association or combination of above
- **vi.** History of the firm, including date(s) of predecessor firms (if any) and establishment of present firm
- **vii.** Minority status of the firm, including if it is HUB certified in the State of Texas and whether it is (a) minority owned or (b) women-owned, and indicate the percentage of minority employees

d. Statements of Qualifications

- **i.** Shall provide a statement explaining why the attorney/firm believes it to be the best qualified to represent the District

e. Experience and References

- **i.** Shall include education legal services experience
- **ii.** Shall include the number of attorneys and number of years of experience practicing law for personnel to be assigned
- **iii.** Shall include the experience with school districts in the past five years
- **iv.** Shall list the names, address and contact information for at least five references which the District can contact

f. Current Assignments

- **i.** Shall provide a statement concerning the firm's ability and capacity to perform the scope of services in relation to its existing assignments and

list the firm's current workload and the firm's availability to commence services immediately after being selected by the District

g. Key Personnel and Professional Licenses
  - **i.** Shall include an organization chart
  - **ii.** Shall include brief resumes of key personnel who would be assigned to this contract
  - **iii.** Shall include proof of professional license to practice law in the State of Texas

h. Availability
  - **i.** Shall outline the procedures and timelines by which Board Trustees, the Superintendent or designee will have access to legal counsel
  - **ii.** Shall identify the location of the main office and the office closest to the District

i. Insurance
  - **i.** Shall agree to purchase and maintain the insurance requirements or provide proof of the specified insurance requirements herein and that they shall not be canceled until at least thirty (30) days' prior written notice has been given to the District
  - **ii.** Shall agree that the District is to be named as an additional insured on coverages, except as to professional liability and workers' compensation
    - General Liability:
      - $1,000,000 – Each Occurrence
      - $1,000,000 – Aggregate
      - $1,000,000 – Personal & Advertising Injury
      - $5,000 – Premises Medical Payments
    - Auto Liability:
      - $1,000,000 – CSL
    - Attorney's Professional (Errors & Omissions)
      - $1,000,000 – Each Occurrence
      - $1,000,000 – Annual Aggregate
    - Worker's Compensation
      - Statutory Limits

j. Offer
  - **i.** Fixed hourly rates for personnel to be assigned
  - **ii.** Any additional costs, if applicable, to be billed in connection with work performed such as, but not limited to the following, should be itemized:
    - Postage
    - Travel
    - Mileage
    - Copies

- Word processing
- Contract development
- Opinion rendering

iii. The billing increment (ie. for every 15 minutes) for the hourly rates

iv. Acknowledgement that work rendered will be billed at the end of the month on a monthly basis

v. Acknowledgement that if a cost not itemized on this offer is to be incurred, the Superintendent or designee, shall be informed in writing of the cost prior to any work commencing

k. Additional Required Forms

i. General Information

ii. Certification Regarding Debarment, Suspension, Ineligibility and Other Responsibility Matters

iii. Felony Conviction Notice

iv. Prohibition on Lobbying or Solicitation

v. Criminal History Record Information Review of Certain Contract Employees

vi. Conflict of Interest Questionnaire

vii. IRS Form W-9

viii. Form 1295 (Certificate of Interested Parties) notarized

- Awarded proposer will require submission of form through the Texas Ethics Commission webpage

ix. HUB Certificate, if applicable

7. Proposal Submittal and Opening. In order to be responsive, the proposer must submit one (1) original, two (2) copies and one (1) electronic format (CD or flash drive) of its proposal. A formal opening of statements of qualifications will not be held and prices will not be read. Sealed Statements of Qualifications will be received by the District until 10:00 a.m. on Friday, December 9, 2016. They must be hand delivered or mailed to the District at the following address:

San Elizario Independent School District
PO Box 920 (for mailing)
1050 Chicken Ranch Road (for hand delivery)
San Elizario, Texas 79849
Attn: Norberto Rivas, Chief Financial Officer
Email: nrivas@seisd.net
Phone: 915-872-3939, ext. 3533

Facsimile, emailed, or late Statements of Qualification will not be accepted.

By submitting a proposal, each company agrees to waive any claim it has or may have against the School District, its Board of Trustees, agents and employees, and any persons or entities contacted as references, arising out of or in connection with the review, evaluation, or recommendation of any proposal, acceptance or rejection of any proposal, the waiver of any requirements in this RFQ, or any complaints or concerns regarding the award of a contract.

8. Evaluation Criteria. The criteria for evaluation of Qualification Statements, and selection of the successful respondent for this award, will be based on the following criteria:

a. Qualifications – Demonstrated competence and qualifications to perform the requested legal services; the quality of the service offered and the experience of the individuals/firm proposed for assignment to District matters and availability to the District; up 70 points
b. Responsiveness – Whether the proposal is completely responsive to all written specifications and requirements contained in this RFQ; up to 20 points
c. Local Presence – While not required, some consideration may be given to those firms having a local presence in the El Paso County area; up to 10 points

The District is not bound to accept the lowest priced qualification statement if that is not in the best interest of the District as determined by the District.

9. Selection Process. A short list of up to five (5) firms will be identified using the evaluation criteria above. These firms will be required to present to the Board of Trustees at a scheduled Board meeting to be determined at a later date.

10. Timeline.

Legal advertisement for RFQ	November 20th & November 27th
Deadline to submit questions	November 30th
Response to questions	December 2nd
Statements of Qualifications due	December 9th
Selection of firm by Board of Trustees	TBD

11. Questions and Additional Information. Any person wishing to obtain additional information about the Request for Statements of Qualifications may contact:

Norberto Rivas
Chief Financial Officer
Email: nrivas@seisd.net

No other persons may be contacted for questions or information. No proposer submitting a Statement of Qualifications shall lobby, contact or solicit members of the Board of Trustees or District staff during the selection process.

12. **Reservation of Rights.** San Elizario ISD expressly reserves the right to:

a. Reject or cancel any or all Qualification Statements;
b. Waive any defect, irregularity or informality in any Qualification Statement or RFQ procedure;
c. Reissue the RFQ;
d. Consider and accept an alternate Qualification Statement as provided herein when most advantageous to San Elizario ISD;
e. Cancel a resulting contract with a thirty-day written notice, without prejudice, for factors including, but not limited to, non-availability or non-appropriation of funds; and/or
f. Procure any item or services by other means to meet time-sensitive requirements

13. **Texas Public Information Act.** Proposer acknowledges that San Elizario ISD is subject to the Texas Public Information Act (TPIA). As such, upon receipt of a request under the TPIA, San Elizario ISD is required to comply with the requirements of the TPIA. For purposes of the TPIA, 'public information' is defined as information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

a. By San Elizario ISD; or
b. For San Elizario ISD and San Elizario ISD
    i. Owns the information; or
    ii. Has a right of access to the information; or
    iii. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
c. By an individual officer or employee of San Elizario ISD in the officer's or employee's official capacity and the information pertains to official business of San Elizario ISD.

Proposer is expected to fully cooperate with the District in responding to public information requests. This includes, but is not limited to, providing the District with requested information. In the event that the request involves documentation that is clearly marked as confidential and/or proprietary, San Elizario ISD will provide the proposer with the required notices under the TPIA. The proposer acknowledges that is has the responsibility to brief the Attorney General's Office on why the documents identified as confidential and/or proprietary fall within an expiation to public disclosure.

General Information (To Determine Principal Place of Business under Section 2252.002 of the Local Gov't Code)

1. Legal Name of Business: _____
2. Legal Address: _____City_____ State: ____ Zip: _____
3. Nature of Business (architect, general contractor, etc): _____
4. In what state is your principal place of business? _____
5. In what state, if applicable, is your business incorporated? _____
6. Is your business authorized to do business under the laws of the State of Texas? _____
7. Does your business conduct business in more than one state?_____
    a. What percentage of that is conducted in Texas? _____
8. What is the total gross sales of your business within the last full calendar year? _____
    a. What percentage of that was earned in Texas? _____
9. What is the total amount of assets of your business? _____
    a. What percentage of those assets are located in Texas? _____
10. What is the total number of full time equivalent employees employed by your business? _____
    a. What percentage of those employees are located in Texas? _____
11. Contact Information – Telephone & Email: _____
12. Owner or Officer Name & Title: _____

Signature of Owner or Officer Responsible for the Contents of this Proposal:

_____

Sign Date

Certification Regarding Debarment, Suspension and Other Responsibility Matters

1. The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
    a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions from any Federal department or agency;
    b. Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
    c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental (Federal, State or Local) entity with commission of any of the offenses enumerated in paragraph (1) (b of this certification)
    d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal

Sign the appropriate option: Option 1_____ Option 2 _____

Felony Conviction Notice

Section 44.034 of the Texas Education Code, Notification of Criminal History,

Subsection (a) states *"A person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony."*

Subsection (b) states *"A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract."*

Sign the appropriate option:

1. My firm is a publicly-held corporation, therefore, this requirement is not applicable: _____
2. My firm is not owned nor operated by anyone who has been convicted of a felony: _____
3. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony (Name of Felon(s) & Conviction): _____

Prohibition on Lobbying or Solicitation

The San Elizario Independent School District prohibits lobbying, contacting or soliciting School District staff members or members of the Board of Trustees during the selection process. This does not include any attendance at any meeting scheduled by the School District such as a pre-bid conference, or any contact with the Chief Financial Officer for the purpose of obtaining clarification regarding any of the procedures or requirements. The School District reserves the right to disqualify any firm that violates this policy. The undersigned acknowledges the district policy and certifies that all employees, agents, consultants, or representatives of the representing firm have not or will not contact, solicit, or lobby School District staff members, members of the Board of Trustees regarding the above mention solicitation from the date of Board of Trustees authorization to solicit proposals through final action of this solicitation by the Board of Trustees.

Signature of Acknowledgement: _____

Criminal History Record Information Review of Certain Contract Employees

Section 22.0834 of Texas Education Code requires an independent contractor who provides services to a school district to submit to a criminal history review if the independent contractor will have continuing duties related to the contracted services and direct student contact. Each independent contractor must certify with the District that the contractor has complied with the law that requires each contractor to obtain the criminal histories of its covered employees.

By signing below you indicate that you will comply with the Section 22.0834 of the TEC by conducting background searches and having employees fingerprinted with the DPS-Fingerprint-based Applicant Clearinghouse of Texas-(FACT) and will not allow any employees not meeting the minimum standard to perform any services in reference to this contract on SEISD premises.

The District reserves the right to review any criminal history record information and to terminate any services at any time if the criminal history of a contractor is not acceptable.

Signature of Acknowledgement: _____

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. *See* Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of vendor who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.** (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 **Name of local government officer about whom the information is being disclosed.**

_____

Name of Officer

4 **Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 **Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

_____ _____

Signature of vendor doing business with the governmental entity Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

(A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;

(B) a transaction conducted at a price and subject to terms available to the public; or

(C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

***

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See **Specific Instructions** on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____

Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

		–							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here **Signature of U.S. person ▶** **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

_____
Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____, 20 _____ , to certify which, witness my hand and seal of office.

_____ _____ _____
Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY

1. GENERAL FUNCTIONS

   A. Call to Order
   President, Irene Jaquez called the meeting to order at 5:30 p.m.

   B. Roll Call
   The following board members were present: Irene D. Jaquez, President; Antonio Araujo, Vice President; Armando Martinez, Ramon Holguin and Sandra Licon. Joe Rodriguez arrived at 5:40 p.m.

   The following board member was absent: Fernie Madrid.

   Superintendent Sylvia Hopp and Chief Financial Officer, Norberto Rivas were also in attendance.

   C. Pledge of Allegiance
   The Pledge was recited.

   E. SEISD Vision Statement

   Mrs. Jaquez read the District's vision statement.

2. The Board will conduct interviews for General Counsel of Record

   Mr. Rivas introduced representatives from the law firms to the board prior to conducting interviews. The board received the statements provided by the firms. He informed everyone that this was an open meeting, with no executive session. However while one firm is interviewed the other firm may step out and wait for the time of their interview. Mr. Rivas had a timer and allowed each firm a 30 minute interview. He also provided a scoring sheet for each board member.

   A. 5:35 – Interview of Mounce, Green, Myers, Safi, Paxson & Galatzan, a Professional Corporation

   B. 6:05 – Interview of Blanco, Ordonez, Mata & Wallace, P.C.

3. The Board will deliberate and select a General Counsel of Record

   The board took some time to deliberate and score the two firms that were interviewed.

Mr. Holguin made a motion to select the firm of Blanco, Ordonez, Mata & Wallace, P.C. as the general counsel of record. Mr. Araujo seconded the motion. Motion passed unanimously.

4. ADJOURNMENT

Mr. Holguin made a motion to adjourn the meeting. Mr. Martinez seconded the motion. Motion passed unanimously. The meeting was adjourned at 6:40 p.m.

Board President

Board Secretary

Texas Association of School Boards
Legal Services
P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.3610 • 800.580.5345 • legal.tasb.org • legal@tasb.org
Serving Texas Schools Since 1949

Working with Your School District's Attorney:

How, When, and Why School Districts Seek Legal Counsel

Published online in TASB School Law eSource

Public schools operate in a complex legal environment. Myriad state and federal laws and regulations govern virtually every detail of school operations, and these laws are constantly changing. To stay informed and in compliance, the average public school district often requires the assistance of legal counsel.

While the cost of seeking legal advice is a concern for every public school district, the cost of not seeking timely advice may be even higher. Without adequate information and advice, a school board, a board member, a district administrator, or other district employee can expose the district to legal claims, threats of litigation, or even legal liability. In some circumstances, district personnel or board members may expose themselves to personal liability for damages. In addition, several applicable laws, including the Texas Open Meetings Act (OMA) and conflict of interest laws, carry criminal penalties for violations. A competent school attorney can help school district officials to minimize the risk of litigation and liability.

Finding Legal Information and Advice
Hiring a School Attorney
Considering In-House Counsel
Communicating with Your Attorney

Finding Legal Information and Advice

When should a district seek legal advice?

After problems arise. Of course, a district should call an attorney when the district finds itself in legal trouble: if the district receives a court summons or other legal document; if the district is accused of violating the rights of an employee, student, parent, or other citizen; if the district is dissatisfied with a vendor's performance; if a supervisor discovers a potential violation of law by a school employee; or if an investigation is brought by a regulatory agency. See TASB Legal Services' article We've Been Sued! Now What? for steps to take if the district learns it has been sued.

Before problems arise. School districts also should seek legal guidance in connection with major events, such as issuing bonds, buying or selling real property, signing contracts involving large sums of money, signing certain insurance contracts, or terminating an employee. Regular

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legal advice can help to spot potential problems before they develop. School attorneys can perform periodic audits of district practices to ensure compliance with legal requirements. They also can conduct training on a variety of topics.

According to a 2003 report by the Texas Comptroller, "early consultation with legal counsel, often no more than a phone call, can save the district money in the long run by preventing the matter from developing into litigation. The district should seek legal advice when the warning signs of a conflict begin to emerge—good legal advice up front can prevent a protracted and expensive conflict in the future. When in doubt, particularly in employment, open records and special education matters, the district should seek counsel sooner rather than later." Texas School Performance Review, Navigating the Legal Maze: A Practical Guide for Controlling the Cost of School District Legal Services (Mar. 2003)

Where can districts get legal information and advice?

District policy and regulations: All school districts in Texas are members of TASB Policy Service. The legal policies, provided by TASB as reference material for use by districts, comprise an abridged collection of state and federal statutes and legal authorities applicable to school districts. The local policies, on the other hand, are rules adopted by the local school board. Many districts also maintain administrative regulations. These materials address many of the day-to-day operational questions that arise in a school district. In fact, consulting applicable policies before making decisions or picking up the phone for legal advice may save legal fees. District policies will not answer every question, but they can reduce the number of calls to an attorney or make calls more productive. When new or complicated issues emerge, however, the information in a policy manual cannot replace the advice of an attorney.

In the 2003 report, the comptroller identified writing and enforcing "effective policies" as the number one way schools can control legal expenses. TASB Policy Service provides an invaluable starting place for school districts, but TASB Policy Service and TASB Legal Services strongly encourage districts to work with their school attorneys to customize district policies as needed.

State agencies: Several state agencies may provide legal information, interpretation, or advice on specific subject areas relevant to school districts. For example, anyone can call the Texas Education Agency (TEA) and speak to a staff member about legal or regulatory issues related to the full range of education-related topics, including school finance, budget and purchasing, student attendance accounting, transportation management, grant programs, accountability and student assessment, special education, and governance. Similarly, the Secretary of State Elections Division provides information on all aspects of elections, the Texas Ethics Commission addresses questions on campaign finance and political advertising, and the comptroller's office is a resource for property tax information.

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TASB and other associations: Associations such as the National School Boards Association (NSBA), the Texas Association of School Boards (TASB), the Texas Association of School Administrators (TASA), and other associations serving school personnel offer legal information and advice as a benefit of membership. With their comprehensive focus on school law issues, these associations are well-positioned to offer their members training and advice about state and national trends, emerging legal issues, and local choices. The training and information provided by these associations supplement, but do not replace, the advice of a school district's private counsel.

TASB members have access to TASB Legal Services as part of their membership. This includes free telephone consultation with TASB Legal Services attorneys. TASB Legal Services provides confidential legal advice on all areas of school law to school districts across the state every day. The telephone service is available to persons calling on behalf of a member school district and representing the legal interests of the district. The service is an excellent way to obtain, at no cost, quick answers to routine legal questions and to consult with an attorney before taking an action that may have legal implications. In some instances, of course, it is necessary for a district's private counsel to consider specific facts and circumstances, as well as the political and philosophical climate in the district, before advising school officials on the best course of action. In such cases, TASB Legal Services will refer callers to the district's private attorney to ensure the district gets appropriate advice and guidance. In addition, when a district is represented by counsel in a particular matter, TASB Legal Services will defer to the opinions and advice of that counsel on issues related to the matter. TASB Legal Services does not provide written legal opinions, contract or document review, or any sort of representation in board meetings, grievance hearings, litigation, or other proceedings.

Private counsel: Texas public schools are represented by attorneys all over the state with expertise in a variety of subject areas. Some are organized into law firms; others work as solo practitioners. Some are *general practitioners* who represent school districts in addition to other types of entities or individuals. Others represent school districts exclusively. Even within school law, subspecialties exist in areas such as personnel law, special education law, and construction.

A school attorney generally serves in one of two roles: to advise the district in its decision-making or to represent the district before a court or other legal authority when legal challenges are raised. A school district's attorney can consult with the board and key administrators on specific legal issues; draft and review contracts; customize, draft, and audit the district's policies and procedures; negotiate with third parties on behalf of the district; provide written legal opinions; attend board meetings; and represent the district in administrative and court proceedings.

In-house counsel: Some districts find it both advantageous and economical to hire one or more attorneys to work as employees of the school district as *in-house* counsel. In-house counsel usually act as general counsel to the district and provide routine legal services. Even districts with in-house attorneys usually will retain counsel from private law firms to represent the district in litigation or on projects that require specialized legal expertise. (For more, see below at Considering In-House Counsel)

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Hiring a School Attorney

How does a district select (procure) a school attorney?

The following information is generally applicable, but certain arrangements with attorneys are subject to specific requirements. See the discussion below regarding contingent fee arrangements.

Competitive procurement is not required. The Texas Education Code specifically states that the competitive procurement requirements for contracts over $50,000 do not apply to contracts for professional services rendered, including services of an attorney. Tex. Educ. Code § 44.031(f). In addition, attorneys are not listed in the Professional Services Procurement Act as professional services for which the use of competitive bidding is specifically prohibited. *See* Tex. Gov't Code §§ 2254.001-.008 (requiring a specific process for hiring certain professionals, including architects, engineers, and accountants). Therefore, a district may procure the services of an attorney or a law firm by any means the board deems appropriate, unless any or all of the provisions of Texas Government Code Chapter 2254, Subchapter C apply. See Contingent Fee below.

Send a request for proposals or qualifications. To ensure that the district is getting the best value and a well-qualified attorney, the board should use some type of procedure to elicit information from potential candidates. Most boards use either a *request for proposals* process or a less formal *request for qualifications* process, inviting firms to submit materials describing their professional qualifications to provide legal services to the district.

Conduct interviews. Written submissions should be followed by interviews with the top candidates. The information gathered from potential candidates aids the board in determining whether the district's needs can best be met by a local attorney or firm or by an attorney or firm in another location. For more information on the selection of a school attorney, see National School Boards Association, Selecting and Working with a School Attorney: A Guide for School Boards (1997).

