

**Official Agenda and Meeting Notice
of the Board of the
Beaumont Independent School District
in the Board Room of the Beaumont ISD Administration Building**

Thursday, August 19, 2021

Regular Meeting

5:00 PM

The items on this agenda may be taken in any order.

As directed under the Texas Open Meetings Act, Texas Government Code, Chapter 551 (the "Act"), if during the course of the meeting covered by this Notice, the Board should determine that a closed session of the Board is required, then such closed session will be held by the Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the Board may conveniently meet in closed session concerning any and all purposes permitted by the Act.

5:00 PM - (CALL TO ORDER)

- I. INTRODUCTION
 - A. ROLL CALL
 - 1. CLOSED SESSION (CLOSED TO PUBLIC) - BOARD WILL CONVENE IN CLOSED SESSION UNDER CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, SECTIONS 551.071, 551.072, 551.073, 551.074, 551.076, 551.082, 551.0821, 551.083, 551.084 AND/OR 551.087, TO DELIBERATE ON THE FOLLOWING:
 - a. LEGAL
 - 1. Pending or contemplated litigation matters and status report
 - 2. Matters on which the school district legal counsel's duties to the school district under the Texas Disciplinary Rules of Professional Conduct or the State Bar of Texas Clearly conflicts with the Texas Open Meetings Act
 - 3. Discuss financial information related to Texas Tax Code Chapter 313 received from a business prospect considering locating in the District (Texas Government Code 551.087)
 - 4. Approve mediated settlement agreement with A.O. and L.O. bnf N.O
 - b. PERSONNEL
 - 1. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, proposed terminations, terminations and suspensions, proposed nonrenewals, renewals, and resignation/retirements, discipline, and/or dismissal of a public officer or employee, including the superintendent, and/or hear complaints and grievances against public officers or employees
 - 1. Consider reassignment of Parent Complaint: J.G.
 - 2. Review Individuals for Teacher Certification Waiver
 - c. REAL ESTATE
 - 1. Deliberation regarding the purchase, exchange, lease or value of real property
 - d. ECONOMIC DEVELOPMENT
 - 1. Deliberation regarding an offer of a financial or other incentive to a business prospect related to economic development negotiations
- II. 6:30 p.m. - BOARDROOM (REGULAR OPEN BOARD MEETING)
 - A. INTRODUCTION OF REGULAR MEETING
 - 1. United States and Texas Flags Pledges of Allegiance
 - 2. Recognitions
 - B. PUBLIC COMMENTS
 - C. STUDENT OUTCOMES
 - 1. Superintendent's Report
 - 2. Cabinet Report
 - a. 2020-2025 Strategic Plan - Dr. Anita Frank, Assistant Superintendent for Elementary Administration and Strategic Planning Task Force Leads
 - D. INFORMATION ITEMS
 - 1. Update on Personnel Activities



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.C.2.a.**

Agenda Item Title: Cabinet Report: BISD Strategic Plan

Cabinet Level Presenter(s): Dr. Anita Frank, Anetra Cheatham, Jenny Angelo, Randall Maxwell

Additional Presenter(s): Dr. Donna Prudhomme, Diana Valdez, Lydia Sylvester, Angela Mireles

Executive Summary: Beaumont ISD’s Strategic Plan was developed to ensure all students have access to high-quality schools and learning experiences that prepare them for college, career or military after they graduate. The Strategic Plan includes Board Outcome Goals, strategic priorities and intentional strategies that will guide the work of the district. The targets, measurements and specific strategies used to reach each goal will be implemented over the next five years.

Recommendation: N/A

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation): N/A

Legal Review (if necessary, list attorney and firm): N/A

Anita Frank

Cabinet Level Presenter's Signature

8/12/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

Beaumont ISD Strategic Plan

EXECUTIVE SUMMARY

The Beaumont ISD Visioning Task Force was created by the Beaumont ISD Board of Trustees and administration as part of the process to develop a Strategic Plan for the district. The 65+-member committee included key community leaders, teachers, students, parents, administrators and other community stakeholders. The Visioning Task Force met in 3 two-day workshops in January and February 2020 to:

- Share their perspectives on what they see as Beaumont ISD's greatest strengths and opportunities for growth,
- Collaboratively generate a vision for a future state of the District that reflects the community's values,
- Consider thoughts from two educational experts, Dwight Carter and Dr. Stephen Peters, and how those ideas impact the future of the district,
- Develop recommendations for the future of Beaumont ISD that were used to develop goals and strategies for the Strategic Plan.

Recommendations of the Visioning Committee were captured in the *Findings and Directions*. Findings are statements that describe how the committee believes instruction should be facilitated and supported, and Directions are statements that describe how the Findings will be accomplished. *Findings and Directions* were defined in the following areas:

- Student Engagement
- Literacy
- Technology
- High Expectations
- Teaching & Learning
- Discipline
- Safety & Security
- Social Emotional Learning
- Talent Development
- Parent & Community Partnership
- Socio-Economic Equity
- College, Career, & Military Readiness

BISD Board of Trustees held a workshop to review the HB 3 Requirements. During this meeting the Board of Trustees developed 3 goals to meet the state requirements. In addition, the Board of Trustees reviewed language from the Findings and Direction document to identify the focus of two additional goals. The two focus areas included for goal development included improving the community's perception of Beaumont ISD and increasing the number of students enrolling in post-secondary programs.

BISD Administration also crafted an additional goal based on the requirements of the System of Great Schools (SGS) framework. The draft of this goal was shared with the BISD Administrative Cabinet to refine language and come to consensus on the goal.

The BISD Board of Trustees adopted the all six goals and aligned their strategic plan template to the Findings and Directions. Administration created Task Forces for English Language Arts, Math, CCMR, and Student Discipline. Each Task Force was charged with developing sets of strategic actions that would collectively contribute to BISD's ability to achieve all six goals adopted by the Board. Those goals are:

1. The percent of 3rd grade students that score meets grade level or above on STAAR Reading will increase from 16% to 55% by June 2025.
2. The percent of 3rd grade students that score meets grade level or above on STAAR Math will increase 11% to 50% by June 2025.
3. The percentage of graduates that meet the criteria for CCMR will increase from 49% to 70% by August 2025.
4. Beaumont ISD will improve its perception in the community as indicated on an annual net promoter survey score.
5. Beaumont ISD will double the number of students enrolling/entering into military service, industry-based certification, a two-year community college or a four-year university.
6. The district will increase the number of A or B-rated schools across the district from 2 to 8 by 2025.

Once Task Forces were created, each one held a series of meetings to determine a process for strategy development. Upon the development of strategic actions aligned to the Findings and Directions, Task Forces convened to share their strategies before the BISD Cabinet, who evaluated the presentations on several criteria including:

- the representation of 100% of the Visioning Task Force's findings and directions,
- the degree to which the Task Force's plan included strategic actions that were new in the district, and
- the degree to which the Task Force's plan included strategic actions that were bold.

Using feedback from the BISD Cabinet, Task Forces refined their strategic actions until all three criteria above were met. Once this was achieved, Annual Performance Measures were created and assigned to corresponding Senior Team members, who were charged with ensuring that the strategic actions were carried out over the course of the Strategic Plan. Updates on the progress of the Annual Performance Measures and progress towards meeting the 6 goals of the Strategic Plan will be shared with the BISD Board of Trustees quarterly.



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.D.1.**

Agenda Item Title: Update on Personnel Activities

Cabinet Level Presenter(s): Derwin Samuels, Jr., Executive Director of Human Resources

Additional Presenter(s): N/A

Executive Summary: Attached is a listing of newly hired and separated employees for July 2021

Recommendation: Informational Item Only

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation): N/A

Legal Review (if necessary, list attorney and firm): N/A



Cabinet Level Presenter's Signature



Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

New Employee Assignment Report
Hiring Date Range: 07-01-2021 through 07-31-2021

Campus/Department	Assignment	Employee Name	Start Date
ELEMENTARY SCHOOLS			
Fehl-Price Elementary School	Campus PEIMS Data Clerk	Frenzelle Harris	7/26/2021

Campus/Department	Assignment	Employee Name	Start Date
MIDDLE SCHOOLS			
Marshal Middle School	Counselor Middle School	Teesha Dominick	7/15/2021
Odom Middle School Academy	Counselor Middle School	Stacie Arsement	7/26/2021
Smith Middle School	Principal Middle School	Loretta Mack	7/19/2021
Vincent Middle School	Counselor Middle School	Sara Manuel	7/26/2021

Campus/Department	Assignment	Employee Name	Start Date
HIGH SCHOOL			
Baumont ISD Early College HS	Counselor High School	Leslie Stegemoller	7/26/2021

Campus/Department	Assignment	Employee Name	Start Date
OFFICE OF SCHOOL ADMINISTRATION			
Office of School Administration	District Coordinator for School Improvement	Kandiest Brock	7/28/2021

Campus/Department	Assignment	Employee Name	Start Date
SPECIAL EDUCATION			
Special Education	Teacher Special Education	Jennifer Wirth	7/26/2021

Campus/Department	Assignment	Employee Name	Start Date
MEMORIAL STADIUM			
Summer Swim Program	Summer Swim	Karrenton Fillyaw	7/1/2021

**EMPLOYEE SEPARATION
REPORT**

Separation Date Range: 07-01-2021 through 07-31-2021

Campus/Department	Assignment	Last Work Day	Employee Name	Sep Type
ELEMENTARY SCHOOL				
Amelia Elementary School – 101	Special Education Aide	7/21/2021	Edwards, Debra K	Resign
Blanchette Elementary School – 127	Teacher Elementary School	7/14/2021	Martin, London D	Resign
Curtis Elementary School – 105	Teacher Elementary School	7/14/2021	Shelton, Margaret L	Resign
Dishman Elementary School – 126	Teacher Elementary School	7/29/2021	Rodriquez Levy, Gina A	Resign
Homer Elementary School – 123	Teacher Elementary School	7/14/2021	Tate, Stephanie C	Resign
Pietzsch Elementary School – 125	Assistant Principal Elementary School	7/14/2021	Bennett, Vanessa	Resign

Campus/Department	Assignment	Last Work Day	Employee Name	Sep Type
MIDDLE SCHOOL				
King Middle School - 043	Teacher Middle School	7/21/2021	Charles Jr., Larry	Resign
Marshall Middle School – 046	Counselor Middle School	7/8/2021	Mayo, Shunique Y	Resign
Odom Middle School Academy – 047	Teacher Middle School	7/29/2021	Blackwell, Lindsey	Resign
Smith Middle School – 042	Special Education Aide	7/14/2021	Davis, Falen N	Resign

Campus/Department	Assignment	Last Work Day	Employee Name	Sep Type
HIGH SCHOOL				
Beaumont United High School - 014	Teacher High School	7/28/2021	Antoine, Rosalyn	Resign
West Brook High School – 008	Teacher-Instructional Coach	7/29/2021	Broxton, Adrianna N	Resign

Campus/Department	Assignment	Last Work Day	Employee Name	Sep Type
CAREER CENTER				
Career Center – 009	Teacher High School	7/8/2021	Veal, Ebonique Thomas	Resign



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.D.2.**

Agenda Item Title: Report – Tax Collections

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s):

Executive Summary: N/A

Recommendation: N/A

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/11/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

Tax Collection Report
July 31, 2021

	Taxes Collected			
	7/31/21		7/31/20	
	M & O	I & S	M & O	I & S
Current	252,203.21	66,299.78	412,999.93	108,167.30
Delinquent	93,384.96	22,893.06	83,293.46	20,431.82
Penalties & Interest	92,530.57	21,728.45	84,297.35	20,875.57
Totals	438,118.74	110,921.29	580,590.74	149,474.69

	Current Taxes			
	Tax Levy	Collections for 07/31/2021	YTD Current Collections	Collected Percentage
	137,770,446.70	318,502.99	135,461,426.50	98.32%

Two Year Comparison	
Current Year as of 07/31/2021	Prior Year as of 07/31/2020
98.32%	98.24%

AGENDA:
August 19, 2021



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.D.3.**

Agenda Item Title: Report – General Fund Summary

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s):

Executive Summary: N/A

Recommendation: N/A

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/10/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

BEAUMONT INDEPENDENT SCHOOL DISTRICT
GENERAL FUND
 Budget vs. Expenditures
 July 31, 2021

	Amended Budget	Month To Date	Year to Date Transactions	Outstanding Encumbrances	Balances
REVENUES					
Property Tax Collection (including delinquencies)	118,385,278	438,119	438,119	-	117,947,159
Sources of Misc Income (Foreign Trade Zone, Athletics...)	13,801,554	20,890	20,890	-	13,780,664
State Program Revenues	36,727,869	517,268	517,268	-	36,210,601
Federal Program Revenues	4,105,646	74,216	74,216	-	4,031,430
Other Financing Sources	425,000	454,203	454,203	-	(29,203)
Total Revenues	173,445,347	1,504,697	1,504,697	-	171,940,650
EXPENDITURES					
11 Classroom	89,235,907	1,078,837	1,078,837	215,308	87,941,762
12 Library	1,298,880	15,718	15,718	5,411	1,277,750
13 Staff Development	595,727	15,200	15,200	45,378	535,149
21 Asst Sups, Directors, Supervisors, Curriculum Coordinators	4,074,288	337,242	337,242	11,205	3,725,841
23 Principal, Asst. Principals, Office Clerical	11,622,315	338,938	338,938	25,709	11,257,668
31 Counselors	5,672,721	161,970	161,970	109,834	5,400,917
32 Social Workers	338,879	10,183	10,183	-	328,696
33 Nurses	2,104,667	36,276	36,276	644	2,067,747
34 Transportation	5,720,607	250,134	250,134	630,225	4,840,248
36 After School Activites	5,508,284	254,702	254,702	485,895	4,767,688
41 Administration	7,021,200	439,795	439,795	265,873	6,315,531
51 Maintenance and Utilites	32,275,214	970,684	970,684	3,702,170	27,602,361
52 Police and Monitoring Services	2,819,118	115,724	115,724	50,524	2,652,870
53 Data Processing Personnel	4,017,499	324,376	324,376	548,860	3,144,263
61 Parent involment Liaisons, Day Car Workers	224,235	44	44	-	224,191
71 Debt Service	1,114,965	-	-	-	1,114,965
81 Facilities Acquisition & Construction	326,638	49,593	49,593	280,868	(3,823)
93 Fiscal Agent - Shared Service for Deaf Program	380,000	-	-	-	380,000
95 Juvenile Justice Alternative Ed Program	150,000	-	-	-	150,000
99 Tax Appraisal & Collections	1,314,465	-	-	-	1,314,465
Total Expenditures	175,815,609	4,399,417	4,399,417	6,377,903	165,038,289
Net increase (decrease)	(2,370,262)				6,902,362



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.D.4.**

Agenda Item Title: Report – Campus Activity Funds and Donations

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s):

Executive Summary: N/A

Recommendation: N/A

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/10/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

**CAMPUS ACTIVITY FUND
EXPLANATION OF AMENDMENTS
JULY 2021**

West Brook High School	\$ 10,433.00
Explanation: Car Registrations, Textbook Fines, Program Ads, Chromebook Fees, Yearbooks, Student IDs	
Beaumont United High School	\$ 984.00
Explanation: Car Registrations, Chromebook Fees, Transcript Fees, AP Fees	
Smith Middle School	\$ 345.00
Explanation: Commissions/Vending Machines, Fundraiser Proceeds	
King Middle School	\$ 114.00
Explanation: Commissions/Vending Machines	
Marshall Middle School	\$ 5,968.00
Explanation: Yearbooks, Gym Suits, Library Lost Books, LED Signs, Chromebook Fees,	
Odom Academy	\$ 10,000.00
Explanation: Fundraiser Proceeds	
Vincent Middle School	\$ -
Explanation:	
Amelia Elementary	\$ -
Explanation:	
Caldwood Elementary	\$ -
Explanation:	
Curtis Elementary	\$ -
Explanation:	
Fletcher Elementary	\$ 165.00
Explanation: Chromebook Fees	
Guess Elementary	\$ -
Explanation:	
Regina Howell Elementary	\$ -
Explanation:	
Homer Drive Elementary	\$ -
Explanation:	
Pietsch Elementary	\$ 550.00
Explanation: Commissions/Vending Machines, Chromebook Fees, Fundraiser Proceeds	
Dishman Elementary	\$ -
Explanation:	
Blanchette Elementary	\$ -
Explanation:	
Martin Elementary	\$ -
Explanation:	

**CAMPUS ACTIVITY FUND
EXPLANATION OF AMENDMENTS, CONTINUED
JULY 2021**

Phalen Leadership Academy (Jones-Clark ES)	\$	-
Explanation:		
Charlton-Pollard Elementary	\$	-
Explanation:		
Fehl Price Classical Academy	\$	-
Explanation:		
Bingman Pre-K Center	\$	-
Explanation:		
Lucas Pre-K Center	\$	-
Explanation:		
Pathways Learning Center	\$	-
Explanation:		
Taylor Career Center	\$	-
Explanation:		
Brown Center	\$	-
Explanation:		
Transportation Dept	\$	-
Explanation:		
Maintenance Dept	\$	-
Explanation:		
Administration Building	\$	-
Explanation:		
Admin. Annex Building	\$	1,750.00
Explanation: Donations		
Police Dept.	\$	51.00
Explanation: Crash Report Fees		
Early College H.S.	\$	192.00
Explanation: Commissions/Vending Machines, Fundraiser Proceeds		
School for the Deaf (Deaf Ed.)	\$	-
Explanation:		

**CAMPUS ACTIVITY FUNDS
BUDGET CHANGE REPORT - JULY 2021**

		<u>Original Budget</u>	<u>Change</u>	<u>Amended Budget</u>
<u>Revenues</u>				
Local Revenue - Other Sources	461.00.5749.00	285,488	30,552	316,040
<u>Expenditures</u>				
	<u>School Leadership</u>			
West Brook High School	461.XX.6499.00.008.00.000	86,852	10,433	97,285
Beaumont United High School	461.XX.6499.00.014.00.000	13,583	984	14,567
Smith Middle School	461.XX.6499.00.042.00.000	2,614	345	2,959
King Middle School	461.XX.6499.00.043.00.000	8,532	114	8,646
Marshall Middle School	461.XX.6499.00.046.00.000	33,057	5,968	39,025
Odom Academy	461.XX.6499.00.047.00.000	28,088	10,000	38,088
Vincent Middle School	461.XX.6499.00.048.00.000	11,093	-	11,093
Amelia Elementary	461.XX.6499.00.101.00.000	1,105	-	1,105
Caldwood Elementary	461.XX.6499.00.104.00.000	4,827	-	4,827
Curtis Elementary	461.XX.6499.00.105.00.000	13,995	-	13,995
Fletcher Elementary	461.XX.6499.00.110.00.000	7,212	165	7,377
Guess Elementary	461.XX.6499.00.112.00.000	7,916	-	7,916
Regina Howell Elementary	461.XX.6499.00.118.00.000	18,789	-	18,789
Homer Drive Elementary	461.XX.6499.00.123.00.000	2,664	-	2,664
Pietzsch Elementary	461.XX.6499.00.125.00.000	3,014	550	3,564
Dishman Elementary	461.XX.6499.00.126.00.000	2,949	-	2,949
Blanchette Elementary	461.XX.6499.00.127.00.000	1,920	-	1,920
Martin Elementary	461.XX.6499.00.128.00.000	1,479	-	1,479
Phalen Leadership Academy (Jones-Clark)	461.XX.6499.00.129.00.000	12,048	-	12,048
Charlton-Pollard Elementary	461.XX.6499.00.130.00.000	2,150	-	2,150
Fehl Price Classical Academy	461.XX.6499.00.131.00.000	2,647	-	2,647
Bingman Pre-K Center	461.XX.6499.00.132.00.000	735	-	735
Lucas Pre-K Center	461.XX.6499.00.133.00.000	813	-	813
Pathways Learning Center	461.XX.6499.00.006.00.000	75	-	75
Taylor Career Center	461.XX.6499.00.009.00.000	3,384	-	3,384
Brown Center	461.XX.6499.00.012.00.000	1,542	-	1,542
Transportation Dept	461.XX.6499.00.811.00.000	729	-	729
Maintenance Dept	461.XX.6499.00.819.00.000	449	-	449
SSA Deaf Program	461.XX.6499.00.838.00.000	526	-	526
Administration Building	461.XX.6499.00.842.00.000	2,213	-	2,213
Admin. Annex Building	461.XX.6499.00.843.00.000	339	1,750	2,089
Police Dept.	461.XX.6499.00.850.00.000	42	51	93
Early College H.S.	461.XX.6499.00.013.00.000	8,107	192	8,299
	Total Expenditures	285,488	30,552	316,040
BUDGET CHANGE				
	Total Revenues	285,488	30,552	316,040
	Total Expenditures	<u>(285,488)</u>	<u>(30,552)</u>	<u>(316,040)</u>
	Adjusted Surplus	-	-	-

DONATION REPORT - JULY 2021

MONETARY DONATIONS

<u>Donor Name/Organization</u>	<u>Recipient</u>	<u>Account Number</u>	<u>Amount Given</u>
Baptist Hospitals of Southeast Texas	Curriculum & Instruction - Conference T-Shirt Sponsorship	461.00.5749.00.843.00.C92	750
Lamar Institute of Technology	Beaumont Independent School District - Convocation T-Shirts	199.41.6499.72.701.99.000	1,000
Lamar Academic Partnerships	Beaumont Independent School District - Convocation T-Shirts	199.41.6499.72.701.99.000	2,500
Amerigroup Corporation	Beaumont Independent School District - Convocation Sponsorship	199.41.6499.72.701.99.000	2,500
Deli Management	Beaumont United High School - Coaches Championship Rings	492.00.5749.00.000.00.000	200
Architectural Alliance, Inc.	Beaumont United High School - Coaches Championship Rings	492.00.5749.00.000.00.000	4,300

Total Amount Donated	11,250
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DONATION REPORT - JULY 2021

RECORD OF DONATED ITEMS

Donor Name/Organization

SAF Club/Department

Description of Items

Estimated Value

No activity for the month



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.D.5.**

Agenda Item Title: Report – Quarterly Investment Report

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s):

Executive Summary: Section 2256.023 of the Public Funds Investment Act requires the investment officer to prepare and submit to the governing body of the entity, not less than quarterly, a written report of investment transactions for all funds covered by the Act for the preceding quarter.

Recommendation: N/A

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/10/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

**QUARTERLY INVESTMENT REPORT
FOR THE QUARTER ENDED MAY 31, 2021**

Investment Program

The legal requirements and local authority for investment of District funds are detailed in Board Policy CDA (Legal) and CDA (Local) as adopted by the Board of Managers. The investments utilized by Beaumont ISD for the Quarter Ended May 31, 2021 included TexPool and Lone Star and Investment Pools.

Investment Position at May 31, 2021

<u>Investment</u>	<u>Book Value</u>	<u>Market Value</u>
Lone Star Investment Pool	\$ 102,379,960.93	\$ 102,379,960.93
TexPool	4,079,199.22	4,079,199.22
Total	\$ 106,459,160.15	\$ 106,459,160.15

Investment Activity

A summary of activity is listed below:

**Schedule of Transactions by Fund Group
Investments in Lone Star Investment Pool
Quarter Ended May 31, 2021**

<u>Investment</u>	<u>Carrying Amount 03/01/2021</u>	<u>Additions 03/01/2021- 05/31/2021</u>	<u>Deductions 03/01/2020- 05/31/2021</u>	<u>Carrying Amount 05/31/2021</u>
General Fund - Corporate Overnight Plus Fund	\$ 108,247,879.23	10,600,175.22	30,438,084.47	\$ 88,409,969.98
General Fund - Corporate Overnight Fund	2,767,891.61	564.12	600,858.75	2,167,596.98
General Fund - Government Overnight Fund	14,690,070.09	3,117,442.61	17,044,273.41	763,239.29
Total General Fund	\$ 125,705,840.93	\$ 13,718,181.95	\$ 48,083,216.63	\$ 91,340,806.25
Debt Service - Corporate Overnight Plus Fund	\$ 17,011,826.02	4,004,511.52	10,927,761.95	\$ 10,088,575.59
Debt Service - Corporate Overnight Fund	593,827.21	129.19	-	593,956.40
Debt Service - Government Overnight Fund	3,558,647.32	797,975.37	4,000,000.00	356,622.69
Total Debt Service Fund	\$ 21,164,300.55	\$ 4,802,616.08	14,927,761.95	\$ 11,039,154.68
Total Lone Star Investments	\$ 146,870,141.48	\$ 18,520,798.03	\$ 63,010,978.58	\$ 102,379,960.93

**Schedule of Transactions by Fund Group
Investments in Texpool
Quarter Ended May 31, 2021**

<u>Type</u>	<u>Carrying Amount 03/01/2021</u>	<u>Additions 03/01/2021- 05/31/2021</u>	<u>Deductions 03/01/2020- 05/31/2021</u>	<u>Carrying Amount 05/31/2021</u>
General Fund	\$ 3,933,580.07	\$ 140.16	\$ -	\$ 3,933,720.23
Debt Service Fund	145,473.82	5.17	-	145,478.99
Total Investments	\$ 4,079,053.89	\$ 145.33	\$ -	\$ 4,079,199.22


Cheryl Hernandez, CFO


Stacey Fitch, Comptroller



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: II.D.6.

Agenda Item Title: Review of Student Handbook & Student Code of Conduct

Cabinet Level Presenter(s): Mr. Randall Maxwell

Additional Presenter(s): Dr. Diana Valdez

Executive Summary: Attached is the 2021-2022 Student Handbook. Each year the board is required to review the Student Handbook which serves as a general reference guide and is designed to be in harmony with board policy and the Student Code of Conduct. The handbook provides basic information that parents need regarding the overall processes and procedures in the district.

Recommendation:

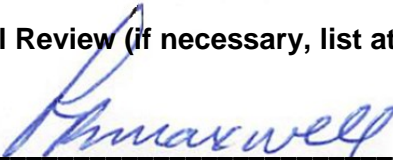
Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A



Cabinet Level Presenter's Signature

8/12/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

Board Briefing
2021-2022 BISD Student Handbook

This item is submitted for your review. Because the Student Handbook does not carry the weight of Board policy, it does not require Board approval. However, the Handbook does serve as a repository of policy guidance for those issues which most often affect students and parents.

Its purpose is to provide assistance to students and parents in addressing school issues which may emerge. Often, this assistance takes the form of directing students and/or parents to existing board policy, or of directing students to the correct office. The reader will see this throughout the Handbook. The Handbook also provides information for referrals to community resources, particularly mental health resources. As you know, our Handbook is based on the template provided by TASB.

There are some changes from the 2020-2021 Handbook, though the basics remain the same. Some changes are stylistic. For example, TASB may have changed a passage from passive to active voice, without changing the substance of the passage. We did not include those for review here.

Handbook changes due to Legislative bills passed during the 87th Legislative Session.

HB 1525 revised the required components of this annual notification to parents regarding human sexuality instruction. Notification must now include:

- The board's decision whether the district will provide human sexuality instruction;
- A statement informing the parent of the human sexuality instruction requirements under state law; A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
- A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted to the district website, with the relevant website address;
- Information describing the opportunity for parental involvement in the development of the human sexuality curriculum; and, a statement of the parent's right to: review, receive a copy of, or purchase a copy of curriculum materials, depending on the copyright of the materials;
- Remove the student without penalty from this instruction; and
- Use the district's grievance procedure concerning a complaint. (p. 4)

HB 1525 2021-2022 notification must be provided to the parent no later than the fourteenth day before the date on which human sexuality instruction begins. (p. 5)

SB 348 specifies that a parent's right to examine instructional materials applies whether instruction is delivered in-person, virtually, or remotely. (p. 17)

HB 699 Also known as Riley's Rule, requires a school district to excuse a student absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible. (p. 37, 41, 44)

SB 289 allows a district to excuse a student who is 15 years of age or older for one day during the student's enrollment in high school to visit a driver's license office to obtain a learner license and one day to visit a driver's license office to obtain a driver license. (p. 38)

SB 2050 requires TEA to adopt minimum standards for a board-adopted policy prohibiting bullying. New handbook text has been suggested to align with the components in SB 2050. (p. 46, 48)

And emphasize the district's efforts to prevent and address bullying. After TEA develops the minimum standards, TASB Policy Service will issue recommended revisions to FFI(LOCAL) and, if necessary, the handbook. As mentioned above, **SB 2050 may require midyear revisions to FFI (LOCAL), which will require districts to update the appendix to the handbook with the newly revised and adopted policy.**

SB 1095 adds a requirement for the district to provide notification of work-based education programs offered by the district, such as internships, externships, apprenticeships, or Pathways in Technology Early College High School (PTECH) program, and to notify parents of the qualifications for enrolling in these programs. (p. 49)

- SB 1697** authorizes a parent to opt for a student to repeat a high school credit course taken in the 2020-21 school year, even if the student earned a passing grade in the course. The parent must elect for the student to repeat a course in writing. A student may not repeat a course if the district determines the student has met all the credits for graduation. (p. 55)
- SB 1888** requires districts to notify students and parents, upon the student's initial enrollment in high school in a grade below grade 12, with information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program. TEA and the Texas Higher Education Coordinating Board (THECB) (p. 56)
- SB 1095** requires districts to notify parents of students in grade 9 or above of qualifications for enrollment in programs through which a student may earn college credit, as well as the availability of subsidies for fees for AP or IB exams and of the requirements for enrollment. (p. 58)
- SB 746** requires a parent to provide in writing the parent's contact information to the district. The district may choose to accept electronic submission of the information. (p.59, 138)
- SB 1267** revises the existing training required for teachers and administrators on dating violence at campuses for students in grade 6 or higher. These provisions are addressed in the district improvement plan. (p.68)
- HB 1080** requires the UIL to ensure that its rules do not exclude a student from participation in league activities solely because the student receives outpatient mental health services from a mental health facility. The bill also provides that a district may not exclude a student from participating in a UIL activity solely for this reason. (p. 81)
- HB 2721** prohibits a student from participating in any future extracurricular activity sponsored by the district or the UIL if the UIL determines that the student caused bodily injury to a referee, judge, or other official in retaliation for actions that person takes in performing their official duties.(p. 81)
- HB 1603** removed the expiration of the statute authorizing individual graduation committees (IGCs). (p.89)
- SB 1697** For the 2021-22 school year only, authorizes a parent to elect in writing for a student to repeat a high school credit course taken in the 2020-21school year, even if the student received credit for the course. Unless the district adopts a policy to a different effect, a student will retain the passing grade or credit earned in the 2020-21 school year. (p. 91, 133)
- SB 1697** allows a parent to elect in writing for a student to repeat prekindergarten, kindergarten, or grades 1, 2, or 3, even if the student has met the promotion standards. (p. 130)
- SB 1697** For the 2021–22 school year only, SB 1697 authorizes a parent to elect in writing for a student to repeat grade 4, 5, 6, 7, or 8, even if the student has met promotion standards for that grade. (p. 131)
- SB 369** stipulates that a school counselor may only report that a student has not complied with the requirement to complete and submit a FAFSA or TASFA application if the district has provided an opt-out form to the student or student's parent. <https://tea.texas.gov/sites/default/files/21-04-74-1023.pdf> (p. 92)
- SB 1888** requires districts to notify students and parents, upon the student's initial enrollment in high school in a grade below grade 12, with information regarding the Texas First Scholarship Program. (p. 98)
- HB 1525** requires that at least 72 hours before each SHAC meeting, the SHAC will:
- Post notice of the date, hour, place, and subject of the meeting on a bulletin board in the administration office of each campus in the district; and Publish the same notification on the district's website.
- For each meeting, the SHAC will:
- Prepare and maintain minutes of each meeting; Make an audio or video recording of each meeting; and
 - Submit the minutes and recording of the meeting to the district. As soon as practicable after receipt of the minutes and recording, the district shall post the minutes and recording to the district's website. (p. 117)
- HB 4545** removes the requirement to retain a student who does not perform satisfactorily in grade 5 or grade 8 on the mathematics and reading sections of the state assessment for the student's grade. (p. 16)
- HB 4545** requires districts to provide accelerated instruction to high school students who fail to perform satisfactorily on an EOC in accordance with rules established for accelerated instruction for students in grades 3-8. (p.130, 151)

HB 4545 requires an ARD committee to meet regarding a student receiving special education services in grade 3, 5, or 8 who fails to meet satisfactory performance on the STAAR administrations in reading or math. (p. 148)

Beginning with the 2021–22 school year, for each student in grade 3–8 who did not perform satisfactorily on the state assessment, HB 4545 requires a district to provide accelerated instruction to the student. State law considers an absence related to this type of instruction for students in grades 3–8 a violation of compulsory attendance if the absences are unexcused.

SB 168 requires districts that conduct active threat exercises, including active shooter simulations, to provide adequate notification to parents, students, and staff of the date of the exercise; its content, form, and tone; and whether the exercise will include a live simulation that appears to be an actual shooting incident. (p. 136)

SB 1267 repeals school bus emergency evacuation training provisions. (p. 157)

SB 348 entitles a parent to 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. (p. 160)

Additions: New Letterman Jacket Policy (p. 88) This is a new policy which creates equitable standards among all athletic organizations, and Non-Athletic Clubs and Organizations which have a service or product component to the campus in their constitution, and have been approved by the campus principal.

Beaumont Independent School District
Student Handbook
2021–22 School Year

If you have difficulty accessing the information in this document because of a disability, please contact the district's Coordinator of Special Populations at (409) 617-5203

Beaumont Independent School District Student Handbook

Contents

BISD Student Handbook	1
Preface Parents and Students:	6
Accessibility	7
Section One: Parental Rights	8
Consent, Opt-Out, and Refusal Rights.....	8
Consent to Conduct a Psychological Evaluation.....	8
Consent to Human Sexuality Instruction.....	8
Consent to Provide a Mental Health Care Service.....	9
Consent to Display a Student’s Original Works and Personal Information	9
Consent to Receive Parenting and Paternity Awareness Instruction if a Student is under Age 14	10
Consent to Video or Audio Record a Student when Not Already Permitted by Law	10
Prohibiting the Use of Corporal Punishment.....	10
Limiting Electronic Communications between Students and District Employees.....	11
Objecting to the Release of Directory Information	11
Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)	12
Participation in Third-Party Surveys	13
Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction	14
Reciting a Portion of the Declaration of Independence in Grades 3–12.....	14
Reciting the Pledges to the U.S. and Texas Flags	14
Religious or Moral Beliefs.....	14
Tutoring or Test Preparation	14
Right of Access to Student Records, Curriculum Materials, and District Records/Policies..	15
Instructional Materials	15
Notices of Certain Student Misconduct to Noncustodial Parent.....	15
Participation in Federally Required, State-Mandated, and District Assessments	15
Student Records	15
Teacher and Staff Professional Qualifications.....	19
A Student with Exceptionalities or Special Circumstances	19
Children of Military Families	19
Parental Role in Certain Classroom and School Assignments.....	20
Student Use of a Service/Assistance Animal	20
A Student in the Conservatorship of the State (Foster Care).....	20
A Student Who Is Homeless.....	21
A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services	22
A Student Who Receives Special Education Services with Other School-Aged Children in the Home	24
A Student Who Speaks a Primary Language Other than English	24
A Student with Physical or Mental Impairments Protected under Section 504	24
Section Two: Other Important Information for Parents and Students	25
Absences/Attendance.....	25
Compulsory Attendance	25
Compulsory Attendance—Exemptions	25
Compulsory Attendance—Failure to Comply	26
Attendance for Credit or Final Grade (All Grade Levels).....	27

Beaumont Independent School District Student Handbook

Official Attendance-Taking Time (All Grade Levels)	28
Documentation after an Absence (All Grade Levels)	28
Doctor's Note after an Absence for Illness (All Grade Levels).....	29
Driver License Attendance Verification (Secondary Grade Levels Only).....	29
Accountability under State and Federal Law (All Grade Levels).....	29
Armed Services Vocational Aptitude Battery Test (Grades 10–12)	30
Awards and Honors (All Grade Levels)	Error! Bookmark not defined.
Bullying (All Grade Levels).....	30
Career and Technical Education (CTE) and Other Work-Based Programs (Secondary Grade Levels Only).....	32
Celebrations (All Grade Levels)	32
Child Sexual Abuse, Trafficking, and Other Maltreatment of Children (All Grade Levels) ...	32
Warning Signs of Sexual Abuse	33
Warning Signs of Trafficking	33
Reporting and Responding to Sexual Abuse, Trafficking, and Other Maltreatment of Children.....	34
Further Resources on Sexual Abuse, Trafficking, and Other Maltreatment of Children ...	34
Class Rank/Highest-Ranking Student (Secondary Grade Levels Only).....	35
Class Schedules (Secondary Grade Levels Only).....	35
College and University Admissions and Financial Aid (All Grade Levels)	35
College Credit Courses (Secondary Grade Levels Only)	36
Communications (All Grade Levels).....	36
Parent Contact Information.....	36
Automated Emergency Communications.....	37
Automated Nonemergency Communications	37
Complaints and Concerns (All Grade Levels)	37
Conduct (All Grade Levels).....	37
Applicability of School Rules	37
Campus Behavior Coordinator	38
Deliveries	38
Disruption of School Operations.....	38
Social Events	38
Counseling.....	39
Academic Counseling.....	39
Personal Counseling (All Grade Levels).....	40
Course Credit (Secondary Grade Levels Only)	40
Credit by Examination—If a Student Has Taken the Course/Subject (Grades 6–12).....	40
Credit by Examination for Advancement/Acceleration—If a Student Has Not Taken the Course/Subject	41
Kindergarten Acceleration	41
Students in Grades 1–5.....	41
Students in Grades 6–12.....	41
Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels).....	41
Dating Violence	42
Discrimination.....	42
Harassment.....	42
Sexual Harassment and Gender-Based Harassment	43
Retaliation	43
Reporting Procedures	44
Investigation of Report	44
Discrimination	44

Beaumont Independent School District Student Handbook

Distance Learning (All Grade Levels).....	44
Texas Virtual School Network (TXVSN) (Secondary Grade Levels).....	45
Distribution of Literature, Published Materials, or Other Documents (All Grade Levels)	45
School Materials.....	45
Nonschool Materials.....	45
Dress and Grooming (All Grade Levels)	46
Electronic Devices and Technology Resources (All Grade Levels).....	48
Possession and Use of Personal Telecommunications Devices, Including Cell Phones, and Other Electronic Devices	48
Instructional Use of Personal Telecommunications and Other Electronic Devices	49
Acceptable Use of District Technology Resources.....	49
Unacceptable and Inappropriate Use of Technology Resources.....	49
End-of-Course (EOC) Assessments.....	50
English Learners (All Grade Levels).....	50
Extracurricular Activities, Clubs, and Organizations (All Grade Levels)	50
Standards of Behavior.....	51
Offices and Elections.....	51
Fees (All Grade Levels)	51
Fundraising (All Grade Levels).....	52
Gang-Free Zones (All Grade Levels)	52
Gender-Based Harassment	52
Grade-Level Classification (Grades 9–12 Only)	52
Grading Guidelines (All Grade Levels).....	53
Graduation (Secondary Grade Levels Only)	53
Requirements for a Diploma.....	53
Testing Requirements for Graduation	53
Available Course Options for All Graduation Programs	57
Certificates of Coursework Completion	57
Students with Disabilities.....	57
Graduation Activities.....	58
Graduation Speakers	58
Graduation Expenses.....	58
Scholarships and Grants	58
Harassment.....	59
Hazing (All Grade Levels).....	59
Health—Physical and Mental.....	59
Illness (All Grade Levels)	59
Immunization (All Grade Levels)	60
Lice (All Grade Levels).....	60
Medicine at School (All Grade Levels).....	61
Asthma and Severe Allergic Reactions.....	62
Steroids (Secondary Grade Levels Only)	62
Mental Health Support (All Grade Levels)	62
Physical Activity Requirements.....	63
Physical Fitness Assessment (Grades 3–12).....	63
Physical Health Screenings/Examinations.....	63
Special Health Concerns (All Grade Levels).....	64
Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)	65
Health-Related Resources, Policies, and Procedures	65
Physical and Mental Health Resources (All Grade Levels).....	65

Beaumont Independent School District Student Handbook

Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)	65
School Health Advisory Council (SHAC) (All Grade Levels)	66
Student Wellness Policy/Wellness Plan (All Grade Levels)	67
Homework (All Grade Levels)	67
Law Enforcement Agencies (All Grade Levels)	67
Questioning of Students	67
Students Taken into Custody	67
Notification of Law Violations	68
Leaving Campus (All Grade Levels)	68
During Lunch	69
At Any Other Time during the School Day	69
Lost and Found (All Grade Levels)	69
Makeup Work	69
Makeup Work Because of Absence (All Grade Levels)	69
DAEP Makeup Work	70
In-School Suspension (ISS) and Out-of-School Suspension (OSS) Makeup Work (All Grade Levels)	70
Nondiscrimination Statement (All Grade Levels)	70
Nontraditional Academic Programs (All Grade Levels)	71
Parent and Family Engagement (All Grade Levels)	71
Working Together	72
Parking and Parking Permits (Secondary Grade Levels Only)	73
Pledges of Allegiance and a Minute of Silence (All Grade Levels)	73
Prayer (All Grade Levels)	73
Promotion and Retention	73
Elementary and Middle/Junior High Grade Levels	74
High School Grade Levels	74
Release of Students from School	74
Remote Instruction	74
Report Cards/Progress Reports and Conferences (All Grade Levels)	74
Retaliation	75
Safety (All Grade Levels)	75
Accident Insurance	75
Insurance for Career and Technical Education (CTE) Programs	75
Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies	75
Preparedness Training: CPR and Stop the Bleed	76
Emergency Medical Treatment and Information	76
Emergency School Closing Information	76
SAT, ACT, and Other Standardized Tests	77
Schedule Changes (Middle/Junior High and High School Grade Levels)	77
School Facilities	77
Asbestos Management Plan (All Grade Levels)	77
Food and Nutrition Services (All Grade Levels)	77
Pest Management Plan (All Grade Levels)	77
Conduct Before and After School (All Grade Levels)	78
Library (All Grade Levels)	78
Use of Hallways during Class Time (All Grade Levels)	78
Use by Students Before and After School (All Grade Levels)	78
Meetings of Noncurriculum-Related Groups (Secondary Grade Levels Only)	78
School-Sponsored Field Trips (All Grade Levels)	79

Beaumont Independent School District Student Handbook

Searches	79
Searches in General (All Grade Levels)	79
District Property (All Grade Levels)	79
Metal Detectors (All Grade Levels).....	79
Telecommunications and Other Electronic Devices (All Grade Levels).....	79
Trained Dogs (All Grade Levels)	80
Drug Testing (Secondary Grade Levels Only).....	Error! Bookmark not defined.
Vehicles on Campus (Secondary Grade Levels Only)	80
Sexual Harassment	80
Special Programs (All Grade Levels)	80
Standardized Testing	80
Secondary Grade Levels.....	80
STAAR (State of Texas Assessments of Academic Readiness).....	81
Students in Foster Care (All Grade Levels).....	83
Students Who are Homeless (All Grade Levels)	83
Student Speakers (All Grade Levels).....	83
Summer School (All Grade Levels).....	84
Tardies (All Grade Levels).....	84
Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels).....	84
Transfers (All Grade Levels)	84
Transportation (All Grade Levels)	84
School-Sponsored Trips	84
Buses and Other School Vehicles	84
Vandalism (All Grade Levels).....	85
Video Cameras (All Grade Levels).....	85
Visitors to the School (All Grade Levels)	86
General Visitors.....	86
Unauthorized Persons.....	86
Visitors Participating in Special Programs for Students	86
Volunteers (All Grade Levels)	87
Voter Registration (Secondary Grade Levels Only).....	87
Withdrawing from School (All Grade Levels).....	87
Letterman Jackets.....	87
Glossary.....	89
Freedom from Bullying Policy.....	92
Student Welfare: Freedom from Bullying.....	92

Beaumont Independent School District Student Handbook

Preface Parents and Students:

Welcome to the new school year!

Education is a team effort. Students, parents, teachers, and other staff members working together will make this a successful year.

The Beaumont Independent School District Student Handbook is a general reference guide that is divided into two sections:

Section One: Parental Rights describes certain parental rights as specified in state or federal law.

Section Two: Other Important Information for Parents and Students is organized alphabetically by topic. Where applicable, the topics are further organized by grade level.

Note: Unless otherwise noted, the term “parent” refers to the parent, legal guardian; any person granted some other type of lawful control of a student, or any other person who has agreed to assume school-related responsibility for a student.

The Student Handbook is designed to align with law, board-adopted policy, and the Student Code of Conduct, a board-adopted document intended to promote school safety and an atmosphere for learning. The Student Handbook is not meant to be a complete statement of all policies, procedures, or rules in any given circumstance.

In case of conflicts between board policy (including the Student Code of Conduct) and any Student Handbook provision, the district will follow board policy and the Student Code of Conduct.

Therefore, parents and students should become familiar with the Beaumont Independent School District Student Code of Conduct. To review the Code of Conduct, visit the district’s website at www.bmtisd.com. State law requires that the Code of Conduct be prominently displayed or made available for review at each campus.

The Student Handbook is updated annually; however, policy adoption and revisions may occur throughout the year. The district encourages parents to stay informed of proposed policy changes by attending board meetings and reviewing newsletter and other communications explaining changes in policy or other rules that affect Student Handbook provisions. The district reserves the right to modify the Student Handbook at any time. Notice of revisions will be provided as is reasonably practical.

Although the Student Handbook may refer to rights established through law or district policy, it does not create additional rights for parents and students. It does not, nor is it intended to, represent a contract between any parent or student and the district.

A hard copy of either the Student Code of Conduct or Student Handbook can be requested at 409-617-5000, or at 3395 Harrison Avenue, Beaumont Texas during regular business hours.

Note: References to board policy codes are included for ease of reference. The hard copy of the district’s official policy manual is available for review in the district administration office, and an unofficial electronic copy is available at www.bmtisd.com.

Beaumont Independent School District Student Handbook

The policy manual includes:

- Legally referenced (LEGAL) policies that contain provisions from federal and state laws and regulations, case law, and other legal authorities that provide the legal framework for school districts.
- Board-adopted (LOCAL) policies that articulate the board's choices and values regarding district practices.