Consider recommendations and other resources. When searching for the right attorney or law firm, the board should seek recommendations from other school districts. In addition, the board should consider the experience of district personnel who have worked with attorneys representing the district in the past; they may be able to identify areas where legal services have been most necessary and useful, as well as characteristics that made a lawyer or firm a particularly good fit for the district. Most law firms maintain websites that may provide additional information for a board to consider.

Although TASB Legal Services does not recommend specific attorneys or firms, the membership list of the Texas Council of School Attorneys (CSA) is available by name or by region on the TASB Legal Services website. CSA is an organization of attorneys who represent at least one Texas public school district and avoid representing parties whose interests are adverse to a district.

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Together, these attorneys represent over 90 percent of the school districts in Texas. CSA promotes relationships among school attorneys and offers continuing legal education programs and other assistance to its members.

In addition, Martindale-Hubbell provides a database of background information on attorneys, and the State Bar of Texas provides information regarding an attorney's license and any disciplinary history.

What qualities should a district look for in a school attorney?

In interviewing and evaluating prospective counsel, the board should consider relevant factors, such as the following:

Experience and expertise:

- How much experience and expertise does the attorney have in the major areas of school law?
- What expertise and experience could be provided by other members of the attorney's firm, if any?
- What percentage of the attorney's time is spent representing school districts?
- If the attorney is hired for a particular purpose, such as bond counsel or delinquent tax collection, what is the attorney's expertise in that area? Note that these two areas of representation may implicate some of the requirements of Texas Government Code Chapter 2254, Subchapter C, discussed below at Contingent Fee.

Quality:

- What is the quality of the legal services provided by the attorney or firm?
- What other clients does the attorney represent?
- What do those clients say about the attorney?

Cost:

- Are the fee arrangements offered flexible enough to provide the services the district needs while remaining sufficiently economical for the district's budget?
- Can the attorney and district arrive at a mutually agreeable fee arrangement? (For more, see information below on fee arrangements.)

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Accessibility:

- Is the attorney available and willing to attend board meetings or hearings at the district's request, either in person or by telephone or videoconference?
- Will the attorney be easy to reach by phone, email, or other electronic communication?
- Is the attorney committed to keeping the appropriate district representatives fully informed about developments in matters involving the district?
- Will the attorney personally perform or supervise the district's legal work?
- What role will be played, if any, by other attorneys, law clerks, and legal assistants?

Conflicts of interest:

- Does the attorney or firm represent any other clients that might present a conflict of interest in the future?
- Does the attorney have a family or other relationship with a board member or administrator that may present a conflict between the interests of the district and the interests of the individual board member or administrator?

Personality:

- Will the attorney's personality and manner complement those of the board, the administration, and staff?

Professional organizations:

- Does the attorney participate in professional organizations, such as the State Bar of Texas School Law Section, the Texas Council of School Attorneys, or the NSBA Council of School Attorneys?
- Has the attorney demonstrated a commitment to public education through involvement in these or other activities?

How does a district finalize its choice of a school attorney or law firm?

The board decides. The board, acting as a body corporate, selects and retains the district's attorney. While the superintendent's recommendation is valuable, the board represents the district that will be the attorney's client.

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Discuss in open session. Discussions and deliberations regarding the retention of an attorney, interviews with prospective counsel or discussions of their qualifications, and discussions or negotiations of the contract between the district and its attorney may *not* be conducted in closed meetings. All such discussions and deliberations must be conducted in properly posted open meetings. An outside attorney or law firm is an independent contractor; therefore, the personnel exception in the OMA does not apply. Tex. Gov't Code § 551.074; Tex. Att'y Gen. Op. No. MW-0129 (1980). Of course, if the district is employing an attorney to serve as a member of its staff, then the attorney will be an employee of the district and the attorney's employment may be discussed in closed session pursuant to the personnel exception.

Nepotism laws may apply. According to the attorney general, the nepotism laws applicable to school districts apply to independent contractors as well as to employees. Tex. Att'y Gen. Op. No. DM-076 (1992). Accordingly, a school district may not hire an individual related to a board member within a prohibited degree to provide legal services, regardless of whether the individual is hired as a regular employee or as an independent contractor. The attorney general has opined, however, that the nepotism laws may not apply to prohibit the retention of a law firm in which a board member's relative owns an interest. Tex. Att'y Gen. LO-97-028 (1997).

Should a district sign a contract with its school attorney or firm?

Although it is not legally required, school districts are strongly encouraged to retain an attorney or law firm pursuant to a written agreement. This agreement should include the effective dates of the contract; a description of the fee structure, including terms related to the provision of cost or fee estimates; the attorney's duties; the positions or persons within the district with whom the attorney is authorized to communicate; insurance requirements; billing and payment schedules, including the level of detail expected on invoices; the conditions under which the contract may be cancelled; and any other terms or conditioned agreed to by the parties.

What are the possible fee arrangements for legal representation?

Hourly rate: Some attorneys or firms charge an hourly rate for all legal services provided to school district clients. In this case, a district should inquire about the hourly rates for other firm personnel who may perform legal services for the district, such as consulting attorneys, legal assistants, and law clerks.

Retainer: Many firms that specialize in school law offer a retainer agreement under which a district pays a set amount for certain specified services, such as phone or email consultation, periodical subscriptions, policy drafting or review, agenda preparation or review, or limited in-service training. Additional services, like attending hearings, advice on complex or open-ended legal issues, or significant training events may be provided at an additional hourly rate. A retainer agreement should define clearly the legal services covered by the retainer and those services covered by an hourly rate.

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The retainer may be a fixed monthly or annual rate or a *not-to-exceed* fee. A fixed rate remains the same no matter how much work the attorney or firm performs under the retainer in a particular period. Under a not-to-exceed fee, the attorney or firm bills the district at an hourly rate up to a predetermined maximum. If the bill for the month does not reach the maximum, the district pays only for the hours of legal services provided. If the bill exceeds the maximum, the district pays only the agreed maximum for services covered by the retainer; other services are billed at an hourly rate.

Flat fee: A district may enter into a flat fee arrangement where the board agrees to pay a fixed amount for legal services without regard to the actual number of hours of worked. A flat fee arrangement may be appropriate for such legal services as an in-service training, a response to a demand letter, a written legal opinion, service as a hearing officer, attendance at a set number of board meetings, or representation in a contested matter.

According to an attorney general opinion, a flat fee arrangement is not a gift of public funds in violation of the Texas Constitution, article III, section 52, if the board determines that the fee arrangement accomplishes a public purpose, the board retains sufficient control over the expenditure to ensure that the public purpose is accomplished, and the district receives a return benefit. Tex. Att'y Gen. Op. No. KP-099 (2016).

Contingent fee: Contingent fee contracts may be used when a client who is a plaintiff in a legal proceeding agrees to pay an attorney a share of any award recovered in the proceeding. Since 2019, a district procuring legal services under a contingent fee contract must comply with specific requirements related to the selection process, public notice, written board findings, and attorney general approval. Texas Government Code chapter 2254, subchapter C (§§ 2254.101-110)

The Texas Government Code defines *contingent fee contract* as a contract for legal services under which the amount or payment of legal fees is contingent on the outcome of the matter for which legal services were obtained. The Texas legislature broadened the definition in 2021 to include an amendment to a contract for legal services if the amendment changes the scope of representation or may result in filing an action or amending a petition in an existing action. Tex. Gov't Code § 2254.101(2). (*See* Tex. Att'y Gen. Op. No. KP-0378 (2021) (addressing whether amendments to a contract entered into before September 1, 2019, must comply with the requirements.))

Only requirements related to selection (section 2254.1032), indemnification (section 2254.1034), notice and approval (section 2254.1036), and contracts as public information (section 2254.1037) apply to contracts for the collection of an obligation (debt, judgment, claim, account, fee, fine, tax, penalty, interest, loan, charge, or grant) that is delinquent or for services under Texas Government Code section 1201.027 (legal services in connection with issuance of public securities). Tex. Gov't Code § 2254.102(e).

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A contract entered into in violation of Texas Government Code chapter 2254, subchapter C is void as against public policy. Tex. Gov't Code § 2254.110. If there is doubt about whether a new contract or contract amendment with an attorney or law firm is subject to any or all of these requirements, a district should discuss it with an attorney in a position to advise the district.

Costs: An agreement for legal services will likely require the district to reimburse the attorney or firm for expenses directly related to providing those legal services, such as travel, postage, copies, filing fees, expert fees, and the like. Districts should not agree to pay overhead costs, such as general maintenance expenses, personnel costs, or membership fees.

Considering In-House Counsel

What services do in-house counsel provide for school districts?

The scope of legal services provided by in-house counsel depends on the number and expertise of attorneys employed by the district and the needs and resources of the district. Typical tasks may include the following:

Risk management: Because in-house counsel are generally more familiar with district personnel and operations, they are uniquely positioned to identify and reduce legal risks in the district, to advise district officials within the context of local needs or other local considerations, and to anticipate interconnected legal needs that reduce future legal risks. In addition, administrators may be more likely to seek answers earlier from in-house counsel, instead of guessing and hoping for the best when trouble is brewing. Not only can administrators seek input from in-house counsel in the early phases of planning and establishing day-to-day procedures, but they also get a more timely response from an attorney dedicated to the district. In-house attorneys spend a significant portion of their time doing "preventative" legal work by answering inquiries from district employees, participating on the superintendent's leadership team, disseminating new legal information, drafting and reviewing policies, auditing district records for legal compliance, negotiating and reviewing contracts, preparing written legal opinions on issues facing the district, and attending board meetings. In-house counsel also may investigate allegations of employee wrongdoing, discrimination, or harassment.

Management of legal services: In-house counsel can encourage effective management of all legal services to the district. Most in-house counsel monitor the work done and bills sent by outside law firms that represent the district.

In-house counsel also can assist with certain aspects of litigation, such as coordinating the discovery process or handling subpoenas served on the district. In-house counsel can ensure that legal advice and litigation strategies impacting the district are consistent, uniform, and not contradictory to other district operations.

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Dispute resolution: In-house counsel may meet with complaining parties informally to resolve a dispute before it reaches the board or requires the involvement of an outside law firm. In-house counsel may also advise administrators in handling grievances.

Training: Consistent and high-quality staff training is essential to avoiding legal pitfalls in a school district. In-house counsel routinely develop and conduct training for staff and board members on legal issues as part of the district's strategic plan.

What services don't in-house counsel provide for school districts?

Despite the broad scope of legal services that in-house counsel can provide, there are circumstances when a district will need to retain outside counsel. This may be driven by the capacity of the legal department to handle the volume of work or by the nature of the particular issue. Some areas that might warrant retention of outside counsel include the following:

Litigation: If a district becomes a party to litigation, either as a plaintiff or a defendant, it will be necessary to retain counsel to represent the district in that litigation. Sometimes this representation may be covered by a district's insurance coverage. See We've Been Sued! Now What?

Special projects: Depending on the experience and expertise of a district's in-house counsel, certain matters or projects may require more specialized counsel. This might include elections to approve a tax rate, bond elections and issuances, alleged Title IX violations, eminent domain, special education matters, or politically charged issues.

How much does in-house counsel cost a school district?

The component costs include:

Salary and benefits: This must be considered for the attorney positions as well as administrative staff and legal assistants.

Overhead: This includes the customary cost of office space, furniture, equipment, utilities, and other facility overhead expenses.

Unique costs: Adding a legal department will likely require paying for specialized legal research materials, mandatory continuing legal education training, mandatory State Bar of Texas membership, and voluntary membership in the State Bar of Texas School Law Section, Texas Council of School Attorneys, and NSBA Council of School Attorneys.

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How much does in-house counsel save a school district?

A board considering in-house counsel should compare the estimated cost of in-house counsel based on the components above with the annual cost of legal services of the type that in-house counsel would provide. Direct cost savings alone may not offset the increased cost of adding one or more positions on the payroll; however, considering the money saved by renegotiating contracts, resolving disputes earlier, managing legal services more efficiently, and preventing legal claims through more legal training, in-house counsel may be a bargain for some school districts. Although cost savings cannot be guaranteed, many districts realize significant savings, depending on the size and circumstances of the district.

Communicating with Your Attorney

Who is the school attorney's client?

An attorney's relationship with a client is governed primarily by the Texas Disciplinary Rules of Professional Conduct—the ethical rules applicable to every attorney licensed in Texas. A school district's attorney represents the district as an entity, not any single person associated with the district. The board of trustees, acting as a body corporate, governs the district. Consequently, the attorney owes an ethical obligation to the district, not to any individual board member, board officer, or employee, including the superintendent. Tex. Disciplinary R. of Prof'l Conduct 1.12. Under certain conditions, the attorney may also provide limited representation of individuals acting for the district. Such circumstances may arise when a lawsuit is filed against the district, and individual administrators or trustees are named as co-defendants. This can only occur, however, when there is no conflict in the interests of the parties. Tex. Disciplinary R. of Prof'l Conduct 1.06.

In some larger districts, the board may retain counsel specifically to represent the board and its interests. This special counsel role may supplement the work of in-house counsel or other outside counsel, but the representation focuses on providing immediate and direct advice to the board. Typically, outside of board meetings, the board's counsel will coordinate primarily with the board president or board officers to avoid unnecessary expense, confusion in communication, or concerns about violating the OMA. The attorney for the board may facilitate communication and coordination between the board and administration and help ensure compliance with the OMA, the rules of parliamentary procedure, and local board policy during board meetings. Like other attorneys for the district, board counsel represents the district's interests and not those of any individual trustee.

Who in the district may communicate with the district's attorney?

When an attorney represents an entity, such as a school district, the attorney may report to and accept direction from the entity's *authorized* representatives. Tex. Disciplinary R. of Prof'l Conduct 1.12. Generally, in a school district this could include the superintendent and other specified administrators, as well as board members.

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To control the flow of information and the cost of legal services, districts often limit the persons who have access to the district's attorney. In most districts, the superintendent and the board president are the primary contacts for the district's attorney. In some districts, the other trustees may also contact the attorney. Depending on factors like the size and complexity of the school administration, other administrators—such as business managers, campus principals, and assistant superintendents—may need access to the attorney. Both the district and the attorney need a clear understanding of who is authorized to call the attorney and under what circumstances. The parameters should be specified in the written agreement between the attorney and the district, in TASB Policy BDD(LOCAL) or other written procedure, or both. In deciding who may contact the district's attorney, a district should bear in mind that the wider the circle of access, the greater the potential for unexpected legal costs and the need for outside counsel to help harmonize diverse points of view. On the other hand, the cost of not seeking advice can far outweigh the cost of a preventative phone call. Each district must decide how best to strike the balance between the need to control costs and the need to get timely legal advice.

Are communications with a district's attorney confidential?

From the public: The Rules of Professional Conduct prohibit an attorney from revealing confidential client information—that is, information regarding a client or supplied by a client during the course of representation. Tex. Disciplinary R. of Prof'l Conduct 1.05. Further, the attorney-client privilege protects from disclosure confidential communications between a client and its attorney that were made for the purpose of obtaining legal advice. Tex. R. Evid. 503. By shielding those communications, the privilege allows unrestrained communication and contact between the attorney and client, without fear that the communications will be revealed in public or a legal proceeding. *Harlandale Indep. Sch. Dist. v. Cornyn*, 25 S.W.3d 328 (Tex. App.—Austin 2000, pet. denied).

For Texas school districts, the attorney-client privilege protects communications from disclosure in litigation as well as in response to public information requests. Tex. Gov't Code § 552.107. In fact, the Texas Supreme Court found the attorney-client privilege to be a compelling reason to overcome the presumption of openness under Texas Government Code section 552.302. *Paxton v. City of Dallas*, 509 S.W.3d 247 (Tex. 2017). According to the Court, "in the public sector, maintaining candid attorney-client communication directly and significantly serves the public interest by facilitating access to legal advice vital to formulation and implementation of governmental policy. Full and frank legal discourse also protects the government's interest in litigation, business transactions, and other matters affecting the public." *Dallas,* 509 S.W.3d at 250. Without the privilege, school districts might fail to engage in "fruitful self-analysis and decide not to seek needed legal advice." *In re City of Georgetown*, 53 S.W.3d 328 (Tex. 2001).

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It is important to remember that an in-house attorney may function in multiple capacities: for example, as a lawyer when giving legal advice and as an administrator when performing administrative tasks, such as providing training on legal compliance. Thus, all communications with in-house counsel are not necessarily confidential and protected from public disclosure.

The OMA also protects a district's communications with its attorney by allowing a private consultation when the board seeks its attorney's advice about pending or contemplated litigation or a settlement offer, or on a matter in which the attorney's duty of confidentiality conflicts with the requirement for an open meeting. Tex. Gov't Code § 551.071.

Not from the board: Although communications with the district's attorney are generally privileged from the public, individual communications by authorized district representatives with access to the attorney are not privileged from the *client*, namely the board acting as a body corporate on behalf of the district. When dealing with the district's attorney, board members and district personnel must remember that the attorney represents the district, which acts through a majority of its board members. Therefore, the attorney does not represent the interests of any individual board member, administrator, or employee. Tex. Disciplinary R. of Prof'l Conduct 1.12. As a result, what an individual board member, administrator, or employee tells the attorney about district issues and the advice the attorney renders cannot be kept from the board. Moreover, the board should expect the district's attorney to keep the superintendent informed about board members' questions and the attorney's advice, unless the consultation involves a matter in which the board and superintendent have conflicting interests.

What are some ways to facilitate clear communication with the district's attorney?

Call early. Seeking legal advice before problems develop is a key strategy for managing risk. Calling the attorney before making a risky decision might head off a lawsuit. Also, school officials should avoid last minute questions about important matters whenever possible. Your attorney may be an expert on school law, but everyone benefits from more time to fully consider and, if necessary, research legal issues.

Communicate facts as completely and accurately as possible. Every legal opinion is limited by and to the underlying facts and circumstances as understood by the attorney giving the advice. If an attorney lacks relevant information at the time advice is given, the advice may be incomplete or flawed. Thus, it is important to give the attorney as much accurate information as possible.

Listen carefully. Both attorneys and districts benefit from taking the time to communicate carefully about the substance of the attorney's legal advice. Attorneys may assume that school officials have more information about a situation or relevant legal authorities than the officials do. On the other hand, school officials may hear only what they expect or want to hear when an attorney offers advice. Taking the time to clarify understanding will prevent problems later.

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This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.

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RE: Contract for legal services

Norberto Rivas <nrivas@seisd.net>
Tue 6/27/2017 5:26 PM
To:Ericka Hernandez <Erickah@grp-cpa.com>

Thanks!

From: Ericka Hernandez [mailto:Erickah@grp-cpa.com]
Sent: Tuesday, June 27, 2017 4:43 PM
To: Norberto Rivas <nrivas@seisd.net>
Subject: FW: Contract for legal services

FYI-

From: Jeremy Smith
Sent: Tuesday, June 27, 2017 4:35 PM
To: Ericka Hernandez <Erickah@grp-cpa.com>
Subject: RE: Contract for legal services

Hi Ericka,

No, I researched it and they don't need a written contract. There is an exemption in Local Government Code 271.062 that says a contract executed for legal services does not need to be in writing.

I hope this helps. Let me know if you need anything else. Thanks.

Jeremy Smith, CPA
Gibson Ruddock Patterson LLC

From: Ericka Hernandez
Sent: Tuesday, June 27, 2017 4:20 PM
To: Jeremy Smith <Jeremy@grp-cpa.com>
Subject: Contract for legal services

Hi Jeremy,

I was at San Eli yesterday conducting WTs and I did a WT for the RFQ they did for legal services since the prior attorney past away. The CFO did not know if there was a signed contract but he didn't think it is necessary. In any case, he is going to ask the Superintendent to see if there was one signed by both parties. Is one required?