For questions about the material in this handbook, please contact Dr. Diana Valdez, the Director of Leadership Development at (409) 617-5037, dvaldez@bmtisd.com.

Complete and return to the student's campus the following forms (provided in the forms packet distributed at the beginning of the year or upon enrollment):

- Acknowledgment of Electronic Distribution of Student Handbook is part of the District's Registration form,
- Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information,
- Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education (if you choose to restrict the release of information to these entities), and
- Consent/Opt-Out Form for participation in third-party surveys.

[See **Objecting to the Release of Directory Information** on page 11 and **Consent Required Before Student Participation in a Federally Funded Survey** on page 13 for more information.]

Accessibility

If you have difficulty accessing this handbook because of a disability, please contact the district's Coordinator of Special Populations at (409) 617-5203.

Beaumont Independent School District Student Handbook

Section One: Parental Rights

This section describes certain parental rights as specified in state or federal law.

Consent, Opt-Out, and Refusal Rights

Consent to Conduct a Psychological Evaluation

Unless required under state or federal law, a district employee will not conduct a psychological examination, test, or treatment without obtaining prior written parental consent.

Note: An evaluation may be legally required under special education rules or by the Texas Education Agency for child abuse investigations and reports.

Consent to Human Sexuality Instruction

Annual Notification

As a part of the district's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) makes recommendations for curriculum materials, and the school board adopts the materials and determines the specific content of the instruction.

115.32. Health 1, Grade 9-12 (One-Half Credit) TEKS will include:

- Relate the nation's health goals and objectives to individual, family, and community health.
- Examine the relationship among body composition, diet and fitness
- Explain the relationship between nutrition, quality of life, and disease
- Describe the causes, symptoms, and treatment of eating disorders
- Examine issues related to death and grieving
- Discuss health-related social issues such as organ donation and homelessness
- Analyze strategies to prevent suicide
- Examine causes and effects of stress and develop strategies of managing stress and coping with anxiety and depression
- Describe the importance of taking responsibility for establishing and implementing health maintenance for individuals and family members of all ages
- Single parenting, parenting as a team, choosing healthy relationships

For further information, see the district's human sexuality instruction website at www.bmtisd.com

In accordance with state law, a parent may:

- Review, receive a copy of, or purchase a copy of curriculum materials depending on the copyright of the materials.
- Remove his or her child from any part of the human sexuality instruction without academic, disciplinary, or other penalties.
- Become involved in the development of this curriculum by becoming a member of the district's SHAC or attending SHAC meetings. (See the campus principal for details.)
- Use the district's grievance procedure concerning a complaint. See **Complaints and Concerns (All Grade Levels)** on page 37 and FNG(LOCAL).

State law also requires that instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS):

Beaumont Independent School District Student Handbook

- Present abstinence from sexual activity as the preferred choice in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to abstain from sexual activity before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

Consent Before Instruction

Before a student receives human sexuality instruction, the district must obtain written consent from the student's parent. Parents will be sent a request for written consent at least 14 days before the instruction.

Consent to Provide a Mental Health Care Service

The district will not provide a mental health care service to a student or conduct a medical screening of a student as part of the district's intervention procedures except as permitted by law.

The district has established procedures for recommending to a parent an intervention for a student with early warning signs of mental health concerns, substance abuse, or suicide risk. The district's mental health liaison will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and provide information about available counseling options.

The mental health liaison is our Director of Guidance and Counseling-Lydia Sylvester, who can be reached at (409) 617-5081. lsylves@bmtisd.com. The mental health liaison can provide further information regarding these procedures as well as educational materials on identifying risk factors, accessing resources for treatment or support on and off campus, and accessing available student accommodations provided on campus.

The district has also established procedures for staff to notify the mental health liaison regarding a student who may need intervention.

[See **Mental Health Support** on page 62.]

Consent to Display a Student's Original Works and Personal Information

Teachers may display a student's work in classrooms or elsewhere on campus as recognition of student achievement without seeking prior parental consent. These displays may include personally identifiable student information. Student work includes:

- Artwork,
- Special projects,
- Photographs,
- Original videos or voice recordings, and
- Other original works.

Beaumont Independent School District Student Handbook

However, the district will seek parental consent before displaying a student's work on the district's website, a website affiliated or sponsored by the district (such as a campus or classroom website), or in district publications, which may include printed materials, videos, or other methods of mass communication.

Consent to Receive Parenting and Paternity Awareness Instruction if a Student is under Age 14

A student under age 14 must have parental permission to participate in the district's parenting and paternity awareness program. This program was developed by the Office of the Texas Attorney General and the State Board of Education (SBOE) to be incorporated into health education classes.

Consent to Video or Audio Record a Student when Not Already Permitted by Law

State law permits the school to make a video or voice recording without parental permission when it:

- Is to be used for school safety,
- Relates to classroom instruction or a co-curricular or extracurricular activity,
- Relates to media coverage of the school, or
- Relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

In other circumstances, the district will seek written parental consent before making a video or voice recording of a student.

Please note that parents and visitors to a classroom, both virtual and in person, may not record video or audio or take photographs or other still images without permission from the teacher or other school official.

Prohibiting the Use of Corporal Punishment

Corporal punishment—spanking or paddling a student—may be used as a discipline management technique in accordance with the Student Code of Conduct and district policy FO(LOCAL).

However, in accordance with law, the district may not administer corporal punishment if a student's parent submits a signed, written statement prohibiting its use.

A parent who does not want corporal punishment administered to his or her child must return the form included in the forms packet or submit a written statement to the campus principal stating this decision. This signed statement must be submitted each school year. A parent may revoke this prohibition at any time during the school year by providing a signed statement to the campus principal.

Note:

- District personnel may use discipline methods other than corporal punishment if a parent requests that corporal punishment not be used.
- If the district knows that a student is in temporary or permanent custody of the state (through foster care, kinship care, or other arrangements), corporal punishment will not be administered, even when the student's caregiver or caseworker has not submitted a signed statement prohibiting its use.

Beaumont Independent School District Student Handbook

Limiting Electronic Communications between Students and District Employees

The district permits teachers and other approved employees to use electronic communications with students within the scope of professional responsibilities, as described by district guidelines.

For example, a teacher may create a social networking page for his or her class to relay information regarding class work, homework, and tests. A parent is welcome to access such a page.

However, text messages sent to an individual student are only allowed if a district employee with responsibility for an extracurricular activity must communicate with a student participating in that activity.

The employee is required to include the student's parent as a recipient on all text messages.

The employee is required to include his or her immediate supervisor and the student's parent as recipients on all text messages.

The employee is required to send a copy of the text message to the employee's district email address.

A parent who does not want his or her child to receive one-to-one electronic communications from a district employee should contact the campus principal.

Objecting to the Release of Directory Information

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated "directory information" from a student's education records without written consent.

"Directory information" is information that, if released, is generally not considered harmful or an invasion of privacy. Examples include:

- A student's photograph (for publication in the school yearbook);
- A student's name and grade level (for communicating class and teacher assignments);
- The name, weight, and height of an athlete (for publication in a school athletic program);
- A list of student birthdays (for generating school-wide or classroom recognition),
- A student's name and photograph (posted on a district-approved and -managed social media platform); and
- The names and grade levels of students submitted by the district to a local newspaper or other community publication (to recognize the A/B honor roll for a specific grading period.)

Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of this information. Any objection must be made indicated on the registration forms. See **Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information**, included in the forms packet.

The district requests that families living in a shelter for survivors of family violence or trafficking notify district personnel that the student currently resides in such a shelter. Families may want to opt out of the release of directory information so that the district does not release any information that might reveal the location of such a shelter.

Beaumont Independent School District Student Handbook

As allowed by state law, the district has identified two directory information lists—one for school-sponsored purposes and a second for all other requests. For district publications and announcements, the district has designated the following as directory information: Student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors and awards received; dates of attendance; grade level, most recent educational institution attended; participation in officially recognized activities and sports; weight and height of members of athletic teams; enrollment status, and student identification numbers or identifiers that cannot alone be used to gain access to electronic education records.

If a parent does not object to the use of his or her child's information for these school-sponsored purposes, the school will not ask permission each time the district wants to use the information for these purposes.

For all other purposes, the district has identified the following as directory information: Student name. If a parent does not object to the use of the student's information for these purposes, the school **must** release this information when requested by an outside entity or individual.

If a parent objects to the release of the student's information included on the directory information response form, this objection also applies to the use of that information for school-sponsored purposes, such as:

- Honor roll,
- School newspaper,
- Yearbook,
- Recognition activities,
- News releases, and
- Athletic programs.

Note: Review **Authorized Inspection and Use of Student Records** on page 16.

Objecting to the Release of Student Information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)

Unless a parent has advised the district not to release his or her student's information, the Every Student Succeeds Act (ESSA) requires the district to comply with requests from military recruiters or institutions of higher education for the student's:

- Name,
- Address, and
- Telephone listing.

Military recruiters may also have access to a student's district-provided email address, unless a parent has advised the district not to release this information.

[See **Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education**, included in the forms packet.]

Beaumont Independent School District Student Handbook

Participation in Third-Party Surveys

Consent Required Before Student Participation in a Federally Funded Survey

The Protection of Pupil Rights Amendment (PPRA) provides parents certain rights regarding participation in surveys, the collection and use of information for marketing purposes, and certain physical exams.

A parent has the right to consent before a student is required to submit to a survey funded by the U.S. Department of Education that concerns any of the following protected areas:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of individuals with whom the student has a close family relationship;
- Legally recognized privileged relationships, such as with lawyers, doctors, and ministers;
- Religious practices, affiliations, or beliefs of the student or parent; or
- Income, except when the information is required by law and will be used to determine the student's eligibility for a program.

A parent can inspect the survey or other instrument and any corresponding instructional materials used in connection with such a survey. [See policy EF(LEGAL) for more information.]

"Opting Out" of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information

The PPRA gives parents the right to receive notice and an opportunity to opt a student out of:

- Activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information to others.
- Any nonemergency, invasive physical examination or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of the student.

Exceptions are hearing, vision, or spinal screenings, or any physical examination or screening permitted or required under state law. [See policies EF and FFAA for more information.]

A parent may inspect:

- Protected information surveys of students and surveys created by a third party;
- Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
- Instructional material used as part of the educational curriculum.

The ED provides extensive information about the [Protection of Pupil Rights Amendment](#), including a [PPRA Complaint Form](#).

Beaumont Independent School District Student Handbook

Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction

Reciting a Portion of the Declaration of Independence in Grades 3–12

State law designates the week of September 17 as Celebrate Freedom Week and requires all social studies classes provide:

- Instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, and
- A specific recitation from the Declaration of Independence for students in grades 3–12.

Per state law, a student may be excused from recitation of a portion of the Declaration of Independence if:

- A parent provides a written statement requesting that his or her child be excused,
- The district determines that the student has a conscientious objection to the recitation, or
- A parent is a representative of a foreign government to whom the U.S. government extends diplomatic immunity.

[See policy EHBK(LEGAL) for more information.]

Reciting the Pledges to the U.S. and Texas Flags

A parent may request that his or her child be excused from participation in the daily recitation of the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. The request must be made in writing.

State law, however, requires that all students participate in one minute of silence following recitation of the pledges.

[See **Pledges of Allegiance and a Minute of Silence** on page 73 and policy EC(LEGAL) for more information.]

Religious or Moral Beliefs

A parent may remove his or her child temporarily from the classroom if a scheduled instructional activity conflicts with the parent's religious or moral beliefs.

The removal may not be used to avoid a test and may not extend for an entire semester. Further, the student must satisfy grade-level and graduation requirements as determined by the school and by state law.

Tutoring or Test Preparation

A teacher may determine that a student needs additional targeted assistance for the student to achieve mastery in state-developed essential knowledge and skills based on:

- Informal observations,
- Evaluative data such as grades earned on assignments or tests, or
- Results from diagnostic assessments.

The schools will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible.

Beaumont Independent School District Student Handbook

In accordance with state law and policy EC, districts must obtain parental permission before removing a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the days the class is offered.

Under state law, students with grades below 70 for a reporting period are required to attend tutorial services—if the district offers these services.

[For questions about school-provided tutoring programs, contact the student's teacher and see policies EC and EHBC. See **Standardized Testing** on page 80 for information regarding required accelerated instruction after a student fails to perform satisfactorily on certain state-mandated tests.]

Right of Access to Student Records, Curriculum Materials, and District Records/Policies

Instructional Materials

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered, whether instruction is delivered in-person, virtually, or remotely.

A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day.

A school must provide printed versions of electronic instructional materials to a student if the student does not have reliable access to technology at home.

Notices of Certain Student Misconduct to Noncustodial Parent

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to his or her child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See the Student Code of Conduct and policy FO(LLEGAL) for more information.]

Participation in Federally Required, State-Mandated, and District Assessments

In accordance with the Every Student Succeeds Act (ESSA), a parent may request information regarding any federal, state, or district policy related to his or her child's participation in required assessments.

Student Records

Accessing Student Records

A parent may review his or her child's records. These records include:

- Attendance records,
- Test scores,
- Grades,
- Disciplinary records,
- Counseling records,
- Psychological records,
- Applications for admission,

Beaumont Independent School District Student Handbook

- Health and immunization information,
- Other medical records,
- Teacher and school counselor evaluations,
- Reports of behavioral patterns,
- Records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, as the term “intervention strategy” is defined by law,
- State assessment instruments that have been administered to the child, and
- Teaching materials and tests used in the child’s classroom.

Authorized Inspection and Use of Student Records

The Family Educational Rights and Privacy Act (FERPA) afford parents and eligible students certain rights regarding student education records.

For purposes of student records, an “eligible” student is anyone age 18 or older or who attends a postsecondary educational institution. These rights, as discussed here and at **Objecting to the Release of Directory Information** on page 11, are the right to:

- Inspect and review student records within 45 days after the day the school receives a request for access;
- Request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA;
- Provide written consent before the school discloses personally identifiable information from the student’s records, except to the extent that FERPA authorizes disclosure without consent; and
- File a complaint with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements.
- For more information about how to file a complaint, see <https://studentprivacy.ed.gov/file-a-complaint>.

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy.

Before disclosing personally identifiable information from a student’s records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance—including grades, test results, and disciplinary records—is considered confidential educational records.

Inspection and release of student records is restricted to an eligible student or a student’s parent unless the school receives a copy of a court order terminating parental rights or the right to access a student’s education records. A parent’s rights regarding access to student records are not affected by the parent’s marital status.

Federal law requires that control of the records goes to the student as soon as the student:

- Reaches the age of 18,
- Is emancipated by a court, or

Beaumont Independent School District Student Handbook

- Enrolls in a postsecondary educational institution.

However, the parent may continue to have access to the records if the student is a dependent for tax purposes and, under limited circumstances, when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records without written consent of the parent or eligible student when school officials have what federal law refers to as a "legitimate educational interest" in a student's records.

- Legitimate educational interest may include:
 - Working with the student;
 - Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
 - Compiling statistical data;
 - Reviewing an educational record to fulfill the official's professional responsibility; or
 - Investigating or evaluating programs.
- School officials may include:
 - Board members and employees, such as the superintendent, administrators, and principals;
 - Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);
 - A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer);
 - A person appointed to serve on a team to support the district's safe and supportive school program;
 - A parent or student serving on a school committee; or
 - A parent or student assisting a school official in the performance of his or her duties.

FERPA also permits the disclosure of personally identifiable information without written consent:

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, district/system, or postsecondary educational institution to which a student seeks or intends to enroll or in which the student already is enrolled.
- In connection with financial aid for which a student has applied or has received.

Beaumont Independent School District Student Handbook

- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.
- When the district discloses directory information-designated details. [See **Objecting to the Release of Directory Information** on page 11 to prohibit this disclosure.]

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The Director of Student Services is custodian of all records for currently enrolled students at the assigned school. The Director of Student Services is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wants to inspect the student's records should submit a written request to the custodian of records identifying the records he or she wants to inspect.

Records may be reviewed in person during regular school hours. The records custodian or designee will be available to explain the record and to answer questions.

A parent or eligible student who submits a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the records requested or make other arrangements for the parent or student to review the records.

You may contact the custodian of records for currently enrolled students at: (409) 617-5500 Senecia Saveat, shelm@bmtisd.com.

You may contact the custodian of records for students who have withdrawn or graduated at: (409) 617-5500 Senecia Saveat, shelm@bmtisd.com.

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If after the hearing the records are not amended, the parent or eligible student has 30 school days to place a statement in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the complaint process found in policy FNG(LOCAL). A grade issued by a teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading guidelines.

[See **Report Cards/Progress Reports and Conferences** on page 74, **Complaints and Concerns** on page 37, and **Finality of Grades** at policy FNG(LEGAL).]

Beaumont Independent School District Student Handbook

The district's student records policy is found at policy FL (LEGAL) and (LOCAL) www.bmtisd.com, and is available at the principal's or superintendent's office.

Note: The parent's or eligible student's right of access to and copies of student records do not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student shared only with a substitute teacher—do not have to be made available.

Teacher and Staff Professional Qualifications

A parent may request information regarding the professional qualifications of his or her child's teachers, including whether the teacher:

- Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
- Has an emergency permit or other provisional status for which state requirements have been waived, and
- Is currently teaching in the field of discipline of his or her certification.

The parent also has the right to request information about the qualifications of any paraprofessional who may provide services to the child.

A Student with Exceptionalities or Special Circumstances

Children of Military Families

The Interstate Compact on Educational Opportunities for Military Children entitles children of military families to flexibility regarding certain district and state requirements, including:

- Immunization requirements;
- Grade level, course, or educational program placement;
- Eligibility requirements for participation in extracurricular activities;
- Enrollment in the Texas Virtual School Network (TXVSN); and
- Graduation requirements.

The district will excuse absences related to a student visiting a parent, including a stepparent or legal guardian, who is:

- Called to active duty,
- On leave, or
- Returning from a deployment of at least four months.

The district will permit **no more than five** excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at [Military Family Resources at the Texas Education Agency](#).

Beaumont Independent School District Student Handbook

Parental Role in Certain Classroom and School Assignments

Multiple-Birth Siblings

State law permits a parent of multiple-birth siblings (e.g., twins, triplets) assigned to the same grade and campus to request in writing that the children be placed in either the same classroom or separate classrooms.

Written requests must be submitted by the 14th day after the students' enrollment. [See policy FDB(LEGAL) for more information.]

Safety Transfers/Assignments

The board or its designee will honor a parent's request to transfer his or her child to another classroom or campus if the district has determined that the child has been a victim of bullying, including cyber bullying, as defined by Education Code 37.0832.

The board may transfer a student who has engaged in bullying to another classroom. The board will consult with the parent of a child who has engaged in bullying before deciding to transfer the child to another campus.

Transportation is not provided for a transfer to another campus. See the campus principal for more information.

[See **Bullying** on page 30, and policies FDB and FFI for more information.]

The district will honor a parent's request for the transfer of his or her child to a safe public school in the district if the child attends a school identified by the Texas Education Agency as persistently dangerous or if the child has been a victim of a violent criminal offense while at school or on school grounds.

[See policy FDE for more information.]

The board will honor a parent's request for the transfer of his or her child to another district campus if the child has been the victim of sexual assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for the assault. In accordance with policy FDE, if the victim does not wish to transfer, the board will transfer the assailant.

Student Use of a Service/Assistance Animal

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible but will do so within ten district business days.

A Student in the Conservatorship of the State (Foster Care)

A student in the conservatorship (custody) of the state who enrolls in the district after the beginning of the school year will be allowed credit-by-examination opportunities at any point during the year.

The district will assess the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district.

The district will award partial course credit when the student only passes one half of a two-half course.

Beaumont Independent School District Student Handbook

A student in the conservatorship of the state who is moved outside the district's or school's attendance boundaries—or who is initially placed in the conservatorship of the state and moved outside the district's or school's boundaries—is entitled to remain at the school the student was attending prior to the placement or move until the student reaches the highest grade level at that particular school.

If a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request a diploma from the previous district if the student meets its graduation criteria.

For a student in the conservatorship of the state who is eligible for a tuition and fee exemption under state law and likely to be in care on the day preceding the student's 18th birthday, the district will:

- Assist the student with the completion of applications for admission or financial aid;
- Arrange and accompany the student on campus visits;
- Assist in researching and applying for private or institution-sponsored scholarships;
- Identify whether the student is a candidate for appointment to a military academy;
- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS); and
- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state.

[See **Credit by Examination for Advancement/Acceleration** on page 41, **Course Credit** on page 40, and **Students in Foster Care** on page 83.]

A Student Who Is Homeless

A student who is homeless will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement (if the student is unable to provide previous academic records or misses an application deadline during a period of homelessness);
- Credit-by-examination opportunities at any point during the year (if the student enrolled in the district after the beginning of the school year), per State Board of Education (SBOE) rules;
- Assessment of the student's available records to determine transfer of credit for subjects and courses taken before the student's enrollment in the district;
- Awarding partial credit when a student passes only one half of a two-half course;
- Eligibility requirements for participation in extracurricular activities; and
- Graduation requirements.

Federal law allows a student who is homeless to remain enrolled in the "school of origin" or to enroll in a new school in the attendance area where the student is currently residing.

Beaumont Independent School District Student Handbook

If a student who is homeless in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, state law allows the student to request a diploma from the previous district if the student meets the criteria to graduate from the previous district.

A student or parent who is dissatisfied by the district's eligibility, school selection, or enrollment decision may appeal through policy FNG(LOCAL). The district will expedite local timelines, when possible, for prompt dispute resolution.

[See **Credit by Examination for Advancement/Acceleration** on page 41, **Course Credit** on page 40, and **Students who are Homeless** on page 83.]

A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services

For those students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individuals listed below to learn about the school's overall general education referral or screening system for support services.

This system links students to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine whether the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals

If a parent makes a written request for an initial evaluation for special education services to the director of special education services or to a district administrative employee of the school district, the district must respond no later than 15 school days after receiving the request. At that time, the district must give the parent prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the *Notice of Procedural Safeguards*. If the district agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Note: A request for a special education evaluation may be made verbally; it does not need to be made in writing. Districts must still comply with all federal prior-written notices and procedural safeguard requirements as well as the requirements for identifying, locating, and evaluating children who are suspected of having a disability and in need of special education. However, a verbal request does not require the district to respond within the 15-school-day timeline.

If the district decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an exception to the 45-school-day timeline. If the district receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the

Beaumont Independent School District Student Handbook

parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30 due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district must give the parent a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled *Parent's Guide to the Admission, Review, and Dismissal Process*.

Contact Person for Special Education Referrals

The designated contact person regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is: The Senior Director of Special Education Services, Dr. Tyrell White (409) 617-5117 twhite1@bmtisd.com

For questions regarding post-secondary transitions, including the transition from education to employment, for students receiving special education services, contact the district's transition and employment designee: The BISD Transition Specialist, Frank Jameson at (409) 617-1738, fjameso@bmtisd.com.

Section 504 Referrals

Each school district must have standards and procedures in place for the evaluation and placement of students in the district's Section 504 program. Districts must also implement a system of procedural safeguards that includes:

- Notice,
- An opportunity for a parent or guardian to examine relevant records,
- An impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and
- A review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is: Elizabeth Miller (409) 617-5228, emiller@bmtisd.com.

[See **A Student with Physical or Mental Impairments Protected under Section 504** on page 24.]

Visit these websites for information regarding students with disabilities and the family:

- [Legal Framework for the Child-Centered Special Education Process](#)
- [Partners Resource Network](#)
- [Special Education Information Center](#)
- [Texas Project First](#)

Beaumont Independent School District Student Handbook

Notification to Parents of Intervention Strategies for Learning Difficulties Provided to Students in General Education

In accordance with state law, the district will annually notify parents if their child receives assistance for learning difficulties. Details of such assistance can include intervention strategies. This notice is not intended for those students already enrolled in a special education program.

A Student Who Receives Special Education Services with Other School-Aged Children in the Home

If a student is receiving special education services at a campus outside his or her attendance zone, state law permits the parent or guardian to request that other students residing in the household be transferred to the same campus—if the grade level for the transferring student is offered on that campus.

The student receiving special education services would be entitled to transportation; however, the district is not required to provide transportation to other children in the household.

The parent or guardian should contact the school principal regarding transportation needs prior to requesting a transfer for other children in the home. [See policy FDB(LOCAL) for more information.]

A Student Who Speaks a Primary Language Other than English

A student may be eligible to receive specialized support if his or her primary language is not English, and the student has difficulty performing ordinary class work in English.

If the student qualifies for these services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

[See **English Learners** on page 50 and **Special Programs** on page 80.]

A Student with Physical or Mental Impairments Protected under Section 504

A student with a physical or mental impairment that substantially limits a major life activity, as defined by law—and who does not otherwise qualify for special education services—may qualify for protections under Section 504 of the Rehabilitation Act.

Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities.

When an evaluation is requested, a committee will be formed to determine whether the student needs services and supports under Section 504 in order to receive a free appropriate public education (FAPE), as defined in federal law.

[See **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 22 and policy FB for more information.]

Beaumont Independent School District Student Handbook

Section Two: Other Important Information for Parents and Students

This section contains important information on academics, school activities, and school operations and requirements.

It is organized alphabetically to serve as a quick-reference guide. Where applicable, the topics are further organized by grade level.

Parents and children should take a moment together to become familiar with the issues addressed in this section. For guidance on a particular topic, please contact your campus principal.

Absences/Attendance

Regular school attendance is essential. Absences from class may result in serious disruption of a student's education. The student and parent should avoid unnecessary absences.

Two important state laws—one dealing with compulsory attendance and the other with how attendance affects the award of a student's final grade or course credit—are discussed below.

Compulsory Attendance

Prekindergarten and Kindergarten

Students enrolled in prekindergarten and kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

Ages 6–18

State law requires that a student who is at least six years of age, or who is younger than six years of age and has previously been enrolled in first grade, and who has not yet reached their 19th birthday, shall attend school, as well as any applicable accelerated instruction program, extended-year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

State law requires a student in kindergarten–grade 2 to attend any assigned accelerated reading instruction program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program based on a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program before or after school or during the summer if the student does not meet the passing standards on an applicable subject area state assessment.

Age 19 and Older

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If the student incurs more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA for more information.]

Compulsory Attendance—Exemptions

All Grade Levels

State law allows exemptions to the compulsory attendance requirements for the following activities and events, as long as the student makes up all work:

- Religious holy days;

Beaumont Independent School District Student Handbook

- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Documented health-care appointments for the student or a child of the student, including absences related to autism services, if the student returns to school on the same day of the appointment and brings a note from the health-care provider;
- Absences resulting from a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, with certification by a physician;
- For students in the conservatorship of the state,
 - An activity required under a court-ordered service plan; or
 - Any other court-ordered activity provided it is not practicable to schedule the student's participation in the activity outside of school hours.

For children of military families, absences of up to five days will be excused for a student to visit a parent, stepparent, or legal guardian going to, on leave from, or returning from certain deployments. [See **Children of Military Families** on page 19.]

Secondary Grade Levels

The district will allow a student who is 15 years of age or older to be absent for one day to obtain a learner license and one day to obtain a driver's license, provided that the board has authorized such excused absences under policy FEA(LOCAL). The student will be required to provide documentation of his or her visit to the driver's license office for each absence and must make up any work missed.[See **Driver License Attendance Verification** on page29.]

The district will allow junior and senior students to be absent for up to two days per year to visit a college or university, provided:

- The board has authorized such excused absences under policy FEA(LOCAL);
- The principal has approved the student's absence; and
- The student follows campus procedures to verify the visit and makes up any work missed.

The district will allow a student 17 years old or older to be absent for up to four days during the period the student is enrolled in high school to pursue enlistment in the U.S. armed services or Texas National Guard, provided the student verifies these activities to the district.

The district will allow a student to be absent for up to two days per school year to serve as:

- An early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies his or her teachers, and the student receives approval from the principal prior to the absences; or
- An election clerk, if the student makes up any work missed.

The district will allow a student in grades 6–12 to be absent for the purpose of sounding "Taps" at a military honors funeral for a deceased veteran.

Compulsory Attendance—Failure to Comply

All Grade Levels

School employees must investigate and report violations of the compulsory attendance law.

Beaumont Independent School District Student Handbook

A student absent without permission from school, any class, any required special program, or any required tutorial will be considered in violation of the compulsory attendance law and subject to disciplinary action.

Students with Disabilities

If a student with a disability is experiencing attendance issues, the student's ARD or Section 504 committee will determine whether the attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate.

Ages 6–18

When a student ages 6–18 incurs three or more unexcused absences within a four-week period, the law requires the school to send notice to the parent.

The notice will:

- Remind the parent of his or her duty to monitor the student's attendance and require the student to attend school;
- Request a conference between school administrators and the parent; and
- Inform the parent that the district will initiate truancy prevention measures, including a behavior improvement plan, school-based community service, referrals to counseling or other social services, or other appropriate measures.

The truancy prevention facilitator for the district is: Kela Prudhomme, (409) 617-5108, kprudho@bmtisd.com

For any questions about student absences, parents should contact the facilitator or any other campus administrator.

A court of law may impose penalties against the parent if a school-aged student is deliberately not attending school. The district may file a complaint against the parent if the student incurs ten or more unexcused absences within a six-month period in the same school year.

If a student age 12–18 incurs ten or more unexcused absences within a six-month period in the same school year, the district, in most circumstances, will refer the student to truancy court.

[See policies FEA(LEGAL) and FED(LEGAL) for more information.]

Age 19 and Older

After a student age 19 or older incurs a third unexcused absence, the district is required by law to send the student a letter explaining that the district may revoke the student's enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking a student's enrollment, the district may implement a behavior improvement plan.

Attendance for Credit or Final Grade (All Grade Levels)

To receive credit or a final grade in a class, a student must attend the class at least 90 percent of the days it is offered. A student who attends at least 75 percent but fewer than 90 percent of the days may receive credit or a final grade if he or she completes a plan, approved by the principal that allows the student to fulfill the class's instructional requirements. If a student is involved in a criminal or juvenile court proceeding, the judge presiding over the case must also approve the plan before the student receives credit or a final grade.

Beaumont Independent School District Student Handbook

If a student attends fewer than 75 percent of the class days or does not complete the principal-approved plan, then the attendance review committee will determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade. [See policy FEC for more information.]

With the exception of absences due to serious or life-threatening illness or related treatment, all absences, excused or unexcused, may be held against a student's attendance requirement. To determine whether there were extenuating circumstances for any absences, the attendance committee will use the following guidelines:

- If makeup work is completed, absences listed under **Compulsory Attendance—Exemptions** on page 25 will be considered extenuating circumstances.
- A transfer or migrant student incurs absences only after he or she has enrolled in the district.
- Absences incurred due to the student's participation in board-approved extracurricular activities will be considered by the attendance committee as extenuating circumstances if the student makes up the work missed in each class.
- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the student or student's parent had any control over the absences.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and discuss ways to earn or regain credit or a final grade.

The student or parent may appeal the committee's decision to the board by following policy FNG(LOCAL).

Official Attendance-Taking Time (All Grade Levels)

The district will take official attendance every day during the second instructional hour.

A student absent for any portion of the day should follow the procedures below to provide documentation of the absence.

Documentation after an Absence (All Grade Levels)

A parent must provide an explanation for any absence upon the student's arrival or return to school. The student must submit a note signed by the parent. The campus may accept a phone call from the parent but reserves the right to require a written note.

A note signed by the student will not be accepted unless the student is age 18 or older or is an emancipated minor under state law.

The campus will document in its attendance records whether the absence is excused or unexcused.

Note: The district is not required to excuse any absence, even if the parent provides a note explaining the absence, unless the absence is an exemption under compulsory attendance laws.

Beaumont Independent School District Student Handbook

Doctor's Note after an Absence for Illness (All Grade Levels)

Within 5 days of returning to school, a student absent for more than 3 consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the absence. Otherwise, the absence may be considered unexcused and in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the absence to determine whether an absence will be excused or unexcused.

Certification of Absence Due to Severe Illness or Treatment

If a student is absent because of a serious or life-threatening illness or related treatment that makes a student's attendance infeasible, a parent must provide certification from a physician licensed to practice in Texas specifying the student's illness and the anticipated period of absence related to the illness or treatment.

Driver License Attendance Verification (Secondary Grade Levels Only)

A currently enrolled student seeking a driver's license shall submit the Texas Department of Public Safety Verification of Enrollment and Attendance Form (VOE), signed by the parent, to the campus central office at least 10 days before it is needed. The district will issue a VOE only if the student meets class credit or attendance requirements. The VOE form is available at: <https://www.tdlr.texas.gov/driver/forms/VOE.pdf>.

Further information may be found on the Texas Department of Public Safety website: <https://www.dps.texas.gov/section/driver-license>.

See **Compulsory Attendance—Exemptions for Secondary Grade Levels** on page 25 for information on excused absences for obtaining a learner license or driver's license.

Accountability under State and Federal Law (All Grade Levels)

Beaumont Independent School District and each of its campuses are held to certain standards of accountability under state and federal law. A key component of accountability is the dissemination and publication of certain reports and information, including:

- The Texas Academic Performance Report (TAPR) for the district, compiled by the Texas Education Agency (TEA), based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district, compiled by TEA;
- The district's financial management report, which includes the financial accountability rating assigned to the district by TEA; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.

Accountability information can be found on the district's website at www.bmtisd.com. Hard copies of any reports are available upon request to the district's administration office.

TEA maintains additional accountability and accreditation information at [TEA Performance Reporting Division](#).

Beaumont Independent School District Student Handbook

Armed Services Vocational Aptitude Battery Test (Grades 10–12)

A student in grades 10–12 will be offered an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter.

Contact the principal for information about this opportunity.

Bullying (All Grade Levels)

The district strives to prevent bullying, in accordance with the district's policies, by promoting a respectful school climate; encouraging reporting of bullying incidents, including anonymous reporting; and investigating and addressing reported bullying incidents.

Bullying is defined in state law 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:

- 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 of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyber bullying. Cyber bullying is defined in state law 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
- Any other internet-based communication tool.

Bullying is prohibited by the district and could include:

- Hazing
- Threats
- Taunting
- Teasing
- Confinement

Beaumont Independent School District Student Handbook

- Assault
- Demands for money
- Destruction of property
- Theft of valued possessions
- Name-calling
- Rumor-spreading
- Ostracism.

If a student believes that he or she has experienced bullying or witnesses the bullying of another student, the student or parent should notify a teacher, school counselor, principal, or another district employee as soon as possible. Procedures for reporting allegations of bullying may be found on the district's website.

A student may anonymously report an alleged incident of bullying by accessing the district's website, or by dropping a note into various locations provided for such a purpose throughout a campus.

The administration will investigate any allegations of bullying and related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying.

If an investigation determines that bullying occurred, the administration will take appropriate disciplinary action and may, in certain circumstances, notify law enforcement. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying.

Available counseling options will be provided to the affected individuals, including any student who witnessed the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon recommendation of the administration, the board may transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the board may transfer the student to another campus in the district.

The parent of a student who has been determined to be a victim of bullying may request that the student be transferred to another classroom or campus within the district. [See **Safety Transfers/Assignments** on page 20.]

A copy of the district's bullying policy is available in the principal's office, superintendent's office, and on the district's website, and is included at the end of this handbook as an appendix.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL).

Beaumont Independent School District Student Handbook

[See **Safety Transfers/Assignments** on page 20, **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41, **Hazing** on page 59, policy FFI, the district's Student Code of Conduct, and the district improvement plan, a copy of which can be viewed in the campus office.]

Career and Technical Education (CTE) and Other Work-Based Programs (Secondary Grade Levels Only)

The district offers career and technical education programs in the following areas: Agriculture, Architecture and Construction, Arts, Audio/Video Production & Communications, Business Management & Administration, Education & Training, Finance, Health Science, Hospitality & Tourism, Human Services, Information Technology, Law, Manufacturing, STEM, and Transportation.

The district offers work-based programs in each program of study.

Admission and enrollment to these programs is available to all students.

District policy prohibits discrimination on the basis of race, color, national origin, sex, or handicap in its vocational programs, services, or activities, as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

District policy also prohibits discrimination on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

The district will take steps to assure that lack of English language skills will not be a barrier to admission or participation in all educational and vocational programs.

For information about your rights or grievance procedures, contact the Title IX coordinator and the ADA/Section 504 coordinator.

[See **Nondiscrimination Statement** on page 70 for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator.]

Celebrations (All Grade Levels)

Although a parent or grandparent may provide food to share for a school-designated function or for a student's birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss any classroom allergies with the teacher before bringing food to share.

Occasionally, the school or a class may host functions or celebrations tied to the curriculum that involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers to provide food.[See **Food Allergies** on page 64.]

Child Sexual Abuse, Trafficking, and Other Maltreatment of Children (All Grade Levels)

- The district has established a plan for addressing child sexual abuse, trafficking, and other maltreatment of children, which may be accessed at [Human Trafficking of School-aged Children](#). Trafficking includes both sex and labor trafficking.

Beaumont Independent School District Student Handbook

Warning Signs of Sexual Abuse

Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child.

Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has been or is being sexually abused may exhibit physical, behavioral, or emotional warning signs, including:

- Difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches;
- Verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, or sexually suggestive behavior; or
- Withdrawal, depression, sleeping and eating disorders, and problems in school.

Be aware that children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Warning Signs of Trafficking

Child trafficking of any sort is prohibited by the Penal Code. Sex trafficking involves forcing a person, including a child, into sexual abuse, assault, indecency, prostitution, or pornography. Labor trafficking involves forcing a person, including a child, to engage in forced labor or services.

Traffickers are often trusted members of a child's community, such as friends, romantic partners, family members, mentors, and coaches, although traffickers frequently make contact with victims online.

Possible warning signs of sexual trafficking in children include:

- Changes in school attendance, habits, friend groups, vocabulary, demeanor, and attitude;
- Sudden appearance of expensive items (for example, manicures, designer clothes, purses, technology);
- Tattoos or branding;
- Refillable gift cards;
- Frequent runaway episodes;
- Multiple phones or social media accounts;
- Provocative pictures posted online or stored on the phone;
- Unexplained injuries;
- Isolation from family, friends, and community; and
- Older boyfriends or girlfriends.

Beaumont Independent School District Student Handbook

Additional warning signs of labor trafficking in children include:

- Being unpaid, paid very little, or paid only through tips;
- Being employed but not having a school-authorized work permit;
- Being employed and having a work permit but clearly working outside the permitted hours for students;
- Owing a large debt and being unable to pay it off;
- Not being allowed breaks at work or being subjected to excessively long work hours;
- Being overly concerned with pleasing an employer and/or deferring personal or educational decisions to a boss;
- Not being in control of his or her own money;
- Living with an employer or having an employer listed as a student's caregiver; and
- A desire to quit a job but not being allowed to do so.

Reporting and Responding to Sexual Abuse, Trafficking, and Other Maltreatment of Children

Anyone who suspects that a child has been or may be abused, trafficked, or neglected has a legal responsibility, under state law, to report the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Children may be more reluctant to disclose sexual abuse than physical abuse and neglect and may only disclose sexual abuse indirectly. As a parent or trusted adult, it is important to be calm and comforting if your child or another child confides in you. Reassure the child that he or she did the right thing by telling you.

If your child is a victim of sexual abuse, trafficking, or other maltreatment, the school counselor or principal will provide information on counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manage early intervention counseling programs.

To find out what services may be available in your county, see [Texas Department of Family and Protective Services, Programs Available in Your County](#).

Reports of abuse, trafficking, or neglect may be made to the CPS division of the DFPS at 1-800-252-5400 or on the web at [Texas Abuse Hotline Website](#).

Further Resources on Sexual Abuse, Trafficking, and Other Maltreatment of Children

The following websites might help you become more aware of child abuse and neglect, sexual abuse, trafficking, and other maltreatment of children:

- [Child Welfare Information Gateway Factsheet](#)
- [KidsHealth, For Parents, Child Abuse](#)
- [Office of the Texas Governor's Child Sex Trafficking Team](#)
- [Human Trafficking of School-aged Children](#)
- [Child Sexual Abuse: A Parental Guide from the Texas Association Against Sexual Assault](#)

Beaumont Independent School District Student Handbook

- [National Center of Safe Supportive Learning Environments: Child Labor Trafficking](#)

Class Rank/Highest-Ranking Student (Secondary Grade Levels Only)

Policy EIC (LOCAL) applies. The District shall include in the calculation of class rank semester grades earned in high school credit courses taken at any grade level. The calculation shall include failing grades. The district shall categorize and weight eligible courses as Honors and Regular in accordance with the provisions of policy EIC (LOCAL) and as designated in appropriate district publications.

[See policy EIC for more information.]

Class Schedules (Secondary Grade Levels Only)

All students are expected to attend school for the entire school day and maintain a full class schedule. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day schedule.

[See **Schedule Changes** on page 77 for information related to student requests to revise their course schedule.]

College and University Admissions and Financial Aid(All Grade Levels)

For two school years following graduation, a district student who graduates as valedictorian or in the top ten percent of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program (a student must graduate with at least one endorsement and must have taken Algebra II as one of the four required math courses); or
- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT.

The student is ultimately responsible for meeting the admission requirements of the university or college, including timely submission of a completed application.

Should a college or university adopt an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

The University of Texas at Austin may limit the number of automatically admitted students to 75 percent of the University's enrollment capacity for incoming resident freshmen. During the summer and fall 2021 terms and spring 2022 term, the University will admit the top six percent of a high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

As required by law, the district will provide written notice concerning:

- Automatic college admission
- Curriculum requirements for financial aid
- Benefits of completing the requirements for automatic admission and financial aid
- The Texas First Early High School Completion Program and the Texas First Scholarship Program

Beaumont Independent School District Student Handbook

Parents and students will be asked to sign an acknowledgment that they received this information.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

[See **Class Rank/Highest-Ranking Student** on page 35 for information specifically related to how the district calculates a student's rank in class, and requirements for **Graduation** on page 53 for information associated with the foundation graduation program.]

[See **Students in the Conservatorship of the State (Foster Care)** on page 20 for information on assistance in transitioning to higher education for students in foster care.]

College Credit Courses (Secondary Grade Levels Only)

Students in grades 9–12 may earn college credit through the following opportunities:

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory;
- Enrollment in AP or dual credit courses through the Texas Virtual School Network (TXVSN);
- Enrollment in courses taught in conjunction and in partnership with Lamar University and/or Lamar Institute of Technology which may be offered on or off campus; and
- Enrollment in courses taught at other colleges or universities; and
- Certain Career and Technical Education (CTE) courses.

Enrollment in these programs is based on district and/or higher education policies.

A student may be eligible for subsidies based on financial need for AP or IB exam fees. See **Fees (All Grade Levels)** on page 51 for more information.

A student may also earn college credit for certain Career and Technical Education (CTE) courses. See **Career and Technical Education (CTE) and Other Work-Based Programs (Secondary Grade Levels Only)** on page 32 for information on CTE and other work-based programs.

All these methods have eligibility requirements and must be approved prior to enrollment in the course. Please see the school counselor for more information. Depending on the student's grade level and the course, a state-mandated end-of-course assessment may be required for graduation.

Not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

Communications (All Grade Levels)

Parent Contact Information

A parent is legally required to provide in writing the parent's contact information, including address, phone number, and email address.

A parent must provide the contact information to the district upon enrollment and again within two weeks after the beginning of each following school year while the student is enrolled in the district.

Beaumont Independent School District Student Handbook

If the parent's contact information changes during the school year, the parent must update the information in writing no more than two weeks after the date the information changes.

A parent may update contact information by calling the campus.

Automated Emergency Communications

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. An emergency situation may include early dismissal, delayed opening, or restricted access to the campus due to severe weather, another emergency, or a security threat. It is crucial to notify your child's school when a phone number changes.

[See **Safety** on page 75 for information regarding contact with parents during an emergency situation.]

Automated Nonemergency Communications

Your child's school periodically sends information by automated or pre-recorded messages, text messages, or real-time phone or email communications that are closely related to the school's mission and specific to your child, your child's school, or the district.

Standard messaging rates of your wireless phone carrier may apply.

If you do not wish to receive such communications, please contact your child's principal. [See **Safety** on page 75 for information regarding contact with parents during an emergency.]

Complaints and Concerns (All Grade Levels)

Usually student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal.

For those complaints and concerns that cannot be resolved informally, the board has adopted a Student and Parent Complaints/Grievances policy FNG(LOCAL). This policy can be viewed in the district's policy manual, available online at www.bmtisd.com. The complaint forms can be obtained through the Office of Legal Counsel at (409) 617-5262, or at the principal's or superintendent's office.

To file a formal complaint a parent or student should complete and submit the complaint form. In general, the written complaint form should be completed and submitted to the campus principal in a timely manner.

If the concern is not resolved, a parent or student may request a conference with the superintendent.

If the concern is still unresolved, the district provides a process for parents and students to appeal to the board of trustees.

Conduct (All Grade Levels)

Applicability of School Rules

The board has adopted a Student Code of Conduct that defines standards of acceptable behavior—on and off campus, during remote and in-person instruction, and on district vehicles—and outlines consequences for violation of these standards. The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules.

Beaumont Independent School District Student Handbook

During summer instruction, the Student Handbook and Student Code of Conduct in place for the school year immediately proceeding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

Campus Behavior Coordinator

Each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The contact information for each campus behavior coordinator is available on the district's website at www.bmtisd.com.

Deliveries

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

Disruption of School Operations

Disruption of school operations is not tolerated and may constitute a misdemeanor offense. As identified by state law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.

Disruption of classes or other school activities while on or within 500 feet of district property includes:

- Making loud noises;
- Trying to entice a student away from, or to prevent a student from attending, a required class or activity; and
- Entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.

Interference with the transportation of students in vehicles owned or operated by the district is also considered a disruption.

Social Events

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

A student attending a social event will be asked to sign out when leaving before the end of the event and will not be readmitted.

Beaumont Independent School District Student Handbook

A parent interested in serving as a chaperone for any school social events should contact the campus principal.

Counseling

The district has a comprehensive school counseling program that includes:

- A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives;
- 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;
- 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
- Systems 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.

The district will make a preview of the program, including all materials and curriculum, available to parents to review during school hours.