Thanks,

Ericka Hernandez, CPA
Gibson Ruddock Patterson LLC
600 Sunland Park Dr., Suite 6-300
El Paso, TX 79912
☏(915) 356-3700
🖷(915) 356-3779
erickah@grp-cpa.com

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SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

#SESIDPeoplePassionPurpose

2024 - 2025 Board Meeting Dates	
July 2024	No Board Meeting
Wednesday, August 14, 2024	Regular Board Meeting
Tuesday, September 10, 2024	Special Board Meeting due to MASBA Conference
Wednesday, October 9, 2024	Regular Board Meeting
Wednesday, November 13, 2024	Regular Board Meeting
December 2024	No Board Meeting
Wednesday, January 15, 2025	Special Board Meeting due to Winter Break
Wednesday, February 12, 2025	Regular Board Meeting
Wednesday, March 5, 2025	Special Board Meeting due to Spring Break
Wednesday, April 9, 2025	Regular Board Meeting
Wednesday, April 30, 2025	Board Instructional Workshop
Wednesday, May 14, 2025	Regular Board Meeting
Wednesday, May 21, 2025	Board Budget Workshop
Wednesday, June 11, 2025	Regular Board Meeting
Wednesday, June 18, 2025	Special Board Meeting for Budget Adoption

OFFICE OF THE SUPERINTENDENT

PO Box 920 San Elizario, Texas 79849-0920 —— Phone:(915) 872-3900

Texas Education Agency

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

May 7, 2024

Dr. Jeannie Meza-Chavez
Superintendent
San Elizario ISD
P O Box 920
San Elizario, TX 79849

Dear Superintendent Meza-Chavez:

This letter is to inform San Elizario ISD that the Texas Education Agency (TEA) has approved the 2024-2025 Provisional Designation application for San Elizario Early College High School as a Provisional Early College High School (ECHS).

Provisional Designation is awarded to a campus for a period of one school year, during which time the campus may operate as an ECHS. Provisional Designation is for an ECHS in the first five school years of operation.

Provisional Designation is designed to:

- Provide time for the ECHS to grow cohorts, improve programming, and build strong partnerships.
- Allow the ECHS to demonstrate its ability to fully and appropriately implement its plan in keeping with the requirements of the ECHS Blueprint.
- Allow ECHS to receive technical assistance and participate in the ECHS network.

As a reminder, all ECHS campuses must:

- Enroll historically underserved students, targeting at-risk and economically disadvantaged students.
- Partner with Texas Institutions of Higher Education (IHEs) giving students access to postsecondary education and outcomes.

Thank you for San Elizario ISD's hard work and dedication in providing opportunities for students to accelerate their learning and graduate from high school prepared for the postsecondary path of their choosing.

If you have questions or require additional information from the CCRSM Network, please email ccrsm@tea.texas.gov.

Sincerely,

Mike Morath
Commissioner of Education

MM/Kg

Attachments
cc: Troy Enriquez

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Mrs. Blanca Cruz, Executive Director Human Resources
Mr. Jesus Martinez, Executive Director Support Services
Mr. Horacio Hernandez, Executive Director Information Technology
Nurse Messina Holguin, Lead Nurse
Subject: San Elizario ISD Safe to Return In-Person and Continuity of Services Plan
Date: June, 12, 2024

HISTORY:

As a result of the COVID-19 emergency closure, the San Elizario Independent School District (SEISD) Leadership Team has developed a comprehensive prevention and mitigation plan. This plan is designed to reduce the likelihood of a coronavirus outbreak within the school district.

RATIONALE:

The San Elizario Independent School District (SEISD) remains committed to adhering to established prevention and mitigation practices to reduce the likelihood of a coronavirus outbreak within the district. Additionally, the re-entry plan aligns with the Elementary and Secondary School Emergency Relief (ESSER) III requirements. This plan will be continuously reviewed throughout the school year and will be presented to the Board of Trustees during the January and June board meetings.

BUDGET:

There is no budget impact for this item.

ADMINISTRATIVE RECOMMENDATION:

The administration recommends that the Board of Trustees review the re-entry plan.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario Independent School District

Back@theNEST

Re-entry Plan

2024 - 2025

Soaring to Excellence 780

Plan subject to change based on TEA, CDC, Local, and State guidelines

revised 06/12/2024

Message from Board President

The 2024-2025 school year is now upon us. We are excited to welcome everyone back. As we prepare for the upcoming school year in San Elizario ISD, please rest assured that we continue to take every precautionary measure to ensure the safety and well-being of our students, district personnel, and parents on campus. We are also committed to supporting our students' educational journey and those of our teachers.

Continuing communication between home, school, and community will be key to making this school year successful and memorable for everyone.

Thank you for entrusting the San Elizario ISD with your children and choosing to live and work in this beautiful community.

Sincerely,
Sandra Licon
San Elizario ISD Board President

Message from the Superintendent of Schools

Dear San Elizario ISD Community,

Our San Elizario ISD Team is excited to have the opportunity to welcome everyone back for the upcoming school year. We know the previous years provided significant challenges to the education of our students and fundamental obstacles to the districts' normal method of operation. Together, we worked to keep supporting one another. On behalf of the San Elizario Team, please accept our thanks and admiration for everything you did!

While there are still many questions about the COVID-19 pandemic and its future and continued impact, there is one commitment we have made in San Elizario ISD and that is implementing safety precautions that will enable us to have a better learning and work environment for our students and employees. Safety precautions will continue so that our learning environments are protected for all stakeholders. With your collaboration and continued support, we can all work to keep San Elizario ISD and the children we serve, and our employees safe. This re-entry guide is specifically designed to be read by all stakeholders and serve as a fluid document that will be updated to address continuously changing information as it arises.

Thank you once again for choosing San Elizario ISD. We are proud to be able to contribute to improving the lives of children. San Elizario ISD continues to be the place where students soar.

Respectfully,

Jeannie Meza-Chavez, Ph.D.
San Elizario ISD Superintendent of Schools

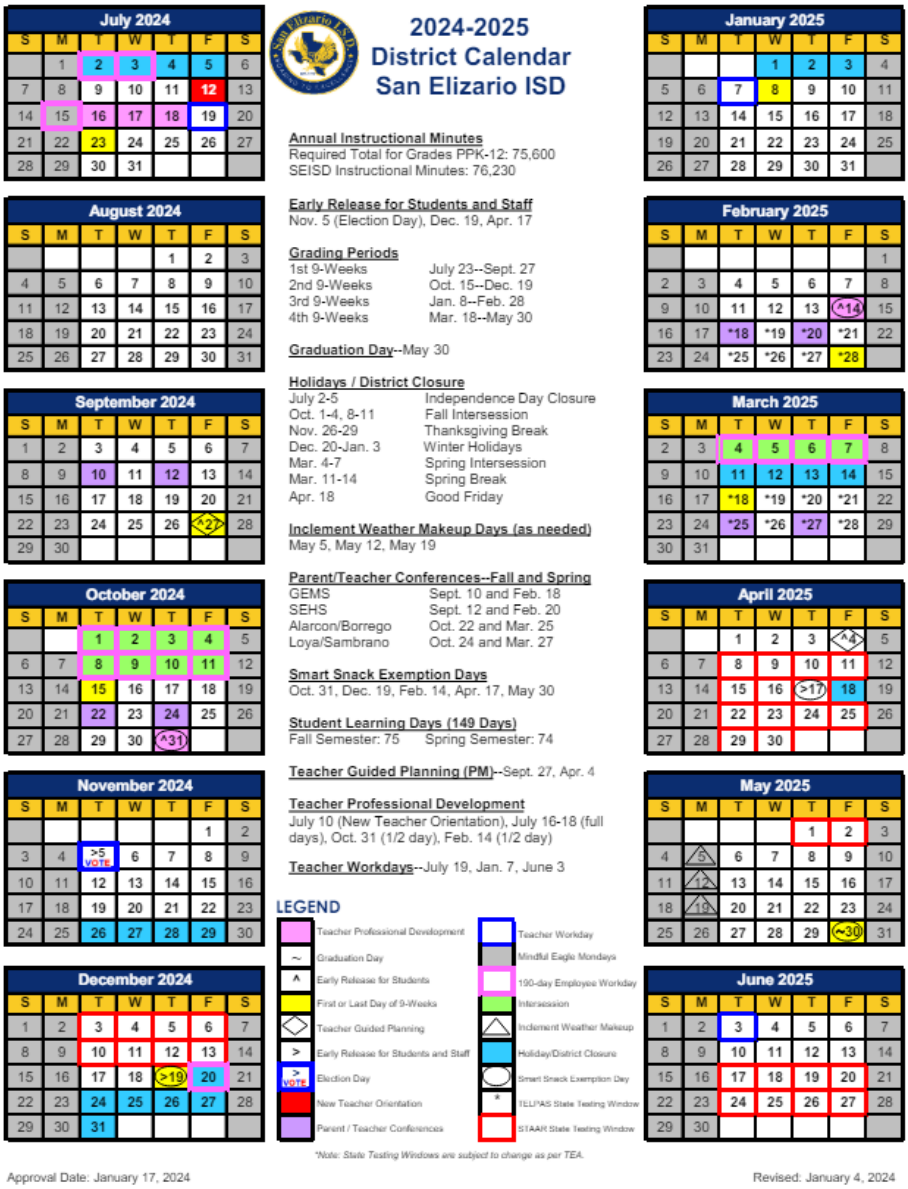
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PART I - Attestations

Introduction

The San Elizario Independent School District Leadership Team developed a prevention and mitigation practices plan that are outlined in this document and are designed to significantly reduce the likelihood that a coronavirus outbreak occurs on campus. Some practices are required for all school systems, some are required in areas with high levels of community spread, and some are recommendations.

District Calendar



The San Elizario Independent School Board approved a year-round calendar for the 2024 – 2025 school year. The district will proceed with this year-round calendar which allows for more frequent breaks for our students and teachers. In addition, to the year-round calendar, the district will begin a 4-day instructional week this school year.

Bell Schedule

Bell schedules will be differentiated by grade level (i.e., primary, and elementary or secondary schools).

Elementary Bell Schedule:

7:20 AM–4:05 PM

Loya Primary School, Sambrano Elementary School, Alarcon Elementary School & Borrego Elementary School

Secondary Bell Schedule:

8:05 AM–4:50 PM

Ann M. Garcia-Enriquez Middle School & San Elizario High School

Attendance Requirements

Teachers will take attendance daily regardless of the method of instruction (i.e., on-campus instruction or remote instruction). Students are required to attend school at least 90% of the school year to receive credit and be promoted regardless of the method of instruction. All guidelines set forth by the Board policy FEA and FEC (LOCAL) will be enforced.

Methods of Instructions



The San Elizario Independent School District will be offering face-to-face instruction for all students at all grade levels for the 2024 – 2025 school year.

Teacher Availability and Instructional Support

Teachers will be available throughout the school week. The campus principal will set additional meeting times to further support our parents and students, set by the campus principal.

Student Engagement

Teachers will engage students with high-yield instructional strategies to address the loss of learning created by the COVID-19 emergency closure. In addition, the following will address the specific learning loss among low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness and children in foster care:

- AVID WICOR Strategies
- Implementation of targeted tutoring/intervention
-

The following table specifies the instructional methods San Elizario ISD selected and are allowable by the Texas Education Agency.

School	Grade Level	Face-to-Face
Loya Primary	PK 3 - PK4	★

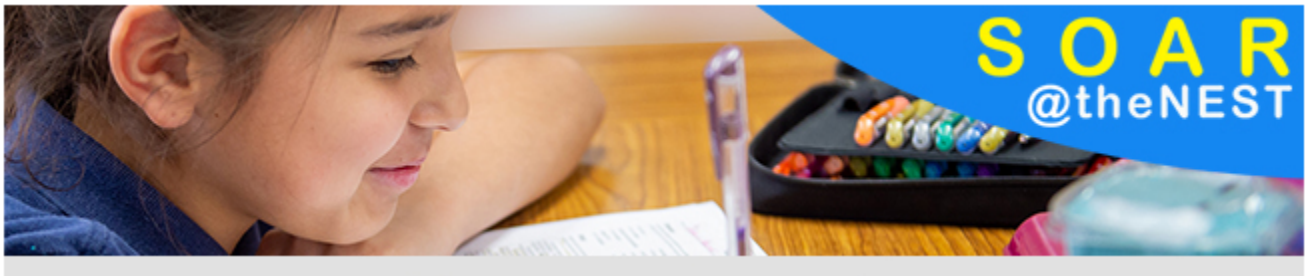
Sambrano Elementary	**K - 2nd**	★
Alarcon Elementary	**3rd - 6th**	★
Borrego Elementary	**3rd - 6th**	★
Garcia Enriquez MS	**7th - 8th**	★
San Elizario HS	**9th - 12th**	★

Materials Design

SOAR@theNEST

The San Elizario Independent School District offers a robust online resource center called Specialized Online Academic Resources referred to as SOAR@theNEST. Students and parents may access the district's online resources in an easy to navigate link. The link is provided below.

- https://www.seisd.net/Page/529



Technology Devices

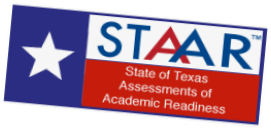
Continuing with the 1:1 device to student initiative, San Elizario Independent School District purchased to ingress cohorts at each campus new Chromebooks (elementary and middle school) and laptops (high school). The totals per campus are Borrego Elementary School 145 Chromebooks, Alarcon Elementary School 85 Chromebooks, Sambrano Elementary School 160 Chromebooks, Garcia-Enriquez Middle School 220 Chromebooks, and San Elizario High School 290 laptops. All these devices come with a clamshell or protector, charger, and headphones.



Traditional grading practices will continue for the 2024 – 2025 school year. Teachers will be monitoring student progress throughout the school year. In addition, report cards and progress reports will be available via Parent Portal. Paper progress reports and report cards will be available for pick-up upon parent / guardian request. All guidelines set forth by Board policy EIA and EIE (LOCAL) will be enforced. To further ensure the success of our students, ongoing progress monitoring will continue with e e assistance of our counselors, at-risk teachers, social workers, math and reading interventionists, and teachers.

State Assessments

The State of Texas Assessments for Academic Readiness (STAAR) will continue for the 2024 – 2025 school year. In addition, schools will continue to administer districtwide benchmarks and common assessments in order to measure student progress. Board policy EIE (LOCAL) will be enforced.



Professional Development Calendars

The San Elizario Independent School District has been providing on-going professional development to all teachers. This has been targeted professional development to prepare teachers to teach effectively address the loss of learning due to the COVID-19 emergency closure.

Instructional materials support for online instructional materials

Students in the San Elizario Independent School District will engage with academic material that is available for face-to-face instruction The San Elizario Independent School District has been strategically adopting instructional materials that can be implemented in both face-to-face and online mode in the event of an unanticipated long-term closure. The following are a few examples of the instructional materials available to our students:

- HMH (K-2 ELAR) - Sambrano
- K-1 STEMScopes Math Sambrano
- STEMScopes
- My World Pearson (Social Studies)
- PK-1 Estrellita/Fundations
- Go Math
- PK3-PK4 – follow PK guidelines & oracy focus

Specific supports for educators and families to implement effective remote asynchronous instruction

The teachers will continue to receive professional development that will help them develop highly effective and interactive lessons. In addition, the teachers will receive side-by-side support from the school's instructional specialists and the district's instructional officers. Professional Learning Committee (PLC) meetings will focus on research-based instructional delivery.

Parents may find how-to videos on the district's SOAR@theNEST online resources page. These are designed to assist parents on how to help their children access District resources. In addition, the district will continue to make the Helpdesk available to parents. Our district and campus parent liaison along with the administrators will continue to provide the technological assistance needed to ensure students experience success.

PART II

Open Response

Blueprint in the event of a long-term closure

The following blueprint will be followed in the event of an unanticipated long-term closure occurs:

San Elizario ISD Learning – SOAR@theNEST -- Blueprint

	Loya & Sambrano PreK3 - 2nd	Alarcon & Borrego 3rd - 6th	GEMS 7th - 8th	SEHS 9th - 12th
Structure/Schedule	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home	Lead4Ward: school@home
Learning Management System (LMS) or Virtual Environment	Google Classroom	Google Classroom	Google Classroom	Google Classroom
Online Resources	Istation – R&M HMH (K-2 ELAR) - Sambrano K-1 STEMScopes Math Sambrano STEMScopes My World Pearson (Social Studies) PK-1 Estrellita/Fundations Go Math PK3-PK4 – follow guidelines & Oracy focus	Istation – R HMH (ELAR) Reflex Math STEMScopes My World Pearson (Social Studies) Sharon Wells	Istation – R Pearson ELAR IXL STEMScopes HMH (Social Studies)	STEMScopes Pearson ELAR • HMH (Social Studies)
Explicit Instruction	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*	*Delivery of Instruction, Quality Control and Support of Online Learning*
Social Emotional Learning	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*	PBIS Counseling Services *Common Sense Education:* *Digital Citizenship & Social Emotional Learning*
Making Individualized Connections with Students	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)	-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)
Scope & Sequence TEKS alignment	TEKS Resource System Targeted curriculum and assessment align to the TEKS	TEKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS	EKS Resource System Targeted curriculum and assessment align to the TEKS
Mode of Communication	Dojo	Dojo	Dojo	Remind/Alternative

TEKS Alignment

The San Elizario Independent School District will continue to use the TEKS Resource System for face-to-face instruction. The TEKS Resource System is a targeted curriculum and assessment tool aligned to the Texas Essential Knowledge and Skills (TEKS).

https://www.teksresourcesystem.net/

Special Education

San Elizario ISD will fulfill its obligation to provide instructional and related services as required by each student's IEP. Instructional and related services as outlined in each student's IEP will be provided as documented in each student's Individualized Emergency Contingency Plan. If a parent would like to request an adjustment to service provision, an ARD may be held at any time to address these requests.

Instructional materials include specifically designed resources and / or accommodations and modifications to support students with disabilities in both an asynchronous environment or face-to-face environment.

Teachers will work with parents to obtain progress with regard to instruction.

Special education paraprofessionals will also be available to assist students with instructional activities throughout the school day.

Co-teach and support facilitation services will be provided in accordance with the students' IEP.

If a student's IEP has recommended speech therapy, occupational therapy, physical therapy, adaptive physical education, VI or AI instructional support, or Special Education Counseling, these services will continue as set forth in the Individualized Emergency Contingency Plan and each child's IEP.

Section 504

Each 504 student will follow the instructional plan developed for general education peers unless their 504 plan indicates alternative services are necessary. Parents may request a Section 504 meeting at any time to review the accommodations and services in place for their child. Teachers will continue to implement each student's accommodation and related services as developed by the 504 committee. Additionally, should a child receive dyslexia instruction as part of their 504 services, these services will be provided in a small group or individual setting to comply with the services set forth in the 504 plan.

Intervention

All RTI students will receive support as outlined in their Individualized Intervention Plan.

Progress Monitoring

- Teachers should review the progress of each student with an IAP weekly and determine what, if any, additional accommodations may be needed for each student to continue to make progress.
- Teachers should consider alternate strategies/supports to ensure continued progress (i.e., more synchronous instruction; more small-group support, etc.).
- Teachers should, after other interventions have been unsuccessful, request to convene a Section 504 committee meeting to address lack of progress.

English Learners

ELL students are eligible to receive a variety of services and participate in programs that will help them learn academic content and become skilled in their second language (English).

- Compliance with the LPAC process is required.
- All students will receive instructional accommodations according to each individual student's LPAC.

PART III

Guidelines for Sanitizing Technology Devices

How to clean your computer or laptop: (*The measures below are no longer required; however, recommendation is to keep them for best practices*)

- Turn off the power. For computers, power down then unplug the device and monitor. Unplug laptops and remove battery if possible.
- Gently wipe monitor free of smudges, smears, or dust using a microfiber cloth
- If this does not work, use a solution of diluted dish soap. A single drop of soap and warm water.
- Dip a clean fiber cloth into the solution and thoroughly wring it out. This is important when cleaning laptops, as liquid should not drip down through keys.
- Gently wipe the display with dampened cloth.
- Rinse all soap out of this cloth and wring it out again. Go back over your display to remove any soap residue.
- Gently wipe the screen with a dry microfiber cloth.

How to clean computer keyboard: (*The measures below are no longer required; however, recommendation is to keep them for best practices*)

- Disconnect the power source. For computers, power down and unplug the device. Additionally, unplug the keyboard from the computer batteries for a wireless keyboard. Laptops should be unplugged and remove battery if possible.
- Spray keyboard with canned air to remove any leftover crumbs or dust.
- Lightly dab a cotton swab, gently rubbing alcohol. Spot test first to be sure alcohol does not remove lettering.
- Dry keys using microfiber cloth. Do not replace batteries or plug in until keys are completely dry.