Academic Counseling

Elementary and Middle/Junior High School Grade Levels

The school counselor will provide information to students and parents about college and university admissions and the importance of planning for postsecondary education, including appropriate coursework and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction on how best to prepare for high school, college, and a career.

High School Grade Levels

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures.

Each year, high school students will be provided information on anticipated course offerings for the next school year, how to make the most of academic and career and technical education (CTE) opportunities, and the importance of postsecondary education.

The school counselor will also provide information each year a student is enrolled in high school regarding:

- The importance of postsecondary education;
- The advantages of earning an endorsement and completing the foundation program with the distinguished level of achievement;
- The disadvantages of pursuing a high school equivalency exam (GED) as opposed to earning a high school diploma;
- Financial aid eligibility and how to apply for financial aid;
- Automatic admission to state-funded Texas colleges and universities;

Beaumont Independent School District Student Handbook

- Eligibility requirements for the TEXAS Grant;
- Availability of district programs that allow students to earn college credit;
- Availability of tuition and fee assistance for postsecondary education for students in foster care; and
- Availability of college credit awarded by institutions of higher education to veterans and military service members for military experience, education, and training.

Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

Personal Counseling (All Grade Levels)

The school counselor is available to assist students with a wide range of personal, social, and family concerns, including emotional or mental health issues and substance abuse. A student who wishes to meet with the school counselor should call the campus and request to speak with the counselor. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

If your child has experienced trauma, contact the school counselor for more information.

[See **Mental Health Support** on page 62, and **Child Sexual Abuse, Trafficking, and Other Maltreatment of Children** on page 32 and **Dating Violence** on page 42.]

Course Credit (Secondary Grade Levels Only)

A student at any grade level enrolled in a high school course will earn credit for the course only if the final grade is 70 or above. For a two-part (two-semester, 1-credit course), the student's grades from both halves (semesters) will be averaged and credit will be awarded if the combined average is 70 or above. If the student's combined average is less than 70, the student will be awarded credit only for the half (semester) with the passing grade.

Credit by Examination—If a Student Has Taken the Course/Subject(Grades 6–12)

A student who has previously taken a course or subject but did not receive credit or a final grade for it may, in circumstances determined by the principal or attendance committee, be permitted to earn credit or a final grade by passing an examination approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject.

Examples of prior instruction include incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a non-accredited school. The opportunity to earn credit by examination after the student has had prior instruction is sometimes referred to as "credit recovery."

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination.

If a student is granted approval to take an examination for credit, the student must score at least 70 on the examination to receive credit for the course or subject.

[See the school counselor and policy EHDB(LOCAL) for more information.]

Beaumont Independent School District Student Handbook

Credit by Examination for Advancement/Acceleration—If a Student Has Not Taken the Course/Subject

A student will be permitted to earn credit by examination for an academic course or subject area for which the student had no prior instruction for advancement or to accelerate to the next grade level.

The examinations offered by the district are approved by the district's board of trustees. Testing windows for these examinations will be published in district publications and on the district's website. A student may take a specific examination only once per testing window.

The only exceptions to the published testing windows will be for examinations administered by another entity or to accommodate a student experiencing homelessness or a student involved in the foster care system.

When another entity administers an examination, the student and the district must comply with the testing schedule of the other entity.

If a student plans to take an examination, the student or parent must register with the school counselor no later than 30 days prior to the scheduled testing date. [See policy EHDC for more information.]

Kindergarten Acceleration

Students in Grades 1–5

A student in elementary school is eligible to accelerate to the next grade level if:

- The student scores at least an 80 on each examination in the subject areas of language arts, mathematics, science, and social studies;
- A district administrator recommends that the student be accelerated; and
- The student's parent gives written approval of the grade advancement.

Students in Grades 6–12

A student in grade 6 or above is eligible to earn course credit with:

- A passing score of at least 80 on an examination approved by the board; or
- A scaled score of 50 or higher on an examination administered through the College Level Examination Program (CLEP), or
- A score of 3 or higher on an AP examination, as applicable.

A student may take an examination to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)

Students learn best, and their welfare is best served, in a school environment that is free from dating violence, discrimination, harassment, and retaliation.

Students are expected to treat peers and district employees with courtesy and respect, avoid offensive behaviors, and stop those behaviors as directed. District employees are likewise expected to treat students with courtesy and respect.

Beaumont Independent School District Student Handbook

The board has established policies and procedures to prohibit and promptly address inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. A copy of the district's policy is available in the principal's office and in the superintendent's office, or on the district's website at www.bmtisd.com. [See policy FFH for more information.]

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship or any of the person's past or subsequent partners. This type of conduct is considered harassment if it is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to:

- Physical or sexual assaults;
- Name-calling;
- Put-downs;
- Threats to hurt the student, the student's family members, or members of the student's household;
- Destroying property belonging to the student;
- Threats to commit suicide or homicide if the student ends the relationship;
- Threats to harm a student's past or current dating partner;
- Attempts to isolate the student from friends and family;
- Stalking; or
- Encouraging others to engage in these behaviors.

A [flier](#) from the Texas Attorney General's office includes information on recognizing and responding to dating violence, including contact information for help. The counselor's office has additional information about the dangers of dating violence and resources for seeking help.

For more information on dating violence, see the CDC's [Preventing Teen Dating Violence](#).

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to:

Beaumont Independent School District Student Handbook

- Offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation;
- Threatening, intimidating, or humiliating conduct;
- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or
- Other kinds of aggressive conduct such as theft or damage to property.

Sexual Harassment and Gender-Based Harassment

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but are not limited to:

- Touching private body parts or coercing physical contact that is sexual in nature;
- Sexual advances;
- Jokes or conversations of a sexual nature; and
- Other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact that a reasonable person would not construe as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic, sexual, and other inappropriate social relationships between students and district employees are prohibited, even if consensual.

Gender-based harassment includes physical, verbal, or nonverbal conduct based on a student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity.

Gender-based harassment can occur regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity. Examples of gender-based harassment directed against a student may include, but are not limited to:

- Offensive jokes, name-calling, slurs, or rumors;
- Physical aggression or assault;
- Threatening or intimidating conduct; or
- Other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Retaliation against a person who makes a good-faith report or participates in an investigation of discrimination, harassment, or dating violence is prohibited. A person who makes a false claim, offers false statements, or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Beaumont Independent School District Student Handbook

Reporting Procedures

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH(LOCAL) and (EXHIBIT) for other appropriate district officials to whom to make a report.]

Upon receiving a report, the district will determine whether the allegations, if proven, constitute prohibited conduct as defined by policy FFH. If not, the district will refer to policy FFI to determine whether the allegations, if proven, constitute bullying, as defined by law and policy FFI. If the alleged prohibited conduct also meets the statutory and policy definitions for bullying, an investigation of bullying will also be conducted. [See **Bullying** on page 30]

The district will promptly notify the parent of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct involves another student, the district will notify the parent of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

Investigation of Report

Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

To the extent possible, the district will respect the privacy of the student. However, limited disclosures may be necessary to conduct a thorough investigation and comply with law.

If law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume its investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action and, in some cases, corrective action will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL).

Discrimination

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Distance Learning (All Grade Levels)

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, internet, video-conferencing, and instructional television.

Beaumont Independent School District Student Handbook

The distance learning opportunities that the district makes available to district students are described in the district Course Offering Book..

If a student wishes to enroll in a correspondence course or a distance learning course that is not provided through the Texas Virtual School Network (TXVSN), as described below, to earn credit in a course or subject, the student must receive permission from the principal prior to enrolling in the course or subject. If the student does not receive prior approval, the district may not recognize and apply the course or subject toward graduation requirements or subject mastery.

[See **Remote Instruction** on page 74.]

Texas Virtual School Network (TXVSN)(Secondary Grade Levels)

The Texas Virtual School Network (TXVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TXVSN to earn course credit for graduation.

Depending on the TXVSN course in which a student enrolls, the course may be subject to the “no pass, no play” rules. [See **Extracurricular Activities, Clubs, and Organizations** on page 50.] In addition, a student who enrolls in a TXVSN course for which an end-of-course (EOC) assessment is required must still take the corresponding EOC assessment.

A parent may ask questions or request that their child be enrolled in a TXVSN course by contacting the school counselor. Unless an exception is made by the campus principal, a student will not be allowed to enroll in a TXVSN course if the school offers the same or a similar course.

A copy of policy EHDE addressing distance learning will be distributed to parents of middle and high school students at least once each year. If you do not receive a copy or have questions about this policy, please contact your campus principal.

Distribution of Literature, Published Materials, or Other Documents (All Grade Levels)

School Materials

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, newspapers, yearbooks, brochures, flyers, etc.

All school publications are under the supervision of a teacher, sponsor, and the principal.

Nonschool Materials

From Students

Students must obtain prior approval from the campus principal before selling, posting, circulating, or distributing more than ten copies of written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any nonschool material must include the name of the sponsoring person or organization. Approval will be granted or denied within two school days.

The campus principal will designate the location for approved nonschool materials to be placed for voluntary viewing or collection by students. [See policy FNAA for more information.]

Beaumont Independent School District Student Handbook

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes nonschool material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See policy FNG(LOCAL) for student complaint procedures.]

From Others

No person or group will sell, circulate, distribute, or post on any district premises written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that is not sponsored by the district or by a district-affiliated school-support organization, except as permitted by policy GKDA.

To be considered for distribution, any nonschool material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the superintendent or her designee for prior review. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies DGBA or GF for more information.]

The superintendent or her designee will designate the location for approved nonschool materials to be placed for voluntary viewing or collection.

Prior review will not be required for:

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

All nonschool materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

Dress and Grooming (All Grade Levels)

The district's dress code teaches grooming and hygiene, prevents disruption, minimizes safety hazards, and maintains a positive learning climate. Students and parents may determine a student's personal dress and grooming standards, provided that they comply with the following guidelines.

Students shall be dressed and groomed in a manner that is clean and neat, and that shall not present a safety issue to themselves or others. The District prohibits any clothing or grooming that, in the Principal's judgment, may reasonably be expected to jeopardize the health or safety of others, or cause a distraction or disruption of normal school operations.

Elementary School

A uniform dress code has been established for all Elementary students. Students in these grade levels are required to wear uniforms in accordance with district standards.

The uniform for Elementary shall consist of:

Beaumont Independent School District Student Handbook

- **Bottoms**
 - Khaki or navy-blue slacks, shorts, skorts, or skirts are acceptable. There should be no designer names visible. Cargo pants are not acceptable. Uniform dresses are acceptable.
- **Tops**
 - Polo style shirts in white, red, or blue
 - School T-shirts may be worn on spirit days as a campus-based incentive
 - Hoodies: must be white, navy-blue, or red
 - **Tennis Shoes:** No slip-ons; all shoes must have backs

Middle School

A uniform requirement has also been established for students in Middle School.

- **Tops-Polo style shirts**
 - 6th Grade: White
 - 7th Grade: Grey
 - 8th Grade: Primary school color (King & Marshall –Red; Odom- Royal Blue; Smith – Maroon; South Park – Green; Vincent – Navy Blue)
 - School Spirit (school clubs, PTA, athletics) shirts may be worn as designated by campus
 - Sweatshirts must be white, grey, or primary school color
 - Hoodies are NOT permitted
 - Jackets in the building must be unzipped; can be any color
- **Bottoms**
 - Khaki, navy blue, or black slacks, shorts, skirts, or skorts are acceptable. There should be no designer names visible. Cargo pants are not acceptable. Uniform dresses are acceptable.
 - Shorts and skirts, or skorts must be to the top of the knee.
- **Shoes**
 - No flip-flops, house slippers, or slip-ons
 - All shoes must have backs

High School

Students shall be dressed and groomed in a manner that is clean and neat, and that shall not present a safety issue to themselves or others. The District prohibits any clothing or grooming that, in the Principal's judgment, may reasonably be expected to jeopardize the health or safety of others, or cause distraction or disruption of normal school operations.

Clothing must adequately cover the body. Students are not to wear clothing that is tight, loose, revealing, sagging, baggy, or short. Examples of unacceptable clothing according to these guidelines include, but are not limited to:

- Biker shorts
- Backless apparel
- High slashed skirts

Beaumont Independent School District Student Handbook

- Spandex shorts or tights
- Oversized shirts or pants
- Gym/wind/jogging shorts
- Cut or torn garments
- Midriff tops
- Trench coats and like apparel.
- Pajamas
- Spaghetti-straps

Inappropriate messages, logos, and designs on any attire are prohibited. Specifically, the District prohibits pictures, emblems, or writings on clothing that:

- are lewd, vulgar, offensive, or obscene
- advertises or depicts tobacco products, alcoholic beverages, drugs, or any other substance prohibited under Policy FNCF(LEGAL)

Students are prohibited from wearing clothing that is typically worn for athletic purposes. This includes, but is not limited to jogging shorts, gym or wind shorts, and chubbies.

All Students

No type of cap, hat, bandanna, or sweat band is allowed in the building. Exceptions would be a hat or cap that is part of a uniform at a school activity or a head covering worn for religious purposes. Official documentation may be requested to determine this circumstance.

If the principal determines that a student's grooming or clothing violates the school's dress code, the student will be given the opportunity to correct the problem at school and return to the classroom. If the problem cannot be corrected at school, the principal will work with the student and parent to obtain an acceptable change of clothing for the student in a way that minimizes loss of instructional time.

Repeated or severe offenses may result in more serious disciplinary action in accordance with the Student Code of Conduct.

Electronic Devices and Technology Resources (All Grade Levels)

Possession and Use of Personal Telecommunications Devices, Including Cell Phones, and Other Electronic Devices

The district permits students to possess personal cell phones for safety purposes; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes. [See **Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials** on page 84 for graphing calculator applications on computing devices.]

A student must have approval to possess other personal telecommunications devices on campus such as laptops, tablets, or other portable computers.

Without such permission, teachers will collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

The use of cell phones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

Beaumont Independent School District Student Handbook

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The parent may pick up the confiscated telecommunications device from the principal's office for a fee of \$15.

Confiscated telecommunications devices that are not retrieved by the student or the student's parent will be disposed of after the notice required by law. [See policy FNCE for more information.]

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** on page 79 and policy FNF for more information.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

Instructional Use of Personal Telecommunications and Other Electronic Devices

Students must obtain prior approval to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook).

All personal devices must be turned off during the instructional day when not in use for approved instructional purposes. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Acceptable Use of District Technology Resources

District-owned technology resources may be issued to individual students for instructional purposes. Use of the district's network systems and equipment is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether on district-owned or personally owned equipment, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content—commonly referred to as "sexting"—will be disciplined in accordance with the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement.

This type of behavior may constitute bullying or harassment, as well as impede future endeavors of a student. We encourage parents to review with their child the ["Before You Text" Sexting Prevention Course](#), a state-developed program that addresses the consequences of sexting.

Any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct. In some cases, the consequence may be expulsion.

Beaumont Independent School District Student Handbook

End-of-Course (EOC) Assessments

[See **Graduation** on page 53 and **Standardized Testing** on page 80.]

English Learners (All Grade Levels)

A student who is an English learner is entitled to receive specialized services from the district. A Language Proficiency Assessment Committee (LPAC), consisting of both district personnel and at least one parent representative, will determine whether the student qualifies for services. The student's parent must consent to any services recommended by the LPAC. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned at **Standardized Testing** on page 80, may be administered to an English learner up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to English learners who qualify for services.

If a student is considered an English learner and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

Extracurricular Activities, Clubs, and Organizations (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships.

Some extracurricular activities may include off-campus events. Students are required to use transportation provided by the district to and from the events. Exceptions may only be made with the approval of the activity's coach or sponsor. [See **Transportation** on page 84.]

Eligibility for many of these activities is governed by state law and the rules of the University Interscholastic League (UIL), a statewide association overseeing inter-district competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students and parents can access the UIL Parent Information Manual at [UIL Parent Information Manual](#). A hard copy can be provided by the coach or sponsor of the activity on request.

To report alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

[See [UIL Texas](#) for additional information on all UIL-governed activities.]

Beaumont Independent School District Student Handbook

Student safety in extracurricular activities is a priority of the district. Parents are entitled to review the district's records regarding the age of each football helmet used by the campus, including when a helmet has been reconditioned.

Generally, a student who receives a grade below 70 at the end of a grading period in any academic class may not participate in extracurricular activities for at least three school weeks.

However, if a student receives a grade below 70 at the end of a grading period in an Advanced Placement (AP) or International Baccalaureate (IB) course, or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or languages other than English, the student remains eligible for participation in all extracurricular activities.

In addition, the following applies to all extracurricular activities:

- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- A student is allowed in a school year up to 20 absences not related to post-district competition. For schools on block scheduling, with an "A-Day, B-Day" calendar, the number of absences may not exceed 10% of the days the class will meet, which will be approximately ten days. All extracurricular activities and public performances, whether UIL activities or other activities approved by the board, are subject to these restrictions.
- An absence for participation in an activity that has not been approved will be considered an unexcused absence.

Standards of Behavior

Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

Offices and Elections

Certain clubs, organizations, and performing groups will hold elections for student officers. Questions concerning these offices and elections should be directed to the campus principal.

Fees (All Grade Levels)

Basic educational program materials are provided at no charge to a student. However, a student is expected to provide his or her own supplies, such as pencils, paper, erasers, and notebooks. A student may also be required to pay certain other costs, fees, or deposits, including:

- Materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations.
- Admission fees to extracurricular activities.
- Security deposits.
- Personal physical education and athletic equipment and apparel.

Beaumont Independent School District Student Handbook

- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student health and accident insurance.
- Musical instrument rental and uniform maintenance when uniforms are provided by the district.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses.
- Fees for optional courses offered for credit that require use of facilities not available on district premises.
- Summer school for courses that are offered tuition-free during the regular school year.
- A reasonable fee for providing transportation to a student who lives within two miles of the school. [See **Buses and Other School Vehicles** on page 84.]
- A fee not to exceed \$50 for an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a district-provided request form.
- In some cases, a fee for a course taken through the Texas Virtual School Network (TXVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the campus principal. [See policy FP for more information.]

Fundraising (All Grade Levels)

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes in accordance with administrative regulations. [See policies FJ and GE for more information.]

Gang-Free Zones (All Grade Levels)

Certain criminal offenses, including gang-related crimes, will be enhanced to the next-highest category of offense if they are committed in a gang-free zone. Gang-free zones include a school bus and any location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

Gender-Based Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Grade-Level Classification (Grades 9–12 Only)

After the ninth grade, students are classified according to the number of credits earned toward graduation.

Beaumont Independent School District Student Handbook

Credits Earned	Classification
6-11.5	Grade 10(Sophomore)
12-17.5	Grade 11(Junior)
18 and above	Grade 12(Senior)

Grading Guidelines (All Grade Levels)

Approved grading guidelines for each grade level or course will be communicated to students and their parents by the classroom teacher. These guidelines establish:

- The minimum number of assignments, projects, and examinations required for each grading period;
- How the student's mastery of concepts and achievement will be communicated (i.e., letter grades, numerical averages, checklist of required skills, etc.);
- Circumstances under which a student will be allowed to redo an assignment or retake an examination the student originally failed; and
- Procedures for a student to follow after an absence.

[See **Report Cards/Progress Reports and Conferences** on page 74 for additional information on grading guidelines.]

Graduation (Secondary Grade Levels Only)

Requirements for a Diploma

A student must meet the following requirements to receive a high school diploma from the district:

- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law;
- Complete the required number of credits established by the state and any additional credits required by the district;
- Complete any locally required courses in addition to the courses mandated by the state;
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education (SBOE); and
- Complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

Testing Requirements for Graduation

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on EOC assessments in:

- English I,
- English II,
- Algebra I,

Beaumont Independent School District Student Handbook

- Biology, and
- U.S. History.

A student who does not achieve a sufficient score will have opportunities to retake an assessment.

State law allows a student to meet EOC requirements by substituting satisfactory performance on approved national standardized assessments or on the state-developed assessment used for entrance into Texas public universities. [See the school counselor for more information on the state testing requirements for graduation.]

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation in the applicable content area. This may require the student's participation outside normal school operating times.

In limited circumstances, a student who fails to demonstrate proficiency on two or fewer of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law, unanimously determines that the student is eligible to graduate.

[See **Standardized Testing** on page 80.]

Foundation Graduation Program

Every Texas public school student will graduate under the foundation graduation program. The foundation graduation program features endorsements, which are paths of interest that include:

- Science, Technology, Engineering, and Mathematics (STEM);
- Business and Industry;
- Public Service;
- Arts and Humanities; and
- Multidisciplinary Studies.

Endorsements earned by a student will be noted on the student's transcript.

A student can complete the foundation graduation program with a "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits.

A **Personal Graduation Plan** will be completed for each high school student, as described on page 56.

State law prohibits a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission to the school counselor for the student to graduate without an endorsement. A student who wishes to attend a four-year university or college after graduation must carefully consider whether graduation under the foundation program without an endorsement will satisfy the admission requirements of the student's desired college or university.

A student graduating under the foundation graduation program can also earn performance acknowledgments on his or her transcript. Performance acknowledgments are available for outstanding performance in bilingualism and bi-literacy, in a dual credit course, on an AP or IB

Beaumont Independent School District Student Handbook

examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a license or certificate recognized at the state, national, or international level. The school counselor can provide more information about these acknowledgments.

A student is not required to complete an Algebra II course to graduate under the foundation graduation program, and the district will annually notify a student's parent of this fact. However, not taking Algebra II will make a student ineligible for automatic admission to four-year public universities and colleges in Texas and for certain financial aid and grants while attending those institutions.

A school district will permit a student to satisfy the curriculum requirements for graduation under the foundation program with the distinguished level of achievement, including an endorsement, by successfully completing courses in the core curriculum of a public Texas institution of higher education. Please see your counselor for more information.

Credits Required

The foundation graduation program requires completion of the following credits:

Course Area	Number of Credits: Foundation Graduation Program	Number of Credits: Foundation Graduation Program with an Endorsement
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies	3	3
Physical Education	1	1
Languages other than English	2	2
Fine Arts	1	1
Electives	5	7
Total	22 credits	26 credits

Additional considerations apply in some course areas, including:

- **Mathematics.** To obtain the distinguished level of achievement under the foundation graduation program, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits. A student's completion of the distinguished level of achievement

Beaumont Independent School District Student Handbook

is a requirement to be considered for automatic admission to a Texas four-year college or university and will be included on a student's transcript.

- **Physical education.** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.
- **Languages other than English.** Students are required to earn 2 credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits.
 - A student may satisfy one of the two required credits by successfully completing in elementary school a dual language immersion program or a course in American Sign Language.
 - In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

Available Endorsements

A student must specify upon entering grade 9 which endorsement he or she wishes to pursue.

FAFSA or TASFA

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).

Contact the CCMRC campus coordinator for additional information on these applications.

A student is not required to complete and submit a FAFSA or TASFA if:

- The student's parent submits a form provided by the district indicating that the parent authorizes the student to opt out;
- A student who is 18 years of age or older or a legally independent minor submits a form provided by the district indicating that the student opts out; or
- A school counselor authorizes the student to opt out for good cause.

Please contact the school counselor for more information.

The district will confirm that a student has completed and submitted a FAFSA in accordance with TEA guidance. The district will confirm that a student has completed and submitted a FAFSA in accordance with TEA guidance. To confirm that a student has completed and submitted a FAFSA, the student must submit their FAFSA confirmation page with the confirmation number.

Personal Graduation Plans

A personal graduation plan will be developed for each high school student.

The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement. Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four-year college or university in Texas, depending on his or her rank in class.

Beaumont Independent School District Student Handbook

The school will review personal graduation plan options with each student entering grade 9 and his or her parent. Before the end of grade 9, a student and his or her parent will be required to sign off on a personal graduation plan that promotes college and workforce readiness, promotes career placement and advancement, and facilitates the transition from secondary to postsecondary education.

The student's personal graduation plan will outline an appropriate course sequence based on the student's choice of endorsement.

Please review [TEA's Graduation Toolkit](#).

A student may, with parental permission, amend his or her personal graduation plan after the initial confirmation.

Available Course Options for All Graduation Programs

Each spring, the district will update students on the courses required or offered in each curriculum area so students can enroll for the upcoming school year.

Note: The district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at his or her regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for a course in the required curriculum other than fine arts or career and technical education (CTE), the district will offer the course the following year either by teleconference or at the school from which the transfers were requested.

Certificates of Coursework Completion

A certificate of coursework completion will not be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

Students with Disabilities

Admission, review, and dismissal (ARD) committees will make instructional and assessment decisions for students with disabilities who receive special education services in accordance with state law.

Upon the recommendation of the ARD committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of his or her individualized education program (IEP) and in accordance with state rules.

A student who receives special education services may earn an endorsement under the foundation program. If the student's curriculum requirements for the endorsement were modified, the student's ARD committee will determine whether the modified curriculum is sufficiently rigorous to earn the endorsement. The ARD committee must also determine whether the student must perform satisfactorily on any end-of-course assessment to earn an endorsement.

A student who receives special education services and has completed four years of high school but has not met the requirements of his or her IEP may participate in graduation ceremonies and receive a certificate of attendance. The student may then remain enrolled to complete the

Beaumont Independent School District Student Handbook

IEP and earn his or her high school diploma but will only be allowed to participate in one graduation ceremony.

[See policy FMH(LEGAL) for more information.]

Graduation Activities

Graduation activities may include Project Graduation, Prom and other like activities.

Students who are eligible to graduate but are assigned to a disciplinary alternative education program at the end of the school year will be allowed to participate in the graduation ceremony and related graduation activities. The participation of seniors who have been expelled but were able to meet graduation requirements while attending a district-approved program will be determined by the principal.

Seniors with any school debt will not be allowed to participate in graduation activities.

The following students and student groups shall be recognized at graduation ceremonies:

- Honor Graduates
- Cum Laude Graduates
- Magna Cum Laude Graduates
- Summa Cum Laude Graduates

Graduation Speakers

Certain graduating students will be given an opportunity to speak at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See the Student Code of Conduct and policy FNA(LOCAL) for more information.]

[See **Student Speakers** on page 83 for student speakers at other school events.]

Graduation Expenses

Because students and parents will incur expenses to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture—both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Fees** on page 51.]

Scholarships and Grants

Students who have a financial need according to federal criteria and who complete the foundation graduation program may be eligible under the TEXAS Grant Program and the Teach for Texas Grant Program for scholarships and grants toward tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions. Certain students who graduate early may also be eligible for the Texas First Scholarship Program.

Contact the school counselor for information about other scholarships and grants available to students.

Beaumont Independent School District Student Handbook

Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Hazing (All Grade Levels)

Hazing is defined 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:

- Any type of physical brutality;
- 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;
- An activity that induces, causes, or requires the student to perform a duty or task that violates the Penal Code; and
- 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.

The district will not tolerate hazing. Disciplinary consequences for hazing will be in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[See **bullying** on page 30 and policies FFI and FNCC for more information.]

Health—Physical and Mental

Illness (All Grade Levels)

When your child is ill, please contact the school to let us know he or she will not be attending that day.

State rules require schools to exclude students with certain illnesses from school for certain periods of time. For example, if a child has a fever over 100 degrees, he or she must stay out of school until fever-free for 24 hours without use of fever-reducing medications. Students with diarrheal illnesses must stay home until they are diarrhea-free without use of diarrhea-suppressing medications for 24 hours.

A parent should contact the school nurse if a student has been diagnosed with COVID-19 or may have COVID-19.

A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, and the school nurse determines that the child should go home, the nurse will contact the parent.

The district is required to report certain contagious (communicable) diseases or illnesses to the Department of State Health Services (DSHS) or our local/regional health authority. The school nurse can provide information from DSHS on these notifiable conditions.

Beaumont Independent School District Student Handbook

The school nurse is available to answer any questions for parents who are concerned about whether or not their child should stay home.

Immunization (All Grade Levels)

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized.

For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained online at [Affidavit Request for Exemption from Immunization](#) or by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347. The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are:

- Diphtheria, tetanus, and pertussis
- Polio
- Measles, mumps, and rubella
- Hepatitis B
- Varicella (chicken pox)
- Meningococcal
- Hepatitis A

The school nurse can provide information on immunization requirements. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

As noted at **Bacterial Meningitis** on page 64, entering college students must also, with limited exception, furnish evidence of having received a bacterial meningitis vaccination within the five years prior to enrolling in and attending classes at an institution of higher education. A student wanting to enroll in a dual credit course taken off campus may be subject to this or other vaccination requirements.

[See the DSHS website: [Texas School & Child Care Facility Immunization Requirements](#) and policy FFAB(LEGAL) for more information.]

Lice (All Grade Levels)

Head lice is very common among children. Although not an illness or a disease, it spreads easily through head-to-head contact during play, sports, nap time, and when children share things like brushes, combs, hats, and headphones.

Beaumont Independent School District Student Handbook

The district does not require or recommend that students be removed from school because of lice or nits.

If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to discuss a treatment plan using an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student undergoes one treatment, the parent should contact the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments, how best to get rid of lice, and how to prevent lice from returning.

The district will provide notice to parents of elementary school students in an affected classroom without identifying the student with lice.

More information on head lice can be obtained from the DSHS website [Managing Head Lice in School Settings and at Home](#).

[See policy FFAA for more information.]

Medicine at School (All Grade Levels)

If a student must take medication during school hours, the student's parent must provide the medication. All medication, whether prescription or nonprescription, must be kept in the nurse's office and be administered by the nurse or another authorized district employee. A student may be authorized to possess his or her own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

The district will not purchase nonprescription medication to give to a student.

In accordance with policy FFAC, authorized employees may administer:

- Prescription medication in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container.
- Nonprescription medication in the original, properly labeled container, provided by the parent along with a written request. **Note:** Insect repellent is considered a nonprescription medication.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

At the elementary level, a student's teacher or other district personnel will apply sunscreen to the student's exposed skin if the student brings the sunscreen to school and asks for help applying it. A student at this level may apply his or her own sunscreen if the student is able to do so.

At the secondary level, a student may possess and apply sunscreen when necessary. If the student needs assistance with sunscreen application, please address the need with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through

Beaumont Independent School District Student Handbook

communication with the school nurse so that the district is made aware of any safety and medical issues.

Asthma and Severe Allergic Reactions

A student with asthma or severe allergic reaction (anaphylaxis) may possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her health-care provider and the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

See *Medicine at School* on page 6561 for information for unassigned asthma medication.

See also **Food Allergies** on page 64.

Steroids (Secondary Grade Levels Only)

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for physician-prescribed medical use only.

Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Mental Health Support (All Grade Levels)

The district has implemented programs to address the following mental health, behavioral health, and substance abuse concerns:

- Mental health promotion and early intervention;
- Building skills to manage emotions, establish and maintain positive relationships, and engage in responsible decision-making;
- Substance abuse prevention and intervention;
- Suicide prevention, intervention, and post (interventions after a suicide in a community);
- Grief, trauma, and trauma-informed care;
- Positive behavior interventions and supports;
- Positive youth development; and
- Safe, supportive, and positive school climates.

If a student has been hospitalized or placed in residential treatment for a mental health condition or substance abuse, the district has procedures to support the student's return to school. Please contact the district's mental health liaison for further information.

Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication that is intended to alter perception, emotion, mood, or behavior.

Beaumont Independent School District Student Handbook

A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [See policy FFEB for more information.]

For related information, see:

- **Consent to Conduct a Psychological Evaluation** on page 8 and **Consent to Provide a Mental Health Care Service** on page 9 for the district's procedures for recommending a mental health intervention and the mental health liaison's contact information;
- **Counseling** on page 39 for the district's comprehensive school counseling program;
- **Physical and Mental Health Resources** on page 65 for campus and community mental and physical health resources; and
- **Policies and Procedures that Promote Student Physical and Mental Health** on page 65 for board-adopted policies and administrative procedures that promote student health.

Physical Activity Requirements

Elementary School

The district will ensure that students in full-day prekindergarten–grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week, in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's elementary school student physical activity programs and requirements, please see the principal.

Junior High/Middle School

The district will ensure that students in middle or junior high school will engage in [30 minutes of moderate or vigorous physical activity per day for at least four semesters *Or* at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters], in accordance with policies at EHAB, EHAC, EHBG, and FFA.

For additional information on the district's junior high and middle school student physical activity programs and requirements, please see the principal.

Temporary Restriction from Participation in Physical Education

Students who are temporarily restricted from participation in physical education will not actively participate in skill demonstration but will remain in class to learn the concepts of the lessons.

Physical Fitness Assessment (Grades 3–12)

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to obtain the results of his or her child's physical fitness assessment conducted during the school year by contacting the campus principal.

Physical Health Screenings/Examinations

Athletics Participation (Secondary Grade Levels Only)

For certain extracurricular activities, a student must submit certification from an authorized health-care provider. The certification must state that the student has been examined and is physically able to participate in the relevant program, including:

Beaumont Independent School District Student Handbook

- A district athletics program.
- District marching band.
- Any district extracurricular program identified by the superintendent.

This examination is required to be submitted annually to the district.

Students should be aware of the rare possibility of sudden cardiac arrest, which in athletes is usually caused by a previously unsuspected heart disease or disorder. A student may request an electrocardiogram (ECG or EKG) to screen for such disorders, in addition to his or her required physical examination.

See the UIL's explanation of [sudden cardiac arrest](#) for more information.

Spinal Screening Program

School-based spinal screening helps identify adolescents with abnormal spinal curvature at an early stage, when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities. Spinal screening is non-invasive and conducted in accordance with the most recent, nationally accepted and peer-reviewed standards.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. As appropriate, students will be referred for follow-up with their physician.

For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, contact the superintendent or see policy FFAA(LEGAL).

Other Examinations and Screenings (All Grade Levels)

The district may provide for other examinations as district policy and district and community recourses permit.

[See policy FFAA for more information.]

Special Health Concerns (All Grade Levels)

Bacterial Meningitis (All Grade Levels)

Please see the district's website at www.bmtisd.com for information regarding meningitis.

Note: Entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[See **Immunization** on page 60.]

Diabetes

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL) for more information.]

Food Allergies (All Grade Levels)

Parents should notify the district when a student has been diagnosed with a food allergy, especially an allergy that could result in dangerous or life-threatening reactions either by

Beaumont Independent School District Student Handbook

inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, based on the Texas Department of State Health Services' (DSHS) "Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis" found on the DSHS website at [Allergies and Anaphylaxis](#).

When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, an individual care plan will be developed to assist the student in safely accessing the school environment. The district's food allergy management plan can be accessed at www.bmtisd.com.

[See **Celebrations** on page 32 and policy FFAF for more information.]

Seizures (All Grade Levels)

To address the care of a student with a seizure disorder while at school or participating in a school activity, a parent may submit a seizure management and treatment plan to the district before the beginning of the school year, upon enrollment of the student, or as soon as practicable following diagnosis of a seizure disorder.

[See **A Student with Physical or Mental Impairments Protected under Section 504** on page 24 and contact the school nurse for more information.]

Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarette (e-cigarette), or any other electronic vaporizing device while on school property or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies FNCD and GKA for more information.]

Health-Related Resources, Policies, and Procedures

Physical and Mental Health Resources (All Grade Levels)

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources:

- The campus nurse
- The campus school counselor
- The local public health authority. The Beaumont Public Health Department, at (409) 832-4270
- The local mental health authority, The Spindletop Center. The Spindletop Center may be contacted by calling their crisis line at (409) 838-1818, their Intake Services line at (409) 839-1063, or through their webpage at http://www.spindletopcenter.org/MHMR_SA.html.

Beaumont Independent School District Student Handbook

Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)

The district has adopted board policies that promote student physical and mental health. (LOCAL) policies on the topics below can be found in the district's policy manual, available at www.bmtisd.com.

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Physical Examinations: FFAA
- Immunizations: FFAB
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- School-Based Health Centers: FFAE
- Care Plans: FFAF
- Crisis Intervention: FFB
- Trauma-informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

In addition, the District Improvement Plan details the district's strategies to improve student performance through evidence-based practices that address physical and mental health. The district has developed administrative procedures as necessary to implement the above policies and plans.

For further information regarding these procedures and access to the District Improvement Plan, please contact the Assistant Superintendent for Elementary Education at (409) 617-5994.

School Health Advisory Council (SHAC) (All Grade Levels)

During the preceding school year, the district's School Health Advisory Council (SHAC) held 4 meetings. Additional information regarding the district's SHAC is available from the district Supervisor for Health and Physical Education at (409) 617-5101.

Notification of upcoming SHAC meetings will be posted at each campus administrative office at least 72 hours before the meeting. Notification of upcoming SHAC meetings, meeting minutes, and a recording of each meeting will be posted on the district website at www.bmtisd.com

[See **Consent to Human Sexuality Instruction** on page 8 and policies BDF and EHAA. for more information.]

Beaumont Independent School District Student Handbook

Student Wellness Policy/Wellness Plan (All Grade Levels)

To encourage healthy habits in our students, the district has developed a board-adopted wellness policy at FFA(LOCAL) and corresponding plans and procedures to implement it. For questions about the content or implementation of the district's wellness policy and plan, please contact Ron Jackson, the BISD Director of Athletics at (409) 617-5014.

Homework (All Grade Levels)

Please contact your child's campus principal for a description of the district and/or campus homework rules and an explanation of the homework grading system.

Law Enforcement Agencies (All Grade Levels)

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, including without parental consent, if necessary, if it is part of a child abuse investigation. In other circumstances, the principal will:

- Verify and record the identity of the officer or other authority and ask for an explanation of the need to question the student at school.
- Ordinarily make reasonable efforts to notify the parents, unless the interviewer raises what the principal considers to be a valid objection.
- Ordinarily be present for the questioning or interview, unless the interviewer raises what the principal considers to be a valid objection.

Students Taken into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation.
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity where the child may have engaged in conduct indicating a need for supervision, such as running away.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive from a juvenile court to take a student into custody.

Beaumont Independent School District Student Handbook

Before a student is released to a legally authorized person, the principal will verify the person's identity and, to the best of his or her ability, will verify the person's authority to take custody of the student.

The principal will immediately notify the superintendent and will attempt to notify the parent, unless the legally authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a legally authorized person, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who has been convicted, received deferred prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors that occur in school, on school property, or at a school-sponsored or school-related activity on or off school property. These personnel will also be notified if the principal has reasonable grounds to believe the student has engaged in certain conduct.
- All appropriate district personnel regarding a student who is required to register as a sex offender.

[See policy GRAA(LEGAL) for more information.]

Leaving Campus (All Grade Levels)

Remember that student attendance is crucial. Appointments should be scheduled outside of school hours if possible. Absent extenuating circumstances, students will not regularly be released before the end of the school day.

State rules require parental consent before any student leaves campus for any part of the school day.

For students in elementary and middle school, a parent or authorized adult must come to the office and show identification to sign the student out. A campus representative will ask the student to report to the office. For safety purposes and stability of the learning environment, we cannot allow any unescorted adult to go to the classroom or other area to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.

The same process applies to students in high school if a parent picks the student up from campus. If the student's parent authorizes the student to leave campus unaccompanied, a note provided by the parent must be submitted to the main office no later than two hours prior to the student's need to leave campus. A phone call from the parent may be accepted, but the school may ultimately require a note for documentation purposes. The student must sign out through the main office and sign in upon his or her return, if the student returns the same day.

If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school.

Beaumont Independent School District Student Handbook

Unless the parent directs district personnel to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures listed above. If a student is permitted by his or her parent to leave campus unaccompanied, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied.

If a student is 18 years of age or is an emancipated minor, the student may sign him- or herself out of school. Documentation regarding the reason for the absence will be required.

During Lunch

Beaumont ISD campuses are "closed campuses" during lunchtime. Students are not permitted to leave campus during this time for lunch.

At Any Other Time during the School Day

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

Lost and Found (All Grade Levels)

A lost and found collection box is located in the campus office. A student who loses an item should check the lost and found box. The district discourages bringing personal items of high monetary value to school, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

Makeup Work

Makeup Work Because of Absence (All Grade Levels)

A teacher may assign makeup work to a student who misses class based on instructional objectives and the needs of the student in mastering the essential knowledge and skills or meeting subject or course requirements.

The student will be responsible for obtaining and completing the makeup work within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

The student is encouraged to speak with his or her teacher if the student knows of an absence ahead of time so that the teacher and student may plan any makeup work. Please remember the importance of student attendance at school and that, even though absences may be excused or unexcused, all absences account for the 90 percent threshold regarding the state laws surrounding "attendance for credit or final grade." [See **Attendance for Credit or Final Grade** on page 27.]

A student involved in an extracurricular activity must notify his or her teachers ahead of time about any absences.

A student will be permitted to make up tests and turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the principal and previously communicated to students.

Beaumont Independent School District Student Handbook

DAEP Makeup Work

Elementary and Middle/Junior High School Grade Levels

Grades 9–12

If a high school student is enrolled in a foundation curriculum course at the time of removal to a disciplinary alternative education program (DAEP), he or she will have an opportunity to complete the course before the beginning of the next school year. The district may provide the opportunity to complete the course through an alternative method, 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. [See policy FOCA(LEGAL) for more information.]

In-School Suspension (ISS) and Out-of-School Suspension (OSS) Makeup Work(All Grade Levels)

Alternative Means to Receive Coursework

While a student is in ISS or OSS, the district will provide the student with all course work for the student's foundation curriculum classes that the student misses as a result of the suspension.

Opportunity to Complete Courses

A student removed from the regular classroom to ISS or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. 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. [See policy FO(LEGAL) for more information.]

Nondiscrimination Statement (All Grade Levels)

In its efforts to promote nondiscrimination and as required by law, the district does not discriminate on the basis of race, religion, color, national origin, gender, sex, age, disability, or any other basis prohibited by law in providing education services, activities, and programs, including Career and Technical Education(CTE) programs. The district provides equal access to the Boy Scouts and other designated youth groups.

In accordance with Title IX, the district does not and is required not to discriminate on the basis of sex in its educational programs or activities. The requirement not to discriminate extends employment. Inquiries about the application of Title IX may be referred to the district's Title IX Coordinator (see below), to the Assistant Secretary for Civil Rights of the Department of Education, or both.

Other federal laws that prohibit discrimination include Title VI, Section 504, the Age Discrimination Act, the Boy Scouts Act, and Title II.

The district has designated and authorized the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, stalking, or gender-based harassment: Mr. Derwin Samuels, Executive Director for Human Resources, (409) 617-5074, dsamuel@bmtisd.com

Reports can be made at any time and by any person, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon

Beaumont Independent School District Student Handbook

the district receiving notice or an allegation of sex-based harassment, the Title IX Coordinator will promptly respond in accordance with the process described at FFH(LOCAL).

The following district representatives have been designated to address concerns or inquiries about other kinds of discrimination:

- For concerns regarding discrimination on the basis of disability, see the ADA/Section 504 Coordinator: Ms. Elizabeth Miller, Coordinator of Special Programs/504 (409) 617-5228. emiller@bmtisd.com
- For all other concerns regarding discrimination, see the superintendent: Dr. Shannon Allen, Beaumont ISD Superintendent of Schools, (409) 617-5001. spier@bmtisd.com

[See policies FB, FFH, and GKD for more information.]

Nontraditional Academic Programs (All Grade Levels)

The Paul Brown Learning Center. The Paul Brown Learning Center offers high student students who are deficient in credits, an opportunity for accelerated credit recovery. To be considered for acceptance into this program, students must demonstrate a mature capability to handle the increased workload. If interested, the student and/or parent should contact their grade level high school counselor, or contact the Paul Brown program directly at (409) 617-6601.

Early College High School: Beaumont Early College High School is a newly designated P-TECH (Pathways in Technology) campus that partners with Lamar Institute of Technology (LIT) to offer extensive dual credit opportunities to BISD students.

About our program: We are a high school that offers students the opportunity to complete a two-year associate degree while simultaneously completing a high school degree. Students admitted to Beaumont ECHS receive a quality education from BISD faculty in conjunction with our Institution of Higher Education (IHE) partner, LIT. There is no cost to participate and students are dual enrolled as BISD and LIT students. Students also have access to LIT facilities to aide with completion of coursework.

Academics: Students who attend Beaumont ECHS will take advanced coursework and follow state and local standards for graduation requirements. Many of the courses are dual credit and students will receive both BISD/State and LIT credits simultaneously. LIT credits are transferable to any public college in the state of Texas.

Who can apply? Any 8th grade student who is a resident of Beaumont ISD can apply for admission. Applications open in October of each year and can be found at echs.bmtisd.com.

BISD's Early College High School is looking for students who are:

- at-risk, as defined by TEA
- a first generation high school graduate and/or college student
- highly motivated to succeed

Students selected must be:

- willing and committed to work at the college level
- willing and committed to invest 4 years in high school for two degrees
- willing and committed to engage in non-traditional learning and assessment activities
- mature enough to handle rigorous coursework and the college setting

Beaumont Independent School District Student Handbook

Parent and Family Engagement (All Grade Levels)

Working Together

Experience and research tell us that a child succeeds in education with good communication and a strong partnership between home and school. A parent's involvement and engagement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child every day to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all your child's school activities and with the academic programs, including special programs, offered in the district.
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See **Academic Counseling** on page 39.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselors, or principal, please call the campus office for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school. [See **Report Cards/Progress Reports and Conferences** on page 74.]
- Becoming a school volunteer. [See **Volunteers** on page 87 and policy GKG for more information.]
- Participating in campus parent organizations, such as the PTA.
- Serving as a parent representative on the district-level or campus-level planning committees that develop educational goals and plans to improve student achievement. For more information, see policies BQA and BQB and contact: Debbie Bridgeman (409) 617-5042.
- Serving on the School Health Advisory Council (SHAC) and assisting the district in aligning local community values with health education instruction and other wellness issues. [See **School Health Advisory Council (SHAC)** on page 65 and policies BDF, EHAA, FFA for more information.]
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contacting school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. Regular board meetings are held on the 3rd Thursday of each month at 6:00 p.m. at the BISD Administration Building at 3395 Harrison Avenue, Beaumont, Texas in the Boardroom. An agenda for a regular or special meeting is posted no later than 72 hours before each meeting at 3395 Harrison Ave, Beaumont, Texas 77706 and online at www.bmtisd.com. [See policies BE and BED for more information.]

Beaumont Independent School District Student Handbook

Parking and Parking Permits (Secondary Grade Levels Only)

A student must present a valid driver's license and proof of insurance to be eligible for a parking permit.

Students must request a parking permit to park in a school parking lot. So long as space is available, parking permits may be issued throughout the year.

Students will not be permitted to:

- Speed.
- Double-park.
- Park across a white or yellow line.
- Park in a fire lane.
- Sit in parked cars during school hours.

Students may be subject to disciplinary action for violation of these rules. The district may tow cars that are parked in violation of these rules.

Pledges of Allegiance and a Minute of Silence (All Grade Levels)

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags** on page 14.]

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others.

In addition, state law requires that each campus provide for the observance of one minute of silence in remembrance of those who lost their lives on September 11, 2001, at the beginning of the first class period when September 11 falls on a regular school day.

[See policy EC for more information.]

Prayer (All Grade Levels)

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt school activities. The school will not encourage, require, or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

Promotion and Retention

A student will be promoted only on the basis of academic achievement or proficiency. In making promotion decisions, the district will consider:

- Teacher recommendation,
- Grades,
- Scores on criterion-referenced or state-mandated assessments, and
- Any other necessary academic information as determined by the district.

Prekindergarten or Kindergarten—Grade 3

Beaumont Independent School District Student Handbook

A parent may request in writing that a student repeat prekindergarten, kindergarten, or grade 1, 2, or 3. Before granting the request, the district may convene a retention committee to meet and discuss the request, and will invite the parent to participate.

Elementary and Middle/Junior High Grade Levels

In grades 1-8, promotion is based on an overall average of 70 on a scale of 100 based on grade-level standards (the Texas Essential Knowledge and Skills, or TEKS), for all subject areas and a grade of 70 or above in four of the following areas: reading, language arts, mathematics, science, and Social Studies. See EIE(LOCAL).

In grades 9-12, promotion is based on the earning of course credits. [see policy EIE(LOCAL)]

For the 2021–22 school year, a parent may request in writing that a student repeat grade 4, 5, 6, 7, or 8 that the student was enrolled in during the 2020-21 school year. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

High School Grade Levels

To earn credit in a course, a student must receive a grade of at least 70 based on course-level standards.

A student in grades 9–12 will be advanced a grade level based on the number of course credits earned. [See **Grade-Level Classification** on page 52.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** on page 53 and **Standardized Testing** on page 80.]

For the 2021–22 school year, a parent may request in writing that a student repeat a course taken for high school credit that the student took and received credit for during the 2020–21 school year. Before granting the request, the district may convene a retention committee to meet and discuss the request and will invite the parent to participate.

Release of Students from School

[See **Leaving Campus** on page 68.]

Remote Instruction

The district may offer remote instruction in accordance with TEA guidelines.

All district policies, procedures, guidelines, rules, and other expectations of student behavior will be enforced as applicable in a remote or virtual learning environment.

Report Cards/Progress Reports and Conferences (All Grade Levels)

Report cards with each student's performance and absences in each class or subject are issued at least once every 9 weeks.

At the end of the first three weeks of a grading period, parents will receive a progress report if their child's performance in any course/subject area, is near or below 70 or is below the expected level of performance. If a student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be asked to schedule a conference with the teacher. [See **Working Together** on page 72 for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the superintendent pursuant to the board-adopted policy. Grading guidelines are designed to reflect each student's relative

Beaumont Independent School District Student Handbook

mastery of each assignment. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy. [See **Grading Guidelines** on page 53 and policy EIA(LOCAL) for more information.]

Questions about grade calculation should first be discussed with the teacher. If the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school within 5 days. The district may communicate academic information about a student electronically, including for progress reporting purposes. An electronic signature will be accepted by the district, but parents are entitled to request a handwritten signature of acknowledgment instead.

Retaliation

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Safety (All Grade Levels)

Student safety on campus, at school-related events, and in district vehicles is a high priority of the district. The cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow all behavioral standards in this handbook and the Student Code of Conductor set by district employees.
- Remain alert to any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member, and promptly report any incidents to a district employee. A student may make anonymous reports about safety concerns by accessing the district webpage at www.bmtisd.com
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Accident Insurance

Soon after the school year begins, parents will have the opportunity to purchase low-cost accident insurance that would help meet medical expenses in the event of injury to their child.

Insurance for Career and Technical Education (CTE) Programs

The district may purchase accident, liability, or automobile insurance coverage for students and businesses involved in the district's CTE programs.

Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies

Periodically, the schools will conduct preparedness drills of emergency procedures. When the command is given or alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

Beaumont Independent School District Student Handbook

Preparedness Training: CPR and Stop the Bleed

The district will annually offer instruction in CPR at least once to students enrolled in grades 7–12. The instruction can be provided as part of any course and is not required to result in CPR certification.

The district will annually offer students in grades 7–12 instruction on the use of bleeding control stations to respond to traumatic injury. For more information, see [Homeland Security's Stop the Bleed](#) and [Stop the Bleed Texas](#).

Emergency Medical Treatment and Information

All parents are asked each year to complete a medical care authorization form, providing written parental consent to obtain emergency treatment and information about allergies to medications or drugs. Parents should contact the school nurse to update emergency care information (name of doctor, emergency phone numbers, allergies, etc.).

The district may consent to medical treatment, which includes dental treatment, if necessary, for a student if:

- The district has received written authorization from a person having the right to consent;
- That person cannot be contacted; and
- That person has not given the district actual notice to the contrary.

The emergency care authorization form will be used by the district when a student's parent or authorized designee is unable to be contacted. A student may provide consent if authorized by law or court order.

Regardless of parental authorization for the district to consent to medical treatment, district employees will contact emergency medical services to provide emergency care when required by law or when deemed necessary, such as to avoid a life-threatening situation.

Emergency School Closing Information

Each year, parents are asked to complete an emergency release form to provide contact information in the event that the district needs to notify parents of early dismissal, delayed opening, or restricted access to a campus because of severe weather, a security threat, or another emergency cause.

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. It is crucial to notify your child's school when a phone number changes. State law requires parents to update contact information within two weeks after the date the information changes.

If the campus must close, delay opening, or restrict access to the building because of an emergency, the district will also alert the community in the following ways:

- The district will utilize its Blackboard connect messaging system which automatically calls the number listed as the main contact number for the student and his or her guardian. Parents may choose to have a text message sent to their regular phone. It is the responsibility of each parent to update their correct contact information with the school.
- Radio and TV stations will be notified immediately of the closure and will be asked to broadcast the district's decision.

Beaumont Independent School District Student Handbook

- Parents and students are asked to tune into radio and TV stations for weather and/or emergency-related information.

[See **Automated Emergency Communications** on page 37.]

SAT, ACT, and Other Standardized Tests

[See **Standardized Testing** on page 80.]

Schedule Changes (Middle/Junior High and High School Grade Levels)

The student and/or parent should request to meet with the campus counselor

School Facilities

Asbestos Management Plan (All Grade Levels)

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's asbestos management plan is available in the central administrative office. If you have any questions or would like to examine the district's plan in more detail, please contact the district's designated asbestos coordinator at (409) 617-5651.

Food and Nutrition Services (All Grade Levels)

The Community Eligibility Provision (CEP) of the Healthy, Hunger-Free Kids Act of 2010 provides local educational agencies (LEAs) and schools with an alternative approach for operating school meal programs. Instead of collecting individual applications for free and reduced-price meals, CEP allows LEAs and schools meeting the eligibility requirements to use information from other means-tested programs. CEP allows the schools to offer free meals to all children.

Parents should continually monitor their child's cafe account balance. When a student's meal account is depleted, the student will not be able to purchase snacks or second meals until the account is depleted. For more information contact Tiffany Eckenrod at (409) 617-5065.

Vending Machines (All Grade Levels)

The district has adopted and implemented the state and federal policies for food service, including guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, see the Director of Food and Nutrition Services at (409) 617-5062. [See policy FFA for more information.]

Pest Management Plan (All Grade Levels)

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, periodic indoor and outdoor pesticide use is sometimes necessary to ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area.

Beaumont Independent School District Student Handbook

Parents who have questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact the district's IPM coordinator, and Director of Maintenance at (409) 617-5651.

Conduct Before and After School (All Grade Levels)

Teachers and administrators have full authority over student conduct at before- or after-school activities. Whether a school activity is on or off district premises, students are subject to the same rules of conduct that apply during the instructional day. Misbehavior will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Library (All Grade Levels)

The library is open for independent student use during the following school day with a teacher permit. Additional extended times before and after school will be made available occasionally throughout the school year. Please contact your school's librarian for individual campus times

Use of Hallways during Class Time (All Grade Levels)

During class times, loitering or standing in the halls is not permitted, and a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Use by Students Before and After School (All Grade Levels)

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place. Please check with your child's principal to learn what areas are available to the student before and after school.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

Students must leave campus immediately after dismissal of school in the afternoon, unless the student is involved in an activity under the supervision of a teacher or other authorized employee or adult.

Students who do not leave campus immediately will be gathered and placed in a supervised location until their parents can arrange for transportation home.

It is imperative for the purpose of safety that students are picked up from school in a timely manner. Parents are responsible for making arrangements for their child's transportation home. Any failure to retrieve a child from school results in a safety concern and may constitute neglect. School officials are required to report suspected cases of neglect to Child Protective Services and/or law enforcement agencies.

The principal shall determine the time by which students must exit the campus.

Meetings of Non-curriculum-Related Groups (Secondary Grade Levels Only)

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL).

A list of these groups is available in the principal's office.

Beaumont Independent School District Student Handbook

School-Sponsored Field Trips (All Grade Levels)

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip that is not required as part of a basic educational program or course to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need. The district is not responsible for refunding fees paid directly to a third-party vendor.

Searches

Searches in General (All Grade Levels)

In the interest of promoting student safety and drug-free schools, district officials may occasionally conduct searches.

District officials may search students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion or voluntary consent or pursuant to district policy providing for suspicion less security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

District Property (All Grade Levels)

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. Students have no expectation of privacy in district property.

Students are responsible for any item found in district property provided to the student that is prohibited by law, district policy, or the Student Code of Conduct.

Metal Detectors (All Grade Levels)

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

Telecommunications and Other Electronic Devices (All Grade Levels)

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Beaumont Independent School District Student Handbook

Any searches of personal electronic devices will be conducted in accordance with law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See **Electronic Devices and Technology Resources** on page 48 and policy FNF(LEGAL) for more information.]

Trained Dogs (All Grade Levels)

The district may use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

Vehicles on Campus (Secondary Grade Levels Only)

If a vehicle subject to search is locked, the student will be asked to unlock the vehicle. If the student refuses, the district will contact the student's parents. If the parents also refuse to permit the vehicle to be searched, the district may turn the matter over to law enforcement. The district may contact law enforcement even if permission to search is granted.

Sexual Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 41.]

Special Programs (All Grade Levels)

The district provides special programs for gifted and talented students, students who are homeless, students in foster care, bilingual students, migrant students, English learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact: Mrs. Jenny Angelo, The Executive Director of Curriculum and Instruction at (409) 617-5008, jangelo@bmtisd.com

The Texas State Library and Archives Commission's [Talking Book Program](#) provides audio books free of charge to qualifying Texans, including students with visual, physical, or reading disabilities such as dyslexia.

Standardized Testing

Secondary Grade Levels

SAT/ACT (Scholastic Aptitude Test and American College Test)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. These assessments are usually taken at the end of the junior year. Students are encouraged to talk with the school counselor early during their junior year to learn about these assessments and determine the appropriate examination to take. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT.

Note: These assessments may qualify a student to receive a performance acknowledgment on the student's transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at a

Beaumont Independent School District Student Handbook

certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

TSI (Texas Success Initiative) Assessment

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The TSI assesses the reading, mathematics, and writing skills that freshmen-level students need to perform effectively as undergraduates in Texas public colleges and universities. This assessment may also be required before a student enrolls in a dual credit course offered through the district. Achieving certain benchmark scores on this assessment may also waive certain end-of-course assessment requirements in limited circumstances.

STAAR (State of Texas Assessments of Academic Readiness)

Grades 3–8

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Science in grades 5 and 8
- Social Studies in grade 8

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

Failure to Perform Satisfactorily on STAAR Reading or Math

If a student in grades 3–8 does not perform satisfactorily on the state assessment, the district will provide accelerated instruction for the student. A student who does not attend accelerated instruction may violate school attendance requirements.

For a student who does not perform satisfactorily on the math or reading assessment in grades 3, 5, or 8, the district will establish an accelerated learning committee (ALC), which includes the student's parent, to develop an educational plan for accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the next school year. The district will document the educational plan in writing and provide a copy to the student's parent.

The parent of a student in grades 3, 5, or 8 who fails to perform satisfactorily on the math or reading assessment may:

- Request that the district consider assigning the student to a particular classroom teacher in the applicable subject area, if more than one classroom teacher is available.
- File a grievance or complaint regarding the content or implementation of the ALC's educational plan. See **Complaints and Concerns (All Grade Levels)** on page 37 and FNG(LOCAL).

Beaumont Independent School District Student Handbook

Standardized Testing for a Student Enrolled Above Grade Level

If a student in grades 3–8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

A student in grades 3–8 shall be assessed at least once in high school with the ACT or the SAT if the student completes the high school end-of-course assessments in mathematics, reading/language arts, or science prior to high school.

Standardized Testing for a Student in Special Programs

Certain students—some with disabilities and some classified as English learners—may be eligible for exemptions, accommodations, or deferred testing. For more information, see the principal, school counselor, or special education director.

Personal Graduation Plans - Middle or Junior High School Students

For a middle-school student who does not perform satisfactorily on a state-mandated examination, a school official will prepare a personal graduation plan (PGP).

School officials will also develop a PGP for a middle-school student who is determined by the district to be unlikely to earn a high school diploma within five years of high school enrollment. The plan will, among other items;

- Identify the student's educational goals,
- Address the parent's educational expectations for the student, and
- Outline an intensive instruction program for the student.

[See the school counselor and policy EIF(LEGAL) for more information.]

For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[See **Personal Graduation Plans** on page 56 for information related to the development of personal graduation plans for high school students.]

High School Courses End-of-Course (EOC) Assessments

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments is required for graduation, unless waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment. The windows occur in the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have opportunities to retake the assessment.

Beaumont Independent School District Student Handbook

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PGP).

[See **Graduation** on page 53.]

Failure to Perform Satisfactorily on an EOC

If a student does not perform satisfactorily on an EOC, the district will provide accelerated instruction.

Failure of a student to attend accelerated instruction may result in violations of required school attendance.

Students in Foster Care (All Grade Levels)

In an effort to provide educational stability, the district will provide enrollment and registration assistance, as well as other educational services throughout the student's enrollment, to any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state, sometimes referred to as substitute care).

If you have questions, please contact the district's foster care liaison: Jacqueline Shirey (409) 617-5008, jshirey@bmtisd.com

[See **A Student in the Conservatorship of the State (Foster Care)** on page 20.]

Students Who are Homeless (All Grade Levels)

A parent is encouraged to inform the district if his or her child is experiencing homelessness. District staff can share resources that may be able to assist families.

For more information on services for students who are homeless, contact the district's homeless education liaison: BISD Department of Student Services (409)617-5050.

[See **A Student Who is Homeless** on page 21.]

Student Speakers (All Grade Levels)

The district provides students the opportunity to introduce the following school events such as football games, other sporting events, and various ceremonial events. If a student meets the eligibility criteria and wishes to introduce one of the school events listed above, the student should submit his or her name in accordance with policy FNA(LOCAL).

[See **Graduation** on page 53 for information related to student speakers at graduation ceremonies and policy FNA(LOCAL) regarding other speaking opportunities.

Beaumont Independent School District Student Handbook

Summer School (All Grade Levels)

Please contact your school principal or counselor for information regarding summer school. It is recommended that any conversation about summer school begin early in the spring semester.

Tardies (All Grade Levels)

A student who is late to class may be assigned to detention hall or given another appropriate consequence. Repeated instances of tardiness may result in more severe disciplinary actions in accordance with the Code of Conduct.

Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)

The district provides textbooks and other approved instructional materials to students free of charge for each subject or class. Students must treat any books with care and place covers on them, as directed by the teacher. The district may also provide electronic textbooks and technological equipment to students, depending on course objectives.

If a student needs a graphing calculator for a course and the district does not provide one, the student may use a calculator application with graphing capabilities on a phone, laptop, tablet, or other computing device.

A student who is issued a damaged item should report the damage to the teacher.

Any student who does not return an item or returns an item in an unacceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage is paid for by the parent. However, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

Transfers (All Grade Levels)

The principal is authorized to transfer a student from one classroom to another.

The superintendent is authorized to investigate and approve transfers between schools.

[See **Safety Transfers/Assignments** on page 20, **Bullying** on page 30, and **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 22, for other transfer options.]

Transportation (All Grade Levels)

School-Sponsored Trips

Students who participate in school-sponsored trips are required to use school-provided transportation to and from the event. However, in accordance with campus procedures, a parent may provide written consent for his or her child to ride with or be released after the event to the parent or another adult designated by the parent. [See **School-Sponsored Field Trips** on page 79.]

Buses and Other School Vehicles

The district makes school bus transportation available to all students living two or more miles from school and to any students who are experiencing homelessness. This service is provided at no cost to students.

Bus routes and stops will be designated annually. Any subsequent changes will be posted at the school and on the district's website. For the safety of the driver and all passengers, students

Beaumont Independent School District Student Handbook

must board district vehicles only at authorized stops and drivers must unload passengers only at authorized stops.

Students are to be at their assigned bus stop at least ten minutes before the scheduled time of pick-up. A reminder: pre-K and Kindergarten students should be met by a parent or guardian when dropped off in the afternoon. For additional information, please contact: Mr. Todd Coleman at (409) 617-5625. tcolem3@bmtisd.com

A parent may designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated location must be an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, contact Mr. Todd Coleman at (409) 617-5625. tcolem3@bmtisd.com

Students are expected to assist district staff in ensuring that buses and other district vehicles are clean and safe. When riding in district vehicles, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Follow the driver's directions at all times.
- Enter and leave the vehicle in an orderly manner at the designated stop.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the vehicle or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle.
- Not possess or use any form of tobacco or e-cigarettes in any district vehicle.
- Observe all usual classroom rules.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

Misconduct will be punished in accordance with the Student Code of Conduct, including loss of the privilege to ride in a district vehicle.

[See the Student Code of Conduct for provisions regarding transportation to the DAEP.]

Vandalism (All Grade Levels)

Littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Video Cameras (All Grade Levels)

For safety purposes, the district uses video and audio recording equipment to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings as needed and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

Beaumont Independent School District Student Handbook

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice before placing a video camera in a classroom or other setting in which a child receives special education services. For more information or to request the installation and operation of this equipment, speak with the principal or the Executive Director of Special Education Dr. Tyrell White at (409) 617-5117, twhite1@bmtisd.com who the district has designated to coordinate the implementation of and compliance with this law.

[See policy EHBAF(LOCAL) for more information.]

[See **Consent to Video or Audio Record a Student when Not Already Permitted by Law** on page 10 for video and other recording by parents or visitors to virtual or in-person classrooms.]

Visitors to the School (All Grade Levels)

General Visitors

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and comply with all applicable district policies and procedures. All visitors should be prepared to show identification.

Individuals may visit classrooms or observe virtual instruction during instructional time only with approval of the principal and teacher. Visitors may not interfere with instruction or disrupt the normal school environment.

All visitors are expected to demonstrate the highest standards of courtesy and conduct. Disruptive behavior or violations of student privacy will not be permitted.

[See **Consent to Video or Audio Record a Student when Not Already Permitted by Law** on page 10 for video and other recording by parents or visitors to virtual or in-person classrooms.]

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer has the authority to refuse entry to or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- 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).

[See the Student Code of Conduct.]

Visitors Participating in Special Programs for Students

Business, Civic, and Youth Groups

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

Beaumont Independent School District Student Handbook

Career Day

On specially designated days the district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

Volunteers (All Grade Levels)

The district invites and appreciates the efforts of volunteers who are willing to serve our district and students.

If you are interested in volunteering, please contact: Ms, Debbie Bridgeman at (409) 617-5042 dbridge2@bmtisd.com

The district requires a state criminal history background check for each volunteer, including parents, guardians, or grandparents of a child enrolled in the district, as well as businesses and organizations that may interact with students on campus. To submit an application and for more information please visit www.bmtisd.com/volunteers there is no cost to submit an application.

Voter Registration (Secondary Grade Levels Only)

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

Withdrawing from School (All Grade Levels)

To withdraw a student under age 18 from school, the parent or guardian must submit a written request to the principal specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school at least three days notice of withdrawal so that records and documents may be prepared.

Letterman Jackets

1. Minimum Standards for– Varsity Lettering

Each varsity athlete will receive one letter jacket award. A student will receive a letterman jacket, from the district, if they are in good standing on the team, in good financial standing with the district, and they are listed on the team roster for a full season.

Good standing on the team: An acceptable and respectful attitude toward the coaches, and the roles and responsibilities of the student within the team.

Good Financial Standing with the district: No outstanding debt including textbooks, Chrome-books, ID's, or other debt, and not listed on the hold list for uniforms or equipment.

Beaumont Independent School District Student Handbook

2. Minimum Standards for Non-Athletic Clubs and Organizations which have a service or product component to the campus in their constitution, and have been approved by the campus principal.

Students may earn one letter jacket award by meeting the following criteria:

- 2-year, uninterrupted commitment/membership to at least one extra-curricular organization which has a service or product component to the campus in their constitution.
- Be in good standing within the organization as defined in the organization or clubs' constitution.
- Be in good financial standing with the district.

Good standing within the organization: Based on the club or organizations constitutions' requirements of good standing membership and responsibilities, including community service hours. An acceptable and respectful attitude toward the coach or sponsor, and the roles and responsibilities of the student within the club or organization.

Good Financial Standing with the district: No outstanding debt including textbooks, Chrome books, ID's or any other debt, and not currently on the hold list for uniforms or equipment.

Clubs and organizations will purchase letterman jackets out of the organizations activity account. If there is not adequate funding for all students who meet the criteria, students may be placed on an approved list at Balfour to purchase their own jackets.

NOTE: The coach or sponsor of any sport, organization, or extracurricular club at his/her discretion, may recommend lettering for an athlete or member who has not met the above requirements. There are instances when a student will contribute greatly to the success of the team or organization through personal effort, loyalty, attitude, etc. and should receive a varsity award. This recommendation will be restricted to a student's senior year and must be approved by the principal.

Glossary

Accelerated instruction, also referred to as **supplemental instruction**, is an intensive supplemental program designed to help an individual student acquire the knowledge and skills required at his or her grade level. It is required when a student does not meet the passing standard on a state-mandated assessment.

ACT, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

ACT-Aspire is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

ARD stands for admission, review, and dismissal. The ARD committee convenes for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and his or her parents are members of the committee.

Attendance review committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

CPS stands for Child Protective Services.

DAEP stands for disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

DFPS stands for the Texas Department of Family and Protective Services.

DPS stands for the Texas Department of Public Safety.

DSHS stands for the Texas Department of State Health Services.

ED stands for the U.S. Department of Education.

EOC (end-of-course) assessments are state-mandated and are part of the STAAR program. Successful performances on EOC assessments are required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and U.S. History.

ESSA is the federal Every Student Succeeds Act.

FERPA refers to the federal Family Educational Rights and Privacy Act, which grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 years of age or older directs the school not to release directory information.

IEP stands for individualized education program and is the written record prepared by the ARD committee for a student with disabilities who is eligible for special education services.

IGC is the individual graduation committee, formed in accordance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

PGP stands for personal graduation plan, which is required for high school students and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

PSAT is the preparatory and readiness assessment for the SAT. It also serves as the basis for the awarding of National Merit Scholarships.

SAT refers to the Scholastic Aptitude Test, one of the two most frequently used college or university admissions examinations. The test may be required for admissions to certain colleges or universities.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to help ensure that local community values and health issues are reflected in the district's health education instruction, as well as assist with other student and employee wellness issues.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

STAAR is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee.

STAAR Spanish is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Except under limited circumstances, students must pass the STAAREOC assessments to graduate. Students have multiple opportunities to take the tests, if necessary, for graduation.

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle; sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP; and outlines conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TAC stands for the Texas Administrative Code.

TEA stands for the Texas Education Agency, which oversees primary and secondary public education in Texas.

TEC stands for the Texas Education Code.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English learners make in learning the English language and is administered for those who meet the participation requirements in kindergarten–grade 12.

TSI stands for the Texas Success Initiative, an assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

TXVSN stands for the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors and are equivalent in rigor and scope to a course taught in a traditional classroom setting.

UIL refers to the University Interscholastic League, the statewide, voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

Freedom from Bullying Policy

Note: School board policies may be revised at any time. For legal context and the most current copy of the local policy, visit www.bmtisd.com. Below is the text of the Beaumont Independent School District's policy FFI(LOCAL) as of the date this handbook was finalized for this school year.

Student Welfare: Freedom from Bullying

Policy FFI(LOCAL) adopted on November 10, 2017.

FFI (LOCAL) - STUDENT WELFARE: FREEDOM FROM BULLYING

This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyber-bullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyber-bullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

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

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

Notice to Parents

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action

Bullying

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers

The principal or designee shall refer to FDB for transfer provisions.

Counseling

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through FNG (LOCAL), beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Beaumont ISD
FFI (LOCAL)-A
UPDATE 109
DATE ISSUED: 11/10/2017

**OFFICIAL MINUTES OF THE BOARD OF THE
BEAUMONT INDEPENDENT SCHOOL DISTRICT
IN THE BOARD ROOM OF THE BEAUMONT ISD ADMINISTRATION BUILDING
3395 HARRISON AVENUE BEAUMONT, TEXAS**

July 22, 2021

*Regular Meeting Minutes as Directed Under the Provisions of the Texas
Open Meetings Act, Texas Government Code, Chapter 551*

The Board Members of the Beaumont Independent School District met in regular meeting on Thursday, July 22, 2021, in the Board Room of the Administration Building located at 3395 Harrison Avenue in Beaumont, Jefferson County, Texas. The meeting was called to order at 4:49 p.m. by Robert C. Dunn, Sr., Presiding Officer.

CALL TO ORDER

President, Robert Dunn established a quorum.

ROLL CALL

PRESENT: Robert C. Dunn, Sr., Trustee & President
Woodrow Reece, II, Trustee & Vice President
Stacey Lewis, Jr., Trustee & Secretary
Joe A. Evans, Jr., Trustee
Tillie Hickman, Trustee
Denise Wallace-Spooner, Trustee
Dr. Shannon Allen, Superintendent

ABSENT: Kevin W. Reece, Trustee

At 4:50 p.m., the board went in to closed session.

The board convened in open session at 6:00 p.m.

1. CLOSED SESSION (CLOSED TO PUBLIC) - BOARD WILL CONVENE IN CLOSED SESSION UNDER CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, SECTIONS 551.071, 551.072, 551.073, 551.074, 551.076, 551.082, 551.0821, 551.083, 551.084 AND/OR 551.087, TO DELIBERATE ON THE FOLLOWING:

- LEGAL

1. Pending or contemplated litigation matters and status report

2. Matters on which the school district legal counsel's duties to the school district under the Texas Disciplinary Rules of Professional Conduct or the State Bar of Texas Clearly conflicts with the Texas Open Meetings Act
3. Calvin Walker, Walker's Electric, Walkers Electric and Jessie Haynes v. IBEW, IBEW 479, Beaumont ISD, et al; Case No. 2:15-cv-01283-JRG-RSP

It was moved by Joe Evans, Jr. and seconded by Tillie Hickman, that the Board authorize Counsel to proceed as discussed in closed session.

President Robert Dunn called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: Stacey Lewis and Woodrow Reece

MOTION PASSED: 4-2

- PERSONNEL

1. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, proposed terminations, terminations and suspensions, proposed nonrenewals, renewals, and resignation/retirements, discipline, and/or dismissal of a public officer or employee, including the superintendent, and/or hear complaints and grievances against public officers or employees
2. Consider Recommendation for Designation of Hearing Officer in Level 3 Parent Complaint: J.G.

It was moved by Tillie Hickman, and seconded by Joe Evans, Jr., the Board designated Randall Maxwell as the hearing officer to hear the Level 3 grievance in accordance with Board Policy FNG (Local).

It was further moved that written notice be provided to the parties that they will be given an opportunity to respond to the hearing officer's recommendation in writing to be considered by the Board at the next

regularly scheduled board meeting following receipt of the hearing officer's recommendation.

President Robert Dunn called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II,
Joe A. Evans, Jr., Tillie Hickman, and Denise
Spooner

NAYS: Stacey Lewis

MOTION PASSED: 5-1

3. Consider Recommendation for Designation of Hearing Officer in Level 3 Grievance: Kerry Petty

It was moved by Woodrow Reece, seconded by Tillie Hickman, the Board designated Derwin Samuels as the hearing officer to hear the Level 3 grievance in accordance with Board Policy DGBA (Local).

It was further moved that written notice be provided to the parties that they will be given an opportunity to respond to the hearing officer's recommendation in writing to be considered by the Board at the next regularly scheduled board meeting following receipt of the hearing officer's recommendation.

President Robert Dunn called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II,
Joe A. Evans, Jr., Tillie Hickman, and Denise
Spooner

NAYS: Stacey Lewis

MOTION PASSED: 5-1

- REAL ESTATE
 1. Deliberation regarding the purchase, exchange, lease or value of real property

NO ACTION.

- ECONOMIC DEVELOPMENT

1. Deliberation regarding an offer of a financial or other incentive to a business prospect related to economic development negotiations

NO ACTION.

- **6:00 p.m. - BOARD ROOM (REGULAR OPEN BOARD MEETING)**

A. INTRODUCTION OF REGULAR MEETING

1. United States and Texas Flags Pledges of Allegiance-President Robert C. Dunn, Sr., led the pledges to the Texas and US Flags
2. Recognitions-Debbie Bridgeman, Community & Media Relations, presented the following recognitions:
 - Lone Star Governance
 - Rob Clark, Kenneth Wilkins and Dr. Ron Jackson
 1. Jason's Deli & Architectural Alliance/BU Coaches rings

B. PUBLIC COMMENTS

2 ½ Minutes

1. Kimberly Reece-Malbrough, 5611 Claverasway, New & Retiring Teacher Information ***DID NOT SPEAK***
2. **Linda Gilmore**, 4695 Beale, signed up to address the Board regarding the weakest link in the district; Transfer issues; Teacher loss; Retired teachers to mentor and classes to help grandparents who are raising kids.

C. STUDENT OUTCOMES

1. Superintendent's Report-Dr. Shannon Allen, Superintendent of Schools, presented the following information to the Board:
 - Vision
 - Mission
 - Summer School Update
 - Legislative Update
 - Key Focus Areas for 21-22
 - Elementary Summer School
 - Accelerated Instruction

- SB 1697
 - Back to School Registration Campaign
 - Game Day Experience
2. Cabinet Report – 2020-2021 Preliminary STAAR Data - Dr. Anita Frank, Assistant Superintendent for Elementary Administration, presented the following information to the Board:
- What is STAAR
 - Performance Levels for STAAR
 - Accountability Rating System
 - 2018-2019 STAAR Assessments
 - 2019-2020 STAAR Assessments
 - 2020-2021 STAAR Assessments – A-F Accountability Pause
 - Spring 2021 STAAR grades 3-8 and EOC Assessment Results
 - Elementary Data 2019 & 2021 STAAR Comparison
 - 3rd Grade Mathematics and Reading
 - 4th Grade Math, Reading, Writing
 - 5th Grade Math, Reading and Science
 - Middle School Data – 2019 & 2020 STAAR Comparison that included:
 1. 6th Grade Math and Reading
 2. 7th Grade Math, Reading and Writing
 3. 8th Grade Math, Reading Science & Social Studies
 - Hick School Data – 2019 & 2021 STAAR Comparison that included:
 1. EOC Algebra, Biology, US History, English I and English II
 - BISD Board Outcome Goals
 - 2021 Focus Areas

D. INFORMATION ITEMS

1. Update on Personnel Activities-Derwin Samuels, Executive Director of Human Resources, presented information on the Personnel activities for the month of June 2021.
2. Report for Tax Collections—Cheryl Hernandez, Chief Financial Officer, presented information on the Tax Collections Report for the month of June 2021.
3. Report for General Fund Revenue and Expenditures—Cheryl Hernandez, Chief Financial Officer, presented information on

the General Fund Revenue and Exepeditures report for the month of June 2021.

4. Report for Campus Activities Funds and Donations—Cheryl Hernandez, Chief Financial Officer, presented information on the Campus Activities Funds and Donations for the month of June 2021.
5. Report – Facilities Subcommittee – Peggy Haynes, Senior Director for Auxillary Services, presented an update on the district’s facilities including the transportation facility and West Brook HS.

E. CONSENT AGENDA

1. Minutes of June 17, 2021, Regular Meeting, and June 30, 2021, Special Meeting.
2. Approve Memorandum of Understanding between Minnie Rogers Juvenile Justice Center and Beaumont ISD
3. Approve Recommended Vendor for RFP-21.18 Waste Disposal Services
4. Approve Recommended Vendor for RFP-21.20 Classroom Analysis and Coaching Platform Software
5. Approve Recommended Vendor for RFP-22.01 Professional Development Services
6. Approve Payments over \$50K
7. Approve the 2021-2022 T-PESS Appraisal Calendar
8. Approve the 2021-2022 T-TESS Appraisal Calendar
9. Approve the Interlocal Agreement with Lamar University

It was moved by Joe Evans, and seconded by Denise Spooner, the Board approved the Consent Agenda.

President Robert C. Dunn, Sr., called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II, Stacey Lewis, Jr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: None

MOTION PASSED: 6-0

F. ACTION ITEMS

1. Action, if any, on items discussed in closed session.

Action taken on items in closed session are noted above.

2. Approve Budget Amendments

It was moved by Denise Spooner, and seconded by Tillie Hickman, the Board approved the Budget Amendments.

President Robert C. Dunn, Sr., called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II, Stacey Lewis, Jr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: None

MOTION PASSED: 6-0

3. Approve Purchases of \$50K or More

It was moved by Joe Evans, Jr., and seconded by Tillie Hickman, the Board approved the Purchases of \$50K or More.

President Robert C. Dunn, Sr., called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II, Stacey Lewis, Jr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: None

MOTION PASSED: 6-0

4. Approve Revised Board Outcome Goals (LSG Goals) and Goal Progress Measures

It was moved by Tillie Hickman, and seconded by Joe Evans, Jr., the Board approved the Revised Board Outcome Goals (LSG Goals) and Goal Progress Measures.

President Robert C. Dunn, Sr., called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II, Stacey Lewis, Jr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: None

MOTION PASSED: 6-0

5. Consider revision of Board Policy BE (Local) and Board Operating Procedures" with the exhibits being BE (Local) and the Board Operating Procedures.

It was moved by Denise Spooner, and seconded by Woodrow Reece, the Board Considered and approved revision of Board Policy BE (Local) and Board Operating Procedures" with the exhibits being BE (Local) and the Board Operating Procedures to reflect Closed Session to begin at 5 p.m. and regular meeting to start at 6:30p.m.

President Robert C. Dunn, Sr., called for a vote on the motion:

YAYS: Robert C. Dunn, Sr., Woodrow Reece, II, Stacey Lewis, Jr., Joe A. Evans, Jr., Tillie Hickman, and Denise Spooner

NAYS: None

MOTION PASSED: 6-0

ADJOURNMENT

It was moved and seconded to adjourn the meeting. The meeting adjourned at 7:54 p.m.



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.2.**

Agenda Item Title: Approve Amendment of Board Policy DEC (LOCAL)

Cabinet Level Presenter(s): Dr. Shannon Allen

Additional Presenter(s): Sierra Fisher

Executive Summary: The Texas Legislature recently approved legislation mandating mental health and quarantine leave for peace officers. The amendment to DEC (Local) creates these leave categories for peace officers employed by BISD.

Recommendation: Recommend Adoption

Budget Impact* (if applicable): Not Applicable Funding

Funding Source (if applicable): Not Applicable Compliance

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):
Not Applicable

Policy Reference (if applicable, list policy/regulation): Not Applicable

Legal Review (if necessary, list attorney and firm):

Shannon Allen

Cabinet Level Presenter's Signature

8/12/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Leave
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

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

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

Family Emergency

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

Leave Day

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

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Leave
Proration**

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

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

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

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

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

Request for Leave

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall not exceed five consecutive workdays.

Schedule Limitations

Discretionary use of leave shall not be allowed on the day before a school holiday, the day after a school holiday, the first or last day of

a semester or the day immediately preceding or following any intersession, days scheduled for end-of-semester or end-of-year examinations, days scheduled for state-mandated tests, or professional or staff development days.

Local Leave

Each employee in a position normally requiring ten, 11, or 12 months of service shall earn five, six, or seven paid local leave days per school year, respectively, in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

Peace Officers
Mental Health
Leave

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

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

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

Quarantine Leave

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

The Superintendent shall develop regulations regarding quarantine leave that address the following: Continuation of all employment benefits and compensation for the duration of the leave;

2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Family and Medical
Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month
Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.

Combined Leave for
Spouses

When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.

Intermittent or
Reduced Schedule
Leave

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

Certification of
Leave

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

Fitness-for-Duty
Certification

In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.

Leave at the End of
Semester

When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

**Temporary Disability
Leave**

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

No Paid Leave
Offset

The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Court Appearances

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

**Payment for
Accumulated Leave
Upon Retirement or
Death**

A full-time employee who was employed by the District before the 1996–97 school year shall be eligible for payment for accumulated state and local leave upon retirement under the Texas Teacher Retirement System (TRS) program or upon the employee's death.

The payment for leave accumulated beginning on June 1, 1994, shall apply only to state and local leave accumulated while employed by the District.

Eligible employees who had accumulated days in other districts prior to June 1, 1994, shall receive payment for all accumulated state and local leave days at the time of retirement or death, according to the provisions in place prior to June 1, 1994.

The maximum payment shall be for one-half of the eligible accumulated leave days, at a rate of 100 percent of the employee's daily rate of pay at the time of retirement or death.

Payment may be paid to the employee's estate if a death certificate is presented.

If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Neutral Absence
Control**

If an employee does not return to work after exhausting all available paid and unpaid leave, the District shall provide the employee written notice that he or she no longer has leave available for use. The District shall automatically pursue termination of an employee who has exhausted all available leave, regardless of the reason for

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

the absence [see DF series]. The employee's eligibility for reasonable accommodations, as required by the Americans with Disabilities Act [see DAA(LEGAL)], shall be considered before termination. If terminated, the employee may apply for reemployment with the District.



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.3.**

Agenda Item Title: Approve Booster Club Concession Agreements with Beaumont United High School Booster Club and West Brook High School Booster Club.

Cabinet Level Presenter(s): Randall Maxwell

Additional Presenter(s): Ron Jackson and Cheryl Hernandez

Executive Summary: Beaumont ISD permits the booster clubs for Beaumont United and West Brook to operate the concession stand at Memorial Stadium during the games that the high school and its feeder pattern play at the stadium. This agreement outlines the terms of operation including a mandatory \$500 deposit and fee in the amount of 10% of the net proceeds.

Recommendation: Approve Booster Club Concession Agreements

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

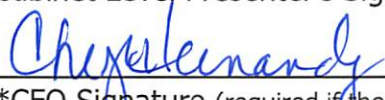
Legal Review (if necessary, list attorney and firm): N/A



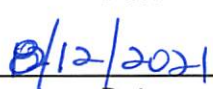
Cabinet Level Presenter's Signature



Date



*CFO Signature (required if there is a budget impact)



Date

General Counsel's Signature

Date

BEAUMONT UNITED HIGH SCHOOL BOOSTER CLUB CONCESSION AGREEMENT

This "Concession Agreement" between the Beaumont Independent School District located in Beaumont, Jefferson County, Texas (District) and the Beaumont United High School Booster Club, a non-profit organization operating in Beaumont, Jefferson County, Texas (Club).

WITNESSES

District hereby grants to the Club the right to operate concessions for the sale of merchandise such as candy, gum, peanuts, popcorn and other food selections, non-alcoholic beverages, cushions, and other concession items at the facility, for the period of August 1, 2021 through July 31, 2022 upon the following terms and conditions:

- 1. Club has the right to operate concession outlets when Beaumont United High School or its feeder middle schools are the home team at the facility. When Beaumont United High School or its feeder middle schools' opponent is a school affiliated with the District, Club will have the right to operate the home-side concession outlet. If the opposing school's booster club does not enforce its right to operate the visitor side concession, the Club may operate both the home and visitor concession. When more than one booster club works the concession outlets, each booster club is entitled to the funds earned at its respective concession outlet consistent with section 6 herein.**
- 2. All concessions and equipment used in connection with use of the facility are and shall remain the property of the Club, with the exception of those concession facilities constructed or provided with District materials. Club will be required to thoroughly clean the concession stands and equipment following each event. Pepsi delivers and restocks its products in the concession facilities prior to and following each event at Memorial Stadium. The District will invoice Club for all Pepsi product provided by the District and sold during its use of the concession stand on a monthly basis. Payment must be made within fifteen days of receipt of the invoice. Invoices will be provided via electronic mail and regular mail to the addresses indicated in this agreement. The District reserves the right to discontinue or change the beverage provider in the concession facilities at any time during the term of this agreement.**
- 3. The District retains the right to operate concession outlets at the facility if the home team is not affiliated with District consistent with Section 1 herein. Club shall have no interest in proceeds received in the instances described in this paragraph.**
- 4. Concession stands shall be operated in accordance with the rules, regulations and policies of the District, local ordinances and the laws of the State of Texas and the United States of America.**
- 5. Payments are due on or before November 1, 2021. Checks shall be made payable to the Beaumont Independent School District and hand delivered to the Business Office of the Administration Building, 3395 Harrison Avenue, Beaumont, Texas 77706. The Club shall deliver to the District with the executed copies of this Agreement, a good faith deposit in the amount of five hundred dollars (\$500.00) on or before November 1, 2021. All or any portion of the deposit shall be made available unconditionally to the District for payment of delinquent concession fees, for correcting any default or breach of this Agreement by Club. If at the end of this Agreement, Club has performed all the Provisions of the Agreement, the deposit or any remaining balance shall be returned to the Club without interest. If the Club fails or refuses to pay a deposit as required by this Agreement, the District may terminate this Agreement immediately upon breach.**

6. In exchange for the rights described above, Club will pay to the District ten percent (10%) of the net income from concession operations. Payment shall be made directly to the Business Office of the Beaumont Independent School District, Beaumont, Texas, in two payments: within two (2) weeks following the conclusion of the last fall semester event, and within two (2) weeks following the conclusion of the last spring semester event.

It is specifically understood by and between the parties that the net income returned from the operations by Club are to be expended by the Club for the support of appropriate student activities at the school referred to above, and that District has entered into this agreement as a means of ensuring such support.

7. Failure of Club, or any member agent, or representative of Club, to adhere strictly to the provisions of this Agreement relating to clean-up activities, payment of percentage of net income, expenditure of retained income for proper student activities and other pertinent conditions shall be grounds of termination of the Agreement upon written notice from the District Business Office.

8. District shall have the right to audit receipts, disbursements, and related financial records of Club pertaining to concession operations at any time upon written request from District Business Office.

9. This agreement is non-assignable. Should a dispute arise regarding this agreement the parties submit to the exclusive jurisdiction of Jefferson County, Texas.

INWITNESS WHEREOF, the parties hereto executed this Concession Agreement in duplicate originals at Beaumont, Jefferson County, Texas, this the _____ day of _____, 2021.

Beaumont Independent School District

Beaumont United High School Booster Club

By: _____
President
Board of Trustees

By: _____
Club President

ATTEST: _____
Secretary
Board of Trustees

ATTEST: _____
Club Treasurer

Contact:
3395 Harrison Avenue
Beaumont, Texas 77656
spier@bmtisd.com
409-617-5001

Contact:
Address: _____
City, State Zip: _____
Email: _____
Phone: _____

WEST BROOK HIGH SCHOOL BOOSTER CLUB CONCESSION AGREEMENT

This "Concession Agreement" between the Beaumont Independent School District located in Beaumont, Jefferson County, Texas (District) and the West Brook High School Booster Club, a non-profit organization operating in Beaumont, Jefferson County, Texas (Club).

WITNESSES

District hereby grants to the Club the right to operate concessions for the sale of merchandise such as candy, gum, peanuts, popcorn and other food selections, non-alcoholic beverages, cushions, and other concession items at the facility, for the period of August 1, 2021 through July 31, 2022 upon the following terms and conditions:

- 1.** Club has the right to operate concession outlets when West Brook High School or its feeder middle schools are the home football team at the facility. When West Brook High School or its feeder middle schools' opponent is a school affiliated with the District, Club will have the right to operate the home-side concession outlet. If the opposing school's booster club does not enforce its right to operate the visitor side concession, the Club may operate both the home and visitor concession. When more than one booster club works the concession outlets, each booster club is entitled to the funds earned at its respective concession outlet consistent with section 6 herein.
- 2.** All concessions and equipment used in connection with use of the facility are and shall remain the property of the Club, with the exception of those concession facilities constructed or provided with District materials. Club will be required to thoroughly clean the concession stands and equipment following each event. Pepsi delivers and restocks its products in the concession facilities prior to and following each event at Memorial Stadium. The District will invoice Club for all Pepsi product provided by the District and sold during its use of the concession stand on a monthly basis. Payment must be made within fifteen days of receipt of the invoice. Invoices will be provided via electronic mail and regular mail to the addresses indicated in this agreement. The District reserves the right to discontinue or change the beverage provider in the concession facilities at any time during the term of this agreement.
- 3.** The District retains the right to operate concession outlets at the facility if the home team is not affiliated with District consistent with Section 1 herein. Club shall have no interest in proceeds received in the instances described in this paragraph.
- 4.** Concession stands shall be operated in accordance with the rules, regulations and policies of the District, local ordinances and the laws of the State of Texas and the United States of America.
- 5.** Payments are due on or before November 1, 2021. Checks shall be made payable to the Beaumont Independent School District and hand delivered to the Business Office of the Administration Building, 3395 Harrison Avenue, Beaumont, Texas 77706. The Club shall deliver to the District with the executed copies of this Agreement, a good faith deposit in the amount of five hundred dollars (\$500.00) on or before November 1, 2019. All or any portion of the deposit shall be made available unconditionally to the District for payment of delinquent concession fees, for correcting any default or breach of this Agreement by Club. If at the end of this Agreement, Club has performed all the Provisions of the Agreement, the deposit or any remaining balance shall be returned to the Club without interest. If the Club fails or refuses to pay a deposit as required by this Agreement, the District may terminate this Agreement immediately upon breach.