How to clean touchscreens: (*The measures below are no longer required; however, recommendation is to keep them for best practices*)

- Touchscreens should be cleaned daily using a dry microfiber cloth.
- For more thorough cleaning, a dampened microfiber cloth, then wipe display dry with a fresh microfiber.
- Careful not to get any moisture in the openings.

How to disinfect tablets: (*The measures below are no longer required; however, recommendation is to keep them for best practices*)

- Use a touchscreen-safe antimicrobial spray and a microfiber cloth. (Please refer to the manufacturer's recommendations and instructions)
- Make sure electronics are powered off and unplugged.
- Dampen a microfiber cloth with spray, being careful not to oversaturate cloth.
- Wipe down screen, avoid all openings.
- Allow spray to sit the amount of time noted on product.
- Wipe screens dry with a fresh microfiber cloth.

How to disinfect tablet cover: (*The measures below are no longer required; however, recommendation is to keep them for best practices*)

- Mix a couple of drops of dish soap with warm water in a bowl
- Dip the cloth into the solution so that it is damp, not saturated.
- Wipe down the cover.
- Rinse cloth until it runs clean; wring it out so that it is damp.

- Wipe cover again to remove soapy residue and leave to air dry or wipe with a dry cloth.

Transitions (*The measures below are currently lifted*)

- Signage and floor markings will be present to help assist students and staff with social distancing in common spaces and hallways. 3-6 feet distancing will be followed whenever possible.
- During passing periods, traffic flow will be routed to minimize student contact.
- Students will be instructed to stay to their far right during passing periods.
- Staff will be onsite to ensure compliance with current CDC guidelines, currently applicable.

Water Fountains

- Students are encouraged to bring a transparent plastic water container to school each day with their name clearly marked on it.
- SEISD (San Elizario Independent School District) has retrofitted several of the existing water fountains to bottle-filling stations.

Transportation

Bus transportation is provided for all Special Education students when required by the students ARD and IEP. All general education students will be provided transportation if eligible from the designated transportation areas to each campus. (***The measures below are currently lifted***)

- Parents are strongly encouraged to provide transportation to school for their children. This will allow for better social distancing among riders inside school buses.
- Buses will be thoroughly cleaned and sanitized after the morning and afternoon routes, focusing on high-touch surfaces.
- Drivers, bus monitors and student riders may continue to use a face mask if they choose to, as long as the wearing of a mask is not a mandate.

Student Arrival (*The measures below are currently lifted*)

- Parents will not be permitted to walk students inside the school building.
- Parents will remain in their cars during morning drop-off and dismissal.
- Early bird arrivals are strongly discouraged. Any students dropped off before the building is open will not be allowed inside the building and will not be monitored.

Student Pick-Up during the Instructional Day (*The measures below are currently lifted*)

- Parents picking up students during the day will call ahead so that students can be sent or accompanied to parent vehicles upon arrival. If a parent/guardian must enter the campus, it will be limited to one visitor per student, and additional family members will need to wait outside of the school building.

Student Meals: Breakfast & Lunch

- Campuses utilizing the Breakfast in the Classroom program may continue.
- Lunch meals will be served in the cafeteria, a 3-6-foot distancing will be observed when possible. ***(This measure is currently lifted)***

Library (*The measures below are currently lifted*)

- Books and materials will be collected in boxes or on carts and left untouched until a 3-day quarantine is complete.
- Librarians will wear gloves while working with any books or library materials.

- Students' access to stacks will be one way.
- Students will only be allowed in specialty display areas one at a time.
- All shared materials will be removed.
- Social distancing of 3-6 feet will be observed as much as possible.

Off-Campus Student Events (*The measures below are currently lifted*)

- SEISD will pursue virtual activities in lieu of field trips, assemblies, and special performances accordingly.
- When participating in off-campus, school-sanctioned activities, students should follow all on-campus, in-person protocols and requirements.

On-Campus Events (*The measures below are currently lifted*)

- SEISD will avoid scheduling any non-essential large group gatherings and events.
- Typical parent meetings, such as meet the teacher, open houses, parent conferences, etc. will be held virtually as appropriate.
- Any extracurricular activity, including campus club meetings, that are approved to be held on campus will adhere to social distancing requirements outlined by SEISD, TEA and UIL.

Athletics

- All students who participate in athletics will be required to meet UIL requirements.
- All students will be required to attend in-person, after-school practices, and games.
- All students must complete Rank One online paperwork prior to any athletic workouts or try outs.
- Please contact the high school and middle school administrators at each individual campus for information on when their athletic classes are scheduled.

Middle School Athletics

- Middle school students will need to complete all Rank One paperwork prior to the first day of practice.
- Middle school game schedules will be adjusted to accommodate any delayed start of practices. Middle school game schedules are TBA.

Social Emotional Student Supports

SEISD Counselors are available to support students academically, socially, and emotionally. Our counselors are prepared and ready to provide mental health support or resources for families who may be struggling emotionally. These services may be provided remotely or face-to-face.

Social Emotional Learning (SEL) lessons will be offered to SEISD students to develop important skills such as self-awareness, self-management, social awareness, relationship skills and responsible decision making.

Practices to Prevent the Virus from Entering the School *(The measures below are currently lifted)*

If an individual who has been in a school is lab-confirmed to have COVID-19, the district lead nurse will notify the local health department, in accordance with applicable federal, state, and local laws and regulations, including confidentiality requirements of the Americans with Disabilities Act (ADA) and Family Educational Rights and Privacy Act (FERPA).

Consistent with school notification requirements for other communicable diseases, and consistent with legal confidentiality requirements, San Elizario ISD will notify all teachers, staff, and families of all students in a

school if a lab-confirmed COVID-19 case is identified among students, teachers or staff who participate on any on campus activities.



General Building Entry Guidelines Introduction

The safety and well-being of all students, staff, and visitors are a priority for **San Elizario ISD** as the district re-enters the work site and instructional facilities at one hundred percent. Various changes in the way the workplace and campuses look, as well as practices and protocols, have been implemented to follow recommended **Guidance as stated by the City of El Paso Department of Public Health's Local Health Authority, TEA, and CDC. Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through contact with contaminated surfaces, but it is possible to get infected if one touches a contaminated surface and then touches their nose, eyes, or mouth. The risk of transmission appears to be proportional to the closeness and frequency of interaction between an infected individual and others who are not infected, and/or not vaccinated.** Our goal is to collaboratively ensure that all students, employees, and visitors in district facilities feel safe and secure to effectively navigate the complexities of a "new normal" and reduce the risk of exposure to and infection with COVID-19.

The measures implemented include more frequent sanitizing of highly touched areas (facilities and school buses), surfaces and work areas, daily student, staff and visitor wellness checks, temperature checks, access to hand sanitizer throughout the district's facilities, to include classrooms, social distancing floor markings, (Centers for Disease Control and Prevention) CDC guidance signage, safety shields in high traffic reception areas, sneeze guard desk shields for primary and elementary students, continuation of face mask wearing (although currently not required) for those who choose to do so, needle point bipolar ionization through HVAC systems, higher MERV rated filtration, increased filter changeout frequency and other measures detailed in this book. The cooperation of all staff in keeping a safe environment as the district and the community continue to fight the spread of COVID-19 is essential.

As always, San Elizario ISD staff will continue to meet the challenges of COVID-19 with continuous improvements and perseverance, embodying the commitment of educating all students for success—no matter

the circumstances. This guidebook is the San Elizario Independent School District's guidance on re-entry into the physical instructional environment.

Guidance concerning the coronavirus (COVID-19) is regularly updated. The information outlined here are the current best practices provided by federal, state, and local health officials for mitigating COVID-19 in the work environment. The district will update this guidance as new information becomes available. This plan is fluid and will be reviewed in accordance with CDC, TEA, and Local Department of Public Health guidelines for effectiveness and revised as needed to meet the needs of all stakeholders.

General Guidelines

Building/ Campus Hours

Please refer to individual Department or Campus Facility schedules. For the safety of the learning environment, parents are strongly encouraged to assess their children and themselves for symptoms before sending students to school.

Health and Safety

The **San Elizario Independent School District** continues to monitor the transmission indicators of the coronavirus. Your health and safety remain our top priority. As a result, the District continues to practice a variety

of safety measures and to scale safety efforts as quickly as possible to keep employees safe. In order to address the spread of COVID-19, it is important to know how the virus is transmitted.

Transmission of COVID-19
Transmission of coronavirus in general occurs much more commonly through respiratory droplets than through contact with contaminated surfaces, but it is possible to get infected if one touches a contaminated surface and then touches their nose, eyes, or mouth. The risk of transmission appears to be proportional to the closeness and frequency of interaction between an infected individual and others who are not infected, and/or not vaccinated. People with COVID-19 can be infectious from 1-2 days before and up to 8-10 days after symptoms begin. The majority of transmission appears to occur during the early periods of infection, particularly in the 1-2 days before symptoms start and within the first few days of symptom onset.

The Centers for Disease Control and Prevention (CDC) website supplies the latest information about COVID-19 transmission: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

Persons at Higher Risk
Based on what we know, persons at high risk for severe illness from COVID-19 include people 65 years and older, people with underlying medical conditions such as heart disease, lung disease, asthma, diabetes, people on dialysis, people with liver disease, and people with compromised immune systems.

Symptoms of COVID-19
The new coronavirus (COVID-19) is different from the coronaviruses that cause mild illnesses like the common cold. Infection with COVID-19 can cause illness ranging from mild to severe and in some cases can be fatal. Based on what is currently known, symptoms may appear 2 to 14 days after exposure to the virus. Symptoms of COVID-19 typically include cough, shortness of breath or difficulty breathing, chills or repeated shaking with chills, fever (≥99.5°F), muscle pain, sore throat, and, in some cases, a loss of taste or smell. Other less common symptoms include nausea, vomiting, and/or diarrhea. In some cases, infected persons have no signs or symptoms and are referred to as asymptomatic.
While most cases have been among adults, symptoms of COVID-19 in children are like symptoms in adults. Symptoms of COVID-19 in children typically include cold-like symptoms, such as fever, runny nose, and cough. Vomiting and diarrhea have also been reported.

Campus Administrators/Department Heads
Campus Administrators/Department Heads will be responsible for the following (*as applicable based on current guidelines*):

- Screenings (temperature check and COVID-19 Health Assessment Health Portal questionnaire) (See addendum) ***(This measure is currently lifted)***
- Social distancing (3-6 feet) ***(This measure is currently lifted)***
- Personal protection equipment
- Cleaning supplies
- Signage standards pertaining to COVID-19 ***(This measure is currently lifted)***
- Entrances, exits, and traffic flow pertaining to COVID-19 ***(This measure is currently lifted)***
- Lobby and visitor processes pertaining to COVID-19 ***(This measure is currently lifted)***
- Shared area protocols ***(This measure is currently lifted)***

Campus Administrators/Department Heads will collaborate to implement safety protocols and procedures within the department or campus. Each facility will have a department head/ campus administrator who will be responsible for implementing and monitoring the safety protocols and procedures within. Department heads/ campus administrators will judge the specific needs of their building by conducting daily evaluations of the building's functionality in work and instructional areas ***(This measure is currently lifted).***

Campus administrators/department heads will collaborate in mapping unidirectional traffic in their workspaces where applicable, ensuring directional arrows and signage are installed, reconfiguring office and classroom space usage as needed to promote appropriate distancing/spacing of 3-6 feet whenever possible ***(This measure is currently lifted).*** Campus administrators/department heads will continue practices regarding the safe use of any special areas or equipment, such as copiers. Department heads/campus administrators will ensure an enhanced cleaning regime is visible and will report any additional cleaning needs or supplies to the proper staff member.

Enhanced Cleaning

The Custodial Services Department has a high standard for cleanliness and safety and is committed to upholding those standards with our intensive cleaning process. Enhanced cleaning and disinfecting protocols have been put in place as a result of COVID-19 and are based on current local health and government guidelines.

Utilization of EPA Registered chemicals for disinfection, focus on proper dwell time for proper disinfection and increased frequency of disinfecting high touch surfaces.

- Doorknobs
- Countertops
- Handrails
- Light switches
- Restroom fixtures
- Desks
- Keyboards and mouse
- Desk Phones



Areas of enhanced focus

- Buses
- Restrooms
- Offices
- Break rooms
- Vending machines
- Copier/printers
- Front desk and lobby areas
- Equipment



Suggested personal area cleaning

- Desks
- Computer keyboards and mouse
- Phone
- Remote control
- Chair arms
- File cabinet drawer handles
- Coffee machine

Buses

Buses will be thoroughly cleaned and sanitized after the morning and afternoon routes, focusing on high-touch surfaces such as bus seats, steering wheels, knobs, door handles and step rails. Social distancing guidelines for buses of 3-6 feet will be followed when possible. Bus drivers, bus monitors and student riders may use a face mask if they choose to do so, although not required. ***(These measures are currently lifted)***

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Common Areas
All students, staff and visitors will be required to follow established safety protocols.

- Social distancing (3-6 ft.), ***(This measure is currently lifted)***
- The use of face coverings is not required but, those choosing to wear a face mask may continue to do so.

Hand sanitizer or portable hand sanitizer dispensers, and spray cleaners will be available in common areas. Doors in common areas may need to remain open to avoid multiple persons touching the handles.

Stop the Spread of Germs
Employees, students, and visitors can do their part to help prevent the spread of respiratory diseases by following these guidelines:

Social Distancing *(This measure is currently lifted)*
The District will follow social distancing protocols within buildings as per current guidelines. Individuals should keep a three-foot minimum distance between other persons as much as possible. Social distancing markings at all district campuses and facilities will be clearly visible to promote distancing guidelines.

Face Coverings
The Texas State Governor's Executive Order Number GA-36 prohibits governmental agencies, including school districts from mandating the use of face coverings. Therefore, the use of a face covering is no longer required while on district grounds. However, those that choose to continue wearing a face covering (face mask), may continue to do so.

As a reminder, face masks do not replace social distancing and frequent handwashing. CDC recommends washing hands for at least 20 seconds and doing so frequently. Employees are encouraged to continue the use of video conferencing methods to conduct meetings.



Gloves

Follow these tips:

- Wash your hands before putting gloves on.
- Remove hand jewelry prior to use.
- Make sure gloves fit properly.
- Be aware that sharp objects can puncture gloves.
- Always change your gloves if they rip or tear.
- Never reuse, share, wash, or disinfect gloves.

How to Remove Gloves

- Pinch and hold the outside of the glove near the wrist area.
- Peel downwards, away from the wrist, turning the glove inside out.
- Pull the glove away until it is removed from the hand and hold the inside-out glove with the gloved hand.
- With your ungloved hand, slide your fingers under the wrist of the remaining glove, taking care not to touch the outside of the glove.
- Again, peel downwards, away from the wrist, turning the glove inside out.
- Continue to pull the glove down and over the inside-out glove being held in your gloved hand.

- ❖ After removing gloves, wash your hands thoroughly with soap and water or alcohol-based hand sanitizer.

Main Lobby Areas (*The measures below are currently lifted*)
No loitering or congregating will be allowed in any lobby areas. Floor markings/safe zones will be established around the front desk/receiving areas. Spaces will be reconfigured to achieve social distancing as needed.

District facilities and Campuses (*The measures below are currently lifted*)
For the safety of our learning environment, all visitors will be required to follow established safety protocols and guidelines. All visitors will be screened for symptoms of COVID 19, by having their temperature checked and by answering a Health Assessment questionnaire. If a visitor has any symptoms of COVID 19, the visitor will not be admitted into the facility.

Appointment Scheduling *(The measure below is currently lifted)*
San Elizario ISD staff must set department or campus appointments with visitors, including parents, during hours of the day where foot traffic from employees or students is minimal. For example, after employee or student entry or before departure times.

Campus and Facility Contact Numbers

Administration (Central) Office	(915) 872-3900
Excell Academy	(915) 872-3915
Support Services Operations Center	(915) 872-3980
Lorenzo G. Loya Primary	(915) 872-3940
Lorenzo G. Alarcon Elementary	(915) 872-3930
Alfonso Borrego Sr. Elementary	(915) 872-3910
Josefa L. Sambrano Elementary	(915) 872-3950
Ann M. Garcia-Enriquez Middle School	(915) 872-3960
San Elizario High School	(915) 872-3970


Wash your hands often

Visitors with an Appointment
If a visitor has an appointment, the reception staff member will suggest that the department representative come to meet with the visitor in a provided space. However, the final decision on whether to allow the person to go to the department will be left with the department representative. For campus visitors, Campus staff will follow established visitor protocols.

Visitors without an Appointment
If a visitor does not have an appointment, the department will be contacted to determine whether someone is available to assist the visitor. If the specific staff member is not available, and for the safety of the learning environment, the visitor may be asked to schedule an appointment or attempt to conduct their business via phone or other means.

Conference and Training Rooms (*The measures below are currently lifted*)
The following guidelines will apply to the use of conference rooms and common workspaces:
Conference rooms and common workspaces may be utilized by following social distancing guidelines as applicable based on current guidance. Teams are encouraged to continue the use of electronic mediums to conduct group meetings.

The following guidelines should be practiced for in-person meetings:
- ❖ Seating, if used, should be situated so that persons are at least three feet apart, when possible.
- ❖ Whiteboards ARE NOT to be used unless each individual person has a personal set of markers so that

writing utensils are not shared among participants.
- ❖ Tables and surfaces should be wiped down with sanitizing products at the start and end of each meeting.
- ❖ Staff should plan for a 30-minute window between meetings for cleaning.

Restrooms
When opening or closing the restroom door, it is recommended to use a paper towel, tissue, disinfectant wipe, or disposable glove. Restrooms will be stocked with soap and paper towels. Hand soap will be available in all restrooms. Posters on how to wash hands properly will be posted in all restrooms. Restrooms will be cleaned regularly throughout the day, and at night as applicable. Portable hand sanitizer stations will be located right outside restrooms or hallways.

Meals and Break Rooms
While there is no data to suggest that COVID-19 can be transmitted through properly cooked and handled food, the coronavirus can live on surfaces for extended periods of time and is transmissible in locations like communal kitchens and break rooms where people are gathered in close proximity for extended periods of time and where surfaces are improperly sanitized between use.

Workstations
Employees will be required to follow a "clean desk" protocol. No food, drinks, or items that can be damaged should remain on the desk at the end of the workday. Personal cups, water bottles, etc., should be put away in drawers or cabinets. Workstations will undergo a daily cleaning/disinfecting, which requires that workstations be clear. Employees are asked to collaborate in the efforts by wiping down their workstations and equipment during the day.

The workstation of an employee who shows symptoms consistent with COVID-19 or has been diagnosed with COVID-19 will not be used for at least 24 hours, when possible. After 24 hours, the workstation will be cleaned and sanitized by Custodial Service.

Individual Offices *(This measure is currently lifted)*
Employees in individual offices are encouraged to use video conferencing methods for meetings and should not hold meetings or host guests in their office unless a three-foot social distancing can be achieved.

Screening Process *(This measure is currently lifted)*
All staff will be screened for symptoms of COVID-19 as a safety measure to promote a healthy work and learning environment and reduce the risk of transmission of COVID-19. (See addendum)

Employee Self-Screening
Employees are asked to self-screen before reporting to work by checking their temperature and determining if they have any of the following new or worsening signs or symptoms of possible COVID-19:

- ❖ Feverish feeling or a measured temperature equal to or greater than 99.5°F
- ❖ Repeated shaking with chills
- ❖ Cough
- ❖ Sore throat
- ❖ Nasal Congestion
- ❖ Persistent Headaches
- ❖ Shortness of breath or difficulty breathing
- ❖ Body aches / Muscle or Joint Pain
- ❖ Fatigue
- ❖ Nausea / Vomiting
- ❖ Loss of sense of smell or taste

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- Been in close contact with a person who is lab confirmed to have COVID-19
- If running a fever of 99.5°F or higher, or feeling ill, please stay at home.
- Make sure to contact your health provider, if needed, and notify your supervisor regarding your absence.

If you have one or more of the above symptoms, it is recommended by the Health Department for you to be referred for COVID-19 testing. Additionally, you will need to follow current self-quarantine recommendations until you have obtained test results or clearance from your health care provider.

All travel restrictions are lifted in El Paso County; staff and students may travel out of the region; however, they should observe all preventive measures and recommendations (social distancing, wearing face covering if applicable, washing hands often) while traveling and upon return.