6. In exchange for the rights described above, Club will pay to the District ten percent (10%) of the net income from concession operations. Payment shall be made directly to the Business Office of the Beaumont Independent School District, Beaumont, Texas, in two payments: within two (2) weeks following the conclusion of the last fall semester event, and within two (2) weeks following the conclusion of the last spring semester event.

It is specifically understood by and between the parties that the net income returned from the operations by Club are to be expended by the Club for the support of appropriate student activities at the school referred to above, and that District has entered into this agreement as a means of ensuring such support.

7. Failure of Club, or any member agent, or representative of Club, to adhere strictly to the provisions of this Agreement relating to clean-up activities, payment of percentage of net income, expenditure of retained income for proper student activities and other pertinent conditions shall be grounds of termination of the Agreement upon written notice from the District Business Office.

8. District shall have the right to audit receipts, disbursements, and related financial records of Club pertaining to concession operations at any time upon written request from District Business Office.

9. This agreement is non-assignable. Should a dispute arise regarding this agreement the parties submit to the exclusive jurisdiction of Jefferson County, Texas.

INWITNESS WHEREOF, the parties hereto executed this Concession Agreement in duplicate originals at Beaumont, Jefferson County, Texas, this the _____ day of _____, 2021.

Beaumont Independent School District

West Brook High School Booster Club

By: _____
President
Board of Trustees

By: _____
Club President

ATTEST: _____
Secretary
Board of Trustees

ATTEST: _____
Club Treasurer

Contact:
3395 Harrison Avenue
Beaumont, Texas 77656
spier@bmtisd.com
409-617-5001

Contact:
Address: _____
City, State Zip: _____
Email: _____
Phone: _____



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.4.**

Agenda Item Title: Approve Delegation of Contractual Authority to the Superintendent for Agreement to Purchase Attendance Credits from TEA

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s):

Executive Summary Board action is required to delegate contractual authority to obligate the school district under Texas Education Code (TEC) 11.1511(c)(4) to the superintendent, solely for the purpose of obligating the district under TEC, 48.257 and TEC, Chapter 49, Subchapters A and D, and the rules adopted by the commissioner of education as authorized under TEC, 49.006. This includes approval of the *Agreement for the Purchase of Attendance Credit (Netting Chapter 48 Funding)*.

Recommendation: Approve Delegation of Contractual Authority to the Superintendent for Agreement to Purchase Attendance Credits from TEA

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cabinet Level Presenter's Signature

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.5.**

Agenda Item Title: 2021-2022 T-TESS Certified Appraisers

Cabinet Level Presenter(s): Dr. Anita Frank

Additional Presenter(s):

Executive Summary: The District shall appraise teachers annually using the Texas Teacher Evaluation and Support System (T-TESS) in accordance with law and administrative regulations. Each year the Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

Recommendation: The Board approves the 2021-2022 T-TESS Certified Appraisers

Budget Impact* (if applicable): N/A

Funding Source (if applicable): N/A

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation): DNB Legal and Local

Legal Review (if necessary, list attorney and firm): N/A

Anita Frank

Cabinet Level Presenter's Signature

8/12/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

**BEAUMONT INDEPENDENT SCHOOL DISTRICT
T-TESS CERTIFIED APPRAISERS
2021-2022**

Last Name	First Name	Certification Status	Certification Year
Adams	Karolarnica	Certified	2021-2022
Angelo	Jenny	Certified	2021-2022
Bennett	Dalana	Certified	2021-2022
Bowser	Joseph	Certified	2021-2022
Bridges	Desmond	Certified	2021-2022
Campbell	Crystal	Certified	2021-2022
Carr	Shana	Certified	2021-2022
Chavis	Tara	Certified	2021-2022
Cisneros	Billie	Certified	2021-2022
Cobb	Lachandra	Certified	2021-2022
Collins	Audrey	Certified	2021-2022
Colvin	Charles	Certified	2021-2022
Corona	Julie	Certified	2021-2022
Courville	Kerri	Certified	2021-2022
Doctor	Dr. Tyrus	Certified	2021-2022
Drake	Yvette	Certified	2021-2022
Dunbar	Lawrence	Certified	2021-2022
DuPont	Yvonne	Certified	2021-2022
Frank	Anita	Certified	2021-2022
Fulton	Linda	Certified	2021-2022
Gatica	Dolores	Certified	2021-2022
George	Belinda	Certified	2021-2022
Gerard	Stennie	Certified	2021-2022
Green	Reginald	Certified	2021-2022
Guidry	Rachiel	Certified	2021-2022
Guillory	Adrienne	Certified	2021-2022
Guillory	Gloria	Certified	2021-2022
Hendrix	Sharon	Certified	2021-2022
Jackson	Shundria	Certified	2021-2022
Jagoe	Mary	Certified	2021-2022
Jameson	Frank	Certified	2021-2022
Janeaux	Kimberly	Certified	2021-2022
Johnston	April	Certified	2021-2022
Jones	Peyton	Certified	2021-2022
Kenebrew	Patricia	Certified	2021-2022
Kinney	David	Certified	2021-2022
Lavergne	Kourtney	Certified	2021-2022
Lee	Adrienne	Certified	2021-2022
Levy	Barbara	Certified	2021-2022
Lewis	Dana	Certified	2021-2022

Ling	Stephanie	Certified	2021-2022
Little	Carolyn	Certified	2021-2022
Long	Tamara	Certified	2021-2022
Malbrough	Velvet	Certified	2021-2022
Mireles	Angela	Certified	2021-2022
Moore	Ariane	Certified	2021-2022
Pace-White	Marilyn	Certified	2021-2022
Phillips	Nicholas	Certified	2021-2022
Pickens	Ronitha	Certified	2021-2022
Popillion	Charisma	Certified	2021-2022
Randle-Filer	Shyulanda	Certified	2021-2022
Rigsby	LaTonya	Certified	2021-2022
Rochelle	Lori	Certified	2021-2022
Saveat	Jada	Certified	2021-2022
Saveat	Marquis	Certified	2021-2022
Shelton	Michael	Certified	2021-2022
Smith	Steven	Certified	2021-2022
Smoak	Kathryn	Certified	2021-2022
Strambler	Jacqueline	Certified	2021-2022
Tatmon	Mellow	Certified	2021-2022
Taylor	Daniel	Certified	2021-2022
Tripplett	Cheryl	Certified	2021-2022
Valdez	Diana	Certified	2021-2022
Whitfield	Petula	Certified	2021-2022
Will	Sheree	Certified	2021-2022
Wood	James	Certified	2021-2022



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.6.**

Agenda Item Title: Student Code of Conduct

Cabinet Level Presenter(s): Mr. Randall Maxwell

Additional Presenter(s): Dr. Diana Valdez

Executive Summary: Attached is the 2021-2022 Student Code of Conduct Distribution and Education Plan which outlines the steps that have been executed to educate all students on behavior expectations and consequences.

Recommendation: Approve changes and updates to the 2021-2022 Student Code of Conduct as presented to the Board.

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A



Cabinet Level Presenter's Signature

8/12/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



Board Briefing

2021-2022 Code of Conduct

1. By law, the district is to adopt a Code of Conduct for each academic year.
2. Because this was a legislative year, there are new laws reflected in the 2021-2022 Code of Conduct. TASB provided this version of the Code of Conduct for this academic year.

Legislative bills from the 87th Legislative Session that affect the Student Code of Conduct:

House Bill (HB) 375 amends the offense of continuous sexual abuse of a young child or children under Texas Penal Code 21.02 to include continuous sexual abuse of “a disabled individual” and amends the name of the offense to reflect. (p 38, 57, 60)

HB 785 amends Chapter 37 with respect to disciplinary placements, restraint procedures, and behavioral intervention or improvement plans for students with disabilities. While revisions to the text of the Code of Conduct were not necessary as a result of this change in law, Editorial Notes regarding this bill have been updated in the section Discipline Management Techniques – Students with Disabilities. (p. 21)

HB 957 removes a firearm silencer from the list of prohibited weapons in Texas Penal Code 46.05. The bill also repeals the definition of a firearm silencer from Chapter 46 of the Texas Penal Code and adds a chapter to the Texas Government Code regarding firearm suppressor regulation. (p. 13)

Senate Bill (SB) 248 expands the definition of e-cigarette under Texas Health and Safety Code 161.081 to include a consumable liquid solution or other material aerosolized or vaporized during the use of an e-cigarette or other device, as defined by law. (p. 14, 71)

SB 530 expands the offense of harassment under Texas Penal Code 42.07 to include publishing on a website, including a social media platform, repeated electronic communications that are 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. (p. 73)

SB 768 creates a new penalty group under the Texas Controlled Substances Act for fentanyl and related substances. (p. 70)

Additions:

Page 9- Academic dishonesty- Engage in academic dishonesty, which includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination.

Page 26-Appeals 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

Note: This is not an inclusive list of all Legislative bills passed. The *Model Student Code of Conduct provided by TASB* has been lightly edited throughout for clarity and to incorporate recent changes that have been made to other policies.

Table of Contents

Beaumont Independent School District Student Code of Conduct

- Student Code of Conduct.....1**
 - Accessibility.....1
 - Purpose.....1
- School District Authority and Jurisdiction2**
 - Campus Behavior Coordinator2
 - Threat Assessment and Safe and Supportive School Team2
 - Searches.....3
 - Reporting Crimes.....4
 - Security Personnel.....4
 - “Parent” Defined4
 - Participating in Graduation Activities4
 - Unauthorized Persons.....5
- Standards for Student Conduct.....6**
- General Conduct Violations7**
 - Disregard for Authority7
 - Mistreatment of Others7
 - Property Offenses.....8
 - Possession of Prohibited Items.....8
 - Possession of Telecommunications or Other Electronic Devices9
 - Illegal, Prescription, and Over-the-Counter Drugs.....9
 - Misuse of Technology Resources and the Internet.....9
 - Safety Transgressions.....10
 - Miscellaneous Offenses10
- Discipline Management Techniques.....11**
 - Students with Disabilities11
 - Techniques11
 - Prohibited Aversive Techniques12
 - Notification.....13
 - Appeals.....13
- Removal from the School Bus14**
- Removal from the Regular Educational Setting15**
 - Routine Referral.....15
 - Formal Removal15
 - Returning a Student to the Classroom15
- Out-of-School Suspension16**
 - Misconduct16

Process.....	16
Coursework During Suspension	17
Disciplinary Alternative Education Program (DAEP) Placement	18
Discretionary Placement: Misconduct That May Result in DAEP Placement	18
Mandatory Placement: Misconduct That Requires DAEP Placement.....	19
Sexual Assault and Campus Assignments.....	20
Process.....	20
Length of Placement	21
Appeals.....	22
Restrictions During Placement	22
Placement Review.....	22
Additional Misconduct.....	22
Notice of Criminal Proceedings.....	23
Withdrawal During Process	23
Newly Enrolled Students.....	23
Emergency Placement Procedure	24
Transition Services.....	24
Placement and/or Expulsion for Certain Offenses.....	25
Registered Sex Offenders.....	25
Certain Felonies.....	25
Expulsion.....	28
Discretionary Expulsion: Misconduct That May Result in Expulsion.....	28
Mandatory Expulsion: Misconduct That Requires Expulsion	30
Under Age Ten.....	31
Process.....	31
Length of Expulsion	33
Withdrawal During Process	33
Additional Misconduct.....	33
Restrictions During Expulsion	33
Newly Enrolled Students.....	33
Emergency Expulsion Procedures	34
DAEP Placement of Expelled Students	34
Transition Services.....	34
Glossary	35

Beaumont Independent School District

Student Code of Conduct

2021–22 School Year

If you have a difficulty accessing the information in this document because of a disability, please contact www.bmtisd.com

Beaumont Independent School District

Student Code of Conduct

Student Code of Conduct

Accessibility

If you have difficulty accessing the information in this document because of a disability, please contact Dr. Diana Valdez, Director of Student Discipline, dvaldez@bmtisd.com (409)617-5037.

Purpose

The Student Code of Conduct (“Code”), 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 Student Code of Conduct has been adopted by the Beaumont Independent School District 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 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 shall be posted at each school campus or shall be available for review at the campus principal’s office. Additionally, the Code shall be available at the campus behavior coordinator’s office at each campus 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 Student 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 and the Student Handbook, the Code 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 cyber-bullying, 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. The designated person may be the principal or any other campus administrator selected by the principal. The campus behavior coordinator 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 campus behavior coordinator. Contact information may be found at www.bmtisd.com.

School	Behavior Coordinator	Email
Amelia	LaWanda Coleman	lcolema@bmtisd.com
Bingman	Sheryl Costello	scostel@bmtisd.com
Blanchette	Velvet Malbrough	vknocku@bmtisd.com
Caldwood	Dinmitrise Haynes	dhaynes@bmtisd.com
Charlton-Pollard	Stephanie Ling	sling@bmtisd.com
Curtis	Patricia Kenebrew	pkenebr@bmtisd.com
Dishman	Kareem Nelson	knelson@bmtisd.com

Fehl-Price	Teranee hutch	thutch@bmtisd.cdom
Fletcher	Marilyn Pace-White	mwhite@bmtisd.com
Guess	Jada Saveat	jsavea2@bmtisd.com
Homer	LaWanda Coleman	lcolema@bmtisd.com
Jones-Clark	Shermadeia Porter	sporter@bmtisd.com
Lucas	Mellow Tatmon	mtatmon@bmtisd.com
Martin	Shamieka Dotson	sdotson@bmtisd.com
Pietzsch-MacArthur	Desmond Bridges	dbridge@bmtisd.com
Regina	Barbara Levy	blevy@bmtisd.com
King	Michael Jackson	michael.jackson@greendot.org
Marshall	Tara Chavis	tchavis@bmtisd.com
Odom	Peyton Jones	pjones2@bmtisd.com
Smith	Velma Guidry	vguidr1@bmtisd.com
Vincent	David Kinney	dkinney@bmtisd.com
ECHS	Melanie Pharis	mpharis@bmtisd.com
Beaumont United	Charles Colvin	ccolvin@bmtisd.com
West Brook	Joe Bowser, Jr.	jbrowse1@bmtisd.com
Pathways	Petula Whitfield	pwhitfi@bmtisd.com
Paul Brown	Calvin Rice	crice@bmtisd.com
Taylor CC	Michael Shelton	mshelto@bmtisd.com
Minnie Rogers	Rachiel Guidry	rguidry@bmtisd.com

Threat Assessment and Safe and Supportive School Team

The campus behavior coordinator or other appropriate administrator will work closely with the campus threat assessment 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.

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 principal 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

To ensure the security and protection of students, staff, and property, the board employs police officers, school resource officers (SROs), *and* security personnel. In accordance with law, the board has coordinated with the campus behavior coordinator and other district employees to ensure appropriate law enforcement duties are assigned to security staff. The law enforcement duties of district peace officers are listed in policy CKE(LOCAL).

The law enforcement duties of school resource officers are:

- To protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
- Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
- 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.
- Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
- Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
- Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
- Carry weapons as directed by the chief of police and approved by the Superintendent.
- Carry out all other duties as directed by the chief of police or Superintendent.

“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.

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. In addition to the requirement outlined in Board Policy FNA (Local), 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, school resource officer (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, cyber-bullying, 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;
- Mace or pepper spray;
- 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. Each individual campus may have specific rules regarding the use of personal devices on campus.

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 cyber-bullying 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.
- 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. These rules may be posted in classrooms or given to the student and may or may not constitute violations of the Code.

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 Student 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(LLEGAL).

In accordance with the Education Code, a student who receives special education services may not be disciplined for conduct meeting the definition of bullying, cyber-bullying, harassment, or making hit lists (see **glossary**) until an 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 Student 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.
- 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.
- Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.
- 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 campus behavior coordinator 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 campus behavior coordinator 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 campus behavior coordinator shall send written notification by U.S. Mail. If the campus behavior coordinator 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 campus behavior coordinator, 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 campus behavior coordinator's office, or the central administration office or through Policy online at the following address: www.bmtisd.com

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 to maintain effective discipline on the bus. The principal 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 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 campus behavior coordinator's office as a discipline management technique. The campus behavior coordinator 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 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 campus behavior coordinator 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 campus behavior coordinator 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 campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- 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 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 campus behavior coordinator 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 campus behavior coordinator 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 campus behavior coordinator 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 co-curricular 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 in-school suspension 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 5 and secondary classification shall be grades 6–12.

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 campus behavior coordinator shall take into consideration:

7. Self-defense (see **glossary**),
8. Intent or lack of intent at the time the student engaged in the conduct,
9. The student's disciplinary history,
10. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct,
11. A student's status in the conservatorship of the Department of Family and Protective Services (foster care), or
12. A student's status as homeless.

Discretionary Placement: Misconduct That May Result in DAEP Placement

A student may be placed in a DAEP for the following conduct violations:

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**.)
- 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 campus behavior coordinator **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 marijuana, a controlled substance, or a dangerous drug in an amount not constituting a felony offense. 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. (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 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, if the conduct is not punishable as a felony offense. (School-related felony alcohol offenses are addressed in **Expulsion** on page 28.)
 - Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.
 - 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 between six and 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 campus behavior coordinator.

Conference

When a student is removed from class for a DAEP offense, the campus behavior coordinator 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 campus behavior coordinator 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 campus behavior coordinator 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 campus behavior coordinator shall write a placement order. A copy of the DAEP placement order 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, the placement order shall give notice of the inconsistency.

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 campus behavior coordinator 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 campus behavior coordinator 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.

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 campus behavior coordinator's office, the central administration office, or through Policy online at the following address: www.bmtisd.com

Appeals shall begin at Level One with the campus 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 co-curricular activity, including seeking or holding honorary positions and/or membership in school-sponsored clubs and organizations.

The district shall provide transportation to students in a DAEP.

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, or earlier if necessary to complete graduation documentation, and the student shall be allowed to participate in the graduation ceremony and 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 campus behavior coordinator 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 campus behavior coordinator 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 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 campus behavior coordinator 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 campus behavior coordinator 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.

Disciplinary Alternative Education Program (DAEP) Placement

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 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 campus behavior coordinator 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;
- Have 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;
- Have been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;
- Have 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
- Have 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 campus behavior coordinator 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 campus behavior coordinator 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 marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony. 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, if the conduct is not punishable as a felony.
- 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 drug- or alcohol-related offense.
- 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, 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 marijuana, a controlled substance, a dangerous drug, or alcohol, or committing a serious act or offense while under the influence of alcohol.
- 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 campus behavior coordinator 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 campus behavior coordinator or other administrator may place the student in:

- Another appropriate classroom.
- In-school suspension.
- 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 due process expulsion hearing held at the campus shall be considered the LEVEL I hearing. The board of trustees delegates to the Director of Student Discipline the 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 campus behavior coordinator 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 Director of Student Discipline 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 Student 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 campus behavior coordinator 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 campus behavior coordinator 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 cyber-bullying. (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. Cyber-bullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyber-bullying 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.

Cyber-bullying 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. Sending repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another; and
 - e. 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.

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, including 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 influence" 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.



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.7.**

Agenda Item Title: Approve Payments over \$50,000

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s): Denise McLean, Randall Maxwell, & Dr. Diana Valdez

Executive Summary: The attached list reflects the payments due for the 2021-2022 fiscal year.

Recommendation: Approve payments due for the 2021-2022 fiscal year under existing contracts in the amounts shown on the attached sheet.

Budget Impact* (if applicable): General Fund - \$1,227,233.45

Funding Source (if applicable): General Fund

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): Ch. 44.031,

Policy Reference (if applicable, list policy/regulation): CH (LOCAL)

Legal Review (if necessary, list attorney and firm):


Cabinet Level Presenter's Signature


Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



General Fund

Vendor	Department	Description/Justification of Purchase	Contract #	Cost
Hernandez	Business & Finance	Annual copier contract renewal for all district locations. Cost includes base lease and machine maintenance.	DIR-CPO #4428	\$302,287.08 (Corrected)
Blackboard	Community and Media Relations	Annual contract renewal for website content management and mass communications system.	TIPS #190701	\$106,634.37
Smart Technology Hughes	Student Discipline	Universal academic and discipline software dashboard. SPED to contribute \$50,000.00 towards software.	DIR-TSO #3985	\$171,280.00
Region V JJAEP	Student Discipline	Report Annual Fees Incurred by Participation in Interlocal Contracts. Expense split between general and federal fund.	N/A	\$150,000.00
TASB Risk Fund	Business & Finance	Renewal of automobile liability and physical damage policy 9/1/2021 through 8/31/2022	N/A	\$497,032.00
TOTAL				\$1,227,233.45

Blackboard®

This Blackboard Order Form ('Order Form') by and between **Blackboard Inc.** ('Blackboard') and **Beaumont Independent School District** ('Customer') details the terms of Customer's use of the products and services set forth below ('Product and Pricing Summary'). This Order Form shall become effective on the Effective Date. This Order Form, together with the Blackboard Master Agreement located at <http://agreements.blackboard.com/bbinc/blackboard-new-master-agreement-all-products.aspx> and incorporated by this reference, form the entire agreement between the parties in respect to the products and services set forth in the Product and Pricing Summary. Notwithstanding anything to the contrary in any purchase order or other document provided by the Customer, any product or service provided by Blackboard to the Customer in connection with a purchase order related to this Order Form is conditioned upon Customer's acceptance of this Order Form and the Blackboard Master Agreement. Any additional, conflicting or different terms proffered by Customer in a purchase order or otherwise shall be deemed null and void. Each of the individuals executing this Order Form represent and warrant that he or she is authorized to execute the Agreement on behalf of Customer or Blackboard, as applicable.

In consideration of the promises set forth herein, and other good and valuable consideration, the receipt of which are hereby acknowledged, the parties hereby agree as follows:

A. Software & Services Product and Pricing Summary

Period Number	Total
Period 1	\$106,634.37
Period 2	\$91,035.49
Period 3	\$91,035.49
Contract Total	\$288,705.35

Period 1				
Qty	Product Code	Product Name	Dates	Net Total (USD)
1	WCM-APPSTM-S	APP STORE MAINTENANCE SERVICE	01-Sep-2021 to 31-Aug-2022	
1	WCM-CRT-TP-S	CREATIVE SAPPHIRE CUSTOM TEMPL		
1	WCM-CRT-TP-MNT	CREATIVE TEMPL REGUL MAINT		
19900	BC-MN	MASS NOTIFICATIONS		
19900	MCA-APPI	MOBILE COMMUNICATIONS APP INTG		
27	WCM-PREMSUP	SUPPORT PREMIUM+ SUPPORT PLAN Entitlements for Period 1 - Band: 1 - 2,000 Students		
28	WCM-ESSN	WCM ESSENTIAL Entitlements for Period 1 - Band: 2,001 - 20,000 FTE		
Period 1 Total				\$106,634.37

Period 2				
Qty	Product Code	Product Name	Dates	Net Total (USD)
1	WCM-APPSTM-S	APP STORE MAINTENANCE SERVICE	01-Sep-2022 to 31-Aug-2023	
1	WCM-CRT-TP-MNT	CREATIVE TEMPL REGUL MAINT		
19900	BC-MN	MASS NOTIFICATIONS		
19900	MCA-APPI	MOBILE COMMUNICATIONS APP INTG		
27	WCM-PREMSUP	SUPPORT PREMIUM+ SUPPORT PLAN Entitlements for Period 2 - Band: 1 - 2,000 FTE		
28	WCM-ESSN	WCM ESSENTIAL Entitlements for Period 2 - Band: 2,001 - 20,000 FTE		
Period 2 Total				\$91,035.49

Period 3				
Qty	Product Code	Product Name	Dates	Net Total (USD)
1	WCM-APPSTM-S	APP STORE MAINTENANCE SERVICE	01-Sep-2023 to 31-Aug-2024	
1	WCM-CRT-TP-MNT	CREATIVE TEMPL REGUL MAINT		
19900	BC-MN	MASS NOTIFICATIONS		
19900	MCA-APPI	MOBILE COMMUNICATIONS APP INTG		
27	WCM-PREMSUP	SUPPORT PREMIUM+ SUPPORT PLAN Entitlements for Period 3 - Band: 1 - 2,000 FTE		
28	WCM-ESSN	WCM ESSENTIAL Entitlements for Period 3 - Band: 2,001 - 20,000 FTE		
Period 3 Total				\$91,035.49

HUGHES Technology, LLC

developers of Smart Data Dashboard

P.O. Box 389
Mountain Home, AR 72654
Phone: 844.437.6123
FEIN #47-4971585

Renewal Invoice

Date:	September 1, 2021
Invoice #:	INV-210716-01RR
Customer ID:	BISD
Purchase Order #	Budget Period
Payment Due by:	Budget Period

Bill To:

Accounts Payable
Beaumont ISD
4315 Concord
Beaumont, TX 77703
409.617.5117

Ship To (If Different):

Beaumont ISD
4315 Concord
Beaumont, TX 77703
409.617.5117

Salesperson	Shipping Method	Payment Terms	Due Date	Purchase Order #
HH	Software As A Service	Due Upon Receipt	Due upon receipt	Budget Period

Item #	Description	Qty	Unit Price	Line Total
SDS	Smart Data Dashboard			-
1000	Universal Academic and Discipline Dashboard	1	\$171,280	\$171,280.00
2000	Professional Development / In-Service		Included	-
				-
				-

Special Notes and Instructions

Through this invoice current License and Data Sharing Agreement (DSA) will extend until September 01, 2022. Please sign and date below:

Subtotal	\$171,280.00
Payments/Credits	
Total	\$171,280.00

Thank you for your business!

Please return this slip along with your payment

HUGHES Technology, LLC

developers of Smart Data Dashboard

Please Remit Payment to:

HUGHES Technology, LLC

P.O. Box 389
Mountain Home, AR 72654

Remittance Slip

Check No.

Date

Customer ID: BISD

Amount Enclosed: \$171,280.00

Invoice #: INV-210716-01RR

Tel: 844.437.6123, E-mail: Ladell@HughesEducation.net, Web: HughesEducation.net

**Region 5 Education Service Center
Jefferson County Juvenile Justice Alternative Education Program
2021-2022**

SERVICE ABSTRACT

Juvenile Justice Alternative Education Program

Jefferson County Youth Academy

Costs at sign-up are projected fees.

This is a Juvenile Justice Alternative Education Program under TEC 37.011. Region 5 ESC serves as the fiscal agent and instructional program monitor. Our field service agent coordinates and assists with this program. The following assistance will be provided:

- Oversee instructional program
- Hire and evaluate instructional staff
- Assist with coordination of services between district and county entities
- Schedule governance board meetings

ESC Contact: Marianne Kondo, 409-951-1839 or mkondo@esc5.net

Contract Options

09/01/2021 - 08/31/2022

Sign up for JJAEP

Option Total: \$150,000.00

Beaumont ISD desires to participate in Region 5 Education Service Center's Contract.

Name of Contact Person: Cindy Guidroz, Phone Number 490-617-5001

Cindy Guidroz
Signature of Superintendent Assistant

06/14/2021
Date

Dr. Danny Lovett
Signature of Executive Director

06/14/2021
Date



Beaumont ISD

Contribution & Coverage Summary (CCS) Participation Period: 9/1/2021 through 8/31/2022

The following is a summary of coverages, limits, deductibles, and contribution amounts. More information about coverage, limits, deductibles, terms, and conditions are found on following pages and are part of this CCS. Please review all pages of this CCS document.

Coverage	Limit	Deductible	Contribution
Automobile Liability	\$100K Person Bodily / \$300K Occurrence Bodily / \$100K Occurrence Property	\$10,000	\$237,106
Automobile Physical Damage	Actual Cash Value	See Automobile Coverage Summary	\$49,776
School Liability including Professional Legal, General, and Employee Benefits Liability	See School Liability Coverage Summary	See School Liability Coverage Summary	\$206,900
Privacy & Information Security	\$250,000	\$0	\$3,250
Violent Acts	\$250,000	\$0	No Cost
Total Contribution			\$497,032

THIS IS NOT AN INVOICE. The TASB Risk Management Fund will issue an invoice when coverage is accepted by the Member. Total Contribution is an estimate and is subject to exposure audit.



Beaumont ISD

Automobile Coverage Summary
Participation Period: 9/1/2021 through 8/31/2022
Total Automobile Contribution: \$286,882

The following is an overview of the limits and deductibles for risk associated with the ownership, maintenance or use of Covered Automobiles. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Limit	Deductible
Automobile Liability	\$100K Person Bodily / \$300K Occurrence Bodily / \$100K Occurrence Property	\$10,000
Automobile Physical Damage - Collision	Actual Cash Value	\$1,000
Automobile Physical Damage - Comprehensive	Actual Cash Value	\$1,000
Automobile Physical Damage - Catastrophic	Actual Cash Value	\$100,000

Excluded Vehicles

VIN	Year	Make	Model/Description	Exclusion
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None

Automobile Terms & Conditions

Statement of Values: Fund Member has provided the Fund with the most current and accurate statement of values for all applicable property, including a complete and accurate listing of vehicles owned by the Fund Member. Fund Member agrees to allow the Fund to conduct property appraisals of the Fund Members' property on a periodic basis and agrees to accept values provided by the Fund.

Salvage: The Fund will have the right, at its discretion, to exercise rights of salvage to any damaged property paid for or replaced under the terms of this Agreement.

Excluded Vehicles: The Fund extends coverage for all Fund Member Covered Automobiles. Vehicles listed are excluded from Automobile Liability, Comprehensive, or Comprehensive coverage as noted under 'Exclusion'.



Beaumont ISD

School Liability Coverage Summary Participation Period: 9/1/2021 through 8/31/2022 Total School Liability Contribution: \$206,900

The following is an overview of the limits and deductibles for legal, general, and other liability risks. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Limit	Deductible
Professional Legal Liability Subject to \$1,000,000 Maximum Annual Aggregate	\$1,000,000	\$50,000
General Liability	\$1,000,000	\$0
Employee Benefits Liability	\$100,000	\$0

School Liability Conditions

Prior Acts: Fund Member certifies that all known or reported acts for which it is reasonably believed may result in a legal claim against the Fund Member have been fully disclosed. Additionally, Fund Member acknowledges that this coverage excludes any claims arising from such known or reported acts. This Agreement does not void coverage afforded to Fund Member under any previous Fund Agreement.



Beaumont ISD

Privacy & Information Security Coverage Summary

Participation Period: 9/1/2021 through 8/31/2022

Total Privacy & Information Security Contribution: \$3,250

The following is an overview of the limits and deductibles for privacy and information security risks. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Aggregate Limit Per Event	Deductible
Privacy & Information Security	\$250,000	\$0

Privacy & Information Security Conditions

No Known Losses: Fund Member certifies that all known or reported events occurring prior to the effective date of this coverage, as applicable, which it is reasonably believed may result in a claim under this Coverage have been fully disclosed or reported.



Program Coordinators

The Fund Member is required to designate a Program Coordinator (Coordinator) with express authority to represent and bind the Fund Member in all program matters. Below are the current Coordinators associated with the Fund Member. If a Coordinator's name and e-mail address are not listed or the Coordinator identified needs to be updated, please provide updated information to the Fund as soon as possible or include updates on this document.

Current Program Coordinators

Program	Name	Title	E-mail
TASB RMF-Unemployment Compensation	Peggy Haynes	Director of Payroll, Benefits & Risk Management	Phayne1@bmtisd.com
TASB RMF-Auto	Peggy Haynes	Director of Payroll, Benefits & Risk Management	Phayne1@bmtisd.com
TASB RMF-Liability	Peggy Haynes	Director of Payroll, Benefits & Risk Management	Phayne1@bmtisd.com
TASB Risk Management Fund-Workers' Compensation	Cheryl Hernandez	CFO	cherna1@bmtisd.com

Program Coordinator Updates

Program	Name	Title	E-mail

If accepting this proposal electronically, you may scan and email this page to tasbrmf@tasbrmf.org to provide Program Coordinator updates.



Contribution & Coverage Summary General Conditions

Coverage: Coverage terms and limits provided are as set out in this CCS and the Fund's corresponding Coverage Agreements for this Participation Period.

Claims Reporting: Fund Member will provide to the Fund timely notice of all claims as required in the Interlocal Participation Agreement, the applicable Fund Coverage Agreement, or this CCS.

Definitions: Any terms not defined in this CCS will use the definition for that term from the corresponding Fund Coverage Agreement.

Payment: The Fund Member agrees to pay contributions based on a plan developed by the Fund. All contributions are payable upon receipt of an invoice from the Fund. The Fund shall determine the contribution for each program and how each contribution is applied. Termination under this Agreement of any program shall not affect the remaining programs.

Termination: This CCS may be terminated by either party with termination to be effective on any successive renewal date by giving written notice to the other party no later than 30 days prior to automatic renewal in accordance with Termination provisions in the Interlocal Participation Agreement. If this CCS is not terminated, the renewal of the CCS becomes effective on the automatic renewal date and the member shall be bound by the terms of the renewal CCS.

Fund Member Authorization:

I approve this Contribution and Coverage Summary (CCS) and certify that this information is correct. I affirm that I am duly authorized to approve this CCS and that I have read and agree to this CCS and the Interlocal Participation Agreement.

Authorized Signature

Date

Printed Name

Title



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II E. 8**

Agenda Item Title: Consider approval of a performing arts stipend for the elementary school Band Director position to be added to the 2021/2022 District Compensation Plan

Cabinet Level Presenter(s): Derwin Samuels, Jr., Executive Director of Human Resources

Executive Summary: In July of 2018, the District transferred the Band Director position that was formally at South Park Middle School to Homer Drive Elementary School. At that time, there were no Band Director positions on the elementary school campuses. The District currently has stipends established for band directors at the middle and high school levels. To maintain equity and insure our positions align with the compensation plan, we are requesting a \$2500 stipend be added to the compensation plan for the 2021/22 school year.

Recommendation: Approve the recommended stipend of \$2500 for the elementary school Band Director position for the 2021/22 school year

Budget Impact* (if applicable): \$2500.00

Funding Source (if applicable): General Fund 199

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation): N/A

Legal Review (if necessary, list attorney and firm): N/A

Derwin Samuels Jr.
Cabinet Level Presenter's Signature

8/12/2021
Date

Christy Kennedy
*CFO Signature (required if there is a budget impact)

8/12/2021
Date

General Counsel's Signature

Date



Board Exhibit Cover Sheet

Meeting Date: 8/19/2021

Agenda Item/Exhibit Number: **II.E.9.**

Agenda Item Title: Review/Approval of Individuals for Teacher Certification Waiver

Cabinet Level Presenter(s): Derwin Samuels, Jr.

Additional Presenter(s): Anetra Cheatham

Executive Summary: Beaumont ISD and Green Dot Public Schools Southeast Texas are requesting that the Board of Trustees approve qualified individuals to be submitted for a Teacher Certification Waiver through TEA. Teacher Certification Waiver is being submitted for the below named individuals who are in the process of obtaining certification through an alternative certification program but have not yet been awarded standard or probationary certification. The Teacher Certification Waiver will allow the individuals to teach for the 2021-2022 school year in their designated certification area and be compensated as teachers. If approved by TEA, the waiver is effective for one school year and will allow the individuals listed below to gain the experience and complete all prerequisites required by their alternative certification programs.

Joseph Brooks—Beaumont ISD
Christopher Moore—Beaumont ISD
Geraldine Manuel—Beaumont ISD
Haley Simpson—Beaumont ISD
Melissa Strout—Beaumont ISD

Ashley Cole—Green Dot Public Schools SETX
William Grogan—Green Dot Public Schools SETX
Chaz Hall—Green Dot Public Schools SETX

Recommendation: Approve the Teacher Certification Waiver for the individuals identified in the board exhibit.

Budget Impact* (if applicable): NA

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A

Cabinet Level Presenter's Signature

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.10.**

Agenda Item Title: Approve increase for staff and visitor meal costs for 2021-2022

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s): Tiffany Eckenrod

Executive Summary: Due to the increase in food costs over the past couple of years, an increase of \$0.25 for Breakfast and \$0.50 per Lunch meal is requested. We have not increased staff lunch prices or visitor meal prices in at least the past 5 years.

STAFF:	Breakfast - \$2.75 to \$3.00	Lunch – \$3.75 to \$4.25
VISITOR:	Breakfast - \$3.00 to \$3.25	Lunch – \$4.00 to \$4.50

Recommendation: It is recommended that the Board of Trustees of the Beaumont Independent School District approve the increase in meal prices.

Budget Impact* (if applicable): N/A

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation): CH (LOCAL)

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/12/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.11.**

Agenda Item Title: Approve Memorandum of Agreement between Green Dot Public Schools, Southeast Texas and Beaumont Independent School District regarding Communications with Students' Parents

Cabinet Level Presenter(s): Denise Mclean

Additional Presenter(s): Anetra Cheatham

Executive Summary: The purpose of this MOA is to clarify media and communications protocols, as outlined in Sections 10.12 and 10.13 of the 1882 Agreement with Green Dot Public Schools for use in its operations of King Middle School.

Recommendation: Approve Memorandum of Agreement.

Budget Impact* (if applicable): Not Applicable

Funding Source (if applicable): Not Applicable

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): Not Applicable

Policy Reference (if applicable, list policy/regulation): Not Applicable

Legal Review (if necessary, list attorney and firm):

Denise Mclean/s/ga

Cabinet Level Presenter's Signature

8/12/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

MEMORANDUM OF AGREEMENT
between
GREEN DOT PUBLIC SCHOOLS SOUTHEAST TEXAS
and
BEAUMONT INDEPENDENT SCHOOL DISTRICT

This Memorandum of Agreement ("MOA"), effective as of the last date of signing below (the "Effective Date"), is between Green Dot Public Schools Southeast Texas ("GDPS STX"), a Texas nonprofit corporation, and Beaumont Independent School District ("BISD," referred to herein with GDPS STX individually as a "Party" and collectively as the "Parties"), a public independent school district and political subdivision of the State of Texas.

RECITALS

- A. WHEREAS, GDPS STX was organized for charitable and educational purposes for the operation of charter schools in partnership with local public school districts in Southeast Texas, such as BISD;
- B. WHEREAS, BISD is an independent school district created in accordance with the laws of the State of Texas;
- C. WHEREAS, as of December 16, 2020, the Parties have entered into an agreement for GDPS STX to operate Martin Luther King Jr. Middle School ("MLK"), as authorized by Senate Bill No. 1882, adopted by the 85th Texas Legislature in 2017, codified as Texas Education Code §§ 11.174 and 42.2511 (the "1882 Agreement");
- D. WHEREAS, the Parties believe it is in their respective best interests to memorialize the terms of their engagement regarding media and parent communications protocols, as outlined in Sections 10.12 and 10.13 of the 1882 Agreement; and
- E. WHEREAS, BISD acknowledges that it will also engage any agent, contractor or other representative assigned by GDPS STX to carry out the purposes of this MOA, including representatives of Green Dot Public Schools National ("GDPS NAT"), and that any GDPS STX duty or obligation stated in this MOA may be carried about by representatives of GDPS NAT.

NOW, THEREFORE, the Parties agree as follows:

1. EFFECT OF MOA

The Parties agree that the sole purpose of this MOA is to clarify media and communications protocols, as outlined in Sections 10.12 and 10.13 of the 1882 Agreement, and not to modify or amend the 1882 Agreement in any manner. For the avoidance of doubt, all terms and conditions contained in the 1882 Agreement shall remain in full force and effect as currently stated.

2. GDPS STX'S DUTIES, RIGHTS AND RESPONSIBILITIES

The following duties, rights and responsibilities apply to GDPS STX in furtherance of promoting the Parties' shared media and communications goals under the 1882 Agreement:

- (a) Operations and Emergency School Community Communications.**

 - i. GDPS STX will decide in its sole discretion how to communicate all operational decisions to MLK students, families and personnel, such as school closures and school reopening.
 - ii. GDPS STX will decide in its sole discretion how to communicate with MLK students, families and personnel regarding all emergency matters.
- (b) General Community Communications.** GDPS STX will decide how to communicate with community groups, elected officials and other relevant stakeholders regarding matters impacting MLK and/or the 1882 Agreement, provided that GDPS STX will use its best efforts to collaborate with BISD on such communications matters.
- (c) Access to information technology (“IT”) systems.** GDPS STX will have the right to maintain its own IT systems and to access BISD’s IT systems for data storage and message distribution to MLK students, families and personnel, to the extent allowable under applicable law.
- (d) Website Management.**

 - i. GDPS STX will have complete access to and administrative control of the existing MLK website on BISD’s content management system (“CMS”) platform. This includes, but is not limited to, the ability to make content changes, access user data and upload calendars, new content, marketing materials, and similar content.
 - ii. GDPS STX will have the option to migrate the MLK website to any other platform it maintains or has access to at any time.
 - iii. GDPS STX may elect for the MLK website to remain on BISD’s CMS and re-direct users (teachers, parents, students and others) to a GDPS STX website.
- (e) Social Media Management.** GDPS STX will have complete access to and administrative control of all MLK social media platforms, including, but not limited to, MLK accounts with Facebook, Instagram and Twitter.
- (f) Press Protocols.**

- i. GDPS STX may pitch stories about its partnership with BISD and anything relating to operations and student and teacher achievement provided it first obtains BISD approval.
- ii. GDPS STX may pitch stories about the MLK community to the press, such as interviews with GDPS STX personnel and MLK teachers, parents and students.
- iii. GDPS STX will share all press pitches with the designated BISD communications contact no later than 24 hours prior to the pitch date.
- iv. GDPS STX shall be authorized to communicate corrections to reporters' stories and letters to the editor in its sole discretion.
- v. GDPS STX shall be authorized to respond to urgent press inquiries requiring a rapid response in its sole discretion, provided GDPS STX shall use its reasonable efforts to notify BISD of such matters within 12 hours of the inquiry. Otherwise, GDPS STX shall collaborate with BISD on responding to non-urgent press inquiries.

(g) Logo and Visual Identity.

- i. GDPS STX shall adhere to BISD guidelines when referencing BISD and/or presenting BISD's logo. GDPS STX shall ensure its vendors and partners adhere to this requirement as well.
- ii. GDPS STX has developed its own logo for MLK, as exhibited by the image on Exhibit A attached to this MOA], of which GDPS STX maintains ownership (the "MLK Logo"). GDPS STX is responsible for maintaining stewardship and the visual identity of the MLK Logo.

(h) Filming Activity. GDPS STX maintains the right to film, and to authorize others to film, the MLK school site (all interior and exterior spaces) and all MLK activities, including, but not limited to, classroom activities, athletics activities, school graduation, and extracurricular activities, provided it obtains all necessary consents from those appearing on such films, including students, parents and school personnel.

3. BISD'S DUTIES, RIGHTS AND RESPONSIBILITIES

The following duties, rights and responsibilities apply to BISD in furtherance of promoting the Parties' shared media and communications goals under the 1882 Agreement:

(a) Operations and Emergency School Community Communications.

- i. BISD will only communicate operational decisions to MLK students and families, such as school closures and school reopening, if necessary and only after receiving prior approval to do so from GDPS STX.
- ii. BISD STX will only communicate with MLK students and families regarding emergency matters after following its internal protocols for the creation and

distribution of such content, which includes, but is not limited to, sharing the content with GDPS STX for purposes of receiving feedback and prior approval.

- (b) **General Community Communications.** BISD will defer to GDPS STX on how to communicate with community leaders, elected officials and other relevant stakeholders regarding matters impacting MLK and/or the 1882 Agreement, provided that GDPS STX uses its best efforts to collaborate with BISD on such communications matters.
- (c) **Access to BISD IT systems.** BISD will allow GDPS STX access to BISD's IT systems for data storage and message distribution to MLK students, families and personnel, to the extent allowable under applicable law.
- (d) **Website Management.** BISD will provide GDPS STX with complete access to and administrative control of the existing MLK website on BISD's CMS platform. This includes, but is not limited to, the ability to make content changes, access user data and upload calendars, new content, marketing materials, and similar content.
- (e) **Social Media Management.** BISD will provide GDPS STX with complete access to and administrative control of all MLK social media platforms currently maintained by BISD, including, but not limited to, MLK accounts with Facebook, Instagram and Twitter.
- (f) **Logo and Visual Identity.**
 - i. BISD shall adhere to GDPS STX guidelines when referencing GDPS STX and/or presenting GDPS STX's logo. BISD shall ensure its vendors and partners adhere to this requirement as well.
 - ii. BISD must adhere to GDPS STX branding guidelines in communications related to GDPS STX.
- (g) **General Cooperation.** To the extent not already specified in this Section 3, BISD will cooperate with GDPS STX to facilitate GDPS STX's duties, rights and responsibilities outlined in Section 2 of this MOA.

4. TERM AND TERMINATION

This MOA shall take effect on the Effective Date and shall terminate upon the termination of the

1882 Agreement ("Term"). The Parties shall revisit the MOA as necessary to mutually agree on amended terms and provisions throughout the Term.

5. WAIVER

The Parties agree to waive that certain requirement in Section 10.13 of the 1882 Agreement that required them to jointly approve a protocol for both general and urgent communications with students' parents within 60 days of the execution of the 1882 Agreement, and further acknowledge that such protocol has been adequately expressed in this MOA.

6. NOTICE

All notices, demands, consents, or other communications ("Notices") that either Party may be required or desire to give to the other Party pursuant to this MOA shall be in writing and shall be deemed delivered when: (a) personally delivered; (b) if mailed, five business days after deposit in the United States mail, postage prepaid, certified or registered mail, return receipt requested; (c) if delivered by a reputable overnight carrier, one business day after delivery to such carrier; or (d) if delivered by facsimile or electronic mail, on the date the facsimile or electronic mail transmission is confirmed, provided, that on such date, a separate copy is also delivered pursuant to clause (b) or (c) above.

7. MISCELLANEOUS

- (a) **Entire MOA.** This MOA constitutes the entire agreement between the Parties with respect to the subject matter herein, as of the Effective Date, and there are no understandings of any kind except as expressly set forth herein. Further, any and all prior understandings and agreements between the Parties, expressed or implied, written or oral, are superseded by this MOA.
- (b) **Modifications and Amendments; No Parol Evidence.** This MOA may be altered, changed, added to, deleted from, or modified only by agreement in writing approved by persons duly authorized by both Parties. Accordingly, no course of conduct or custom shall constitute an amendment to or modification of this MOA, and any attempt to amend or modify this MOA orally, or in a writing not so approved, shall be void. This MOA may not be modified, supplemented, explained, or waived by parol evidence.
- (c) **Severability.** In case any one or more of the provisions or parts of a provision contained in this MOA shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision or part of a provision of this

MOA.

- (d) **Negotiated MOA.** The provisions of this MOA were negotiated by the Parties and this MOA shall be deemed to have been drafted by both of the Parties.
- (e) **Breach and Waiver.** No failure on the part of any Party to enforce the provisions of this MOA shall act as a waiver of the right to enforce any provision. All waivers shall be strictly and narrowly construed. No delay in enforcing any right or remedy as a result of a breach of this MOA shall constitute a waiver thereof. No waiver of any provision of this MOA shall be deemed or shall constitute a waiver of any other provision.
- (f) **Counterparts.** This MOA may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Parties hereto have caused this MOA to be signed and delivered by their duly authorized representatives.

GDPS STX:

Dated: _____, 2021

By: _____

Name: Chris "Cliff" Claflin

Title: Executive Director

BISD:

Dated: _____, 2021

By: _____

Name: Shannon Allen

Title: Superintendent

EXHIBIT A





Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.E.12.**

Agenda Item Title: Consider approval of additional position(s) for Curriculum and Instruction, Human Resources and the Business Office for the 2021/202 school year

Cabinet Level Presenter(s): Derwin Samuels, Jr., Executive Director of Human Resources

Additional Presenter(s): Jenny Angelo, Executive Director of Curriculum and Instruction
Cheryl Hernandez, CFO

Executive Summary: The use of data to drive instructional choices and ensure all students are being served to meet their particular needs is a critical practice. Data must be collected, analyzed, and disseminated to staff with support in understanding its impact. The addition of a Data Fellow/Coordinator will ensure that this process is implemented with fidelity and that district and campus leaders receive actionable data in a timely way.

HB 4545 brought forth a dynamic focus on rectifying student learning loss throughout the 21 - 22 school year. Within HB 4545 are the requirements for Accelerated Instruction which will necessitate the addition of potentially hundreds of tutors on our campuses. The addition of an Accelerated Learning Coordinator will provide management of the required tutoring implementation and monitor its effectiveness.

High quality instructional staff is a vital component in achieving student success. To enhance our ability to provide focused exceptional instruction to our students, a dedicated talent Recruiter will consistently identify and recruit highly qualified staff, as well as facilitate retention efforts for existing staff for the district.

Millions of dollars of Elementary and Secondary School Emergency Relief (ESSER) Grant funds have been awarded to Beaumont ISD for the purpose of rectifying and addressing COVID-19 impacts. An ESSER Assistant is needed to assist with ESSER audit paperwork, obtain comparable quotes for ESSER purchases and serve as the Business Office point person for ESSER activities.

Recommendation: To approve the hiring of four (4) additional positions for the 2021/2022 school year. They are:

- Data Fellow/Coordinator (1) – Office of Curriculum & Instruction (ADM-4)
- Accelerated Learning Coordinator (1) – Office of Curriculum & Instruction (ADM-4)
- Recruiter (1) – Office of Human Resources (ADM-1)
- ESSER Assistant – (1) – Business Office and Curriculum & Instruction (Federal Programs) (Para-8)

Budget Impact* (if applicable): \$274,373

Funding Source (if applicable): TCLAS Grant - Data Fellow/Coordinator, ESSER II - Accelerated Learning Coordinator, ESSER II - Recruiter, ESSER II – ESSER Assistant

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A



Drew Samuels, Jr.
Cabinet Level Presenter's Signature

8/13/2021
Date

Cheryl Hernandez /s/
*CFO Signature (required if there is a budget impact)

8/13/2021
Date

General Counsel's Signature

Date



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: II.E.13.

Agenda Item Title: Approval of MOU for Partnership with World of Color

Cabinet Level Presenter(s): Anetra Cheatham

Additional Presenter(s):

Executive Summary: The Beaumont Independent School District engaged in partnership with World of Color (WOC) during the 2020-2021 school year in an effort to support PK services and school readiness for incoming Kindergarten students. In accordance with our Beaumont ISD PK requirements, World of Color is a Texas Rising Star entity with a rating of a three, has space available, provides all meals and snacks, has facilities which meet all Texas Early Learning guidelines, and is a part of the Texas School Ready System. The Office of Innovation is seeking Board approval to continue the partnership and expand the terms of the agreement between World of Color Development Center (WOC) and the Beaumont Independent School District/Lucas PreK Center (BISD) to include dual enrollment with BISD. The purpose of this agreement is to foster collaboration between the World of Color and Beaumont ISD in an effort to improve student achievement, early literacy skills and school readiness.

Recommendation: Approve the agreement between World of Color Development Center and the Beaumont Independent School District/Lucas PreK

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): meets program assurances (see pg 8)

Policy Reference (if applicable, list policy/regulation): N/A

Legal Review (if necessary, list attorney and firm): Sierra Fisher, General Counsel



Cabinet Level Presenter's Signature

8/16/2021

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

Beaumont Independent School District
and World of Color Development Center
Memorandum of Understanding
2021-2022

This agreement is between World of Color Development Center (WOC) and the Beaumont Independent School District/Lucas PreK Center (BISD). The purpose of this agreement is to foster collaboration between the World of Color and Beaumont ISD in an effort to improve student achievement, early literacy skills and school readiness.

PRIORITIES: WOC AND BISD PARTNERSHIP

1. Establish a clear agreement between WOC and BISD that provides for a productive and creative approach to the mission, goals, and requirements for the School District and the child care center.
2. Provide high quality instruction to all students enrolled at WOC and increase school/Kindergarten readiness for entry into the BISD system.
3. Collaborate in planning, implementation, and continuous improvement of the WOC pre-school program.

SUPPORT: WOC AND BISD PARTNERSHIP

4. The partnership model will be dual enrollment where students will be enrolled in BISD and the WOC Early Childhood entity. We will enroll both three and four year old students at WOC who meet eligibility standards for CCS and Texas Public Pre-K. WOC students will be attributed to Lucas Pre-K Center for all TEA reporting. [WOC agrees to adopt the BISD Board approved calendar to align with attendance accounting procedures of the district.](#)
5. BISD will provide certified teachers for PreK classes at the WOC child care site to provide instruction, support curriculum development and provide ongoing coaching for WOC teaching staff.
6. BISD teachers will provide a minimum of four hours of instruction per day, five days per week.
7. BISD and WOC will share various resources, curriculum, professional development, coaching and materials in support of the academic program.
8. BISD and WOC shall coordinate and provide transportation of BISD students served by WOC **as determined by BISD**. [Students attending WOC under the terms of this agreement and/or after school programming are transportation eligible based upon their school zone and proximity to WOC despite other transportation zones for all routes already established by the BISD that includes a point of service to WOC.](#)
9. [WOC will provide classroom aides who meet the minimum requirements of 30 hours annually for professional development and continuing education credits. Aides will assist and support the instructional and management activities of certified teachers provided by BISD.](#)
10. BISD will provide oversight and supervision of the program at WOC through a supervisor for Early Childhood Literacy. The certified teachers employed by BISD will be supervised by the Early Childhood Supervisor and the WOC teachers will be supervised by the WOC Director
11. WOC will provide full access to their facility and resources where students are being served during the hours of instruction. Facility access will include a designated classroom for BISD teachers to work with WOC students during the hours of instruction.
12. WOC agrees that BISD has the right to conduct assessments, collect student data and report data regarding student outcomes. This data may be utilized to support program evaluation and inform decisions regarding partnership continuation.
13. WOC agrees to provide access to student records as needed to ensure teachers are providing appropriate educational services. [WOC agrees to follow this provision for accessing student records as all LEAs are required by TEA to report all students enrolled in partnership classrooms into the Public Education Information Management System \(PEIMS\).](#)

14. WOC acknowledges that to the extent it receives confidential student information during the performance of duties under this Agreement, WOC is considered a “school official” in accordance with the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, and shall not disclose confidential student information or education records.
15. WOC agrees to submit all required documentation for the purpose of capturing student enrollment and attendance data within the timelines [and attendance policy](#) prescribed by BISD [including official attendance time](#).

BISD LIAISON TO WOC

The District’s Supervisor for Early Literacy will serve as liaison to WOC and as the district point of contact. The liaison and the WOC Director will meet regularly to ensure the success of this partnership.

TERM, RENEWAL, TERMINATION OF AGREEMENT

This agreement will commence on [August 19, 2021](#) and terminate on [July 31, 2022](#). The agreement may be renewed or extended by the partners based upon their written mutual consent. This agreement may also be amended by written agreement of both parties. Both WORLD OF COLOR DEVELOPMENT CENTER and BEAUMONT INDEPENDENT SCHOOL DISTRICT reserve the right to terminate this agreement, with or without cause, upon service of 90-day written notice to the other party. In this event, the date of termination will be the last day of the current semester or year of BISD school term, unless otherwise agreed by both parties. If notice is provided to terminate this agreement, BISD may discontinue it’s allocation of teachers servicing WOC.

Arlene Coleman/Kourtney Lynch, Date
Owner/Director
World of Color Development
Center

Dr. Shannon Allen, Superintendent Date
Beaumont Independent School District

Explanations of August Budget Amendments

General Fund GF-2

- Transfer a total of \$5,800 from staff development travel to instructional leadership travel and general supplies – Dyslexia Dept (801).
- Transfer \$100 from instructional general supplies to school leadership membership dues for TEPSA – Fletcher ES (110).
- Transfer \$2,500 from instructional general supplies to school leadership and guidance & counseling general supplies – Odom Academy (047).
- Transfer a total of \$8,249 from instructional professional services, misc contracted services, general supplies & fixed assets to school leadership and guidance & counseling general supplies, fixed assets, misc contacted services and employee travel (funds were not originally allocated in Functions 23 & 31) – Amelia ES (101).
- Transfer \$1,000 from instructional general supplies to school leadership employee travel – Guess ES (112).
- Transfer \$500 from instructional general supplies to guidance & counseling general supplies – Smith MS (042).
- Transfer \$2,000 from guidance & counseling employee travel to staff development employee travel – Special Education Dept (814).
- Transfer \$50,599 from instructional salaries to guidance & counseling salaries for PCN repurposing.
- Transfer \$79,661 from instructional leadership salaries to instructional salaries for PCN repurposing.
- Transfer \$45,000 from instructional salaries to health services salaries for PCN repurposing.
- Increase Leadership Development & Student Discipline budget for software purchase \$150,000.
- Increase Police Department budget for software purchase \$50,000.
- Increase budget for purchase orders carried forward from FY 20-21 for items not yet received or services performed on projects in progress:
 - Beaumont United HS \$ 5,603
 - Special Education Dept \$18,247
 - Jones-Clark ES \$ 1,867
 - Athletics Maintenance \$ 4,400
 - Maintenance Dept \$40,631

SR-1

- Fund 224 Special Education Department budget change request to increase Contracted Services amounts.

SR-2

- Fund 211.599 Title I Priority reallocate line to increase amounts for professional development.

2021-2022 BUDGET AMENDMENT NUMBER GF- 2

	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Expenditures			
199.13.6411.44.801.11.000	11,285	(5,800)	5,485
199.21.6411.44.801.99.000	-	5,000	5,000
199.21.6399.44.801.99.000	-	800	800
199.11.6399.04.110.30.000	35,398	(100)	35,298
199.23.6495.04.110.30.000	300	100	400
199.11.6399.04.047.30.000	53,250	(2,500)	50,750
199.23.6399.04.047.30.000	-	1,500	1,500
199.31.6399.01.047.99.000	-	1,000	1,000
199.11.6219.04.101.30.000	1,687	(1,687)	-
199.11.6299.04.101.30.000	562	(562)	-
199.11.6399.04.101.30.000	28,796	(4,500)	24,296
199.11.6395.04.101.30.000	5,062	(1,500)	3,562
199.23.6399.04.101.30.000	-	2,000	2,000
199.23.6499.04.101.30.000	-	999	999
199.23.6395.04.101.30.000	-	1,000	1,000
199.23.6411.04.101.30.000	-	2,000	2,000
199.31.6399.04.101.30.000	-	750	750
199.31.6411.04.101.30.000	-	1,000	1,000
199.31.6499.04.101.30.000	-	500	500
199.11.6399.04.112.30.000	14,752	(1,000)	13,752
199.23.6411.04.112.30.000	1,125	1,000	2,125
197.11.6399.01.042.11.000	6,885	(500)	6,385
197.31.6399.01.042.99.000	-	500	500
199.31.6411.65.814.23.000	15,000	(2,000)	13,000
199.13.6411.65.814.23.FED	-	2,000	2,000
199.11.6119.90.801.30.000	56,699	(50,699)	6,000
199.31.6119.90.814.23.000	207,242	50,699	257,941
199.21.6119.90.814.23.000	800,003	(79,661)	720,342
199.11.6119.90.814.23.000	1,633,170	79,661	1,712,831
199.11.6119.90.012.22.000	49,300	(45,000)	4,300
199.33.6119.90.125.99.000	61,670	45,000	106,670
199.31.6399.59.738.99.000	-	150,000	150,000
199.52.6399.69.850.99.000	8,000	50,000	58,000
199.11.6399.01.014.99.242	22,500	5,603	28,103
199.11.6395.65.814.23.000	-	18,247	18,247
198.23.6395.01.129.99.000	-	467	467
198.11.6395.04.129.30.000	6,000	1,400	7,400
199.51.6299.09.805.91.000	42,215	4,400	46,615
199.51.6299.07.819.99.608	21,917	348	22,265
199.51.6299.09.819.99.000	167,009	3,250	170,259
199.51.6395.80.819.99.000	15,000	9,132	24,132
199.81.6629.80.819.99.608	53,866	27,901	81,767

Total Expenditures 270,748

Net Change in the General Fund Budget (270,748)

2021-2022 BUDGET CHANGE

Total Revenues/Other Sources	173,445,347	-	173,445,347
Total Expenditures	<u>175,815,609</u>	<u>270,748</u>	<u>176,086,357</u>
2021-2022 Adjusted	(2,370,262)	(270,748)	(2,641,010)

2021-2022 BUDGET AMENDMENT NUMBER SR -1

	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
<u>Expenditures</u>			
<u>Instruction</u>			
224.31.6299.00.814.23.000	-	(30,000)	(30,000)
<u>Instructional Administration</u>			
224.11.6299.00.814.23.000	-	30,000	30,000
 Total Expenditures		<u>-</u>	
 Net (Increase) IDEA B FORMULA		-	

2020-2021 BUDGET CHANGE

Total Revenues/Other Sources	3,661,314		3,661,314
Total Expenditures	<u>3,661,314</u>		<u>3,661,314</u>
 2020-2021 Adjusted	-	-	-

2021-2022 BUDGET AMENDMENT NUMBER SR -2

	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
<u>Expenditures</u>			
	<u>Instruction</u>		
211.11.6411.11.801.11.599	-	(25,000)	(25,000)
	<u>Instructional Administration</u>		
211.41.6299.00.801.99.599	-	25,000	25,000
Total Expenditures		<u>-</u>	
Net (Increase) Title I Priority		-	

2020-2021 BUDGET CHANGE

Total Revenues/Other Sources	641,730		641,730
Total Expenditures	<u>641,730</u>		<u>641,730</u>
2020-2021 Adjusted	-	-	-



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.F.3.**

Agenda Item Title: Approve Purchases over \$50,000.00

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s): Toni McPherson, Anetra Cheatham, & Tiffany Eckenrod

Executive Summary: The attached list reflects the purchase over \$50,000.00.

Recommendation: Approve purchases in the amounts shown on attached list.

Budget Impact* (if applicable): General Fund - \$88,698.25
Federal Fund - \$950,843.52

Funding Source (if applicable): General Fund / Federal Fund

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): Ch. 44.031, EDGAR

Policy Reference (if applicable, list policy/regulation): CH (LOCAL)

Legal Review (if necessary, list attorney and firm): N/A

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/12/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



General Fund

Vendor	Department	Description/Justification of Purchase	Contract #	Cost
Sabyr	Information Technology	Annual licenses for the district's firewalls. These items are not part of the E-Rate program	Region V #20200703	\$88,698.25
TOTAL				\$88,698.25

Federal Fund

Heinemann	Innovation	Literacy intervention and benchmark assessment system for Jones-Clark	Sole Source	\$76,496.40
Heinemann	Innovation	Literacy intervention and benchmark assessment system for Smith	Sole Source	\$61,197.12
Hardie's Fresh Foods / Gordon Foods	Child Nutrition	Addition of FFVP Fresh Fruits and Vegetables initiative to 6 schools. Up to 15% in paper products. Grant reimbursed program at \$50 per child.	Choice Partners #19 / #20	\$183,150.00
Communities In Schools	Curriculum	Targeted dropout prevention program for all campuses	Sole Source	\$630,000.00
TOTAL				\$950,843.52



Description	Rate	Qty	Line Total
Palo Alto PAN-SFP-PLUS-SR SFP+ form factor, SR 10Gb optical transceiver, short reach 300m, OM3 MMF, duplex LC, IEEE 802.3ae 10GBASE-SR compliant	\$840.00	2	\$1,680.00
Palo Alto PAN-SFP-PLUS-LR SFP+ form factor, SR 10Gb optical transceiver, short reach 300m, OM3 MMF, duplex LC, IEEE 802.3ae 10GBAS	\$1,120.00	2	\$2,240.00
Palo Alto PAN-PA-5200-RACK4 Palo Alto Networks PA-5200 4 post rack mount kit	\$84.00	2	\$168.00
Palo Alto PAN-PA-5220-WF-1YR-HA2 WildFire subscription 1 year prepaid for device in an HA pair, PA-5220	\$6,440.00	2	\$12,880.00
Palo Alto PAN-PA-5250-DNS-1YR-HA2 DNS Security subscription 1 years preparid for device in an HA pair, PA-5520	\$6,440.00	2	\$12,880.00
Palo Alto PAN-PA-5220-TP-1YR-HA2	\$6,440.00	2	\$12,880.00

Prepared For
Beaumont ISD
Beaumont, TX

Estimate Number
2298

Estimate Date
08/04/2021

Threat prevention subscription 1
year prepaid for device in an HA
pair, PA-5250

Palo Alto PAN-PA-5220- URL2-1YR-HA2 URL filtering subscription 1 year prepaid for device in an HA pair, PA-5220	\$6,440.00	2	\$12,880.00
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Palo Alto PAN-EDU- TRAINING-100 Training Credit -To be redeemed with Authorized Training Partners (ATPs)	\$107.87	75	\$8,090.25
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Removal of old Cisco APs (still mounted throughout the district)	\$25.00	1000	\$25,000.00
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Subtotal	88,698.25
----------	-----------

Tax	0.00
-----	------

Estimate Total (USD)	\$88,698.25
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Notes

We are an authorized vendor on the Region 5 ESC Purchasing
Cooperative Contract #20200703.

Draft Proposal

Tier 2 Reading Curriculum

Funding Source: ESSER

With many of our children reading years below grade level, the Reading Advantage program is one of the many key initiatives that will help our scholars realize their potential and be able to use education to change their futures. We are recommending the Fountas and Pinnell curriculum because we believe that it is the most effective and beneficial option for scholars. The two alternative quotes are not truly comparable to what is offered with the F&P LLI curriculum.

Quote #1: Fountas and Pinnell Level Literacy Instruction Cost: \$76,496

Scholars are assessed using Fountas and Pinnell's Benchmark Assessment System which will provide interventionists and teachers with a starting reading level for scholars, and will match with LLI's leveled lessons. The curriculum includes systematic lessons and instructional procedures to provide effective and consistent guidance to scholars in every reading level. The kits include valuable resources such as prompting guides, student books, and an online data management system which will be used for lessons and evaluating scholars' progress. Alignment with small group curriculum direction. Targets skills & isolation and applies it in actual books. Allows for two scholar group support per classroom.

Quote #2: Phonics Cost: \$41,079.50

This intervention program focuses on the foundation of literacy such as using manipulatives and sound-spelling mapping. Diagnostic assessments are used to identify where scholars are struggling and to determine where to begin instruction. The cost of this curriculum includes teacher guides, cards for pronunciation, and virtual training for Reading Interventionists. The program allows for one scholar group support per classroom. There is no comprehension for grades K - 2.

The cost does not include the following elements:

- Assessment kits
- Student books
- Trade books

Quote #3: RISE Cost: \$41,774.20

This program focuses on reading comprehension, word study and phonics, and guided writing by teaching scholars in small groups. The curriculum provides a teacher's guide that includes prompts, discussion starters, and teaching points to provide a starting point for instruction. Smart Assessment kits provide students with a benchmark of the scholars' word knowledge, phonics skills, fluency, and comprehension skills. The cost includes teacher guides, Professional Development, and picture sorting cards. There is no comprehension for kindergarten reading level (level C). It is not able to help as many scholars because it only allows for one scholar group per classroom. This program is not a push-in model so it does not work with the established plan to provide support.

The cost does not include the following elements:

- Kindergarten level
- Student books
- Trade books

Scorecard Rating Area	Quote #1	Quote #2	Quote #3
Professional Development	Robust	Limited	Robust
Impact ratio (groups per classroom)	2:1	1:1	1:1
Provides assessment data (reading level) for teacher instruction	Yes	No	Yes
Fits within small group push-in framework	Yes	No	No
Applied Skills and Isolation	Yes	No	No
Supports K-8	Yes	No	No
High engagement/ scholar friendly	Yes	No	Yes
Long-term directional alignment with other curriculum within the literacy block	Yes	No	No
Ensuring fidelity with mobility/ teacher friendly	Yes	No	No



HEINEMANN
 PO BOX 6926
 PORTSMOUTH, NH 03802-6926
 800-225-5800
 WWW.HEINEMANN.COM
 ...

PLEASE SEND PURCHASE ORDERS TO:

CARLA WESTPHAL, SALES REPRESENTATIVE
 317-753-5247
carla@carlawestphalandassociates.com

DATE OF QUOTATION
 7/19/2021

STEPHANIE HAYES
 JONES CLARK
 3525 Cleveland St.
 Beaumont, TX 77703
 832-388-0196

Prices below reflect school pricing.
 Prices subject to change without notice.

PURCHASING BY INSTRUCTIONAL CONTEXT

Professional Learning Tools & Assessment						
Recommendation: Per Teacher (a la carte)						
Professional Learning Tools & Assessment						
Component	ISBN	# Title s	# Books	School Price	Qty.	Total Cost
Benchmark Assessment System 1, 3rd Edition (Levels A–N Grades K–2)	978-0-325-07769-7			\$ 425.00	5	\$ 2,125.00
Benchmark Assessment System 2, 3rd Edition (Levels L–Z Grades 3–8)	978-0-325-07770-3			\$ 425.00	5	\$ 2,125.00
Leveled Literacy Intervention (LLI)						
Component	ISBN	# Title s	# Books	School Price	Qty.	Total Cost
Complete System						
Leveled Literacy Intervention Green System, 2nd Edition Levels A–K (Grade 1)	978-0-325-06079-8	130	520	\$ 3,416.00	5	\$ 17,080.00
Leveled Literacy Intervention Red System, Levels L–Q (Grade 3)	9780325112244	150	900	\$ 4,950.00	5	\$ 24,750.00
Leveled Literacy Intervention Purple System, Levels R–W (Grade 5)	9780325109985	150	900	\$ 4,950.00	5	\$ 24,750.00

SHIPPING RATES:

\$0 TO \$2000	10% OR \$7 MINIMUM
\$2001 TO \$10,000	9%
\$10,001 TO \$50,000	8.5%
\$50,001 TO \$100,000	8%
\$100,001 TO \$200,000	7%
\$200,001 TO \$2,000,000	6%

	Total	\$ 70,830.00
Your Order Qualifies for a Shipping & Handling Rate of:	8.0%	\$ 5,666.40
Grand Total		\$ 76,496.40



Company Address 475 Half Day Road
 Ste. 350
 Lincolnshire, Illinois 60069
 United States

Created Date 7/26/2021
 Expiration Date 8/31/2021
 Quote Number [REDACTED]

Prepared By Stacey Miller
 Email smiller@95percentgroup.com

Contact Name Tasha Galloway

Parent Account [REDACTED]
 Bill To Name [REDACTED]
 Bill To [REDACTED]

Ship To Name [REDACTED]
 Ship To [REDACTED]

Product Description	Product	Sales Price	Quantity	Total Price
Phonological Awareness Screener for Intervention (PASI) Version 3.1	PA0104	\$495.00	5.00	\$2,475.00
Phonological Awareness Deluxe Package	PA1504	\$390.00	5.00	\$1,950.00
Basic Phonics Lesson Library with Decodable Passages	PH1247	\$1,850.00	5.00	\$9,250.00
Advanced Phonics Lesson Library with Decodable Passages	PH1248	\$1,500.00	5.00	\$7,500.00
Multisyllable Phonics Lesson Library with Decodable Passages	PH1249	\$1,275.00	5.00	\$6,375.00
Comprehension - Elementary Version	CM1400	\$185.00	5.00	\$925.00
Phonics Screener for Intervention (PSI) School Site License - Version 3.0 - Includes 1 copy of the PSI Student, to be shipped out separately.	PH0119	\$495.00	5.00	\$2,475.00
Phonics Chip Kit - Basic	PH2410	\$140.00	5.00	\$700.00
Phonics Chip Kit - Advanced	PH2420	\$140.00	5.00	\$700.00
Phonics Chip Kit - Multisyllable	PH2430	\$140.00	5.00	\$700.00
Multisyllable Routine Cards	PH3300	\$149.00	5.00	\$745.00
PASI Assessment, Virtual Product Training, includes digital training materials 60 minutes	PDV10000	\$500.00	1.00	\$500.00
PA Lessons, Virtual Product Training, includes digital training materials 90 min	PDV10010	\$700.00	1.00	\$700.00
PSI Assessment, Virtual Product Training, includes digital training materials 60 min	PDV12000	\$500.00	1.00	\$500.00
Complete Phonics Lesson Library, Virtual Product Training, includes digital training materials 120 min	PDV12050	\$1,000.00	1.00	\$1,000.00
Complete Phonics Chip Kit, Virtual Product Training, includes digital training materials 90 min	PDV12100	\$700.00	1.00	\$700.00
MSRC Overview, Virtual Product Training, includes digital training materials 60 min	PDV12110	\$500.00	1.00	\$500.00
Comprehension, Grades 3-6 Overview, Virtual Product Training, includes digital training materials, 60 min	PDV14000	\$500.00	1.00	\$500.00
Shipping & Handling - 10% of printed product	Z8910	\$2,884.50	1.00	\$2,884.50

Tax amounts subject to change based upon applicable laws.

Please fax your quote and purchase order to 847-793-0033



Subtotal	\$41,079.50
Total Price	\$41,079.50
Grand Total	\$41,079.50

Limited 30 day return/replacement policy: All product returns require prior approval. Please contact orders@95percentgroup.com to receive authorization. 15% restocking fee on all printed Phonics Lesson Library products. 10% on all other printed products. NO returns on opened shrink wrapped product. Damaged materials (stamped, written on, damaged from usage by client) will not be accepted. All sales are final for 95 Phonics Booster Bundle: Summer School Edition. NO refunds, exchanges or returns.

Tax amounts subject to change based upon applicable laws.

Please fax your quote and purchase order to 847-793-0033

PO BOX: 639852
Cincinnati, OH 45263-9852

Proforma Invoice

ORIGINAL

T.C.	DATE	INVOICE NO.	PAGE
1	07/30/21	[REDACTED]	1

20052289

BILL
TO

SHIP
TO

ACCOUNT NO.	ORDER REF. NO.	PURCHASE ORDER NUMBER
[REDACTED]	[REDACTED]	[REDACTED]

ITEM	QUANTITY	DESCRIPTION	OFFICE USE	UNIT PRICE	EXTENSION	DISC. %	NET AMOUNT
PLEASE EMAIL QUOTE TO tgalloway@phalenacademies.org Please note: This document is a proforma/price quote only. Sales taxes, if applicable, are not included. No product will be shipped based on this document's information. Please contact Scholastic Inc. to place an order based on this proforma/price quote. Thank you. ATTN INVOICE CLERK: PLEASE EMAIL INVOICE TO:							
0858382	5	RISE / RISE UP GRADE 1-5 SK ISBN: 978-1-338-58382-3		6500.00	32500.00		32500.00
0816345	5	GUIDED READING TEACHER'S SB ISBN: 978-1-338-16345-2		14.99	74.95		74.95
0854195	5	NEXT STEP GUIDED READING OPK ISBN: 978-1-338-54195-3		575.00	2875.00		2875.00
0855667	5	NEXT STEP GUIDED READING OPK ISBN: 978-1-338-55667-4		575.00	2875.00		2875.00
ITEM TOTAL							38324.95
SHIPPING/HAND							3449.25
SUBTOTAL							41774.20

QUANTITY	WEIGHT
20	0

SHIPPED ITEMS 0
BACKORDERED ITEMS WILL BE SHIPPED AND BILLED SEPARATELY.
CANCELLED ITEMS ARE NOT REFLECTED ON THIS INVOICE.

FEIN # 13-1824190
TERMS: 30 NET

PLEASE MAKE CHECKS OR MONEY ORDERS
PAYABLE TO:
SCHOLASTIC INC.
If there are any questions regarding payment, purchases or returns, please return this invoice for prompt adjustment.

0730
0577

Draft Proposal

Tier 2 Reading Curriculum

Funding Source: ESSER

With many of our children reading years below grade level, the Reading Advantage program is one of the many key initiatives that will help our scholars realize their potential and be able to use education to change their futures. We are recommending the Fountas and Pinnell curriculum because we believe that it is the most effective and beneficial option for scholars. The two alternative quotes are not truly comparable to what is offered with the F&P LLI curriculum.

Quote #1: Fountas and Pinnell Level Literacy Instruction Cost: \$61,197

Scholars are assessed using Fountas and Pinnell's Benchmark Assessment System which will provide interventionists and teachers with a starting reading level for scholars, and will match with LLI's leveled lessons. The curriculum includes systematic lessons and instructional procedures to provide effective and consistent guidance to scholars in every reading level. The kits include valuable resources such as prompting guides, student books, and an online data management system which will be used for lessons and evaluating scholars' progress. Alignment with small group curriculum direction. Targets skills & isolation and applies it in actual books. Allows for two scholar group support per classroom.

Quote #2: Phonics Cost: \$28,357.60

This intervention program focuses on the foundation of literacy such as using manipulatives and sound-spelling mapping. Diagnostic assessments are used to identify where scholars are struggling and to determine where to begin instruction. The cost of this curriculum includes teacher guides, cards for pronunciation, and virtual training for Reading Interventionists. The program allows for one scholar group support per classroom. There is no comprehension for grades K - 2.

The cost does not include the following elements:

- Assessment kits
- Student books
- Trade books

Quote #3: RISE Cost: \$32,039.66

This program focuses on reading comprehension, word study and phonics, and guided writing by teaching scholars in small groups. The curriculum provides a teacher's guide that includes prompts, discussion starters, and teaching points to provide a starting point for instruction. Smart Assessment kits provide students with a benchmark of the scholars' word knowledge, phonics skills, fluency, and comprehension skills. The cost includes teacher guides, Professional Development, and picture sorting cards. There is no comprehension for kindergarten reading level (level C). It is not able to help as many scholars because it only allows for one scholar group per classroom. This program is not a push-in model so it does not work with the established plan to provide support.

The cost does not include the following elements:

- Kindergarten level
- Student books
- Trade books

Scorecard Rating Area	Quote #1	Quote #2	Quote #3
Professional Development	Robust	Limited	Robust
Impact ratio (groups per classroom)	2:1	1:1	1:1
Provides assessment data (reading level) for teacher instruction	Yes	No	Yes
Fits within small group push-in framework	Yes	No	No
Applied Skills and Isolation	Yes	No	No
Supports K-8	Yes	No	No
High engagement/ scholar friendly	Yes	No	Yes
Long-term directional alignment with other curriculum within the literacy block	Yes	No	No
Ensuring fidelity with mobility/ teacher friendly	Yes	No	No



HEINEMANN
 PO BOX 6926
 PORTSMOUTH, NH 03802-6926
 800-225-5800
 WWW.HEINEMANN.COM
 ...

PLEASE SEND PURCHASE ORDERS TO:

CARLA WESTPHAL, SALES REPRESENTATIVE
 317-753-5247
carla@carlawestphalandassociates.com

DATE OF QUOTATION
 7/19/2021

STEPHANIE HAYES
 SMITH MS
 4415 Concord Dr.
 Beaumont, TX 77703
 409-614-5825

Prices below reflect school pricing.
 Prices subject to change without notice.

PURCHASING BY INSTRUCTIONAL CONTEXT

Professional Learning Tools & Assessment						
Recommendation: Per Teacher (a la carte)						
Professional Learning Tools & Assessment						
Component	ISBN	# Title s	# Books	School Price	Qty.	Total Cost
Benchmark Assessment System 1, 3rd Edition (Levels A–N Grades K–2)	978-0-325-07769-7			\$ 425.00	4	\$ 1,700.00
Benchmark Assessment System 2, 3rd Edition (Levels L–Z Grades 3–8)	978-0-325-07770-3			\$ 425.00	4	\$ 1,700.00
Leveled Literacy Intervention (LLI)						
Component	ISBN	# Title s	# Books	School Price	Qty.	Total Cost
Complete System						
Leveled Literacy Intervention Green System, 2nd Edition Levels A–K (Grade 1)	978-0-325-06079-8	130	520	\$ 3,416.00	4	\$ 13,664.00
Leveled Literacy Intervention Red System, Levels L–Q (Grade 3)	9780325112244	150	900	\$ 4,950.00	4	\$ 19,800.00
Leveled Literacy Intervention Purple System, Levels R–W (Grade 5)	9780325109985	150	900	\$ 4,950.00	4	\$ 19,800.00

SHIPPING RATES:

\$0 TO \$2000	10% OR \$7 MINIMUM
\$2001 TO \$10,000	9%
\$10,001 TO \$50,000	8.5%
\$50,001 TO \$100,000	8%
\$100,001 TO \$200,000	7%
\$200,001 TO \$2,000,000	6%

	Total	\$ 56,664.00
Your Order Qualifies for a Shipping & Handling Rate of:	8.0%	\$ 4,533.12
Grand Total		\$ 61,197.12



Company Address 475 Half Day Road
 Ste. 350
 Lincolnshire, Illinois 60069
 United States

Created Date 8/5/2021
 Expiration Date 8/27/2021
 Quote Number [REDACTED]

Prepared By Stacey Miller
 Email smiller@95percentgroup.com

Contact Name Tasha Galloway

Bill To Name [REDACTED]
 Bill To [REDACTED]

Ship To Name [REDACTED]
 Ship To [REDACTED]

Product Description	Product	Sales Price	Quantity	Total Price
Phonological Awareness Screener for Intervention (PASI) Version 3.1	PA0104	\$495.00	1.00	\$495.00
Phonics Screener for Intervention (PSI) School Site License - Version 3.0 - Includes 1 copy of the PSI Student, to be shipped out separately.	PH0119	\$495.00	1.00	\$495.00
Basic Phonics Lesson Library with Decodable Passages	PH1247	\$1,850.00	4.00	\$7,400.00
Advanced Phonics Lesson Library with Decodable Passages	PH1248	\$1,500.00	4.00	\$6,000.00
Multisyllable Phonics Lesson Library with Decodable Passages	PH1249	\$1,275.00	4.00	\$5,100.00
Multisyllable Routine Cards Package, includes Teacher's Edition and school year subscription to Digital Presentation, Valid August 15- June 15	PH3300	\$149.00	4.00	\$596.00
Phonics Chip Kit - Basic	PH2410	\$140.00	4.00	\$560.00
Phonics Chip Kit - Advanced	PH2420	\$140.00	4.00	\$560.00
Phonics Chip Kit - Multisyllable	PH2430	\$140.00	4.00	\$560.00
Comprehension - Elementary Version	CM1400	\$185.00	4.00	\$740.00
Comprehension, Grades 3-6 Overview, Virtual Product Training, includes digital training materials, 60 min	PDV14000	\$500.00	1.00	\$500.00
MSRC Overview, Virtual Product Training, includes digital training materials 60 min	PDV12110	\$500.00	1.00	\$500.00
PASI Assessment, Virtual Product Training, includes digital training materials 60 minutes	PDV10000	\$500.00	1.00	\$500.00
PSI Assessment, Virtual Product Training, includes digital training materials 60 min	PDV12000	\$500.00	1.00	\$500.00
Complete Phonics Lesson Library, Virtual Product Training, includes digital training materials 120 min	PDV12050	\$1,000.00	1.00	\$1,000.00
Complete Phonics Chip Kit, Virtual Product Training, includes digital training materials 90 min	PDV12100	\$700.00	1.00	\$700.00
Shipping & Handling - 10% of printed product	Z8910	\$2,151.60	1.00	\$2,151.60

Subtotal \$28,357.60
 Total Price \$28,357.60

Tax amounts subject to change based upon applicable laws.

Please fax your quote and purchase order to 847-793-0033



Grand Total \$28,357.60

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Tax amounts subject to change based upon applicable laws.

Proforma Invoice

ORIGINAL

T.C.	DATE	INVOICE NO.	PAGE
1	08/06/21	[REDACTED]	1

9578576

BILL TO [REDACTED]

SHIP TO [REDACTED]

ACCOUNT NO.	ORDER REF. NO.	PURCHASE ORDER NUMBER
[REDACTED]	[REDACTED]	

ITEM	QUANTITY	DESCRIPTION	OFFICE USE	UNIT PRICE	EXTENSION	DISC.%	NET AMOUNT
tgalloway@phalenacademies.org Please note: This document is a proforma/price quote only. Sales taxes, if applicable, are not included. No product will be shipped based on this document's information. Please contact Scholastic Inc. to place an order based on this proforma/price quote. Thank you. ATTN INVOICE CLERK: PLEASE EMAIL INVOICE TO:							
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0816345	4	GUIDED READING TEACHER'S SB ISBN: 978-1-338-16345-2		14.99	59.96		59.96
0854195	4	NEXT STEP GUIDED READING OPK ISBN: 978-1-338-54195-3		575.00	2300.00		2300.00
0855667	4	NEXT STEP GUIDED READING OPK ISBN: 978-1-338-55667-4		575.00	2300.00		2300.00
ITEM TOTAL							30659.96
SHIPPING/HAND							1379.70
SUBTOTAL							32039.66

QUANTITY	WEIGHT
16	0

SHIPPED ITEMS 0

BACKORDERED ITEMS WILL BE SHIPPED AND BILLED SEPARATELY.
CANCELLED ITEMS ARE NOT REFLECTED ON THIS INVOICE.

FEIN # 13-1824190
TERMS: 30 NET

PLEASE MAKE CHECKS OR MONEY ORDERS
PAYABLE TO:
SCHOLASTIC INC.

0806
0009

If there are any questions regarding payment, purchases or returns, please return this invoice for prompt adjustment.

**Beaumont Independent School District
 Child Nutrition Department
 2021-22 POs Greater than \$50,000 for Board Approval**

Vendor	Description	PO Amount - Additional for FFVP	Existing	New Total /c Vendor
Hardie's Fresh Foods	Produce	\$155,632	\$364,932	\$520,564
Gordon Food Service	Non-Food	\$27,518	\$354,000	\$381,518
		New		
	6341 food	\$155,632		
	6342 non-food	\$27,518		
	Total New Presented	\$183,150		



2021-2022 PROPOSAL

Date
July 26, 2021

To
Beaumont ISD 3395 Harrison Avenue Beaumont, TX 77706

Quantity	Description	Rate	Amount
21	<p>Placement of 21 full-time Communities In Schools of Southeast Texas Site Coordinators on 21 Beaumont ISD campuses for the 2021-2022 academic year.</p> <ol style="list-style-type: none"> 1. Beaumont United High School – 1 FTE 2. West Brook High School – 1 FTE 3. Amelia Elementary – 1 FTE 4. Blanchette Elementary – 1 FTE 5. Bingman Head Start – 1 FTE 6. Caldwood Elementary – 1 FTE 7. Charlton-Pollard Elementary – 1 FTE 8. Curtis Elementary – 1 FTE 9. Dishman Elementary – 1 FTE 10. Fletcher Elementary – 1 FTE 11. Guess Elementary – 1 FTE 12. Homer Elementary – 1 FTE 13. Lucas Pre-K Center – 1 FTE 14. Martin Elementary – 1 FTE 15. Pietzsch-MacArthur Elementary – 1 FTE 16. Regina-Howell Elementary – 1 FTE 17. Marshall Middle School – 1 FTE 18. Odom Academy – 1 FTE 19. Vincent Middle School – 1 FTE 20. Early College High School – 1 FTE 21. Smith Middle School – 1 FTE <p>Service Description: CISSET is a thoroughly evaluated dropout prevention program with a foundation of integrated student support systems. CISSET will provide intensive case-management and family support to at-risk students during the academic year. The CIS model relies heavily on a three-tiered approach: school-wide prevention, targeted and individualized early intervention services. Tier I – Schoolwide or large group activity given to a group of students and others to address a schoolwide goal or need. Schoolwide prevention services are coordinated with campus administration to provide education</p>	\$30,000	\$630,000

	<p>and tools to prepare youth and families to make healthy and informed decisions.</p> <p>Tier II – Targeted services given to students and/or families/guardians with a common goal or need, commonly received in a group setting.</p> <p>Tier III – Intensive, individualized services typically provided in a one-on-one setting to a CIS enrolled student and/or a family/guardian to address a highly-specific need.</p> <p>Each campus listed above will have access to a Mental Health Professional (LPC, LMSW, LCSW and/or etc.) that will visit and provide mental health services on the campus as needed through group and/or individual counseling.</p>		
Balance Due	Total	\$630,000	



**COMMUNITIES IN SCHOOLS OF SOUTHEAST TEXAS
and
BEAUMONT INDEPENDENT SCHOOL DISTRICT**

2021-2022 Cost Share Agreement for Communities In Schools Services

SECTION I: Introduction

This cost share agreement is made and entered into by and between Communities In Schools of Southeast Texas (CISSET), a private non-profit corporation, and the Beaumont Independent School District (the District). The Parties agree to enter into a cooperative effort to provide school-based support services to students and their families in order to increase their level of academic success. The Parties have severally and collectively agreed and by the execution hereof are bound to the mutual obligations and to the performances and accomplishments of the tasks hereinafter described.

SECTION 2: Service Description

CISSET is a thoroughly evaluated dropout prevention program with a foundation of integrated student support systems. CISSET will provide intensive case-management and family support to at-risk students during the academic year. The CIS model relies heavily on a three-tiered approach: school-wide prevention, targeted and individualized early intervention services.

- **Tier I** – Schoolwide or large group activity given to a group of students and others to address a schoolwide goal or need. Schoolwide prevention services are coordinated with campus administration to provide education and tools to prepare youth and families to make healthy and informed decisions.
- **Tier II** – Targeted services given to students and/or families/guardians with a common goal or need, commonly received in a group setting.
- **Tier III** – Intensive, individualized services typically provided in a one-on-one setting to a CIS enrolled student and/or a family/guardian to address a highly-specific need.

Targeted and individualized intervention services consist of a thorough assessment of student behavior, attendance and academic needs and strengths. The assessment can identify possible abuse, drug and alcohol use, family crisis or mental health concerns. CISSET staff members consult with school personnel, parents and school administration to identify youth that will benefit from additional support and engage those students in an individualized service plan.

The CIS framework does not rely solely on the skills of the site coordinator, but on accessing community resources that specialize in areas of grief and loss counseling, substance abuse, mental health assessment and services and basic needs. CIS has working relationships with numerous community agencies and programs that collaborate to provide student and family support through schools.

SECTION 3: Partner Performance

- A. CISSET shall, in satisfactory performance of this agreement, perform and/or assume responsibility for the following functions of the Beaumont ISD:

1. Provide overall management and supervision of CISSET programs.
 2. CISSET will follow national, state and local policies of the various funders and affiliations, and ethical standards for service provision, under applicable state and local laws. Further, CISSET will follow the written district or school policies concerning student service delivery where written district or school policies are more restrictive than the policies noted above, except as otherwise herein noted or mutually agreed in writing.
 3. Maintenance of files on students served containing all relevant data requisite to the case and to project criteria. Case records will only be released in accordance with the Confidentiality of Mental Health Information statutes under Texas Civil Law, and adhere to FERPA and state privacy and security requirements.
 4. Supervision and oversight of project staff in accordance with CISSET personnel policies and consistent with state and federal laws. Project staff members remain employees of CISSET. Individuals repositioned by other organizations to a CISSET project remain employees of the assigning organization, but each organization's actions are carried out under the auspices of CISSET and in accordance with the mutually agreed upon service delivery plan. If a project staff member resigns or is terminated for any reason, CISSET will arrange for qualified personnel to cover an extended absence to maintain quality services. CISSET will be given at least ten business days to find a replacement. CISSET will make reasonable efforts to replace the assigned personnel. If CISSET is unsuccessful in providing qualified personnel, the agency will refund Beaumont ISD on a pro-rata basis. CISSET staff cannot fulfill additional duties (administrative, clerical, classroom or otherwise) that would usually be assigned to district employees. CISSET staff cannot service as substitute teachers.
 5. Administrative, logistical and technical support to ensure the success of service delivery initiatives.
 6. Notification to the Principals and appropriate legal authorities of cases presented to its staff that involve suicidal ideation, violent behavior, child abuse, sexual abuse/harassment and legal custody. CISSET will assist in the resolution of such cases if requested by the principal.
 7. A report that will include a demographic profile of participants and outcomes. This report may include an account of resources brought to the district by CISSET as well as overall numbers of students participating in various CISSET activities. The district may request other reports.
- B. In support of this agreement, the Beaumont Independent School District shall provide and/or assume responsibility for the following:
1. A total of \$630,000 for managerial and operating costs associated with the implementation of CIS programming on twenty-one campuses for the 2021-2022 academic year. Campuses are: **Beaumont United High School, West Brook High School, Amelia Elementary, Blanchette Elementary, Bingman Head Start, Caldwell Elementary, Charlton-Pollard Elementary, Curtis Elementary, Dishman Elementary, Fletcher Elementary, Guess Elementary, Homer Elementary, Lucas Pre-K Center, Martin Elementary, Pietzsch-MacArthur Elementary, Regina-Howell Elementary, Marshall Middle School, Odom Academy, Vincent Middle School, Early College High School, and Smith Middle School.**
 2. Programmatic and office space; availability of a copier, internet access and a separate, direct telephone line for use by CISSET on each campus.
 3. Access to records such as grades, attendance, test scores and free/reduced lunch status, including limited access to the district data system for documentation of at-risk status and progress towards case-management goals of students participating in CIS programs.