Staff Who Become Ill During the Workday

Due to the contagious nature of the virus, all staff should stay informed, practice healthy habits, and avoid sharing equipment when possible to prevent the spread of COVID-19.

Signs or symptoms may appear 2 – 14 days after exposure to the virus.

People with the following symptoms may have COVID-19:

- Cough
- Shortness of breath/difficulty breathing
- Chills/repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- Loss of taste or smell
- Diarrhea
- Fever of 99.5°F or higher or feverish feeling
- Known close contact with a person who has COVID-19

If staff develop symptoms of COVID-19 during the workday or are confirmed to have COVID-19 infection, the following steps will be taken to reduce transmission:

- Separate ill staff from others and send them home.
- Contact **Custodial Department** for Standard Operating Procedures of cleaning/disinfection of ill staff's desk/workstation.
- Contact Health Services to assist with contact tracing to determine other staff that may have been exposed to the virus**.** ***(This measure is currently lifted)***
- **Human Resources** will inform staff of possible exposure to the virus while keeping confidentiality. (See Board Policy DH and Educator Code of Ethics) ***(This measure is currently lifted)***

Return-to-Work Guidance

The virus that causes COVID-19 can be spread to others by infected persons through respiratory droplets from those who have few symptoms, no symptoms, or are mildly ill. Due to the contagious nature of the virus, all staff should stay informed and take action based on the established guidance.

Staff and Students with Confirmed COVID-19 may not return to work or school until….

No longer having a fever (99.5°F or higher) within 24 hours without the use of fever-reducing medicine (Advil, Tylenol, or aspirin) and

Significant improvement of other symptoms (cough, sore throat, headache, etc.) 24 hours and up to 48 hours (about 2 days) have passed since the onset of symptoms.

Staff with symptoms of COVID-19 who **have not been tested or evaluated** by a medical professional are assumed to have COVID-19 and must follow the CDC Isolation Guidelines.

https://www.cdc.gov/respiratory-viruses/guidance/respiratory-virus-guidance.html

Staff with symptoms of COVID-19 may not return to work until:

- The same criteria listed above have been met, or
- The staff member has a statement from a medical professional that clears them to return to work based on an alternative diagnosis.
- Return-to-work guidance cannot predict every unique situation.

Staff that is not fully vaccinated and is exposed to persons known to have COVID-19 may not return to work until:

- The end of the 5-day self-quarantine period from the last date of exposure. ***(This measure is currently lifted)***
- The employee must provide a medical professional's note clearing them to return to work. ***(This measure is currently lifted)***
- Return-to-work guidance cannot predict every unique situation. ***(This measure is currently lifted)***

Staff that test positive for COVID-19 may return to work 24 hours up to 48 hours (about 2 days) after onset of symptoms if there is an improvement of symptoms.

Follow CDC guidelines:

https://www.cdc.gov/respiratory-viruses/guidance/respiratory-virus-guidance.html

Employee and students who are fully vaccinated do not have to quarantine unless they are showing signs and symptoms of COVID-19 if exposed. ***(This measure is currently lifted)***

Addendum

Form 1 - SEISD Employee Respiratory Screening Questionnaire ***(This measure is currently lifted)***

SEISD Employee Respiratory Screening	
1. Have you had any recent fevers of 99.5°F or greater?	Yes or No
2. Have you had any repeated shaking with chills? 805	

3. Have you had any cough (dry or productive)?	
4. Have you had a sore throat?	
5. Have you had any nasal congestion or runny nose?	
6. Have you had any persistent headaches?	
7. Have you had any shortness of breath?	
8. Have you had any body aches/ muscle or joint pain?	
9. Have you been experiencing extreme fatigue?	
10. Have you had any nausea/vomiting/ diarrhea?	
11. Have you had loss of your sense of smell or taste?	
12. Have you been in close contact with a person who is lab confirmed to have COVID 19?	

NOTE: If you answered yes to one or more of the above questions, please proceed with the following:

a) Contact your immediate supervisor/administrator and notify them of your symptoms
b) It is recommended for you to follow up with your Primary Care Provider for further evaluation or
c) El Paso City Health Department recommends to call (915) 212-0783/ 434-1092 or register online at EPStrong.org to schedule an appointment for COVID 19 testing

Employee's Signature: _____ Department/Campus: _____ Date: _____

If You Test Positive for COVID-19 (Isolate)	
Everyone, regardless of vaccination status.	• Stay home for 5 days. • If you have no symptoms or your symptoms are resolving after 5 days, you can leave your house. • Continue to wear a mask around others for 5 additional days. *If you have a fever, continue to stay home until your fever resolves.*

If You Were Exposed to Someone with COVID-19 (Quarantine)	
If you: Have been boosted **OR** Completed the primary series of Pfizer or Moderna vaccine within the last 6 months **OR** Completed the primary series of J&J vaccine within the last 2 months	• Wear a mask around others for 10 days. • Test on day 5, if possible. *If you develop symptoms get a test and stay home.*
If you: Completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted **OR** Completed the primary series of J&J over 2 months ago and are not boosted **OR** Are unvaccinated	• Stay home for 5 days. After that continue to wear a mask around others for 5 additional days. • If you can't quarantine you must wear a mask for 10 days. • Test on day 5 if possible. *If you develop symptoms get a test and stay home*

(This measure is currently lifted)

Employee Support

All staff members are encouraged to communicate any concerns to their supervisor, who will be able to further direct them in the event added services, information, and/or considerations are needed. Below are some resources available for employees.

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Resources

TRS-Active Care		(800) 222-9205	www.trsactivecareaetna.com
Teledoc		(855) 835-2362	https://member.teladoc.com/trsactivecare
Texas Department of State Health Services ■ *COVID-19 Self-Checker* ■ *COVID-19 Test Collection Sites*		Dial 2-1-1, then choose Option 6.	https://www.dshs.state.tx.us/coronavirus/testing.aspx coronavirus@dshs.texas.gov
Centers for Disease Control and Prevention ■ *"If You are Sick or Caring for Someone"*		(800) 322-4636	https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html

Centers for Disease Control and Prevention and the Texas Education Agency

https://www.cdc.gov/ https://tea.texas.gov/ CDC.GOV

https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html

Distrito Escolar Independiente de San Elizario

Plan de Reingreso
2024 - 2025

Plan sujeto a cambios según las pautas de TEA, CDC, locales y estatales Revisado 06/12/2024

Mensaje del presidente de la junta

El año escolar 2024 - 2025 ya está sobre nosotros. Estamos emocionados de darles la bienvenida a todos. Mientras nos preparamos para el próximo año escolar en San Elizario ISD, tenga la seguridad de que continuamos tomando todas las medidas de precaución para garantizar la seguridad y el bienestar de nuestros estudiantes y el personal del distrito. También estamos totalmente comprometidos en apoyar la trayectoria educativa de nuestros estudiantes, así como la de nuestros profesores.

La comunicación continua entre el hogar, la escuela y la comunidad será clave para que este año escolar sea exitoso y memorable para todos.

Gracias por confiarle a San Elizario ISD a sus hijos y elegir vivir y trabajar en esta hermosa comunidad.

Atentamente,

Sandra Licon
Presidente de la Junta de San Elizario ISD

Mensaje del Superintendente de Escuelas

Estimada comunidad de San Elizario ISD,

Nuestro equipo de San Elizario ISD está emocionado de tener la oportunidad de darles la bienvenida a todos para el próximo año escolar. Sabemos que el año anterior presentó desafíos importantes para la educación de nuestros estudiantes y obstáculos fundamentales para el método normal de funcionamiento de los distritos. Juntos, trabajamos para seguir apoyándonos unos a otros. En nombre del equipo de San Elizario, ¡acepte nuestro agradecimiento y admiración por todo lo que hizo!

Si bien todavía hay muchas preguntas sobre la pandemia de COVID-19 y su impacto futuro y continuo, hay un compromiso que hemos hecho en San Elizario ISD y es implementar precauciones de seguridad que nos permitirán tener un mejor ambiente de aprendizaje y trabajo para nuestros estudiantes y empleados. Las precauciones de seguridad continuarán para que nuestros entornos de aprendizaje estén protegidos para todas las personas interesadas. Con su colaboración y apoyo continuo, todos podemos trabajar para mantener seguros a San Elizario ISD, a los niños a quienes servimos y a nuestros empleados. Esta guía de reingreso está diseñado específicamente para que la lean todas las partes interesadas y sirve como un documento fluido que se actualizará para abordar la información que cambia continuamente a medida que surge.

Gracias una vez más por elegir a San Elizario ISD. Estamos orgullosos de poder contribuir a mejorar la vida de los niños. San Elizario ISD sigue siendo el lugar donde los estudiantes se elevan.

Respetuosamente,

Jeannie Meza-Chavez, Ph.D.
Superintendente de Escuelas de San Elizario ISD

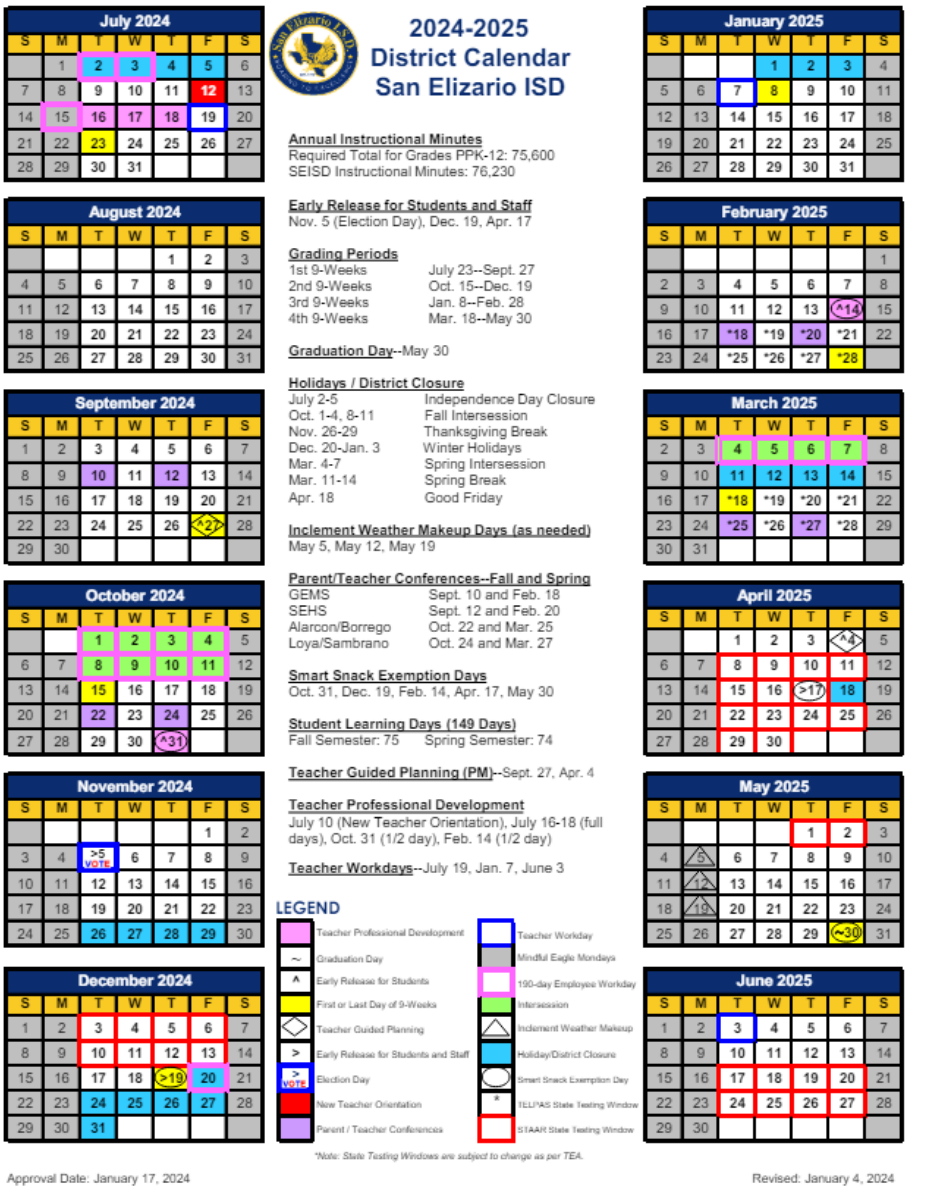
PARTE I – Certificaciones

Introducción

El Equipo de Liderazgo del Distrito Escolar Independiente de San Elizario desarrolló un plan de prácticas de prevención y mitigación que se describe en este documento y está diseñado para reducir significativamente la probabilidad de que ocurra un brote de coronavirus en el campus. Algunas prácticas son obligatorias para todos los sistemas escolares, algunas son obligatorias en áreas con altos niveles de propagación comunitaria y algunas son recomendaciones.

Calendario del distrito

La Junta Escolar Independiente de San Elizario aprobó un calendario anual para el año escolar 2024 2025. El distrito continuará con este calendario anual que permite descansos más frecuentes para nuestros estudiantes y maestros.



Horario escolar

Los horarios de las campanas se diferenciarán por nivel de grado (es decir, escuelas primarias y primarias o secundarias). A continuación encontrará los horarios.

Horario de Primarias:

7:20 AM–4:05 PM

Loya Primary School, Sambrano Elementary School, Alarcon Elementary School & Borrego Elementary School

Horario de Secundarias:

8:05 AM–4:50 PM

Ann M. Garcia-Enriquez Middle School & San Elizario High School

Requisitos de asistencia
Los maestros tomarán la asistencia diariamente. Se requiere que los estudiantes asistan a la escuela por lo menos el 90% del año escolar para recibir crédito y ser promovidos. Se harán cumplir todas las pautas establecidas por la política de la Junta FEA y FEC (LOCAL).

Métodos de instrucciones
El Distrito Escolar Independiente de San Elizario ofrecerá instrucción en persona para todos los estudiantes en todos los niveles de grado para el año escolar 2014 - 2025.

Disponibilidad de maestros y apoyo educativo
Los maestros estarán disponibles durante la semana escolar. El director de la escuela establecerá cualquier horario de reunión adicional para apoyar aún más a nuestros padres y estudiantes.

Participación de los estudiantes
Los maestros involucrarán a los estudiantes con estrategias de instrucción de alto rendimiento para abordar la pérdida de aprendizaje creada por el cierre de emergencia de COVID-19. Además, lo siguiente abordará la pérdida de aprendizaje específica entre los estudiantes de bajos ingresos, los estudiantes con discapacidades, los estudiantes de inglés, las minorías raciales y étnicas, los estudiantes sin hogar y los niños en hogares de acogida:

- Estrategias WICOR de AVID
- Implementación de tutorías específicas

La siguiente tabla especifica los métodos de instrucción que San Elizario ISD seleccionó y son permitidos por la Agencia de Educación de Texas.

Escuela	Nivel	En Persona
Loya Primary	**PK 3 - PK4**	★
Sambrano Elementary	**K - 2nd**	★
Alarcon Elementary	**3rd - 6th**	★
Borrego Elementary	**3rd - 6th**	★
Garcia Enriquez MS	**7th - 8th**	★
San Elizario HS	**9th - 12th**	★

Diseño de materiales
SOAR @ theNEST
El Distrito Escolar Independiente de San Elizario ofrece un sólido centro de recursos en línea llamado Recursos Académicos Especializados en Línea al que se hace referencia como SOAR @ theNEST. Los estudiantes y los padres pueden acceder a los recursos en línea del distrito en un enlace fácil de navegar. El enlace se proporciona a continuación.

- https://www.seisd.net/Page/529

Dispositivos tecnológicos
Continuando con la iniciativa 1:1 de dispositivos para estudiantes, el Distrito Escolar Independiente de San Elizario compró Chromebooks nuevos (escuela primaria y secundaria) y computadoras portátiles (escuela secundaria) para grupos de ingreso en cada campus. Los totales por plantel son 145 Chromebooks de la Escuela Primaria Borrego, 85 Chromebooks de la Escuela Primaria Alarcón, 160 Chromebooks de la Escuela Primaria Sambrano, 220 Chromebooks de la Escuela Intermedia García-Enríquez y 290 computadoras portátiles de la Escuela Secundaria San Elizario. Todos estos dispositivos vienen con una cubierta o protector, cargador y auriculares.

Progreso del estudiante: políticas de calificación de la escuela
Requisitos de calificación
Las prácticas tradicionales de calificación continuarán durante el año escolar 2024-2025. Los maestros estarán monitoreando el progreso de los estudiantes durante el año escolar. Además, las boletas de calificaciones y los informes de progreso estarán disponibles a través del Portal para padres. Los informes de progreso en papel y las boletas de calificaciones estarán disponibles para recoger a pedido de los padres / tutores. Se harán cumplir todas las pautas establecidas por la política de la Junta EIA y EIE (LOCAL). Para asegurar aún más el éxito de nuestros estudiantes, el monitoreo continuo del progreso continuará con la ayuda de nuestros consejeros, maestros en riesgo, trabajadores sociales, intervencionista de matemáticas y lectura y maestros.

Evaluaciones estatales
Las Evaluaciones de Preparación Académica del Estado de Texas (STAAR) continuarán durante el año escolar 2024-2025. Es posible que haya opciones en línea disponibles. Además, las escuelas continuarán administrando evaluaciones comparativas y evaluaciones comunes en todo el distrito para medir el progreso de los estudiantes. Se hará cumplir la política de la mesa directiva EIE (LOCAL).

Implementación Calendarios de desarrollo professional
El Distrito Escolar Independiente de San Elizario ha estado brindando desarrollo profesional continuo a todos los maestros. Este ha sido un desarrollo profesional dirigido a preparar a los

maestros para que enseñen a abordar de manera efectiva la pérdida de aprendizaje debido al cierre de emergencia de COVID-19.

Apoyo de materiales de instrucción para materiales de instrucción en línea
Los estudiantes del Distrito Escolar Independiente de San Elizario se involucrarán con material académico que está disponible para instrucción en persona el Distrito Escolar Independiente de San Elizario ha estado adoptando estratégicamente materiales instructivos que se pueden implementar tanto en modo presencial como en línea en el caso de un cierre inesperado a largo plazo. Los siguientes son algunos ejemplos de los materiales de instrucción disponibles para nuestros estudiantes:

- HMH (K-2 ELAR) - Sambrano
- K-1 STEMScopes Math Sambrano
- STEMScopes
- My World Pearson (Estudios Sociales)
- PK-1 Estrellita / Fundaciones
- Go Math
- PK3-PK4: siga las pautas y el enfoque de Oracy

Apoyos específicos para que los educadores y las familias implementen una instrucción asincrónica remota eficaz.

Los maestros continuarán recibiendo desarrollo profesional que los ayudará en el desarrollo de lecciones interactivas y altamente efectivas. Además, los maestros recibirán apoyo de los especialistas en instrucción de la escuela y los oficiales de instrucción del distrito. Las reuniones del Comité de Aprendizaje Profesional (PLC) se enfocarán en la entrega de instrucción basada en la investigación.

Los padres pueden encontrar videos instructivos en la página de recursos en línea SOAR @ theNEST del distrito. Estos están diseñados para ayudar a los padres sobre cómo ayudar a sus hijos a acceder a los recursos del Distrito. Además, el distrito seguirá poniendo el servicio de asistencia técnica a disposición de los padres. Nuestro enlace de padres del distrito y la escuela junto con los administradores continuarán brindando la asistencia tecnológica necesaria para asegurar que los estudiantes experimenten el éxito.