4. Responsibility for all cases involving suicidal ideation, violent behavior, child abuse, sexual abuse/harassment or legal custody. The principal will provide CISSET updated information on the makeup, responsibilities and procedures of the Student Assistance Program.
5. Notification in writing of all developments, policy changes or other issues arising within the district or school which affect or have the potential to affect the provisions of this MOU or the operation of CIS programs.
6. Sufficient time each year for a brief CISSET overview and up-dates to the District's Trustees.
7. Inclusion of CISSET in the District Improvement Plan where appropriate and as agreed upon with the CISSET Executive Director (note: TEA provides a significant portion of the CISSET funding and requires that CISSET be included in the District Improvement Plan).

SECTION 4: Termination

- A. Either of the parties hereto shall have the right in such party's sole discretion and at such party's sole option to terminate this agreement at any time prior to the date of completion upon thirty (30) days written notice. Notification shall promptly be made in writing of such determination, the reasons for such termination and the effective date of such termination.
- B. Upon termination or receipt of notice to terminate, whichever occurs first, CISSET shall cancel, withdraw or otherwise terminate any outstanding orders or contracts and shall cease to incur costs, the District shall not be liable to CISSET or to the creditors for costs incurred after the date of termination of this agreement. Funds will be reimbursed to the District on a prorated basis (per month for the time period of September 1 through May 31).

SECTION 5: Signatures

This agreement constitutes the full and total understanding and agreement of the parties and any modification, amendment or alteration hereto must be agreed in writing by all parties hereto. This Agreement is and will be governed by the laws of the State of Texas.

The term of this agreement shall be from September 1, 2021 through August 31, 2022 and will be reviewed annually on or before July 1, 2022. Either party may cancel this MOU if thirty days written notification is provided to the other party at the addresses indicated below.

IN WITNESS WHEREOF this agreement is signed this _____ day of _____ 2021.

By: _____
(Superintendent Signature)

Dr. Shannon Allen, Superintendent
 Beaumont Independent School District
 3395 Harrison Ave.
 Beaumont, TX 77706

By: 
(Executive Director Signature)

Latrissa Goodman, Executive Director
 Communities In Schools of Southeast Texas
 350 Pine Street, Suite 500
 Beaumont, Texas 77701



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: II.F.4.

Agenda Item Title: Designate a Delegate and Alternate to the Texas Association of School Board (TASB) 2021 Delegate Assembly

Cabinet Level Presenter(s):

Additional Presenter(s):

Executive Summary:

Recommendation:

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A

Cabinet Level Presenter's Signature

Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date

Official Delegate Designation Form

Please note:

- Only board members of TASB Active Members (public school districts and ESCs) may serve as delegates or alternates.
- TASB Directors and the four Legislative Advisory Council (LAC) members serving on the TASB Legislative Committee are delegates by virtue of their positions. If one of your board members is also a TASB Director or one of the four LAC representatives, do not designate this member; he or she will already be participating as a voting delegate in the Assembly.
- If you are designating an individual newly elected to your board, please update your district's membership information in myTASB. The update form is available under the Member Profile link (<https://www.tasb.org/apps/memberprofile/index.aspx>). If you have any questions about updating your membership information, contact Michael Pennant (contact information located at bottom of page).
- You also may submit your designation online. The online form is available in myTASB under the Member Profile link (<https://www.tasb.org/apps/memberprofile/index.aspx>).
- The *Delegate Assembly Handbook* will be distributed electronically at least 20 days prior to Delegate Assembly. Hard copies of the *Handbook* will be mailed to delegates and alternates.

Delegate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district address) for Delegate Assembly materials:

_____ 3395 Harrison Avenue, Beaumont, TX 77706 _____

Alternate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district address) for Delegate Assembly materials:

_____ 3395 Harrison Avenue, Beaumont, TX 77706 _____

Name of school district: Beaumont Independent School District

County-district number: 123-910 **TASB (ESC) region number:** 5

I hereby certify that the above persons were chosen by our board as our official voting delegate and alternate to the 2021 TASB Delegate Assembly scheduled for October 3 (as provided by the TASB Bylaws).

Board president's signature: _____ Date: _____

Please return your board's designations online or to the address below by August 26, 2021, to ensure your delegate and alternate will receive the hard copy of the Handbook by mail. Registration will remain open until October 1 at 2 p.m.

Texas Association of School Boards
Attn: Michael Pennant
Fax: 512.467.3554
Email: michael.pennant@tasb.org

Questions? Contact Michael Pennant at 800.580.8272 or michael.pennant@tasb.org.





Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.F.5.**

Agenda Item Title: Accept Arbor Renewable Gasoline – Phase 1 LLC Application for an Appraised Value Limitation on Qualified Property

Cabinet Level Presenter(s): Cheryl Hernandez

Additional Presenter(s): Mali Hanley with O’Hanlon, Demerath & Castillo

Executive Summary: Discussion and possible action to accept Arbor Renewable Gasoline – Phase 1 LLC Application for an Appraised Value Limitation on Qualified Property, to authorize the Superintendent to review the Application for completeness and submit to the Comptroller, and to authorize the Superintendent to enter into any agreement to extend the deadline for Board action beyond 150 days, subject to Board ratification.

Recommendation: Accept Arbor Renewable Gasoline – Phase 1 LLC Application for an Appraised Value Limitation on Qualified Property, to authorize the Superintendent to review the Application for completeness and submit to the Comptroller, and to authorize the Superintendent to enter into any agreement to extend the deadline for Board action beyond 150 days, subject to Board ratification

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements):

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm):

Cheryl Hernandez
Cabinet Level Presenter's Signature

8/12/21
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel’s Signature

Date

TAB 1

APPLICATION

Application for Appraised Value Limitation on Qualified Property

(Tax Code, Chapter 313, Subchapter B or C)

INSTRUCTIONS: This application must be completed and filed with the school district. In order for an application to be processed, the governing body (school board) must elect to consider an application, but — by Comptroller rule — the school board may elect to consider the application only after the school district has received a completed application. Texas Tax Code, Section 313.025 requires that any completed application and any supplemental materials received by the school district must be forwarded within seven days to the Texas Comptroller of Public Accounts.

If the school board elects to consider the application, the school district must:

- notify the Comptroller that the school board has elected to consider the application. This notice must include:
 - the date on which the school district received the application;
 - the date the school district determined that the application was complete;
 - the date the school board decided to consider the application; and
 - a request that the Comptroller prepare an economic impact analysis of the application;
- provide a copy of the notice to the appraisal district;
- must complete the sections of the application reserved for the school district and provide information required in the Comptroller rules located at 34 Texas Administrative Code (TAC) Section 9.1054; and
- forward the completed application to the Comptroller, separating each section of the documents. See 34 TAC Chapter 9, Subchapter F.

The governing body may, at its discretion, allow the applicant to supplement or amend the application after the filing date, subject to the restrictions in 34 TAC Chapter 9, Subchapter F.

When the Comptroller receives the notice and required information from the school district, and has determined that all assertions of confidentiality are appropriate, the Comptroller will publish all submitted non-confidential application materials on its website. The Comptroller is authorized to treat some application information as confidential and withhold it from publication on the Internet. To do so, however, the information must be segregated and comply with the other requirements set out in the Comptroller's rules. For more information, see guidelines on Comptroller's website.

The Comptroller will independently determine whether the application has been completed according to the Comptroller's rules (34 TAC Chapter 9, Subchapter F). If the Comptroller finds the application is not complete, the Comptroller will request additional materials from the school district. Pursuant to 9.1053(a)(1)(C), requested information shall be provided within 20 days of the date of the request. When the Comptroller determines that the application is complete, it will send the school district a notice indicating so. The Comptroller will determine the eligibility of the project and issue a certificate for a limitation on appraised value to the school board regarding the application by the 90th day after the Comptroller receives a complete application—as determined by the Comptroller.

The school board must approve or disapprove the application not later than the 150th day after the application review start date (the date the application is finally determined to be complete by the Comptroller), unless an extension is granted. The Comptroller and school district are authorized to request additional information from the applicant that is reasonably necessary to issue a certificate, complete the economic impact evaluation or consider the application at any time during the application review period.

Please visit the Comptroller's website to find out more about the program at comptroller.texas.gov/economy/local/ch313/. There are links to the Chapter 313 statute, rules, guidelines and forms. Information about minimum limitation values for particular districts and wage standards may also be found at that site.

SECTION 1: School District Information

1. Authorized School District Representative

Date Application Received by District

First Name

Last Name

Title

School District Name

Street Address

Mailing Address

City

State

ZIP

Phone Number

Fax Number

Mobile Number (optional)

Email Address

2. Does the district authorize the consultant to provide and obtain information related to this application? Yes No

SECTION 1: School District Information (continued)

3. Authorized School District Consultant (If Applicable)

First Name _____ Last Name _____

Title _____

Firm Name _____

Phone Number _____ Fax Number _____

Mobile Number (optional) _____ Email Address _____

4. On what date did the district determine this application complete?

SECTION 2: Applicant Information

1. Authorized Company Representative (Applicant)

First Name _____ Last Name _____

Title _____ Organization _____

Street Address _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone Number _____ Fax Number _____

Mobile Number (optional) _____ Business Email Address _____

2. Will a company official other than the authorized company representative be responsible for responding to future information requests? Yes No

2a. If yes, please fill out contact information for that person.

First Name _____ Last Name _____

Title _____ Organization _____

Street Address _____

Mailing Address _____

City _____ State _____ ZIP _____

Phone Number _____ Fax Number _____

Mobile Number (optional) _____ Business Email Address _____

3. Does the applicant authorize the consultant to provide and obtain information related to this application? Yes No

SECTION 2: Applicant Information (continued)

4. Authorized Company Consultant (If Applicable)

Form fields for Authorized Company Consultant: First Name, Last Name, Title, Firm Name, Phone Number, Fax Number, Business Email Address.

SECTION 3: Fees and Payments

- 1. Has an application fee been paid to the school district? [] Yes [] No
The total fee shall be paid at the same time the application is submitted to the school district. Any fees not accompanying the original application shall be considered supplemental payments.
1a. If yes, include all transaction information below. Include proof of application fee paid to the school district in Tab 2. Any confidential banking information provided will not be publicly posted.

Form fields for transaction information: Payment Amount, Transaction Type, Payor, Payee, Date transaction was processed.

For the purpose of questions 2 and 3, "payments to the school district" include any and all payments or transfers of things of value made to the school district or to any person or persons in any form if such payment or transfer of thing of value being provided is in recognition of, anticipation of, or consideration for the agreement for limitation on appraised value.

- 2. Will any "payments to the school district" that you may make in order to receive a property tax value limitation agreement result in payments that are not in compliance with Tax Code §313.027(i)? [] Yes [] No [] N/A
3. If "payments to the school district" will only be determined by a formula or methodology without a specific amount being specified, could such method result in "payments to the school district" that are not in compliance with Tax Code §313.027(i)? [] Yes [] No [] N/A

SECTION 4: Business Applicant Information

- 1. What is the legal name of the applicant under which this application is made?
2. Texas Taxpayer I.D. number of entity subject to Tax Code, Chapter 171 (11 digits)
3. Parent Company Name Arbor Renewable Gas LLC
4. Parent Company Tax ID
5. NAICS code
6. Is the applicant a party to any other pending or active Chapter 313 agreements? [] Yes [] No
6a. If yes, please list application number, name of school district and year of agreement

SECTION 5: Applicant Business Structure

- 1. Business Organization of Applicant (corporation, limited liability corporation, etc)
2. Is applicant a combined group, or comprised of members of a combined group, as defined by Tax Code §171.0001(7)? [] Yes [] No
2a. If yes, attach in Tab 3 a copy of the most recently submitted Texas Comptroller Franchise Tax Form No. 05-165, No. 05-166, or any other documentation from the Franchise Tax Division to demonstrate the applicant's combined group membership and contact information.

SECTION 5: Applicant Business Structure (continued)

2b. Texas Franchise Tax Reporting Entity Taxpayer Name

2c. Reporting Entity Taxpayer Number

3. Is the applicant current on all tax payments due to the State of Texas? Yes No

4. Are all applicant members of the combined group current on all tax payments due to the State of Texas? Yes No N/A

SECTION 6: Eligibility Under Tax Code Chapter 313.024

1. Are you an entity subject to the tax under Tax Code, Chapter 171? Yes No

2. The property will be used for one of the following activities:

(1) manufacturing Yes No

(2) research and development Yes No

(3) a clean coal project, as defined by Section 5.001, Water Code Yes No

(4) an advanced clean energy project, as defined by Section 382.003, Health and Safety Code Yes No

(5) renewable energy electric generation See Tab 4 Yes No

(6) electric power generation using integrated gasification combined cycle technology Yes No

(7) nuclear electric power generation Yes No

(8) a computer center that is used as an integral part or as a necessary auxiliary part for the activity conducted by applicant in one or more activities described by Subdivisions (1) through (7) Yes No

(9) a Texas Priority Project, as defined by 313.024(e)(7) and TAC 9.1051* Yes No

3. Are you requesting that any of the land be classified as qualified investment? Yes No

4. Will any of the proposed qualified investment be leased under a capitalized lease? Yes No

5. Will any of the proposed qualified investment be leased under an operating lease? Yes No

6. Are you including property that is owned by a person other than the applicant? Yes No

7. Will any property be pooled or proposed to be pooled with property owned by the applicant in determining the amount of your qualified investment? Yes No

*Note: Applicants requesting eligibility under this category should note that there are additional application and reporting data submission requirements.

SECTION 7: Project Description

1. In Tab 4, attach a detailed description of the scope of the proposed project, including, at a minimum, the type and planned use of real and tangible personal property, the nature of the business, a timeline for property construction or installation, and any other relevant information. If the project is an amendment or a reapplication please specify and provide details regarding the original project.

2. Check the project characteristics that apply to the proposed project:

Land has no existing improvements

Land has existing improvements (complete Section 13)

Expansion of existing operation on the land (complete Section 13)

Relocation within Texas

SECTION 8: Limitation as Determining Factor

1. Does the applicant currently own the land on which the proposed project will occur? Yes No
2. Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project? Yes No
3. Does the applicant have current business activities at the location where the proposed project will occur? Yes No
4. Has the applicant made public statements in SEC filings or other documents regarding its intentions regarding the proposed project location? Yes No
5. Has the applicant received any local or state permits for activities on the proposed project site? Yes No
6. Has the applicant received commitments for state or local incentives for activities at the proposed project site? Yes No
7. Is the applicant evaluating other locations not in Texas for the proposed project? Yes No
8. Has the applicant provided capital investment or return on investment information for the proposed project in comparison with other alternative investment opportunities? Yes No
9. Has the applicant provided information related to the applicant's inputs, transportation and markets for the proposed project? ... Yes No
10. Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas? Yes No

Chapter 313.026(e) states "the applicant may submit information to the Comptroller that would provide a basis for an affirmative determination under Subsection (c)(2)." If you answered "yes" to any of the questions in Section 8, attach supporting information in Tab 5.

SECTION 9: Projected Timeline

NOTE: Only construction beginning after the application review start date (the date the Texas Comptroller of Public Accounts deems the application complete) can be considered qualified property and/or qualified investment.

1. Estimated school board ratification of final agreement _____
2. Estimated commencement of construction _____
3. Beginning of qualifying time period (MM/DD/YYYY) _____
4. First year of limitation (YYYY) _____
- 4a. For the beginning of the limitation period, notate which **one of the following** will apply according to provision of 313.027(a-1)(2):
 - A. January 1 following the application date
 - B. January 1 following the end of QTP
 - C. January 1 following the commencement of commercial operations
5. Commencement of commercial operations _____

SECTION 10: The Property

1. County or counties in which the proposed project will be located _____
2. Central Appraisal District (CAD) that will be responsible for appraising the property _____
3. Will this CAD be acting on behalf of another CAD to appraise this property? Yes No
4. List all taxing entities that have jurisdiction for the property, the portion of project within each entity and tax rates for each entity:

M&O (ISD): _____ <small>(Name, tax rate and percent of project)</small>	I&S (ISD): _____ <small>(Name, tax rate and percent of project)</small>
County: _____ <small>(Name, tax rate and percent of project)</small>	City: _____ <small>(Name, tax rate and percent of project)</small>
Hospital District: _____ <small>(Name, tax rate and percent of project)</small>	Water District: _____ <small>(Name, tax rate and percent of project)</small>
Other (describe): _____ <small>(Name, tax rate and percent of project)</small>	Other (describe): _____ <small>(Name, tax rate and percent of project)</small>

SECTION 10: The Property (continued)

5. List all state and local incentives as an annual percentage. Include the estimated start and end year of the incentive:

County: _____ (Incentive type, percentage, start and end year) City: _____ (Incentive type, percentage, start and end year)

Hospital District: _____ (Incentive type, percentage, start and end year) Water District: _____ (Incentive type, percentage, start and end year)

Other (describe): _____ (Incentive type, percentage, start and end year) Other (describe): _____ (Incentive type, percentage, start and end year)

Sabine Neches Nav, Drainage
District, Port of Beaumont

6. Is the project located entirely within the ISD listed in Section 1? Yes No
- 6a. If no, attach in **Tab 6** maps of the entire project (depicting all other relevant school districts) and additional information on the project scope and size. Please note that only the qualified property within the ISD listed in Section 1 is eligible for the limitation from this application. Please verify that all information in **Tabs 7 and 8**, Section 11, 12 and 13, and map project boundaries pertain to only the property within the ISD listed in Section 1.
7. Did you receive a determination from the Texas Economic Development and Tourism Office that this proposed project and at least one other project seeking a limitation agreement constitute a single unified project (SUP), as allowed in §313.024(d-2)? Yes No
- 7a. If yes, attach in **Tab 6** supporting documentation from the Office of the Governor.

SECTION 11: Texas Tax Code 313.021(1) Qualified Investment

NOTE: The minimum amount of qualified investment required to qualify for an appraised value limitation and the minimum amount of appraised value limitation vary depending on whether the school district is classified as Subchapter B or Subchapter C, and the taxable value of the property within the school district. For assistance in determining estimates of these minimums, access the Comptroller's website at comptroller.texas.gov/economy/local/ch313/.

1. At the time of application, what is the estimated minimum qualified investment required for this school district? _____
2. What is the amount of appraised value limitation for which you are applying? _____
- Note:** The property value limitation amount is based on property values available at the time of application and may change prior to the execution of any final agreement.
3. Does the qualified investment meet the requirements of Tax Code §313.021(1)? Yes No
4. Attach a description of the qualified investment [See §313.021(1).] The description must include:
- a. a specific and detailed description of the qualified investment you propose to make within the project boundary for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 7**);
 - b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your minimum qualified investment (**Tab 7**); and
 - c. a detailed map of the qualified investment showing location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period, with vicinity map (**Tab 11**).
5. Do you intend to make at least the minimum qualified investment required by Tax Code §313.023 (or §313.053 for Subchapter C school districts) for the relevant school district category during the qualifying time period? Yes No

SECTION 12: Texas Tax Code 313.021(2) Qualified Property

1. Attach a detailed description of the qualified property. [See §313.021(2)] The description must include:
- 1a. a specific and detailed description of the qualified property for which you are requesting an appraised value limitation as defined by Tax Code §313.021 (**Tab 8**);
 - 1b. a description of any new buildings, proposed new improvements or personal property which you intend to include as part of your qualified property (**Tab 8**);
 - 1c. a map or site plan of the proposed qualified property showing the location of the new buildings or new improvements inside the project area boundaries within a vicinity map that includes school district, county and reinvestment zone boundaries (**Tab 11**); and
 - 1d. Will any of the proposed qualified property be used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area? Yes No
- Note:** Property used to renovate, refurbish, upgrade, maintain, modify, improve, or functionally replace existing buildings or existing improvements inside or outside the project area cannot be considered qualified property and will not be eligible for a limitation. See TAC §9.1051(16).

SECTION 12: Texas Tax Code 313.021(2) Qualified Property (continued)

2. Is the land upon which the new buildings or new improvements will be built part of the qualified property described by §313.021(2)(A)? Yes No
- 2a. If yes, attach complete documentation including:
- a. legal description of the land (Tab 9);
 - b. each existing appraisal parcel number of the land on which the new improvements will be constructed, regardless of whether or not all of the land described in the current parcel will become qualified property (Tab 9);
 - c. owner (Tab 9);
 - d. the current taxable value of the land, attach estimate if land is part of larger parcel (Tab 9); and
 - e. a detailed map showing the location of the land with vicinity map (Tab 11).
3. Is the land on which you propose new construction or new improvements currently located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303? Yes No
- 3a. If yes, attach the applicable supporting documentation:
- a. evidence that the area qualifies as an enterprise zone as defined by the Governor's Office (Tab 16);
 - b. legal description of reinvestment zone (Tab 16);
 - c. order, resolution or ordinance establishing the reinvestment zone (Tab 16);
 - d. guidelines and criteria for creating the zone (Tab 16); and
 - e. a map of the reinvestment zone or enterprise zone boundaries with vicinity map (Tab 11)
- 3b. If no, submit detailed description of proposed reinvestment zone or enterprise zone with a map indicating the boundaries of the zone on which you propose new construction or new improvements to the Comptroller's office within 30 days of the application date. **See Tab 16**
- What is the anticipated date on which you will submit final proof of a reinvestment zone or enterprise zone? _____

SECTION 13: Information on Property Not Eligible to Become Qualified Property

1. In **Tab 10**, attach a specific and detailed description of all **existing property within the project boundary**. This includes buildings and improvements existing as of the application review start date (the date the application is determined to be complete by the Comptroller). The description must provide sufficient detail to locate all existing property on the land that will be subject to the agreement and distinguish existing property from future proposed property.
2. In **Tab 10**, attach a specific and detailed description of all **proposed new property within the project boundary that will not become new improvements** as defined by TAC 9.1051. This includes proposed property that: functionally replaces existing or demolished/removed property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property; or is otherwise ineligible to become qualified property. The description must provide sufficient detail to distinguish existing property (statement 1) and all proposed new property that cannot become qualified property from proposed qualified property that will be subject to the agreement (as described in Section 12 of this application).
3. For the property not eligible to become qualified property within the project boundary in response to statements 1 and 2 of this section, provide the following supporting information in **Tab 10**:
- a. maps and/or detailed site plan;
 - b. surveys;
 - c. appraisal district values and parcel numbers;
 - d. inventory lists;
 - e. existing and proposed property lists;
 - f. model and serial numbers of existing property; or
 - g. other information of sufficient detail and description.
4. Total estimated market value of existing property within the project boundary (that property described in response to statement 1): \$ _____
5. In **Tab 10**, include an appraisal value by the CAD of all the buildings and improvements existing as of a date within 15 days of the date the application is received by the school district.
6. Total estimated market value of proposed property not eligible to become qualified property (that property described in response to statement 2): \$ _____

Note: Investment for the property listed in statement 2 may count towards qualified investment in Column C of Schedules A-1 and A-2, if it meets the requirements of 313.021(1). Such property **cannot** become qualified property on Schedule B.

SECTION 14: Wage and Employment Information

1. What is the number of new qualifying jobs you are committing to create? _____
2. What is the number of new non-qualifying jobs you are estimating you will create? (See TAC 9.1051(14)) _____
3. Do you intend to request that the governing body waive the minimum new qualifying job creation requirement, as provided under Tax Code §313.025(f-1)? Yes No
 - 3a. If yes, attach evidence of industry standard in **Tab 12** documenting that the new qualifying job creation requirement above exceeds the number of employees necessary for the operation, according to industry standards.
4. Attach in **Tab 13** the four most recent quarters of data for each wage calculation below, including documentation from the Texas Workforce Commission website. The final actual statutory minimum annual wage requirement for the applicant for each qualifying job — which may differ slightly from this estimate — will be based on information available at the time of the application review start date (date of a completed application). See TAC §9.1051(21) and (22). **Note:** If a more recent quarter of information becomes available before the application is deemed complete, updated wage information will be required.
 - a. Non-qualified job wages
- average weekly wage for all jobs (all industries) in the county is _____
 - b. Qualifying job wage minimum option §313.021(5)(A)
-110% of the average weekly wage for manufacturing jobs in the county is _____
 - c. Qualifying job wage minimum option §313.021(5)(B)
-110% of the average weekly wage for manufacturing jobs in the region is _____
5. Which Tax Code section are you using to estimate the qualifying job wage standard required for this project? §313.021(5)(A) or §313.021(5)(B)
6. What is the minimum required annual wage for each qualifying job based on the qualified property? _____
7. What is the annual wage you are committing to pay for each of the new qualifying jobs you create on the qualified property? _____
8. Will the qualifying jobs meet all minimum requirements set out in Tax Code §313.021(3)? Yes No
9. Do you intend to satisfy the minimum qualifying job requirement through a determination of cumulative economic benefits to the state as provided by §313.021(3)(F)? Yes No
 - 9a. If yes, attach in **Tab 13** supporting documentation from the TWC, pursuant to §313.021(3)(F).
10. Do you intend to rely on the project being part of a single unified project, as allowed in §313.024(d-2), in meeting the qualifying job requirements? Yes No
 - 10a. If yes, attach in **Tab 6** supporting documentation including a list of qualifying jobs in the other school district(s).

SECTION 15: Economic Impact

1. Complete and attach Schedules A1, A2, B, and C in **Tab 14**. **Note:** Excel spreadsheet versions of schedules are available for download and printing at URL listed below.
2. Attach an Economic Impact Analysis, if supplied by an entity other than the Comptroller's office, in **Tab 15**. (*not required*)
3. If there are any other payments made in the state or economic information that you believe should be included in the economic analysis, attach a separate schedule showing the amount for each year affected, including an explanation, in **Tab 15**.

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17.

NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here

Print Name (Authorized School District Representative)

Title

sign here

Signature (Authorized School District Representative)

Date

2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here

Print Name (Authorized Company Representative (Applicant))

Title

sign here

Signature (Authorized Company Representative (Applicant))

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

18th day of May, 2021

Notary Public in and for the State of Texas

My Commission expires:

July 11, 2024

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

APPLICATION TAB ORDER FOR REQUESTED ATTACHMENTS

ATTACHMENT	
1	Sections 1-16
2	Proof of Payment of Application Fee
3	Documentation of Combined Group membership under Texas Tax Code 171.0001(7), history of tax default, delinquencies and/or material litigation <i>(if applicable)</i>
4	Detailed description of the project
5	Documentation to assist in determining if limitation is a determining factor
6	Description of how project is located in more than one district, including list of percentage in each district and, if determined to be a single unified project, documentation from the Office of the Governor <i>(if applicable)</i>
7	Description of Qualified Investment
8	Description of Qualified Property
9	Description of Land
10	Description of all property not eligible to become qualified property <i>(if applicable)</i>
11	<p>Maps that clearly show:</p> <ul style="list-style-type: none"> a) Project boundary and project vicinity, including county and school district boundaries b) Qualified investment including location of tangible personal property to be placed in service during the qualifying time period and buildings to be constructed during the qualifying time period c) Qualified property including location of new buildings or new improvements d) Any existing property within the project area e) Any facilities owned or operated by the applicant having interconnections to the proposed project f) Location of project, and related nearby projects within vicinity map g) Reinvestment or Enterprise Zone within vicinity map, showing the actual or proposed boundaries and size <p>Note: Maps should be high resolution files. Include map legends/markers.</p>
12	Request for Waiver of Job Creation Requirement and supporting information <i>(if applicable)</i> –
13	Calculation of non-qualifying wage target and two possible qualifying job wage requirements with TWC documentation
14	Schedules A1, A2, B, and C completed and signed Economic Impact <i>(if applicable)</i>
15	Economic Impact Analysis, other payments made in the state or other economic information <i>(if applicable)</i>
16	<p>Description of Reinvestment or Enterprise Zone, including:</p> <ul style="list-style-type: none"> a) evidence that the area qualifies as an enterprise zone as defined by the Governor's Office b) legal description of reinvestment zone c) order, resolution or ordinance establishing the reinvestment zone d) guidelines and criteria for creating the zone
17	Signature and Certification page, signed and dated by Authorized School District Representative and Authorized Company Representative <i>(applicant)</i>

TAB 2

PROOF OF PAYMENT OF APPLICATION FEE

TAB 3

**DOCUMENTATION OF COMBINED GROUP MEMBERSHIP
UNDER TEXAS TAX CODE 171.0001(7)**

APPLICANT IS NOT A MEMBER OF A COMBINED GROUP

**HISTORY OF TAX DEFAULT, DELIQUENCIES AND/OR
MATERIAL LITIGATION**

– N/A NONE –

Franchise Tax

2021 Annual No Tax Due Report

Confirmation

You Have Filed Successfully

Please do NOT send a paper form

Since you are electronically reporting this tax, you will not receive a paper tax return in the mail for subsequent reports due. To keep you up-to-date and informed of due dates for this tax, we will send a courtesy e-mail reminder to you at the e-mail address on file for this account.

[Print this page for your records](#)

Submission ID: 53657900

Date and Time of Filing: 03/04/2021 11:06:53 AM

Taxpayer ID: 32072862819

Taxpayer Name: ARBOR RENEWABLE GAS LLC

Taxpayer Address: 1800 BERING DR STE 510 HOUSTON, TX 77057 - 3158

Entered By: Heather Haley

Email Address: hh@arborgas.com

Telephone Number: (281) 849-9834 101

IP Address: 64.252.217.187

Additional Reports

Is this the reporting entity of a combined group?	No
Do any of the entities in the combined group have a temporary business loss preserved?	No
Will your total revenue be adjusted for the Tiered Partnership Election?	No

No Tax Due Report

SIC Code:	NAICS Code: 325120
Accounting Year Begin Date: 01/01/2020	Accounting Year End Date: 12/31/2020
Is this a passive entity as defined in Chapter 171 of the Texas Tax Code?	No
Is this entity's annualized total revenue below the no tax due threshold?	Yes
Does the entity have zero Texas Gross Receipts?	Yes
Is this entity a Real Estate Investment Trust (REIT) that meets the qualifications specified in section 171.0002(c)(4)?	No
Is this entity a New Veteran-Owned Business as defined in Texas Tax Code Sec. 171.0005?	No
Total Revenue:	\$0

Mailing Address

Street Address: 1800 BERING DR STE 510

City: HOUSTON

State: TX

Zip Code: 77057 - 3158

Country: USA

Public Information Report

Taxpayer

Taxpayer Name: ARBOR RENEWABLE GAS LLC

Taxpayer Number: 32072862819

SOS File Number or Comptroller File Number: 0803497673

Mailing Address: 1800 BERING DR STE 510
HOUSTON, TX 77057-3158

Principal Office:

Principal Place Of Business:

Changes from previous year?: Yes

Officers, Directors, Managers, Member or General Partner

Name: Timothy Vail

Title: CEO

Director? Yes

Term Expiration Date:

Mailing Address: 1800 Bering Dr Ste 510
Houston, TX 77057

Owned Entity(s)			
Owned Entity(s)	State of Formation	TX SOS File #	Percentage of Ownership
Arbor Renewable Gasoline - Phase 1 LLC	Delaware	803762069	100.0
Owners			
Owned Entity(s)	State of Formation	TX SOS File #	Percentage of Ownership
Anejo Partners LLC	Texas	803660618	100.0
Registered Agent and Office			
Agent: VAIL TIMOTHY			
Office: 1800 BERING DRIVE SUITE 510 HOUSTON, TX 77057-3158			
Declaration Statement			
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the submission date, and that a copy of this information has been mailed to each person named in this section who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.			

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Franchise Tax

2021 Annual No Tax Due Report

Confirmation

You Have Filed Successfully

Please do NOT send a paper form

Since you are electronically reporting this tax, you will not receive a paper tax return in the mail for subsequent reports due. To keep you up-to-date and informed of due dates for this tax, we will send a courtesy e-mail reminder to you at the e-mail address on file for this account.

[Print this page for your records](#)

Submission ID: 53658063

Date and Time of Filing: 03/04/2021 11:15:35 AM

Taxpayer ID: 32075924103

Taxpayer Name: ARBOR RENEWABLE GASOLINE - PHASE 1 LLC

Taxpayer Address: 1800 BERING DR STE 510 HOUSTON, TX 77057 - 3158

Entered By: Heather Haley

Email Address: hh@arborgas.com

Telephone Number: (281) 849-9834 101

IP Address: 64.252.217.187

Additional Reports

Is this the reporting entity of a combined group?	No
Do any of the entities in the combined group have a temporary business loss preserved?	No
Will your total revenue be adjusted for the Tiered Partnership Election?	No

No Tax Due Report

SIC Code:	NAICS Code:
Accounting Year Begin Date: 09/09/2020	Accounting Year End Date: 12/31/2020
Is this a passive entity as defined in Chapter 171 of the Texas Tax Code?	No
Is this entity's annualized total revenue below the no tax due threshold?	Yes
Does the entity have zero Texas Gross Receipts?	Yes
Is this entity a Real Estate Investment Trust (REIT) that meets the qualifications specified in section 171.0002(c)(4)?	No
Is this entity a New Veteran-Owned Business as defined in Texas Tax Code Sec. 171.0005?	No
Total Revenue:	\$0

Mailing Address

Street Address: 1800 BERING DR STE 510

City: HOUSTON

State: TX

Zip Code: 77057 - 3158

Country: USA

Public Information Report

Taxpayer

Taxpayer Name: ARBOR RENEWABLE GASOLINE - PHASE 1 LLC

Taxpayer Number: 32075924103

SOS File Number or Comptroller File Number: 0803762069

Mailing Address: 1800 BERING DR STE 510
HOUSTON, TX 77057-3158

Principal Office:

Principal Place Of Business:

Changes from previous year?: Yes

Officers, Directors, Managers, Member or General Partner

Name: Timothy Vail

Title: CEO

Director? Yes

Term Expiration Date:

Mailing Address:

Owned Entity(s)			
Owned Entity(s)	State of Formation	TX SOS File #	Percentage of Ownership
None entered.			
Owners			
Owned Entity(s)	State of Formation	TX SOS File #	Percentage of Ownership
Arbor Renewable Gas LLC	Delaware	803497673	100.0
Registered Agent and Office			
Agent: ARBOR RENEWABLE GAS LLC			
Office: 1800 BERING DR 510 HOUSTON, TX 77057-3158			
Declaration Statement			
I declare that the information in this document and any attachments is true and correct to the best of my knowledge and belief, as of the submission date, and that a copy of this information has been mailed to each person named in this section who is an officer, director or manager and who is not currently employed by this, or a related, corporation or limited liability company.			

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TAB 3

ARBOR RELATED ENTITIES

There are six Arbor-related entities, as follows:

1. Arbor Renewable Gas Holdings, LLC. This is the holding company and owns 100 percent of Arbor Renewable Gas LLC. ARG Holdings is owned by the Arbor management and investment team.
2. Arbor Renewable Gas LLC. ARG LLC is the immediate parent of Arbor Renewable Gas Phase 1 LLC (The Applicant). ARG LLC is an investment vehicle that provides capital to invest in plant infrastructure.
3. Arbor Renewable Gas Employer Co, LLC. ARG Employer employs Arbor's non-plant employees, including the ARG leadership team. ARG Holdings owns 99.9 percent of ARG Employer, while ARG Intermediate owns the remaining .01 percent (one-tenth of one percent) of ARG Employer.
4. Arbor Renewable Gas Intermediate, LLC. ARG Intermediate is a special purpose vehicle that owns .01 percent (one-tenth of one percent) of ARG Employer.
5. Arbor Renewable Gasoline - Phase 1 LLC (the Applicant). This is the operating company and will own and operate the facility and employ those employed at the facility.
6. Anejo Partners LLC. Anejo Partners is a dormant entity. Its assets have been wrapped into ARG Holdings. This entity is explained because it is listed on the last franchise tax return.

These entities are not currently members of a combined group as defined by Tax Code 171.0001(7).

TAB 4

DETAILED DESCRIPTION OF THE PROJECT

TAB 4

PROJECT DESCRIPTION

Applicant plans to design and construct a manufacturing facility that will utilize woody biomass as a feedstock. The process will produce syngas, which can be further processed into either renewable gasoline or renewable hydrogen.

Applicant is currently evaluating sites along the Texas and Louisiana Gulf Coast to build the project.

The projected investment is approximately \$319,650,000 with a projected estimate of \$5,350,000 for the purchase of the project site once location is determined. The total estimated investment for the facility including the land is \$325,000,000.

The project will employ 10 new qualifying jobs, averaging an annual salary of \$83,000, and consisting of a facility manager, office manager, operators, mechanic and an electrician. The construction phase of the project could create up to 300 peak construction jobs with opportunities to be built by local contractors, laborers, vendors and suppliers.

Project development is underway with a target final investment decision of Q4 2021. The estimated time to construct the facility is 20 months, with facility startup projected in Q4 2023. The project will utilize a GTI developed bubbling fluidized bed biomass gasification technology that processes one-inch chipped wood into syngas, which will be converted into crude methanol and finally into gasoline, LPG and CO₂. Alternatively, the syngas can be used to create hydrogen and CO₂.

The primary product will be renewable gasoline. If the facility manufactures renewable industrial hydrogen, that product is at pipeline specification purity and pressure, molecularly identical to natural gas-produced hydrogen, and becomes a fungible product once in the pipeline. The facility will also produce CO₂ at industrial scale.

The unit will produce very few emissions, as the majority of the CO₂ produced will be captured and sequestered in an approved storage facility. Because of this, the product manufactured at the facility is considered to be carbon negative, meaning that it removes more carbon from the atmosphere than it produces.

Customers can then use this carbon negative attribute to offset the environmental impacts of their own processes.

Renewable gasoline produced at the facility will be used to satisfy low carbon fuel standards in California and other markets.

During normal operations, the facility will produce three waste gas streams and LPG. Applicant will burn these in a gas turbine to generate renewable electricity for use by the

facility. Though Applicant is not primarily engaged in activities related to renewable energy electric generation, Applicant will be producing a continuous 11.5 megawatts of renewable electricity, which the facility will utilize to meet over 75 percent of the facility's power needs, and will purchase less than 25 percent of the facility's power needs from the grid.

The proposed investment for which tax limitation is sought includes:

- site development
- process and final product storage tanks
- wood grinding and processing
- biomass gasification island
- methanol synthesis plant
- gasoline production
- acid gas removal system
- steam turbine power generation
- other chemical processing equipment

The proposed improvements will include all process facilities, infrastructure and auxiliary equipment and any other infrastructure additions related to the Project facilities, including the following significant components:

- Methanol reactors
- Gasoline reactors
- Cooling fans
- Final product storage tanks
- Heat exchangers
- Heaters
- Pumps
- Valves
- Compressors
- Motors and motor control centers
- Process control systems
- Waste heat recovery boiler
- Flare stack
- Refining columns
- Pollution control equipment
- CO₂ capture equipment
- Process control buildings
- Warehouse, maintenance and other buildings
- Electric wood grinders
- Wood dryers

TAB 5

**DOCUMENTATION THAT THE LIMITATION ON APPRAISED
VALUE IS A DETERMINING FACTOR IN THE DECISION TO
INVEST CAPITAL AND CONSTRUCT THE PROJECT IN
TEXAS**

**CHAPTER 313.026(E) STATES “THE APPLICANT MAY
SUBMIT INFORMATION TO THE COMPTROLLER THAT
WOULD PROVIDE A BASIS FOR AN AFFIRMATIVE
DETERMINATION UNDER SUBSECTION (C)(2).” IF YOU
ANSWERED “YES” TO ANY OF THE QUESTIONS IN
SECTION 8, ATTACH SUPPORTING INFORMATION IN TAB 5.**

TAB 5

Section 8, No. 1 – Does the applicant currently own the land on which the proposed project will occur?

Yes, Applicant purchased a site in Jefferson County, Texas on May 6, 2021. Site may be used for the proposed project once a final investment decision is made.

Section 8, No. 2 – Has the applicant entered into any agreements, contracts or letters of intent related to the proposed project?

Yes, as stated above, Applicant entered into a real estate contract for the purchase of a possible site location in Jefferson County, Texas, and Applicant has also entered into an option contract for a competing site in West Baton Rouge Parish, Louisiana. Applicant has also entered into some basic engineering agreements that can be adapted for whichever site is selected. No other agreements or contracts have been entered into by Applicant.

Section 8, No. 5 – Has the applicant received any local or state permits for activities on the proposed project site?

Yes, Applicant qualified for a permit by rule from TCEQ for this project, so undertook the permit process as part of the project's due diligence. Applicant is exploring similar permit by rule opportunities for a competing site in Louisiana.

Section 8, No. 6 – Has the applicant received commitments for state and local incentives for activities at the proposed project site?

Yes, Commissioners' Court of Jefferson County approved the Ch. 312 tax abatement on July 20, 2021: 76-100% for tax years 2024-2033. This agreement will be received and filed on the Court's agenda August 10, 2021.

Section 8, No. 7 – Is the applicant evaluating other locations not in Texas for the proposed project?

Yes, Applicant has an option contract for a competing site in West Baton Rouge Parish, Louisiana. Applicant is currently in negotiation for the purchase of said site with the landowner. Also, Applicant has also received a preliminary incentive offer from the State of Louisiana.

Section 8, No. 10 – Are you submitting information to assist in the determination as to whether the limitation on appraised value is a determining factor in the applicant's decision to invest capital and construct the project in Texas?

Yes, one of the determining factors that renewable energy developers face when selecting an area for development is where they can achieve the greatest return on the Applicant's investment. An appraised value limitation on qualified property will allow these developers to significantly diminish the property tax liability that comprises a substantial ongoing cost of operation that directly impacts the economic rate of return for the project. As such, securing a Chapter 313 appraised value limitation is critical to establish a rate of return competitive with other investment opportunities, and is a determining factor affecting Applicant's final investment decision to construct and operate the proposed project in Texas.

As can be seen in the attached preliminary offer from the state of Louisiana, Applicant has received a 10-year tax abatement offer at 80 percent per year, for a proposed \$35.6 million

projected tax savings. LED is also offering an up to 6 percent payroll rebate on gross annual payroll for qualifying new jobs for up to 10 years, or a 1.5 percent project facility expense rebate on capital expenditures. LED estimates the value of this performance-based program to be up to \$3.4 million for Applicant. The total estimated incentive value from LED is \$39 million.

A comparison of Beaumont ISD M&O ad valorem taxes with and without the Chapter 313 appraised value limitation through the 25th anniversary of the beginning of the limitation period using the 2020 Beaumont ISD M&O ad valorem tax rate of \$.9664 per \$100 of the estimated M&O taxable values on Schedule B is shown below:

Year	Beaumont ISD M&O Taxes Without 313	Beaumont ISD M&O Taxes With 313
2021	\$ 80	\$ 80
2022	\$ 25,851	\$ 25,851
2023	\$ 25,851	\$ 25,851
2024	\$ 2,981,175	\$ 289,920
2025	\$ 2,832,116	\$ 289,920
2026	\$ 2,690,510	\$ 289,920
2027	\$ 2,555,985	\$ 289,920
2028	\$ 2,428,186	\$ 289,920
2029	\$ 2,306,776	\$ 289,920
2030	\$ 2,191,437	\$ 289,920
2031	\$ 2,081,866	\$ 289,920
2032	\$ 1,977,772	\$ 289,920
2033	\$ 1,878,884	\$ 289,920
2034	\$ 1,784,940	\$ 1,784,940
2035	\$ 1,695,693	\$ 1,695,693
2036	\$ 1,610,908	\$ 1,610,908
2037	\$ 1,530,363	\$ 1,530,363
2038	\$ 1,453,844	\$ 1,453,844
2039	\$ 1,381,152	\$ 1,381,152
2040	\$ 1,312,095	\$ 1,312,095
2041	\$ 1,246,490	\$ 1,246,490
2042	\$ 1,184,165	\$ 1,184,165
2043	\$ 1,124,957	\$ 1,124,957
2044	\$ 1,068,709	\$ 1,068,709
2045	\$ 1,015,274	\$ 1,015,274
2046	\$ 964,510	\$ 964,510
2047	\$ 916,285	\$ 916,285
2048	\$ 870,470	\$ 870,470
TOTAL	\$ 43,136,343	\$ 22,110,836
DIFFERENCE		\$ (21,025,507)

As shown above, the Chapter 313 appraised value limitation is projected to result in \$21,025,507 of tax savings. These savings have a material impact on the rate of return and discounted cash flow projections for the proposed project and are equivalent to 7% of the projected qualified investment, and consequently are a significant and determining factor in Applicant's decision to invest in the proposed project in Texas.

SUMMARY OF TERMS AND CONDITIONS OF PROJECT BEEF

Parties Arbor Renewable Gas, LLC ("Company")
 State of Louisiana through Department of Economic Development ("State")
 West Baton Rouge Parish ("Parish")

THIS IS A NON BINDING TERM SHEET

Company will make a capital investment of at least \$325 million at West Baton Rouge Parish, La and will deliver jobs and payroll commitments as described herein.