PARTE II Respuesta abierta

Plan en caso de un cierre a largo plazo

Se seguirá el siguiente plan en caso de que se produzca un cierre imprevisto a largo plazo: Aprendizaje de San Elizario ISD - SOAR @ theNEST – Plan

	Loya & Sambrano PreK3 - 2nd	Alarcon & Borrego 3rd - 6th	GEMS 7th - 8th	SEHS 9th - 12th
Structure/Schedule	**Lead4Ward: school@home**	**Lead4Ward: school@home**	**Lead4Ward: school@home**	**Lead4Ward: school@home**
Learning Management System (LMS) or Virtual Environment	**Google Classroom**	**Google Classroom**	**Google Classroom**	**Google Classroom**
Online Resources	**Istation – R&M** **HMH (K-2 ELAR) - Sambrano** **K-1 STEMScopes Math Sambrano** **STEMScopes** **My World Pearson (Social Studies)** **PK-1 Estrellita/Fundations** **Go Math** **PK3-PK4 – follow guidelines & Oracy focus**	**Istation – R** **HMH (ELAR)** **Reflex Math** **STEMScopes** **My World Pearson (Social Studies)** **Sharon Wells**	**Istation – R** **Pearson ELAR** **IXL** **STEMScopes** **HMH (Social Studies)**	**STEMScopes** **Pearson ELAR** • **HMH (Social Studies)**
Explicit Instruction	***Delivery of Instruction, Quality Control and Support of Online Learning***	***Delivery of Instruction, Quality Control and Support of Online Learning***	***Delivery of Instruction, Quality Control and Support of Online Learning***	***Delivery of Instruction, Quality Control and Support of Online Learning***
Social Emotional Learning	**PBIS** **Counseling Services** ***Common Sense Education:*** ***Digital Citizenship & Social Emotional Learning***	**PBIS** **Counseling Services** ***Common Sense Education:*** ***Digital Citizenship & Social Emotional Learning***	**PBIS** **Counseling Services** ***Common Sense Education:*** ***Digital Citizenship & Social Emotional Learning***	**PBIS** **Counseling Services** ***Common Sense Education:*** ***Digital Citizenship & Social Emotional Learning***

Making Individualized Connections with Students	**-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)**	**-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)**	**-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication -Student Rewards (Racoon Gang, 2015)**	**-Intro Self -Humanize the Course -Enrich Multimedia w/Personalization -Create cooperative learning -Enable interactive communication Student Rewards (Racoon Gang, 2015)**
Scope & Sequence TEKS alignment	**TEKS Resource System Targeted curriculum and assessment align to the TEKS**	**TEKS Resource System Targeted curriculum and assessment align to the TEKS**	**TEKS Resource System Targeted curriculum and assessment align to the TEKS**	**EKS Resource System Targeted curriculum and assessment align to the TEKS**
Mode of Communication	**Dojo**	**Dojo**	**Dojo**	**Remind/Alternative**

Alineación de los TEKS
El Distrito Escolar Independiente de San Elizario continuará usando el Sistema de Recursos TEKS para la instrucción presencial. El Sistema de Recursos TEKS es un plan de estudios y una herramienta de evaluación específicos que está alineado con los Conocimientos y Habilidades Esenciales de Texas (TEKS).

https://www.teksresourcesystem.net/

Educación especial
San Elizario ISD cumplirá con su obligación de proporcionar servicios de instrucción y servicios relacionados según lo requiera el IEP de cada estudiante. Los servicios educativos y relacionados como se describen en el IEP de cada estudiante se proporcionarán según se documenta en el Plan de contingencia de emergencia individualizado de cada estudiante. Si un padre desea solicitar un ajuste en la prestación del servicio, se puede realizar un ARD en cualquier momento para atender estas solicitudes.

Los materiales de instrucción incluyen recursos diseñados específicamente y / o adaptaciones y modificaciones para ayudar a los estudiantes con discapacidades tanto en un entorno asincrónico como en un entorno presencial.

Los maestros trabajarán con los padres para obtener progreso con respecto a la instrucción. También habrá paraprofesionales de educación especial disponibles para ayudar a los estudiantes con las actividades de instrucción durante el día escolar.
Los servicios de co-enseñanza y facilitación de apoyo se proporcionarán de acuerdo con el IEP de los estudiantes.

Si el IEP de un estudiante ha recomendado terapia del habla, terapia ocupacional, fisioterapia, educación física adaptativa, apoyo instructivo de VI o AI, o Consejería de Educación Especial, estos servicios continuarán como se establece en el Plan de Contingencia de Emergencia Individualizado y el IEP de cada niño.

Sección 504
Cada estudiante 504 seguirá el plan de instrucción desarrollado para los compañeros de educación general a menos que su plan 504 indique que son necesarios servicios alternativos. Los padres pueden solicitar una reunión de la Sección 504 en cualquier momento para revisar las adaptaciones y los servicios establecidos para su hijo. Los maestros continuarán implementando las adaptaciones de cada estudiante y los servicios relacionados desarrollados por el comité 504. Además, si un niño recibe instrucción sobre dislexia como parte de sus servicios 504, estos servicios se brindarán en un grupo pequeño o en un entorno individual para cumplir con los servicios establecidos en el plan 504.

Intervención
Todos los estudiantes de RTI recibirán apoyo como se describe en su Plan de Intervención individualizado.

Seguimiento del progreso

- Los maestros deben revisar el progreso de cada estudiante con un IAP semanalmente y determinar qué adaptaciones adicionales, si las hay, pueden ser necesarias para que cada estudiante continúe progresando.
- Los maestros deben considerar estrategias / apoyos alternativos para asegurar un progreso continuo (es decir, instrucción más sincrónica, más apoyo en grupos pequeños, etc.).
- Los maestros deben, después de que otras intervenciones no hayan tenido éxito, solicitar convocar una reunión del comité de la Sección 504 para abordar la falta de progreso.

Educacion Bilingue
Los estudiantes ELL son elegibles para recibir una variedad de servicios y participar en programas que los ayudarán a aprender el contenido académico y adquirir habilidades en su segundo idioma (inglés).

- Se requiere el cumplimiento del proceso LPAC.
- Todos los estudiantes recibirán adaptaciones de instrucción de acuerdo con el LPAC de cada estudiante individual.

PARTE III

Direcciones para la desinfección de dispositivos tecnológicos (Las medidas siguientes ya no son necesarias; sin embargo, se recomienda mantenerlas como mejores prácticas)

Cómo limpiar su computadora o computadora portátil:

- Apague la energía. En el caso de las computadoras, apague y luego desconecte el dispositivo y el monitor. Desenchufe las computadoras portátiles y retire la batería si es posible.
- Limpie suavemente el monitor para que no tenga manchas, manchas o polvo con un paño de microfibra
- Si esto no funciona, use una solución de jabón para platos diluido. Una sola gota de jabón y agua tibia.
- Sumerja un paño de fibra limpio en la solución y escúrralo bien. Esto es importante al limpiar computadoras portátiles, ya que el líquido no debe gotear a través de las teclas.
- Limpie suavemente la pantalla con un paño húmedo.
- Enjuague todo el jabón de este paño y escúrralo nuevamente. Vuelve a revisar tu pantalla para eliminar cualquier residuo de jabón.
- Limpie suavemente la pantalla con un paño de microfibra seco.

Cómo limpiar el teclado de la computadora: (Las medidas siguientes ya no son necesarias; sin embargo, se recomienda mantenerlas como mejores prácticas)

- Desconecte la fuente de energía. Para computadoras, apague y desenchufe el dispositivo. Además, desconecte el teclado de la computadora. Retire las baterías del teclado inalámbrico. Las computadoras portátiles deben desenchufarse y quitar la batería si es posible.
- Rocíe el teclado con aire enlatado para eliminar las migas o el polvo sobrantes.
- Frote ligeramente un hisopo de algodón en alcohol suave. Primero haga una prueba puntual para asegurarse de que el alcohol no elimine las letras.
- Seque las llaves con un paño de microfibra. No reemplace las baterías ni enchufe hasta que las llaves estén completamente secas.

Cómo limpiar pantallas táctiles: (Las medidas siguientes ya no son necesarias; sin embargo, se recomienda mantenerlas como mejores prácticas)

- Las pantallas táctiles deben limpiarse a diario con un paño de microfibra seco.
- Para una limpieza más profunda, use un paño de microfibra humedecido y luego seque la pantalla con una microfibra nueva.
- Tenga cuidado de que no entre humedad en las aberturas.

Cómo desinfectar tabletas: (Las medidas siguientes ya no son necesarias; sin embargo, se recomienda mantenerlas como mejores prácticas)

- Utilice un aerosol antimicrobiano apto para pantallas táctiles y un paño de microfibra. (Consulte las recomendaciones e instrucciones del fabricante)
- Asegúrese de que los dispositivos electrónicos estén apagados y desenchufados.
- Humedezca un paño de microfibra con spray, teniendo cuidado de no saturar demasiado el paño.

- Limpie la pantalla, evite todas las aberturas.
- Deje que el spray se asiente el tiempo indicado en el producto.
- Seque la pantalla con un paño de microfibra limpio.

Cómo desinfectar la cubierta de la tableta: (Las medidas siguientes ya no son necesarias; sin embargo, se recomienda mantenerlas como mejores prácticas)

- Mezcle un par de gotas de jabón para platos con agua tibia en un recipiente
- Sumerja un paño en la solución para que esté húmedo, no saturado.
- Limpie la cubierta.
- Enjuague el paño hasta que quede limpio; escúrralo para que quede húmedo.
- Limpie la tapa nuevamente para eliminar los residuos de jabón y déjela secar al aire o limpie con un paño seco.

Transiciones (***Las medidas que figuran a continuación se han levantado actualmente***)

- Habrá carteles y marcas en el piso para ayudar a los estudiantes y al personal con el distanciamiento social en los espacios comunes y los pasillos. Siempre que sea posible, se seguirá una distancia de 3 a 6 pies.
- Durante los períodos de transición, el flujo de tráfico se enrutará para minimizar el contacto de los estudiantes.
- Se les indicará a los estudiantes que permanezcan en el extremo derecho durante los períodos de transición.
- El personal estará en el lugar para garantizar el cumplimiento.

Fuentes de agua

- Se anima a los estudiantes a traer un recipiente de plástico transparente para agua a la escuela todos los días con su nombre claramente marcado en él.
- SEISD ha modernizado varias de las fuentes de agua existentes en estaciones de llenado de botellas.

Transporte

Se proporciona transporte en autobús para todos los estudiantes de educación especial cuando lo requieran el ARD y el IEP de los estudiantes. Todos los estudiantes de educación general recibirán transporte si son elegibles desde las áreas de transporte designadas a cada campus. (***Las medidas que figuran a continuación se han levantado actualmente***)

- Se recomienda encarecidamente a los padres que proporcionen transporte a la escuela para sus hijos. Esto permitirá un mejor distanciamiento social entre los pasajeros dentro de los autobuses escolares.
- Los autobuses se limpiarán y desinfectarán a fondo después de las rutas de la mañana y la tarde, centrándose en las superficies de alto contacto.

- Los conductores, los monitores de autobús y los estudiantes que viajan en autobús pueden seguir usando una máscara facial si así lo desean. siempre y cuando el uso de una máscara no sea un mandato.

Llegada del estudiante (*Las medidas que figuran a continuación se han levantado actualmente*)

- A los padres no se les permitirá caminar a los estudiantes dentro del edificio de la escuela.
- Los padres permanecerán en sus autos durante la entrega y salida de la mañana.
- Se desaconseja encarecidamente la llegada anticipada. Los estudiantes que dejen antes de que el edificio esté abierto no podrán ingresar al edificio y no serán monitoreados.

Recogida de estudiantes durante el día de instrucción (*Las medidas que figuran a continuación se han levantado actualmente*)

- Los padres que recojan a los estudiantes durante el día llamarán con anticipación para que los estudiantes puedan ser enviados o acompañados a los vehículos de los padres a su llegada. Si un padre / tutor debe ingresar al campus, se limitará a un visitante por estudiante y los miembros adicionales de la familia deberán esperar fuera del edificio de la escuela.

Comidas para estudiantes: desayuno y almuerzo

- Los campus que utilizan el programa Desayuno en el salón de clases continuarán.
- Los almuerzos se servirán en la cafetería, se observará una distancia de 3-6 pies cuando sea posible. ***(Esta medida se ha levantado actualmente)***

Biblioteca (*Las medidas que figuran a continuación se han levantado actualmente*)

- Los libros y materiales se recogerán en cajas o carritos y no se tocarán hasta que se complete una cuarentena de 3 días.
- Los bibliotecarios usarán guantes cuando trabajen con libros o materiales de la biblioteca.
- El acceso de los estudiantes a las pilas será unidireccional.
- Los estudiantes solo podrán ingresar a las áreas de exhibición de especialidades de uno en uno.
- Se eliminarán todos los materiales compartidos.
- Se observará un distanciamiento social de 3 a 6 pies tanto como sea posible.

Eventos para estudiantes fuera del campus (*Las medidas que figuran a continuación se han levantado actualmente*)

- SEISD buscará actividades virtuales en lugar de excursiones, asambleas y presentaciones especiales en consecuencia.
- Al participar en actividades fuera del campus, sancionadas por la escuela, los estudiantes deben seguir todos los protocolos y requisitos en el campus en persona.

Eventos en el campus (*Las medidas que figuran a continuación se han levantado actualmente*)

- SEISD evitará programar reuniones y eventos de grupos grandes que no sean esenciales.
- Las reuniones típicas de padres, como conocer al maestro, jornadas de puertas abiertas, conferencias de padres, etc. se llevarán a cabo virtualmente según sea apropiado.

- Cualquier actividad extracurricular, incluidas las reuniones del club del campus, que se apruebe para llevarse a cabo en el campus se adherirá a los requisitos de distanciamiento social descritos por SEISD, TEA y UIL.

Atletismo

- Todos los estudiantes que participan en deportes deberán cumplir con los requisitos de UIL.
- Se requerirá que todos los estudiantes asistan a clases de atletismo en persona, prácticas y juegos después de la escuela.
- Todos los estudiantes deben completar el papeleo en línea de Rank One antes de cualquier entrenamiento atlético o pruebas.
- Por favor, comuníquese con los administradores de la escuela secundaria y secundaria en cada campus individual para obtener información sobre cuándo están programadas sus clases de atletismo.

Atletismo de secundaria

- Los estudiantes de escuela intermedia deberán completar todos los trámites de rango uno antes del primer día de práctica.
- Los horarios de los juegos de la escuela secundaria se ajustarán para adaptarse a cualquier retraso en el inicio de las prácticas. Los horarios de los juegos de la escuela secundaria están por confirmar.

Apoyos socioemocionales para estudiantes

Los consejeros de SEISD están disponibles para apoyar a los estudiantes académica, social y emocionalmente. Nuestros consejeros están preparados y listos para brindar apoyo o recursos de salud mental para familias que puedan estar pasando por dificultades emocionales. Estos servicios se pueden proporcionar de forma remota o presencial.

Se ofrecerán lecciones de aprendizaje social y emocional (SEL) a los estudiantes de SEISD para desarrollar habilidades importantes como la autoconciencia, la autogestión, la conciencia social, las habilidades para relacionarse y la toma de decisiones responsable.
Prácticas para evitar que el virus ingrese a la escuela

Prácticas para evitar que el virus ingrese a la escuela (*Las medidas que figuran a continuación se han levantado actualmente*)

Si se confirma en laboratorio que una persona que ha estado en una escuela tiene COVID-19, la enfermera principal del distrito notificará al departamento de salud local, de acuerdo con las leyes y regulaciones federales, estatales y locales aplicables, incluidos los requisitos de confidencialidad de los estadounidenses con Ley de Discapacidades (ADA) y Ley de Privacidad y Derechos Educativos de la Familia (FERPA).

De acuerdo con los requisitos de notificación de la escuela para otras enfermedades transmisibles, y de acuerdo con los requisitos legales de confidencialidad, San Elizario ISD notificará a todos los maestros, personal y familias de todos los estudiantes en una escuela si se identifica un caso de COVID-19 confirmado por laboratorio entre estudiantes, maestros o personal que participe en cualquier actividad del campus.



Pautas generales de entrada al edificio
Introducción
La seguridad y el bienestar de todos los estudiantes, el personal y los visitantes son una prioridad para San Elizario ISD ya que el distrito vuelve a ingresar al lugar de trabajo y las instalaciones de instrucción al cien por cien. Se han implementado varios cambios en la apariencia del lugar de trabajo y los campus, así como las prácticas y los protocolos, para seguir la Guía recomendada según lo establecido por la Autoridad de Salud Local del Departamento de Salud Pública de la Ciudad de El Paso, TEA y CDC. La transmisión del coronavirus en general ocurre mucho más comúnmente a través de gotitas respiratorias que a través del contacto con superficies contaminadas, pero es posible infectarse si uno toca una superficie contaminada y luego se toca la nariz, los ojos o la boca. El riesgo de transmisión parece ser proporcional a la cercanía y frecuencia de interacción entre un individuo infectado y otros que no están infectados y / o no vacunados. Nuestro objetivo es garantizar en colaboración que todos los estudiantes, empleados y visitantes en las instalaciones del distrito se sientan seguros y protegidos para navegar de manera efectiva las complejidades de una “nueva normalidad” y reducir el riesgo de exposición e infección con COVID-19.

Las medidas implementadas incluyen desinfección más frecuente de áreas muy tocadas (instalaciones y autobuses escolares), superficies y áreas de trabajo, controles diarios de bienestar de estudiantes, personal y visitantes, controles de temperatura, pruebas rápidas de COVID-19 por solicitud, acceso a desinfectante de manos en todo el distrito. instalaciones, para incluir aulas, marcas de piso de distancia social, (Centros para el Control y la Prevención de Enfermedades) señalización de orientación de los CDC, escudos de seguridad en áreas de recepción de alto tráfico, protectores de escritorio con protección contra estornudos para estudiantes de primaria y primaria, continuación del uso de mascarilla (aunque no es obligatorio) para aquellos que elijan hacerlo, ionización bipolar de punta de aguja a través de sistemas HVAC, filtración con clasificación MERV más alta, mayor frecuencia de cambio de filtro y otras medidas detalladas en este libro. La cooperación de todo el personal para mantener un ambiente seguro mientras el distrito y la comunidad continúan luchando contra la propagación de COVID-19 es esencial.

Como siempre, el personal de San Elizario ISD continuará enfrentando los desafíos de COVID-19 con mejoras continuas y perseverancia, incorporando el compromiso de educar a todos los

estudiantes para el éxito, sin importar las circunstancias. Esta guía es la guía del Distrito Escolar Independiente de San Elizario sobre el reingreso al entorno de instrucción física.

La guía sobre el coronavirus (COVID-19) se actualiza periódicamente. La información que se describe aquí son las mejores prácticas actuales proporcionadas por los funcionarios de salud federales, estatales y locales para mitigar el COVID-19 en el entorno laboral. El Distrito actualizará esta guía a medida que haya nueva información disponible. Este plan es fluido y se revisará de acuerdo con las pautas de los CDC, la TEA y el Departamento de Salud Pública local para determinar su eficacia y se revisará según sea necesario para satisfacer las necesidades de todas las partes interesadas.

Reglas generales

Horario del edificio / escuela
Consulte los horarios individuales del Departamento o de las Instalaciones del campus. Para la seguridad del entorno de aprendizaje, se recomienda encarecidamente a los padres que evalúen a sus hijos ya sí mismos para detectar síntomas antes de enviar a los estudiantes a la escuela.

Salud y seguridad
El Distrito Escolar Independiente de San Elizario continúa monitoreando los indicadores de transmisión del coronavirus. Su salud y seguridad siguen siendo nuestra máxima prioridad. Como resultado, el Distrito continúa practicando una variedad de medidas de seguridad y escalando los esfuerzos de seguridad lo más rápido posible para mantener seguros a los empleados. Para abordar la propagación de COVID-19, es importante saber cómo se transmite el virus.

Transmisión de COVID-19
La transmisión del coronavirus en general ocurre mucho más comúnmente a través de gotitas respiratorias que a través del contacto con superficies contaminadas, pero es posible infectarse si uno toca una superficie contaminada y luego se toca la nariz, los ojos o la boca. El riesgo de transmisión parece ser proporcional a la cercanía y frecuencia de interacción entre un individuo infectado y otros que no están infectados y / o no vacunados.

El sitio web de los Centros para el Control y la Prevención de Enfermedades (CDC) proporciona la información más reciente sobre la transmisión de COVID-19:

https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

Personas con mayor riesgo
Según lo que sabemos, las personas con alto riesgo de enfermedad grave por COVID-19 incluyen personas de 65 años o más, personas con afecciones médicas subyacentes como enfermedad cardíaca, enfermedad pulmonar, asma, diabetes, personas en diálisis, personas con enfermedad hepática, y personas con sistemas inmunológicos comprometidos.

Síntomas de COVID-19

El nuevo coronavirus (COVID-19) es diferente de los coronavirus que causan enfermedades leves como el resfriado común. La infección por COVID-19 puede causar enfermedades que van de leves a graves y, en algunos casos, pueden ser fatales. Según lo que se conoce actualmente, los síntomas pueden aparecer de 2 a 14 días después de la exposición al virus. Los síntomas de COVID-19 generalmente incluyen tos, falta de aliento o dificultad para respirar, escalofríos o temblores repetidos con escalofríos, fiebre (≥ 99.5 ° F), dolor muscular, dolor de garganta y, en algunos casos, pérdida del gusto o del olfato. Otros síntomas menos comunes incluyen náuseas, vómitos y / o diarrea. En algunos casos, las personas infectadas no presentan signos ni síntomas. y se denominan asintomáticos.

Si bien la mayoría de los casos se han producido en adultos, los síntomas de COVID-19 en niños son como los síntomas en adultos. Los síntomas de COVID-19 en los niños generalmente incluyen síntomas similares a los de un resfriado, como fiebre, secreción nasal y tos. También se han informado vómitos y diarrea.

Administradores de escuela / jefes de departamento
Los administradores del campus / jefes de departamento serán responsables de lo siguiente ***(según corresponda según las directrices actuales)***

- ❖ Pruebas de detección (control de temperatura y cuestionario del portal de salud de evaluación de la salud COVID-19 (Ver anexo) ***(Esta medida se ha levantado actualmente)***
- ❖ Distanciamiento social (3-6 pies) ***(Esta medida se ha levantado actualmente)***
- ❖ Equipo de protección personal
- ❖ Suministros de limpieza
- ❖ Estándares de señalización para COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Entradas, salidas y flujo de tráfico tocante COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Procesos de lobby y visitantes tocante COVID-19 ***(Esta medida se ha levantado actualmente)***
- ❖ Protocolos de área compartida ***(Esta medida se ha levantado actualmente)***

Los administradores de la escuela / jefes de departamento colaborarán para implementar protocolos y procedimientos de seguridad dentro del departamento o campus. Cada instalación tendrá un jefe de departamento / administrador de la escuela que será responsable de implementar y monitorear los protocolos y procedimientos de seguridad dentro.
Los jefes de departamento / administradores del campus juzgarán las necesidades específicas de su edificio mediante la realización de evaluaciones diarias de la funcionalidad del edificio en las áreas de trabajo e instrucción ***(esta medida se ha levantado actualmente).***

Los administradores / jefes de departamentos colaborarán en el mapeo del tráfico unidireccional en sus espacios de trabajo cuando corresponda, asegurando que se instalen flechas direccionales y señalización, reconfigurando el uso del espacio de oficinas y aulas según sea necesario para promover el distanciamiento / espaciamiento adecuado de 3-6 pies siempre que sea posible ***(esta medida se ha levantado actualmente)***. Los administradores/jefes de departamento continuarán las prácticas con respecto al uso seguro de cualquier área o equipo especial, como copiadoras. Los jefes de departamento/administradores del campus se asegurarán de que un régimen de limpieza

mejorado sea visible e informarán cualquier necesidad o suministros de limpieza adicionales al miembro del personal adecuado.

Limpieza mejorada
El Departamento de Servicios de Conserjería tiene un alto estándar de limpieza y seguridad y está comprometido a mantener esos estándares con nuestro proceso de limpieza intensivo. Se han implementado protocolos mejorados de limpieza y desinfección como resultado de COVID-19 y se basan en las pautas gubernamentales y de salud locales actuales.

Utilización de productos químicos registrados por la EPA para la desinfección, enfoque en el tiempo de permanencia adecuado para una desinfección adecuada y una mayor frecuencia de desinfección de superficies de alto contacto.

- Pomos de las puertas
- Encimeras
- Pasamanos
- Interruptores de luz
- Accesorios de baño
- Escritorios
- Teclados y mouse
- Teléfonos de escritorio



Áreas de enfoque mejorado

- Autobuses
- Baños
- Oficinas
- Salas de descanso
- Máquinas expendedoras
- Copiadoras / impresoras
- Áreas de recepción y lobby
- Equipo

Limpieza de área personal sugerida

- Escritorios
- Teclados y mouse de computadora
- Teléfono
- Mando a distancia
- Brazos de silla
- Manijas de los cajones del archivador
- Cafetera



Autobuses (***Las medidas que figuran a continuación se han levantado actualmente***)

Los autobuses se limpiarán y desinfectarán a fondo después de las rutas de la mañana y la tarde, centrándose en las superficies de alto contacto como los asientos del autobús, los volantes, las perillas, las manijas de las puertas y los pasamanos. Cuando sea posible, se seguirán las pautas de distanciamiento social para autobuses de 3 a 6 pies. Los conductores de autobús, los monitores de autobús y los estudiantes que viajan en autobús pueden usar una mascarilla si así lo desean, aunque no es obligatorio.

Áreas communes
Se requerirá que todos los estudiantes, personal y visitantes sigan los protocolos de seguridad establecidos.

- Distanciamiento social (3-6 pies) lo mejor posible ***(Esta medida se ha levantado actualmente)***
- No se requiere el uso de cubiertas para el rostro, pero quienes elijan usar una mascarilla pueden continuar haciéndolo.

En las áreas comunes habrá disponibles dispensadores de desinfectante para manos o desinfectantes para manos portátiles y limpiadores en aerosol. Es posible que las puertas de las áreas comunes deban permanecer abiertas para evitar que varias personas toquen las manijas.

Detener la propagación de gérmenes
Los empleados, estudiantes y visitantes pueden hacer su parte para ayudar a prevenir la propagación de enfermedades respiratorias siguiendo estas pautas:

Distanciamiento social ***(Esta medida se ha levantado actualmente)***
El Distrito seguirá los protocolos de distanciamiento social dentro de los edificios, según las directrices actuales. Las personas deben mantener una distancia mínima de tres pies entre otras personas tanto como sea posible. Las marcas de distanciamiento social en todos los campus e instalaciones del distrito serán claramente visibles para promover las pautas de distanciamiento.

Cubre vocas
La Orden Ejecutiva del Gobernador del Estado de Texas Número GA-36 prohíbe a las agencias gubernamentales, incluidos los distritos escolares, exigir el uso de cubiertas faciales. Por lo tanto, ya no se requiere el uso de una cubierta facial mientras se encuentre en los terrenos del distrito. Sin embargo, aquellos que opten por seguir usando una cubierta facial (mascarilla), pueden continuar haciéndolo.

Como recordatorio, las máscaras faciales no reemplazan la necesidad de mantener el distanciamiento social y lavarse las manos con frecuencia. Los CDC recomiendan lavarse las manos durante al menos 20 segundos y hacerlo con frecuencia. Se anima a los empleados a que sigan utilizando métodos de videoconferencia para realizar reuniones.



Guantes
Siga estos consejos:

- Lávese las manos antes de ponerse los guantes.
- Quítese las joyas de mano antes de usarlas.
- Asegúrese de que los guantes le queden bien.
- Tenga en cuenta que los objetos afilados pueden perforar los guantes.
- Siempre cámbiese los guantes si se rompen o se rompen.
- Nunca reutilice, comparta, lave o desinfecte los guantes.

Cómo quitarse los guantes

- Apriete y sostenga la parte exterior del guante cerca del área de la muñeca.
- Pelar hacia abajo, alejándose de la muñeca, dando la vuelta al guante.
- Retire el guante hasta que se lo quite de la mano y sostenga el guante de adentro hacia afuera con la mano enguantada.
- Con la mano sin guante, deslice los dedos por debajo de la muñeca del guante restante, teniendo cuidado de no tocar la parte exterior del guante.
- Nuevamente, pele hacia abajo, alejándose de la muñeca, volviendo el guante al revés.
- Continúe tirando del guante hacia abajo y sobre el guante de adentro hacia afuera que sostiene en su mano enguantada.
- Después de quitarse los guantes, lávese bien las manos con agua y jabón o desinfectante de manos a base de alcohol.

Áreas del vestíbulo principal (*Las medidas que figuran a continuación se han levantado actualmente*)
No se permitirá holgazanear o congregarse en las áreas del vestíbulo. Se establecerán marcas de piso / zonas seguras alrededor de la recepción / áreas de recepción. Los espacios se reconfigurarán para lograr el distanciamiento social según sea necesario.

Instalaciones y campus del distrito (*Las medidas que figuran a continuación se han levantado actualmente*)

Para la seguridad de nuestro entorno de aprendizaje, todos los visitantes deberán seguir los protocolos y pautas de seguridad establecidos. Todos los visitantes serán evaluados para detectar síntomas de COVID 19, controlando su temperatura y respondiendo un cuestionario de Evaluación de la Salud. Si un visitante tiene algún síntoma de COVID 19, el visitante no será admitido en la instalación.

Programación de citas ***(Las medidas que figuran a continuación se han levantado actualmente)***
El personal del Distrito Escolar Independiente de San Elizario debe establecer citas en el departamento o en el campus con los visitantes, incluidos los padres, durante las horas del día en las que el tráfico de empleados o estudiantes es mínimo. Por ejemplo, después de la entrada de un empleado o estudiante o antes de las horas de salida.

Números de contacto del campus y las instalaciones

Oficina de administración (central)	(915) 872-3900
Excell Academy	(915) 872-3915
Centro de operaciones de servicios de apoyo	(915) 872-3980
Lorenzo G. Loya Primaria	(915) 872-3940
Primaria Lorenzo G. Alarcón	(915) 872-3930
Alfonso Borrego Sr. Primaria	(915) 872-3910
Primaria Josefa L. Sambrano	(915) 872-3950
Escuela Intermedia Ann M. García-Enriquez	(915) 872-3960
Preparatoria San Elizario	(915) 872-3970


Wash your hands often

Visitantes con cita
Si un visitante tiene una cita, el miembro del personal de recepción sugerirá que el representante del departamento venga a reunirse con el visitante en un espacio provisto. Sin embargo, la decisión final sobre si permitir que la persona vaya al departamento se dejará en manos del representante del departamento. Para los visitantes de la escuelas, el personal del campus seguirá los protocolos establecidos para visitantes.

Visitantes sin cita previa
Si un visitante no tiene una cita, se contactará al departamento para determinar si alguien está disponible para ayudar al visitante. Si el miembro específico del personal no está disponible, y por la seguridad del entorno de aprendizaje, se le puede pedir al visitante que programe una cita o intente realizar sus negocios por teléfono u otros medios.

Salas de conferencias y formación ***(Las medidas que figuran a continuación se han levantado actualmente)***
Las siguientes pautas se aplicarán al uso de salas de conferencias y espacios de trabajo comunes: Las salas de conferencias y los espacios de trabajo comunes se pueden utilizar siguiendo las pautas de distanciamiento social. Se anima a los equipos a continuar utilizando medios electrónicos para realizar reuniones de grupo.

En circunstancias especiales, se deben aplicar las siguientes pautas para las reuniones en persona:

- Los asientos, si se usan, deben ubicarse de manera que las personas estén separadas por al menos tres pies.
- Las pizarras blancas NO DEBEN usarse a menos que cada persona individual tenga un juego personal de marcadores para que los utensilios de escritura no se compartan entre los participantes.
- Las mesas y superficies deben limpiarse con productos desinfectantes al comienzo y al final de cada reunión.
- El personal debe planificar una ventana de 30 minutos entre reuniones para la limpieza.

Baños
Al abrir o cerrar la puerta del baño, se recomienda utilizar una toalla de papel, un pañuelo de papel, una toallita desinfectante o un guante desechable. Los baños estarán equipados con jabón y toallas de papel. Habrá jabón de manos disponible en todos los baños. Se colocarán carteles sobre cómo lavarse las manos correctamente en todos los baños. Los baños se limpiarán regularmente durante el día y por la noche según corresponda. Las estaciones portátiles de desinfectante de manos estarán ubicadas justo afuera de los baños o pasillos.

Comidas y salas de Descanso
Si bien no hay datos que sugieran que COVID-19 se pueda transmitir a través de alimentos cocinados y manipulados adecuadamente, el coronavirus puede vivir en las superficies durante períodos prolongados de tiempo y es transmisible en lugares como cocinas comunales y salas de descanso donde las personas se reúnen de cerca. proximidad durante períodos prolongados de tiempo y donde las superficies se desinfectan incorrectamente entre usos.

Estaciones de trabajo
Se requerirá que los empleados sigan un protocolo de "escritorio limpio". Ningún alimento, bebida o artículo que pueda dañarse debe permanecer en el escritorio al final de la jornada laboral. Las tazas personales, botellas de agua, etc., deben guardarse en cajones o armarios. Las estaciones de trabajo se someterán a una limpieza / desinfección diaria, lo que requiere que las estaciones de trabajo estén despejadas. Se pide a los empleados que colaboren en los esfuerzos limpiando sus estaciones de trabajo y equipos durante el día.

La estación de trabajo de un empleado que muestre síntomas consistentes con COVID-19 o que haya sido diagnosticado con COVID-19 no se utilizará durante al menos 24 horas, cuando sea posible. Después de 24 horas, el servicio de conserjería limpiará y desinfectará la estación de trabajo.

Oficinas individuales (***Esta medida se ha levantado actualmente***)
Se anima a los empleados de oficinas individuales a utilizar métodos de videoconferencia para las reuniones y no deben realizar reuniones ni recibir invitados en su oficina a menos que se pueda lograr un distanciamiento social de tres pies.

Proceso de selección (***Esta medida se ha levantado actualmente***)

Todo el personal, sera examinado para detectar síntomas de COVID-19 como medida de seguridad para promover un ambiente de trabajo y aprendizaje saludable y reducir el riesgo de transmisión de COVID-19. (Ver anexo)

Autoevaluación del empleado
Se les pide a los empleados que se autoexaminen antes de presentarse al trabajo comprobando su temperatura y determinando si tienen alguno de los siguientes signos o síntomas nuevos o que empeoran de un posible COVID-19:

- Sensación de fiebre o una temperatura medida igual o superior a 99.5 ° F
- Sacudidas repetidas con escalofríos
- tos
- Dolor de garganta
- Congestión nasal
- Dolores de cabeza persistentes
- Falta de aire o dificultad para respirar
- Dolores corporales / dolores musculares o articulares
- Fatiga
- Náuseas / Vómitos
- Pérdida del sentido del olfato o del gusto
- Ha estado en contacto cercano con una persona que, según el laboratorio, tiene COVID-19
- Si tiene fiebre de 99.5 ° F o más, o se siente enfermo, quédese en casa.
- Asegúrese de comunicarse con su proveedor de salud, si es necesario, y notifique a su supervisor sobre su ausencia.

Si tiene uno o más de los síntomas anteriores, el Departamento de Salud recomienda que lo deriven para la prueba de COVID-19. Además, deberá seguir las recomendaciones de auto cuarentena hasta que haya obtenido los resultados de la prueba o la aprobación de su proveedor de atención médica.

Todas las restricciones de viaje se levantan en el condado de El Paso; el personal y los estudiantes pueden viajar fuera de la región; sin embargo, deben observar todas las medidas y recomendaciones preventivas (distanciamiento social, cubrirse la cara si corresponde, lavarse las manos con frecuencia) durante el viaje y al regresar.

Personal que se enferma durante la jornada laboral
Debido a la naturaleza contagiosa del virus, todo el personal debe mantenerse informado, practicar hábitos saludables y evitar compartir equipo cuando sea posible para prevenir la propagación del COVID-19.

Los signos o síntomas pueden aparecer de 2 a 14 días después de la exposición al virus.

Las personas con los siguientes síntomas pueden tener COVID-19:

- Tos
- Falta de aire / dificultad para respirar
- Escalofríos / temblores repetidos con escalofríos
- Dolor muscular
- Dolor de cabeza
- Dolor de garganta
- Pérdida del gusto u olfato
- Diarrea
- Fiebre de 99.5 ° F o más o sensación febril
- Contacto cercano conocido con una persona que tiene COVID-19

Si el personal desarrolla síntomas de COVID-19 durante la jornada laboral o se confirma que tiene una infección por COVID-19, se tomarán las siguientes medidas para reducir la transmisión:

- Separe al personal enfermo de los demás y envíelos a casa.
- Comuníquese con el Departamento de Conserjería para conocer los procedimientos operativos estándar de limpieza / desinfección del escritorio / estación de trabajo del personal enfermo.
- Comuníquese con los Servicios de Salud para ayudar con el rastreo de contactos para determinar otros miembros del personal que puedan haber estado expuestos al virus.
- Recursos Humanos informará al personal sobre la posible exposición al virus manteniendo la confidencialidad. (Vea la Política de la Junta DH y el Código de Ética del Educador)

Orientación para el regreso al trabajo
El virus que causa COVID-19 puede ser transmitido a otras personas por personas infectadas a través de gotitas respiratorias de aquellos que tienen pocos síntomas, ningún síntoma o están levemente enfermos. Debido a la naturaleza contagiosa del virus, todo el personal debe mantenerse informado y tomar acciones según las pautas establecidas.

El personal y los estudiantes con COVID-19 confirmado no pueden regresar al trabajo o la escuela hasta:

Ya no tener fiebre (99.5 ° F o más) dentro de las 24 horas sin el uso de medicamentos para reducir la fiebre (Advil, Tylenol o aspirina) y mejoría significativa de otros síntomas (tos, dolor de garganta, dolor de cabeza, etc.) y Han pasado al menos 5 dias de la prueba positiva (PCR) o el miembro del personal tiene una declaración de un profesional médico que lo autoriza a regresar al trabajo basado en un diagnóstico alternativo.

Se asume que el personal con síntomas de COVID-19 que no ha sido examinado o evaluado por un profesional médico tiene COVID-19.

Es posible que el personal con síntomas de COVID-19 no regrese al trabajo hasta que:

- Se han cumplido los mismos criterios enumerados anteriormente, o
- El miembro del personal tiene una declaración de un profesional médico que lo autoriza a regresar al trabajo basado en un diagnóstico alternativo.

El personal que no este vacuno y es expuesto a personas que se sabe que tienen COVID-19 no puede regresar al trabajo hasta que:

- El final del período de autocuarentena de 5 días a partir de la última fecha de exposición.
- El empleado debe proporcionar una nota de un profesional médico que lo autorice a regresar al trabajo.
- La orientación para el regreso al trabajo no puede predecir cada situación única.

El personal que dé positivo por COVID-19 puede regresar a trabajar 5 días después de haber dado positivo.

Los empleados y estudiantes que estén completamente vacunados no tienen que ponerse en cuarentena a menos que muestren signos y síntomas de COVID-19 si están expuestos.

Apéndice

Formulario 1 - Cuestionario de evaluación respiratoria para empleados de SEISD (***Las medidas que figuran a continuación se han levantado actualmente***)

SEISD Employee Respiratory Screening	
1. Have you had any recent fevers of 99.5°F or greater?	Yes or No
2. Have you had any repeated shaking with chills?	
3. Have you had any cough (dry or productive)?	
4. Have you had a sore throat?	
5. Have you had any nasal congestion or runny nose?	
6. Have you had any persistent headaches?	
7. Have you had any shortness of breath?	
8. Have you had any body aches/ muscle or joint pain?	
9. Have you been experiencing extreme fatigue?	
10. Have you had any nausea/vomiting/ diarrhea?	
11. Have you had loss of your sense of smell or taste?	
12. Have you been in close contact with a person who is lab confirmed to have COVID 19?	

NOTA: Si respondió afirmativamente a una o más de las preguntas anteriores, proceda con lo siguiente:
a) Comuníquese con su supervisor / administrador inmediato y notifique sus síntomas
b) Se recomienda que haga un seguimiento con su Proveedor de atención primaria para una evaluación adicional o
c) El Departamento de Salud de la ciudad de El Paso recomienda llamar al (915) 212-0783 / 434-1092 o registrarse en línea en EPStrong.org para programar una cita para pruebas COVID 19

Firma del empleado: _____ Departamento / Campus: _____ Fecha: _____

Después de haber estado expuesto al COVID-19

TOME PRECAUCIONES
inmediatamente

Colóquese una mascarilla tan pronto como tome conocimiento de su exposición
Empiece a contar desde el día 1

- El día 0 es el día de su última exposición a una persona con COVID-19
- **El día 1 es el primer día completo** después de su última exposición

SIGA CON LAS MEDIDAS DE PRECAUCIÓN
10 días completos

El COVID-19 puede aparecer hasta 10 días después de su exposición

Tome precauciones

Use una mascarilla o respirador de muy buena calidad (como un N95) siempre que esté en contacto con otras personas dentro de su casa o en lugares públicos cerrados [1]

- No vaya a lugares donde no puede usar una mascarilla. Para ver la guía de viajes, consulte la página web de viajes de los CDC.

Tome precauciones adicionales si va a estar en contacto con personas que tienen mayor probabilidad de enfermarse gravemente a causa del COVID-19.

Más sobre cómo protegerse y proteger a los demás >

Esté atento a los síntomas

- fiebre (100.4 °F o más)
- tos
- falta de aire
- otros síntomas del COVID-19

Si presenta síntomas

- aíslese inmediatamente
- hágase una prueba de detección
- quédese en casa hasta conocer el resultado

Si el resultado de su prueba es positivo, siga las recomendaciones de aislamiento.

¿Cuándo aislarse?

Más allá de que esté vacunado o no, **debe aislarse de otras personas si tiene COVID-19**.

También debe aislarse **si está enfermo y sospecha que podría tener COVID-19 pero todavía no tiene los resultados de la prueba de detección.** Si su resultado es positivo, siga todas las recomendaciones de aislamiento a continuación. Si su resultado es negativo, puede suspender el aislamiento.

SI SU PRUEBA ES
negativa
Puede suspender su aislamiento

SI SU PRUEBA ES
positiva
Siga todas las recomendaciones de aislamiento a continuación

Cuando tiene COVID-19, el aislamiento se cuenta en días, de la siguiente manera:

Si no tuvo síntomas

- **El día 0 es el día que se hizo la prueba** (no el día que recibió el resultado positivo)
- **El día 1 es el primer día completo** después del día en que se hizo la prueba
- Si presenta síntomas dentro de los 10 días de su prueba de detección, el **recuento empieza el día 0 del día de aparición de los síntomas**

Si tuvo síntomas

- **El día 0 de aislamiento es el día que aparecieron los síntomas**, más allá de cuándo recibió el resultado positivo
- **El día 1 es el primer día completo** después del día en que empezó a tener síntomas.

Aislamiento

Si su prueba es positiva para COVID-19, **quédese en casa por al menos 5 días y aíslese de otras personas de su hogar.**

Probablemente sea **más infeccioso durante los primeros 5 días.**

- **Use una mascarilla de buena calidad** si tiene que estar cerca de otras personas en el hogar y en público.
- No vaya a lugares donde no puede usar una mascarilla. Vea guías de viajes en la página web de viajes de los CDC.
- No viaje.
- Quédese en casa y apartado de otras personas tanto como pueda.
- Use un baño separado, si es posible.
- Tome medidas para mejorar la ventilación en casa, tanto como sea posible.
- No comparta los artículos del hogar de uso personal como tazas, toallas y utensilios.
- Esté atento a la aparición de síntomas. Si tiene una señal de advertencia de emergencia (como dificultad para respirar), busque atención médica de emergencia inmediatamente.
- Aprenda más sobre qué hacer si tiene COVID-19.

Suspender el aislamiento

Suspenda el aislamiento en función de la gravedad de sus síntomas de COVID-19. La pérdida del gusto y el olfato pueden durar semanas o meses después de la recuperación, pero no son motivo para demorar la suspensión del aislamiento.

Si no tuvo síntomas

Puede suspender el aislamiento después del día 5.

Si tuvo síntomas y:

Sus síntomas están mejorando

Puede **suspender el aislamiento después del día 5** si:

- Hace 24 horas que no tiene fiebre (sin necesidad de medicamentos para bajar la fiebre).

Sus síntomas no están mejorando

Siga en aislamiento hasta que:

- Hayan transcurrido 24 horas sin que tenga fiebre (sin necesidad de medicamentos para bajar la fiebre).
- Sus síntomas estén mejorando.[1]

Si tuvo síntomas y tuvo:

Enfermedad moderada (tuvo dificultad para respirar)

Debe **aislarse hasta el día 10.**

Enfermedad grave (fue hospitalizado) o tiene un sistema inmunitario debilitado

- Debe **aislarse hasta el día 10.**
- **Consulte a su médico** antes de suspender el aislamiento.
- Es posible que suspender el aislamiento sin una prueba viral no sea la opción correcta para usted.

Si no sabe con certeza si sus síntomas son moderados o graves, o si tiene un sistema inmunitario debilitado, hable con un proveedor de atención médica para pedirle orientación.

Apoyo a los empleados
Se anima a todos los miembros del personal a comunicar cualquier inquietud a su supervisor, quien podrá orientarlos más en caso de que se necesiten servicios, información y / o consideraciones adicionales. A continuación, se muestran algunos recursos disponibles para los empleados.

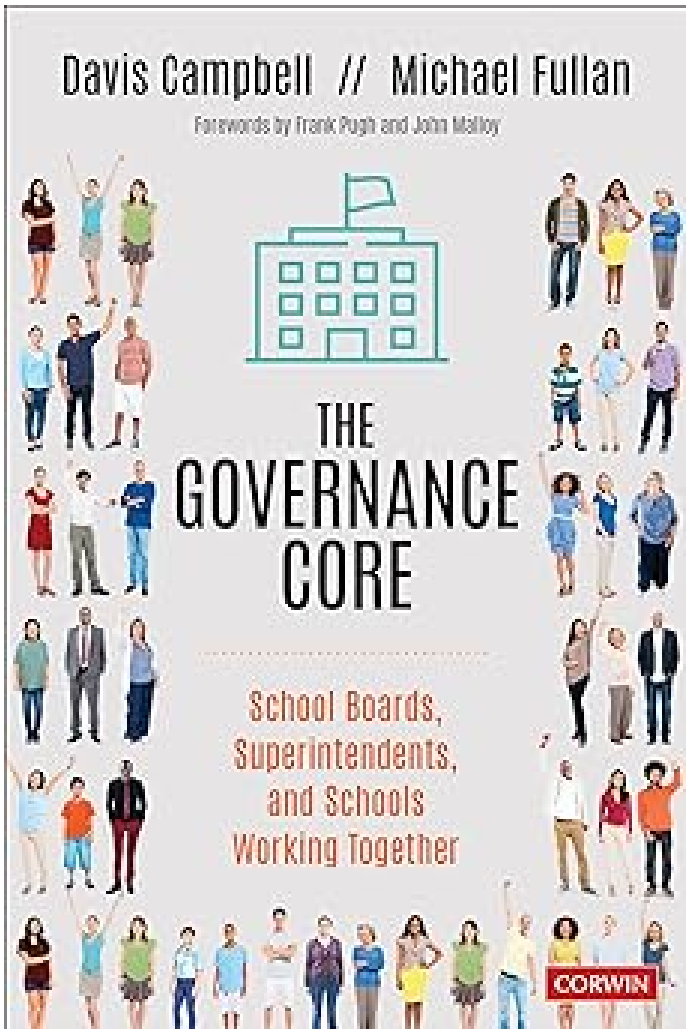
Recursos

TRS-Active Care		(800) 222-9205	www.trsactivecareaetna.com
Teledoc		(855) 835-2362	https://member.teladoc.com/trsactivecare
Texas Department of State Health Services ■ *COVID-19 Self-Checker* ■ *COVID-19 Test Collection Sites*		Dial 2-1-1, then choose Option 6.	https://www.dshs.state.tx.us/coronavirus/testing.aspx coronavirus@dshs.texas.gov
Centers for Disease Control and Prevention ■ *"If You are Sick or Caring for Someone"*		(800) 322-4636	https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html

Centros para el Control y la Prevención de Enfermedades y la Agencia de Educación de Texas
https://www.cdc.gov/ https://tea.texas.gov/ CDC.GOV

https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html

San Elizario ISD Board of Trustees Book Study



The Governance Core
by Davis Campbell / Michael Fullan

June 12, 2024:

Part I. Introduction and Mindsets for Efficacy
Introduction to the Book

- Read the Foreword by Frank Pugh pg. IX
- Read the Foreword by John Malloy pg. XI
- Read Introduction pgs. 1-10

August 14, 2024:

Chapter 1. Moral Imperative and the Governance Core pgs. 13-27

- Read Chapter 1 and highlight key concepts

Chapter 2. Trustee Governance Mindset pgs. 29-52

- Read Chapter 2 and reflect on the trustee's role in governance.

September 10, 2024:

Chapter 3. Superintendent Governance Mindset pgs. 53-72

- Read Chapter 3 and compare it with the trustee's perspective.

Chapter 4. Welcoming New Trustees pgs. 73-83

- Read Chapter 4 and explore strategies for integrating new trustees.

October 9, 2024:

Part II. Governance for Efficacy pgs. 87-107
Chapter 5. Governing with Coherence

- Read Chapter 5 and analyze how coherence enhances governance.

Chapter 6. Governance Culture pgs. 109-120

- Read Chapter 6 and reflect on the importance of organizational culture.

November 13, 2024:

Chapter 7. The Governance Job: Systems Thinking and Strategic Action pgs. 121-134

- Read Chapter 7 and understand the role of systems thinking in governance.

Chapter 8. Governance Tools pgs. 135-144

- Read Chapter 8 and explore various tools available for effective governance.

January 15, 2025:

Chapter 9. Rising to the Classroom pgs. 147-152

- Read Chapter 9 and identify key challenges and opportunities for improvement.

February 12, 2025:

Appendix I Template for Creating Board Protocols pgs. 153-154
Appendix II Three Comparisons of Effective Governance Principles pgs. 155-157

Editorial Reviews

Review

The Governance Core is a masterpiece that calls on governing board members to seize the moral high ground, establish a unity of purpose, and pursue governing excellence. The book is insightful, engaging, and filled with real-world examples that illuminate important principles needed for effective governing. *The Governance Core* is a must-read for new or veteran school board members.
-- Vernon Billy, CEO & Executive Director Published On: 2019-03-28

Brilliant and utterly compelling! I have sat in boardrooms for 46 years governing education institutions, hospitals, and universities. It's as if Davis Campbell and Michael Fullan were looking over my shoulder! *The Governance Core* captures the essence of effective governance in complex times. This book challenges us to focus on and achieve a higher moral purpose. Campbell and Fullan move beyond what governance is and explore how great leaders should govern.
-- Dr. Bill Hogarth, Consultant, and former Director of Education Published On: 2019-03-28

Governance, school boards, and superintendents are on the front line of meeting the challenges facing education in the 21st century. *The Governance Core* by Davis Campbell and Michael Fullan captures not only the nature of the challenges but also the characteristics of highly successful school board trustees and superintendents working together. *The Governance Core* goes deeply into the heart of effective governance. Incorporate these ideas, and you will become much more effective as governance leaders—and your students, parents and educators will benefit immensely.
-- Frank Pugh, Past President Published On: 2019-03-26

A treasure of a book, chock-full of guidance from the strategic to the pragmatic. I will refer to *The Governance Core* regularly as our board and principal work together in the service of the scholars and families in our school community. Whether you're a district leader or a principal, on a district school board, charter board, or local school council, you will find insights and tools to deepen your understanding and improve your practice of effective governance. Our nation's children deserve no less.
-- Susan Lucas, Co-Chair Published On: 2019-03-28

Davis Campbell and Michael Fullan do a masterful job of explaining how public school boards and superintendents working well together, with a shared moral imperative, can be a driving force for improvement in student learning as well as for society as a whole. This exquisite new book,
The Governance Core, beautifully explains why this is true and how to achieve it.
-- Leslie DeMersseman, Past President Published On: 2019-03-26

Simultaneously visionary and pragmatic,
The Governance Core provides a comprehensive, action-oriented blueprint for designing an effective governance system focused squarely on what matters: student learning. Davis Campbell and Michael Fullan demonstrate how the right approach to governance can make the critical difference in achieving learning for all students. This new book is a powerful, persuasive must-

read not only for superintendents and school board members but also for all of us in nonprofits and public agencies who share a commitment to students' succeeding in school and beyond. -- Glen Harvey, Chief Executive Officer Published On: 2019-03-26

Good governance is a skill, a discipline, and a commitment. Davis Campbell and Michael Fullan reveal new understandings and important lessons about governing public school systems for healthier communities. They make the compelling case that effective governance in these uncertain times is an essential driver for a better democracy. A must-read for all new and veteran board members and superintendents. -- Tony Smith, Former State Superintendent of Education Published On: 2019-03-26

Davis Campbell and Michael Fullan have provided great insights on the governance core in this inspiring book. I recommend that trustees and superintendents read this book together—and act on the key messages. -- John Malloy, Director of Education Published On: 2019-03-26

About the Author

Davis Campbell is the former Executive Director of the California School Boards Association and is Chair of the University of California Davis, School of Education Advisory Board and a Senior Fellow at the Center for Applied Policy in Education.

Campbell has a deep and broad background in public education. He served for 12 years in the California Department of Education, serving six of those as Deputy State Superintendent of Public Instruction in charge of all education programs. In 1988 he was appointed Executive Director of the California School Boards Association, serving in that capacity until his retirement in 2001. He has also served as an elected trustee on the Yolo County Board of Education. In 2020, Campbell was awarded the 2020 University of California Davis Alumni Association Distinguished Achievement Award.

Campbell maintains an active consulting practice in effective governance in education as well as nonprofit agencies at both the state and international level. In California, in addition to continuing education governance programs with school districts, Campbell has provided workshops for nonprofit organizations as well as governance workshops and presentations with cities, counties, and special districts. Campbell's international work includes governance support for American and International schools in Madrid Spain (15 years), Barcelona Spain, Lisbon Portugal, Paris France, Rome and Milan Italy, Tunis Tunisia, Cairo Egypt and British Columbia Canada.

Michael Fullan served as Premier Dalton McGuinty's Special Policy Adviser in Ontario from 2003-2013. He received the Order of Canada (OC) in December 2012 and holds five honorary doctorates from universities around the world. His 'interim autobiography', Surreal Change, covers his work to 2018. Michael and his colleagues are now working diligently on field-based comprehensive system change in several countries. This work operates under the umbrella of what they call the 'shared humanity paradigm' —Equity, Engagement, Excellence--Deep change that integrates local (school and community), middle (district/regional), and state (policy) entities.

Fullan's favorite method of learning is to partner with groups that are engaged with change; and to learn together with them. (And then to write another book about the experiences, and what was learned).

Michael Fullan's latest books are: Nuance (2019), Spirit Work and the Science of Collaboration (with Mark Edwards, 2022), The Principal 2.0 (2023), and The Drivers (with Joanne Quinn, 2023).

For more information on books, articles, videos, podcasts please go to: www.michaelfullan.ca

Quote Share Learning

1. Quote Share: Find at least two quotes per chapter that resonate with you
2. Record your rationale for selecting each of the two quotes

Chapter	Quote with page number	Rationale
Chapter 1		
Chapter 1		
Chapter 2		
Chapter 2		
Chapter 3		
Chapter 3		
Chapter 4		
Chapter 4		
Chapter 5		
Chapter 5		

Quote Share Learning

1. Quote Share: Find at least two quotes per chapter that resonate with you
2. Record your rationale for selecting each of the two quotes

Chapter	Quote with page number	Rationale
Chapter 6		
Chapter 6		
Chapter 7		
Chapter 7		
Chapter 8		
Chapter 8		
Chapter 9		
Chapter 9		
Appendix I	Not a quote, just a thought	No rationale, just a conversation
Appendix II	Not a quote, just a thought	No rationale, just a conversation



Registration:
MASBATX.ORG/EVENTS

2024

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- See who is exhibiting in 2024
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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

May 22, 2024

Dr. Jeannie Meza-Chavez
Superintendent
San Elizario ISD
P O Box 920
San Elizario, TX 79849-0920

Dear Dr. Meza-Chavez,

Howdy neighbors! I'm thrilled to share the exciting news that your district has been chosen for the Fresh Fruit and Vegetable Program, facilitated by the Texas Department of Agriculture. This program provides an invaluable addition to your nutrition initiatives, offering your team the opportunity to both nourish and educate students. By introducing children to an extra serving of fresh, healthy food, we're ensuring they have the energy they need to excel in the classroom while learning healthy habits that will benefit them for years to come.

This program is available for select districts and campuses on a limited basis. The current award for San Elizario ISD stands at $83,384.73 for the 2024-2025 school year. Our team will provide further details to your child nutrition director regarding eligible schools and participation guidelines. Congratulations on securing this award and thank you for your leadership in introducing this nutritious addition to the school day, which also bolsters support for Texas agricultural producers.

Sincerely,

Sid Miller
Texas Agriculture Commissioner

P.O. Box 12847
Austin, Texas 78711

TexasAgriculture.gov

(512) 463-7476
Fax: (888) 223-8861

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Aggie Reyes, Executive Director of Child Nutrition Services
Subject: May 2024 – Meal Service Update
Date: May 31, 2024

HISTORY: The Child Nutrition Services Department will provide a monthly report to the Members of the Board of Trustees.

RATIONALE: The Child Nutrition Services Department served 90,331 student meals in the month of May 2024. This count includes breakfast, lunch, supper, and after-school snacks.

Finding ways to support student recognitions is our goal.
In the Month of May 2024, we participated in the following school events:

- Special meals were prepared for High School seniors and athletes throughout the month of May.
- Snacks were provided for the transitioning Loya & Sambrano students.
- Special meal was prepared at Alarcon for graduating students.
- Watermelon was provided to students at Lorenzo Loya Primary.
- Special meals were prepared for athletes and clubs at GEMS.

We are honored to serve the students and community of San Elizario in the 2023-2024 school year.

BUDGET: No budget impact.

ADMINISTRATIVE RECOMMENDATION: No Recommendation

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Blanca I. Cruz, Executive Director – Human Resources
Subject: Revision to Administrative Professional Pay Table
Date: June 12, 2024

HISTORY:

The compensation plan for the 2024-2025 contract year was approved on March 6, 2024. Since then, personnel recommendations have been made to the budget committee based on students' needs.

RATIONALE:

The recommendation to transition an employee who holds the certification to perform the duties of an autism specialist has been approved by the administration for the 2024-2025 school year. The transfer is a lateral transfer. However, since this is a new position, the Administrative Professional Pay Table must be updated accordingly to reflect the days and salary of the position.

BUDGET:

The recommendation resulted in the addition of a Speech Language Pathologist to replace the internal employee who will transition to the Autism Specialist role in 2024-2025. This information was communicated to the Board of Trustees as part of the first budget workshop. The approximate cost is $85,000.

ADMINISTRATIVE RECOMMENDATION:

To approve the addition of the Autism Specialist position to the administrative professional pay table as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition
☐ Attachment Included

HUMAN RESOURCES DEPARTMENT

2024-2025 Administrative Professional Pay Scale

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
1			**Daily**	**$ 253.35**	**$ 304.72**	**$ 356.09**
	Manager-Student Activities	173	**173 Days**	$ 43,829.40	$ 52,716.15	$ 61,602.90
2			**Daily**	**$ 278.54**	**$ 335.60**	**$ 392.65**
	Social Worker	170	**170 Days**	$ 47,351.80	$ 57,052.00	$ 66,750.50
	Speech Language Pathologist-Licensed Assistant	163	**163 Days**	$ 45,402.02	$ 54,702.80	$ 64,001.95
	Autism Specialist	163				
2 -A			**Daily**	**$ 279.81**	**$ 336.81**	**$ 392.81**
	Specialist-Purchasing	190	**190 Days**	$ 53,164	$ 63,994	$ 74,633.90
	Supervisor - Warehouse/Grounds/Custodial Support	190				
	Certification/Data Mgnt.	190				
3			**Daily**	**$304.62**	**$367.01**	**$429.40**
	Accountant	190	**190 Days**	57,878.60	69,732.30	81,586.00
	Supervisor-Support Services/Transportation					
4			**Daily**	**$345.58**	**$411.40**	**$477.23**
	Counselor-ES	168	168	$58,058.00	$69,116.00	$80,174.00
	Counselor-Special Education	168	184	$63,587.33	$75,698.48	$87,809.62
	Counselor-MS	184				
	Counselor-HS	184				
5			**Daily**	**$361.21**	**$430.02**	**$498.82**
	Asst Principal-Elementary	184	184	$66,463.20	$79,122.96	$91,782.72
5-A			**Daily**	**$366.00**	**$435.72**	**$505.43**
	Administrator-Database/Systems	190	190	$69,540.20	$82,786.06	$96,031.92
	Administrator-Network	190				
	Coordinator-PEIMS	190				
	Coordinator-Risk Management	190				
	Officer-Instructional	190				