Company Commitments

Company will establish a facility to produce renewable gas at West Baton Rouge Parish. Company will make a capital investment of a minimum of \$325 million in land acquisition, infrastructure improvements, construction, renovations, machinery, equipment and/or tooling into said facility. Company will operate in said facility for a minimum of 10 years and add 20 new jobs. During this time, at its own expense, Company will cover cost of utilities and maintain the property to keep it in as reasonably safe condition as the operations permit. At said facility, Company will maintain more than 50% of total sales outside the state of Louisiana. The first full year of operation will commence by 1st quarter 2024, and total capital investment will be completed by 1st quarter 2024. Additional commitments include:

- Direct new jobs and new annual payroll (exclusive of benefits and contract labor) at the facility as follows:

Year	Average Number of New Jobs	New Actual Payroll (\$millions)	Year	Average Number of New Jobs	New Actual Payroll (\$millions)
2024	20	1.7	2029	20	1.9
2025	20	1.8	2030	20	1.9
2026	20	1.8	2031	20	2.0
2027	20	1.8	2032	20	2.0
2028	20	1.9	2033	20	2.0

State Incentive Package*:

**Est. Value
\$ Millions**

- | | |
|--|---------------|
| <p>1 The Industrial Tax Exemption Program is administered by and subject to a contract between the Company and the Louisiana Board of Commerce and Industry in collaboration with the local municipal and parish governing authorities. This program offers up to a 10-year exemption to the Company (five-year initial term at 80 percent and five-year renewal term at 80 percent), subject to approval of the Board of Commerce and Industry, local governmental entities, and the Governor, on the local ad valorem property tax for the facility. LED estimates, based on preliminary investment figures provided by you for the Company, that the exemption may result in up to \$35.6 million in projected tax savings for the Company during the time of the exemption period. The Company's commitments to jobs and payroll set forth above are the primary factors in obtaining and retaining the exemption.</p> | <p>\$35.6</p> |
|--|---------------|

- 2 The Quality Jobs Program, administered by and subject to a contract between the Company and the Louisiana Board of Commerce and Industry, provides a 4 percent or 6 percent payroll rebate on gross annual payroll for qualifying new jobs and a five-year initial term with a company option to renew for five additional years. The program also provides a rebate of state sales/use tax paid on construction materials purchased during the construction period and used exclusively on-site OR a 1.5 percent project facility expense rebate on capital expenditures (excluding land, existing building, tax-exempt machinery and equipment, and interest). If the Company qualifies and achieves its projected employment and payroll goals, LED estimates the value of this performance-based program could be up to \$3.4 million for the Company. \$3.4

Estimated Total **\$39 million**

TAB 6

DESCRIPTION OF HOW PROJECT IS LOCATED IN MORE THAN ONE DISTRICT, INCLUDING LIST OF PERCENTAGE IN EACH DISTRICT AND, IF DETERMINED TO BE A SINGLE UNIFIED PROJECT, DOCUMENTATION FROM THE OFFICE OF THE GOVERNOR

- N/A -

TAB 7

DESCRIPTION OF QUALIFIED INVESTMENT

TAB 7

DESCRIPTION OF THE QUALIFIED INVESTMENT

Applicant plans to design and construct a plant that will produce renewable gasoline or renewable hydrogen utilizing, 1,000 tons per day of waste wood as a feedstock. The plant configuration will produce carbon dioxide at an industrial scale. The estimated qualified investment of the plant and its facilities is \$319,650,000.

The proposed improvements will include all process facilities, infrastructure and auxiliary equipment and any other infrastructure additions related to the Project facilities, including the following significant components:

- Methanol reactors
- Gasoline reactors
- Cooling fans
- Final product storage tanks
- Heat exchangers
- Heaters
- Pumps
- Valves
- Compressors
- Motors and motor control centers
- Process control systems
- Waste heat recovery boiler
- Flare stack
- Refining columns
- Pollution control equipment
- CO2 capture equipment
- Process control buildings
- Warehouse, maintenance and other buildings
- Electric wood grinders
- Wood dryers

The qualified investment will also include any other necessary equipment to construct a fully functioning manufacturing plant.

The projected estimate for the purchase of the land for the plant and its facilities is \$5,350,000.

TAB 8

DESCRIPTION OF QUALIFIED PROPERTY

TAB 8

DESCRIPTION OF THE QUALIFIED PROPERTY

Applicant plans to design and construct a plant that will produce renewable gasoline, utilizing 1,000 tons per day of waste wood as a feedstock. The plant configuration will produce carbon dioxide at an industrial scale. The estimated investment of the plant is \$319,650,000, with a projected estimate of \$5,350,000 for the purchase of the land once the site location is determined. The total estimated investment of the qualified property is \$325,000,000.

The proposed improvements will include all process facilities, infrastructure and auxiliary equipment and any other infrastructure additions related to the Project facilities, including the following significant components:

- Methanol reactors
- Gasoline reactors
- Cooling fans
- Final product storage tanks
- Heat exchangers
- Heaters
- Pumps
- Valves
- Compressors
- Motors and motor control centers
- Process control systems
- Waste heat recovery boiler
- Flare stack
- Refining columns
- Pollution control equipment
- CO2 capture equipment
- Process control buildings
- Warehouse, maintenance and other buildings
- Electric wood grinders
- Wood dryers

The qualified property will also include any other necessary equipment to construct a fully functioning manufacturing plant.

TAB 9

DESCRIPTION OF LAND

The unimproved land on which the proposed project may be located is identified on the appraisal records of the Jefferson Central Appraisal District (“JCAD”) by Property ID No. 130642 and Geographic ID No. 300032-000-003900-00000, and containing approximately 53.41-acres.

See attached JCAD account details.



Property

Account

Property ID:	130642	Legal Description:	P HUMPHREYS-ABS 32 TR 21(H-2) 53.41 AC
Geographic ID:	300032-000-003900-00000	Zoning:	CM
Type:	Real	Agent Code:	
Property Use Code:	D1		
Property Use Description:	5+ ACRES PASTURE/RANCH		

Location

Address:	HIGHWAY 347 BEAUMONT, TX	Mapsco:	101-87
Neighborhood:		Map ID:	0
Neighborhood CD:			

Owner

Name:	ARBOR RENEWABLE GAS LLC	Owner ID:	708220
Mailing Address:	1800 BERING DR STE 510 HOUSTON, TX 77057	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$685,710	\$8,545
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$685,710	
(-) Ag or Timber Use Value Reduction:	-	\$677,165	

(=) Appraised Value:	=	\$8,545	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$8,545	

Taxing Jurisdiction

Owner: ARBOR RENEWABLE GAS LLC
 % Ownership: 100.0000000000%
 Total Value: \$685,710

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
101	BEAUMONT ISD	1.220450	\$8,545	\$8,545	\$104.29
221	CITY OF BEAUMONT	0.710000	\$8,545	\$8,545	\$60.67
341	PORT OF BEAUMONT	0.109105	\$8,545	\$8,545	\$9.32

755	SABINE NECHES NAV DIST	0.090426	\$8,545	\$8,545	\$7.73
851	DRAINAGE DISTRICT #7	0.294990	\$8,545	\$8,545	\$25.21
901	JEFFERSON COUNTY	0.364977	\$8,545	\$8,545	\$31.18
A59	FARM AND LATERAL ROAD	0.000000	\$8,545	\$8,545	\$0.00
CAD	JEFFERSON CO APPRAISAL DISTRICT	0.000000	\$8,545	\$8,545	\$0.00
T341	TIF PORT OF BMT	0.000000	\$8,545	\$8,545	\$0.00
Total Tax Rate:		2.789948			
				Taxes w/Current Exemptions:	\$238.40
				Taxes w/o Exemptions:	\$238.40

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	CPAI	IMPV PAST-CITY	7.2314	315000.00	1050.00	300.00	\$157,500	\$1,157
2	CPAI	IMPV PAST-CITY	0.8264	36000.00	0.00	0.00	\$18,000	\$132
3	CPAI	IMPV PAST-CITY	22.6760	987940.80	0.00	0.00	\$340,140	\$3,628
4	CPAI	IMPV PAST-CITY	22.6760	987940.80	0.00	0.00	\$170,070	\$3,628

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2021	\$0	\$685,710	8,545	8,545	\$0	\$8,545
2020	\$0	\$685,710	8,279	8,279	\$0	\$8,279
2019	\$0	\$685,710	7,370	7,370	\$0	\$7,370
2018	\$0	\$685,710	6,460	6,460	\$0	\$6,460
2017	\$0	\$685,710	5,390	5,390	\$0	\$5,390
2016	\$0	\$685,710	5,390	5,390	\$0	\$5,390
2015	\$0	\$685,710	4,590	4,590	\$0	\$4,590
2014	\$0	\$685,710	3,840	3,840	\$0	\$3,840
2013	\$0	\$685,710	3,200	3,200	\$0	\$3,200
2012	\$0	\$685,710	3,200	3,200	\$0	\$3,200
2011	\$0	\$685,710	3,100	3,100	\$0	\$3,100
2010	\$0	\$293,170	3,200	3,200	\$0	\$3,200
2009	\$0	\$293,170	3,310	3,310	\$0	\$3,310
2008	\$0	\$164,660	3,420	3,420	\$0	\$3,420
2007	\$0	\$164,660	3,260	3,260	\$0	\$3,260

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	5/6/2021	WD	WARRANTY DEED	CORDTS E G JR & GRACE N & MASHED O MINERALS LP	ARBOR RENEWABLE GAS LLC			2021015512
2	1/20/2015	WD	WARRANTY DEED		MASHED O MINERALS LP			2015037904
3	1/20/2015	WD	WARRANTY DEED	CORDTS E G JR	CORDTS E G JR & GRACE N & MASHED O MINERALS LP			2015002094

TAB 9

LEGAL DESCRIPTION

Being 53.54 acres of land, part of Tract H-2 of Partition Map No. 2 of the McFaddin Trust in the Pelham Umphries Survey, Abstract No. 32, recorded in Volume 7, page 133 of the Map Records of Jefferson County, Texas; being part of Tract No. H-2 of multiple tracts of land recorded in Volume 692, page 22, of the Deed Records of Jefferson County, Texas; said 53.54 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a brass disc found in concrete for the Northeasterly corner of a (called 7.595) acre tract of land conveyed to E. I. Du Pont De Nemours & Company, recorded in Volume 845, page 48 of the Deed Records of Jefferson County, Texas; said brass disc being on the Westerly right-of-way line of a dedicated road named State Highway 347 (a.k.a. Twin City Highway); also being the Southeasterly corner of the herein described tract; having a State Plane Coordinate of N: 13948984.10, E: 3538676.65;

THENCE, South 39 deg., 09 min., 57 sec., West, on the Northerly line of the (called 7.595) acre tract, a distance of 2171.12' to a ½" steel rod, capped and marked "S&P", found for the Northwesterly corner of the (called 7.595) acre tract on the Easterly line of a (called 50.84) acre tract of land conveyed to Gulf States Utilities Company, recorded as Tract 3 in Volume 370, page 38, Deed Records of Jefferson County, Texas; said ½" steel rod being the Southwesterly corner of the herein described tract having a State Plane Coordinate of N: 13947300.78, E: 3537305.44;

THENCE, North 52 deg., 25 min., 13 sec., West, on the Easterly line of the (called 50.84) acre tract, a distance of 937.65' to a ½" steel rod, capped and marked "SOUTHEX", set on the intersection of the Easterly line of the (called 50.84) acre tract and the Easterly right-of-way line of a dedicated road named US Highway 69, 96, 287;

THENCE, North 27 deg., 32 min., 46 sec., West, on the Easterly right-of-way line of said US Highway 69, 96, 287, a distance of 134.93' to a ½" steel rod found for the Northwesterly corner of the herein described tract;

THENCE, North 38 deg., 32 min., 42 sec., East, a distance of 2128.07' to a 5/8" steel rod found for the Northeast corner of the herein described tract on the Westerly right-of-way line of said State Highway 347; from which a TxDOT concrete monument found bears North 51 deg., 23 min., 57 sec., West, a distance of 4.29';

THENCE, South 51 deg., 40 min., 07 sec., East on the Westerly right-of-way line of said State Highway 347, a distance of 1084.41' to the POINT OF BEGINNING and containing 53.54 acres of land, more or less.

TAB 10

**DESCRIPTION OF ALL PROPERTY NOT ELIGIBLE TO
BECOME QUALIFIED PROPERTY**

- N/A -

TAB 11

MAPS

- A) PROJECT BOUNDARY AND PROJECT VICINITY, INCLUDING COUNTY AND SCHOOL DISTRICT BOUNDARIES**

- B) QUALIFIED INVESTMENT INCLUDING LOCATION OF TANGIBLE PERSONAL PROPERTY TO BE PLACED IN SERVICE DURING THE QUALIFYING TIME PERIOD AND BUILDINGS TO BE CONSTRUCTED DURING THE QUALIFYING TIME PERIOD**

- C) QUALIFIED PROPERTY INCLUDING LOCATION OF NEW BUILDINGS OR NEW IMPROVEMENTS**

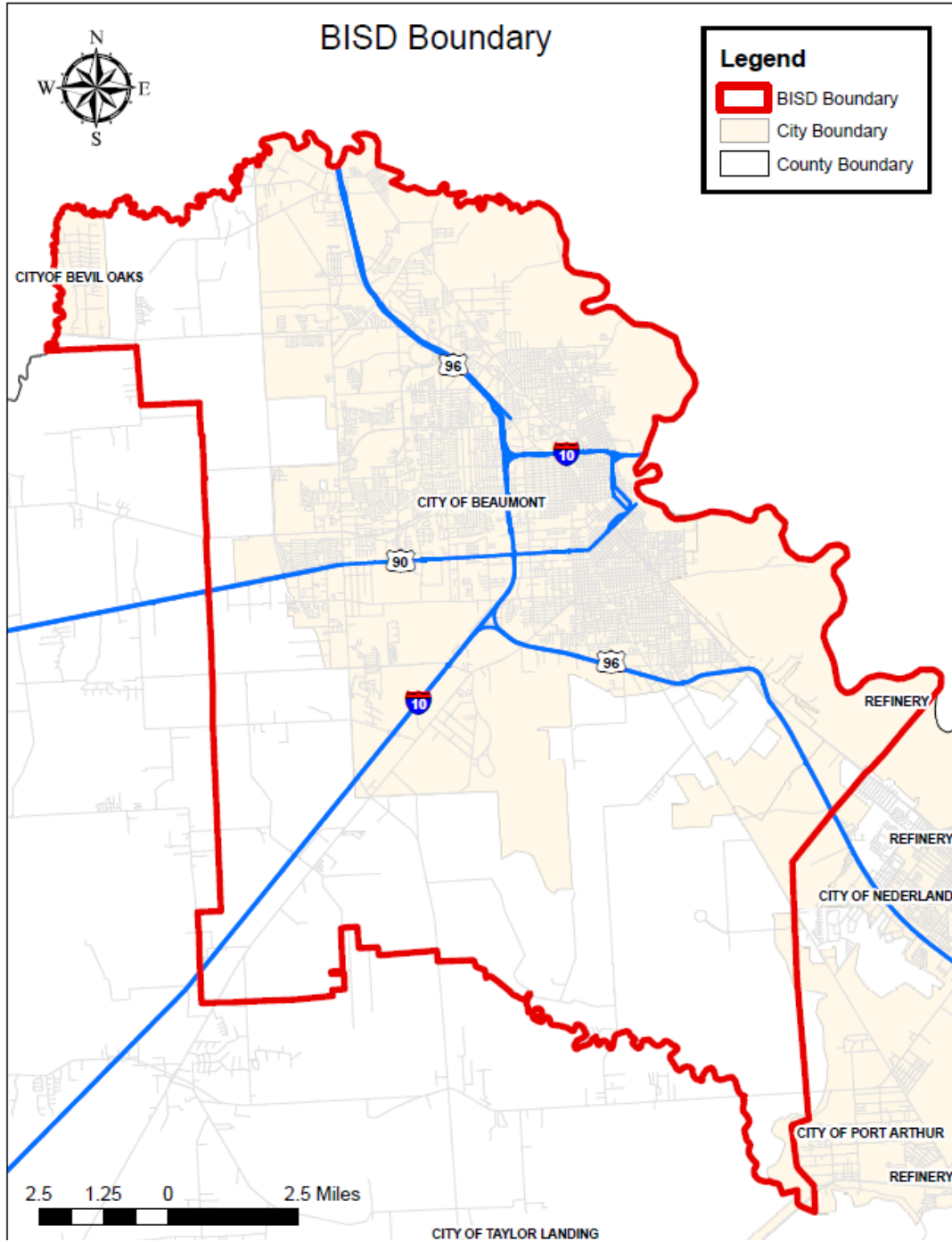
- D) ANY EXISTING PROPERTY WITHIN THE PROJECT AREA (- N/A -)**

- E) ANY FACILITIES OWNED OR OPERATED BY THE APPLICANT HAVING INTERCONNECTIONS TO THE PROPOSED PROJECT (- N/A -)**

- F) LOCATION OF PROJECT, AND RELATED NEARBY PROJECTS WITHIN VICINITY MAP (- N/A - THERE ARE NO RELATED NEARBY PROJECTS)**

- G) REINVESTMENT OR ENTERPRISE ZONE WITHIN VICINITY MAP, SHOWING THE ACTUAL OR PROPOSED BOUNDARIES AND SIZE**

MAP 11 A
SCHOOL DISTRICT (BEAUMONT ISD) BOUNDARY



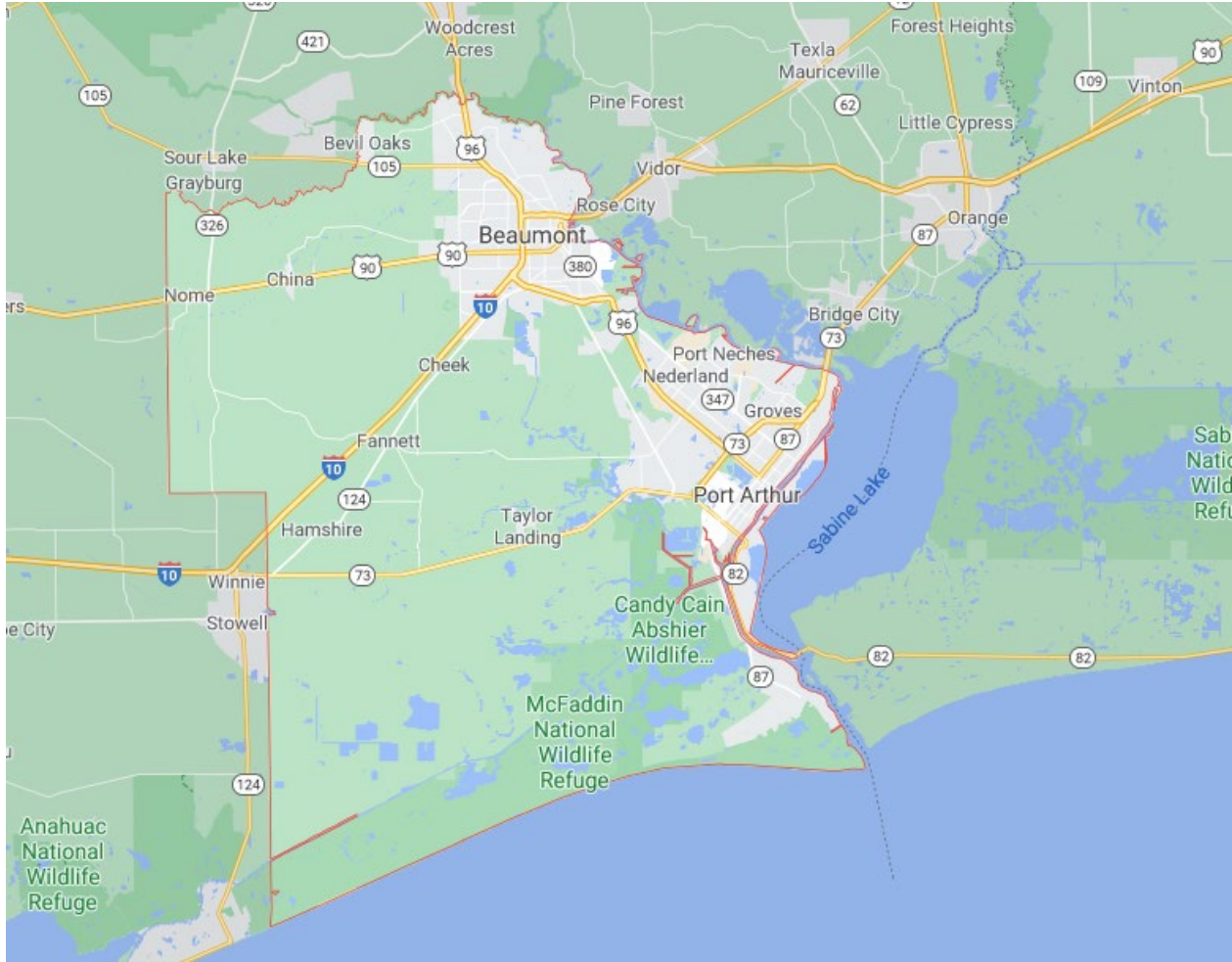
MAP 11 A
SCHOOL DISTRICT (BEAUMONT ISD)/ PARCEL VICINITY MAP



MAP 11 A
JEFFERSON COUNTY BOUNDARY/ PARCEL VICINITY MAP



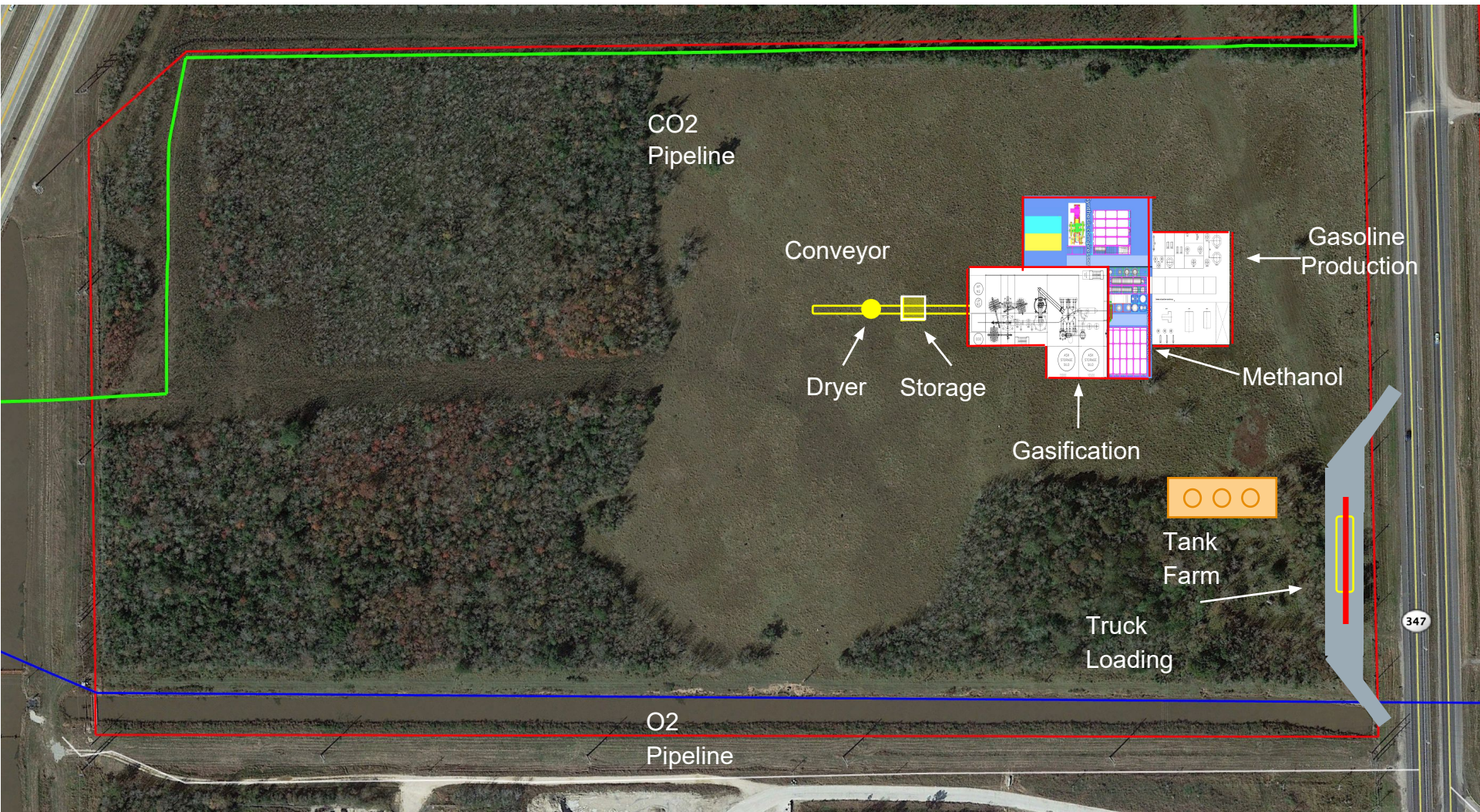
MAP 11 A JEFFERSON COUNTY BOUNDARY



**MAP 11 A
PROJECT BOUNDARY**



11 B AND 11 C
QUALIFYING INVESTMENT/ QUALIFYING PROPERTY

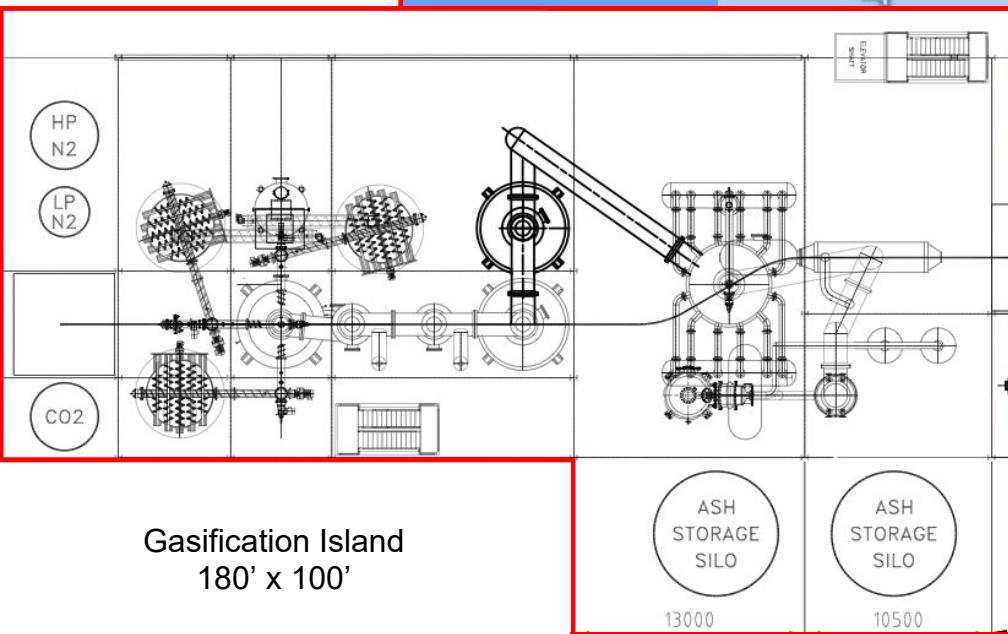
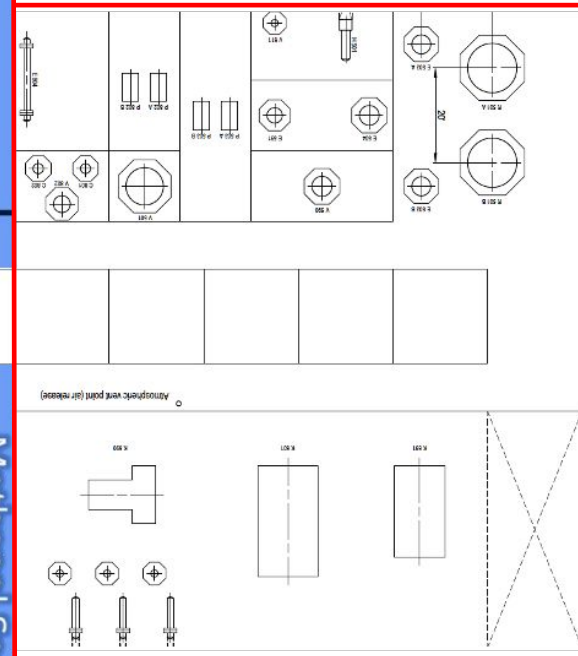


QUALIFYING INVESTMENT/ QUALIFYING PROPERTY

Methanol Synthesis



Gasoline Production
120' x 140'



Gasification Island
180' x 100'

MAP 11 D

ANY EXISTING PROPERTY WITHIN THE PROJECT AREA

- N/A -

MAP 11 E

**ANY FACILITIES OWNED OR OPERATED BY THE APPLICANT HAVING
INTERCONNECTIONS TO THE PROPOSED PROJECT**

- N/A -

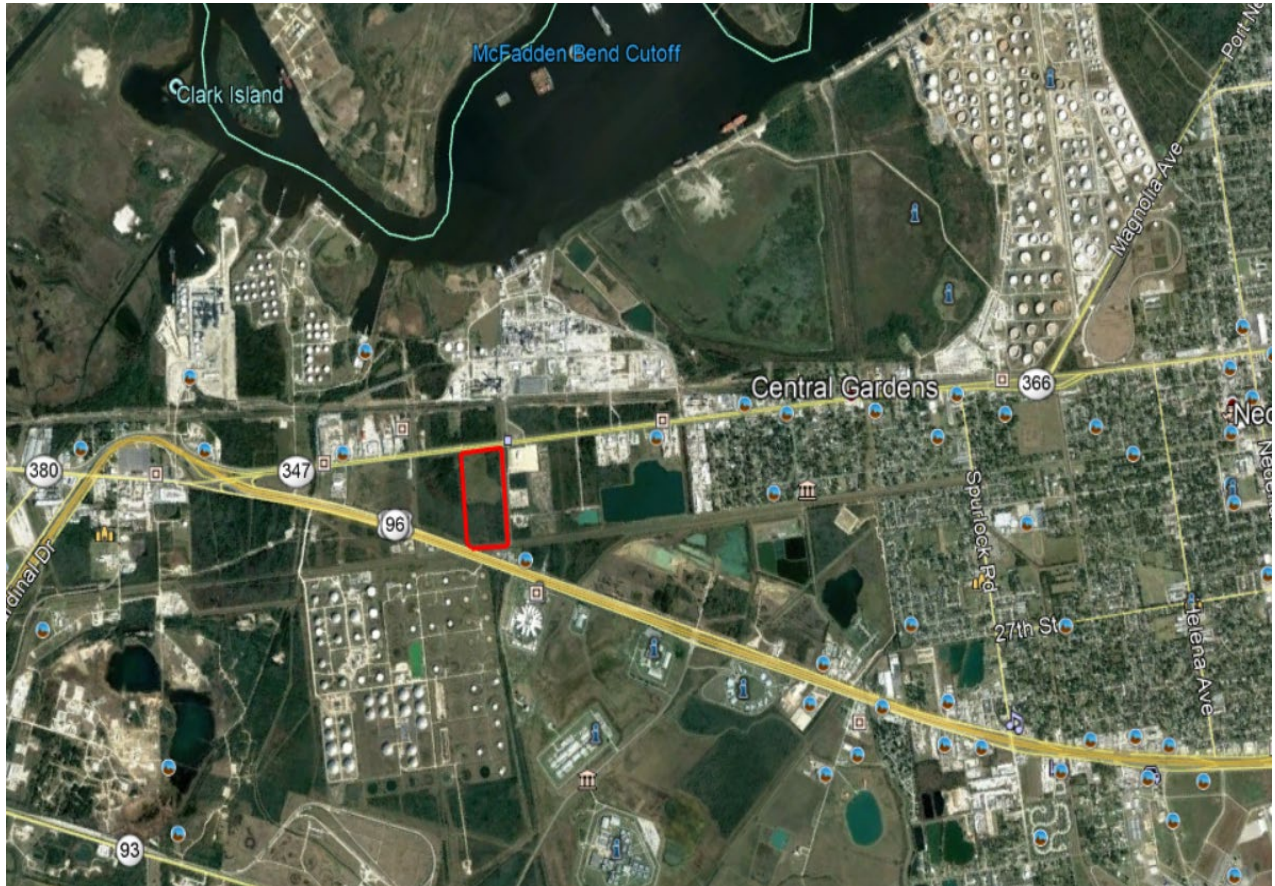
MAP 11 F

**LOCATION OF PROJECT AND RELATED NEARBY PROJECTS WITHIN THE
VICINITY MAP**

- N/A -

THERE ARE NO RELATED NEARBY PROJECTS

MAP 11 F
LOCATION OF PROJECT



MAP 11 G
REINVESTMENT ZONE SHOWING ACTUAL BOUNDARIES



TAB 12

**REQUEST FOR WAIVER OF JOB CREATION REQUIREMENT
AND SUPPORTING INFORMATION**

- N/A -

TAB 13

**CALCULATION OF NON-QUALIFYING WAGE TARGET AND
TWO POSSIBLE QUALIFYING JOB WAGE REQUIREMENTS
WITH TWC DOCUMENTATION**

**TAB 13
CALCULATION OF WAGES FOR JEFFERSON COUNTY
BASED ON MOST RECENT DATA AVAILABLE**

Average weekly wage for all jobs (all industries) in the County:

Year	Period	Area	Ownership	Level	Ind Code	Industry	Avg Weekly Wages
2020	1st Qtr	Jefferson County	Total All	0	10	Total, All Industries	\$1,147
2020	2nd Qtr	Jefferson County	Total All	0	10	Total, All Industries	\$1,098
2020	3rd Qtr	Jefferson County	Total All	0	10	Total, All Industries	\$1,097
2020	4th Qtr	Jefferson County	Total All	0	10	Total, All Industries	\$1,186
						total	\$4,528.00
						average weekly (divided by 4)	\$1,132.00

annualized
\$58,864.00

x 52

110 percent of the County average manufacturing wage: 313.021(5)(A)

Year	Period	Area	Ownership	Level	Ind Code	Industry	Avg Weekly Wages
2020	1st Qtr	Jefferson County	Private	2	31-33	Manufacturing	\$2,345
2020	2nd Qtr	Jefferson County	Private	2	31-33	Manufacturing	\$1,933
2020	3rd Qtr	Jefferson County	Private	2	31-33	Manufacturing	\$1,968
2020	4th Qtr	Jefferson County	Private	2	31-33	Manufacturing	\$2,022
						total	\$8,268
						average weekly (divided by 4)	\$2,067.00
						x 110%	\$2,273.70

annualized
\$118,232.40

x 52

110 percent of the average manufacturing wage for the COG region: 313.021(5)(B)

COG: Southeast Texas Regional Planning Commission

annualized
\$58,389.76

x 52

rate per hour	\$25.52
hours per week	40.00
average weekly wage	\$1,020.80
x 110%	\$1,122.88

Minimum required annual (52 weeks) wage	\$1,122.88	\$58,389.76
---	-------------------	--------------------

Year	Period	Area	Ownership	Industry Code	Industry	Level	Average Weekly Wage
2020	01	Jefferson	Total All	10	Total, All Industries	0	1,147
2020	02	Jefferson	Total All	10	Total, All Industries	0	1,098
2020	03	Jefferson	Total All	10	Total, All Industries	0	1,097
2020	04	Jefferson	Total All	10	Total, All Industries	0	1,186

Year	Period	Area	Ownership	Industry Code	Industry	Level	Average Weekly Wage
2020	01	Jefferson	Private	31-33	Manufacturing	2	2,345
2020	02	Jefferson	Private	31-33	Manufacturing	2	1,933
2020	03	Jefferson	Private	31-33	Manufacturing	2	1,968
2020	04	Jefferson	Private	31-33	Manufacturing	2	2,022

Quarterly Census of Employment and Wages (QCEW) Report

[Customize the report/Help with Accessibility](#)

Reset

Export to Excel

Drag a column header and drop it here to group by that column

Year	Period	Area	Ownership	Industry Code	Industry	Level	Average Weekly Wage
2020	01	Jefferson	Total All	10	Total, All Industries	0	1,147
2020	02	Jefferson	Total All	10	Total, All Industries	0	1,098
2020	03	Jefferson	Total All	10	Total, All Industries	0	1,097
2020	04	Jefferson	Total All	10	Total, All Industries	0	1,186

Quarterly Census of Employment and Wages (QCEW) Report

[Customize the report/Help with Accessibility](#)

Reset

Export to Excel

Drag a column header and drop it here to group by that column

<u>Year</u>	<u>Period</u>	<u>Area</u>	<u>Ownership</u>	<u>Industry Code</u>	<u>Industry</u>	<u>Level</u>	<u>Average Weekly Wage</u>
2020	01	Jefferson	Private	31-33	Manufacturing	2	2,345
2020	02	Jefferson	Private	31-33	Manufacturing	2	1,933
2020	03	Jefferson	Private	31-33	Manufacturing	2	1,968
2020	04	Jefferson	Private	31-33	Manufacturing	2	2,022

**2019 Manufacturing Average Wages by Council of Government Region
Wages for All Occupations**

COG	COG Number	Wages	
		Hourly	Annual
Panhandle Regional Planning Commission	1	\$22.31	\$46,399
South Plains Association of Governments	2	\$18.97	\$39,448
NORTEX Regional Planning Commission	3	\$20.38	\$42,395
North Central Texas Council of Governments	4	\$32.92	\$68,476
Ark-Tex Council of Governments	5	\$20.09	\$41,780
East Texas Council of Governments	6	\$28.95	\$60,211
West Central Texas Council of Governments	7	\$21.83	\$45,406
Rio Grande Council of Governments	8	\$18.15	\$37,749
Permian Basin Regional Planning Commission	9	\$21.87	\$45,499
Concho Valley Council of Governments	10	\$26.74	\$55,625
Heart of Texas Council of Governments	11	\$22.41	\$46,614
Capital Area Council of Governments	12	\$29.37	\$61,091
Brazos Valley Council of Governments	13	\$17.60	\$36,613
Deep East Texas Council of Governments	14	\$21.06	\$43,796
South East Texas Regional Planning Commission	15	\$25.52	\$53,079
Houston-Galveston Area Council	16	\$28.85	\$60,015
Golden Crescent Regional Planning Commission	17	\$21.43	\$44,565
Alamo Area Council of Governments	18	\$26.64	\$55,401
South Texas Development Council	19	\$18.70	\$38,889
Coastal Bend Council of Governments	20	\$34.94	\$72,668
Lower Rio Grande Valley Development Council	21	\$20.05	\$41,698
Texoma Council of Governments	22	\$18.40	\$38,280
Central Texas Council of Governments	23	\$21.07	\$43,821
Middle Rio Grande Development Council	24	\$22.74	\$47,296
Texas		\$27.25	\$56,673

Calculated by the Texas Workforce Commission Labor Market and Career Information Department.

Data published: August 2020.

Data published annually, next update will likely be July 31,
2021 Annual Wage Figure assumes a 40-hour work week.

Note: Data is not supported by the Bureau of Labor Statistics (BLS).

Wage data is produced from Texas Occupational Employment Statistics (OES) data, and is not to be compared to BLS estimates. Data intended only for use implementing Chapter 313, Texas Tax Code.

$$\begin{array}{r}
 \$53,079.00 \\
 \times 110\% \\
 \hline
 \$58,386.90 \\
 \div 52 \text{ weeks} \\
 \hline
 \$1,123
 \end{array}$$

TAB 14

SCHEDULES A1, A2, B, AND C

SEE ATTACHED

COMPLETED AND SIGNED ECONOMIC IMPACT

NOT REQUIRED

**ECONOMIC IMPACT SIGNED AND COMPLETED BY
COMPTROLLER**

COMPTROLLER TO SUPPLEMENT

Schedule A1: Total Investment for Economic Impact (through the Qualifying Time Period)

Date **13-May-21**
 Applicant Name **Arbor Renewable Gas**
 ISD Name **Beaumont ISD**

Form 50-296A

Revised October 2020

PROPERTY INVESTMENT AMOUNTS								
(Estimated Investment in each year. Do not put cumulative totals.)								
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	Column B New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Column C Other new investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Column D Other new investment made during this year that may become Qualified Property [SEE NOTE]	Column E Total Investment (Sum of Columns A+B+C+D)
Investment made before filing complete application with district				Not eligible to become Qualified Property			5,350,000	5,350,000
Investment made after filing complete application with district, but before final board approval of application	Pre/QTP0	2021-2022	2021					
Investment made after final board approval of application and before Jan. 1 of first complete tax year of qualifying time period								
Complete tax years of qualifying time period	QTP1	2022-2023	2022		191,790,000.00		-	191,790,000.00
	QTP2	2023-2024	2023		127,860,000.00		-	127,860,000.00
Total Investment through Qualifying Time Period [ENTER this row in Schedule A2]					319,650,000.00		5,350,000	325,000,000
				<small>Enter amounts from TOTAL row above in Schedule A2</small>				
Total Qualified Investment (sum of green cells)					319,650,000.00			

For All Columns: List amount invested each year, not cumulative totals.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Total Investment: Add together each cell in a column and enter the sum in the blue total investment row. Enter the data from this row into the first row in Schedule A2.

Qualified Investment: For the green qualified investment cell, enter the sum of all the green-shaded cells.

PROPERTY INVESTMENT AMOUNTS										
(Estimated investment in each year. Do not put cumulative totals.)										
	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year below) YYYY	Column A	Column B	Column C	Column D	Column E		
				New investment (original cost) in tangible personal property placed in service during this year that will become Qualified Property	New investment made during this year in buildings or permanent nonremovable components of buildings that will become Qualified Property	Other investment made during this year that will <u>not</u> become Qualified Property [SEE NOTE]	Other investment made during this year that will become Qualified Property [SEE NOTE]	Total Investment (A+B+C+D)		
Total Investment from Schedule A1*	--	TOTALS FROM SCHEDULE A1		Enter amounts from TOTAL row in Schedule A1 in the row below						
					319,650,000		5,350,000	325,000,000		
Each year prior to start of value limitation period**	N/A	N/A; In totals from Schedule A1								
Value limitation period***	1	2024-2025	2024							
	2	2025-2026	2025							
	3	2026-2027	2026							
	4	2027-2028	2027							
	5	2028-2029	2028							
	6	2029-2030	2029							
	7	2030-2031	2030							
	8	2031-2032	2031							
	9	2032-2033	2032							
	10	2033-2034	2033							
Total Investment made through limitation					totalled above		totalled above	totalled above		
Continue to maintain viable presence	11	2034-2035	2034							
	12	2035-2036	2035							
	13	2036-2037	2036							
	14	2037-2038	2037							
	15	2038-2039	2038							
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2039-2040	2039							
	17	2040-2041	2040							
	18	2041-2042	2041							
	19	2042-2043	2042							
	20	2043-2044	2043							
	21	2044-2045	2044							
	22	2045-2046	2045							
	23	2046-2047	2046							
	24	2047-2048	2047							
	25	2048-2049	2048							

* All investments made through the qualifying time period are captured and totaled on Schedule A1 [blue box] and incorporated into this schedule in the **first row**.

** Only investment made during deferrals of the start of the limitation (after the end of qualifying time period but before the start of the Value Limitation Period) should be included in the "year prior to start of value limitation period" row(s). If the limitation starts at the end of the qualifying time period or the qualifying time period overlaps the limitation, no investment should be included on this line.

*** If your qualifying time period will overlap your value limitation period, do not also include investment made during the qualifying time period in years 1 and/or 2 of the value limitation period, depending on the overlap. Only include investments/years that were **not** captured on Schedule A1.

For All Columns: List amount invested each year, not cumulative totals. Only include investments in the remaining rows of Schedule A2 that were not captured on Schedule A1.

Column A: This represents the total dollar amount of planned investment in tangible personal property. Only include estimates of investment for "replacement" property if the property is specifically described in the application.

Only tangible personal property that is specifically described in the application can become qualified property.

Column B: The total dollar amount of planned investment each year in buildings or nonremovable component of buildings.

Column C: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that will not become qualified property include investment meeting the definition of 313.021(1) but not creating a new improvement as defined by TAC 9.1051. This is proposed property that functionally replaces existing property; is used to maintain, refurbish, renovate, modify or upgrade existing property; or is affixed to existing property—described in SECTION 13, question #5 of the application.

Column D: Dollar value of other investment that may affect economic impact and total value. Examples of other investment that may result in qualified property are land or professional services.

Schedule B: Estimated Market And Taxable Value (of Qualified Property Only)

Date

13-May-21

Applicant Name

Arbor Renewable Gas

Form 50-296A

ISD Name

Beaumont ISD

Revised October 2020

	Year	School Year (YYYY-YYYY)	Tax Year (Fill in actual tax year) YYYY	Qualified Property			Estimated Taxable Value		
				Estimated Market Value of Land	Estimated Total Market Value of new buildings or other new improvements	Estimated Total Market Value of tangible personal property in the new buildings or "in or on the new improvements"	Market Value less any exemptions (such as pollution control) and before limitation	Final taxable value for I&S after all reductions	Final taxable value for M&O after all reductions
Each year prior to start of Value Limitation Period:									
Pre/QTP0	2021	2021-2022	2021	\$ 685,710	\$ -	\$ -	\$ 8,279	\$ 8,279	\$ 8,279
QTP1 complete tax year	2022	2022-2023	2022	\$ 2,675,000	\$ -	\$ -	\$ 2,675,000	\$ 2,675,000	\$ 2,675,000
QTP2 complete tax year	2023	2023-2024	2023	\$ 2,675,000	\$ -	\$ -	\$ 2,675,000	\$ 2,675,000	\$ 2,675,000
Value Limitation Period	1	2024-2025	2024	\$ 4,815,000	\$ 319,650,000	\$ -	\$ 308,482,500	\$ 308,482,500	\$ 30,000,000
	2	2025-2026	2025	\$ 4,815,000	\$ 303,667,500	\$ -	\$ 293,058,375	\$ 293,058,375	\$ 30,000,000
	3	2026-2027	2026	\$ 4,815,000	\$ 288,484,125	\$ -	\$ 278,405,456	\$ 278,405,456	\$ 30,000,000
	4	2027-2028	2027	\$ 4,815,000	\$ 274,059,919	\$ -	\$ 264,485,183	\$ 264,485,183	\$ 30,000,000
	5	2028-2029	2028	\$ 4,815,000	\$ 260,356,923	\$ -	\$ 251,260,924	\$ 251,260,924	\$ 30,000,000
	6	2029-2030	2029	\$ 4,815,000	\$ 247,339,077	\$ -	\$ 238,697,878	\$ 238,697,878	\$ 30,000,000
	7	2030-2031	2030	\$ 4,815,000	\$ 234,972,123	\$ -	\$ 226,762,984	\$ 226,762,984	\$ 30,000,000
	8	2031-2032	2031	\$ 4,815,000	\$ 223,223,517	\$ -	\$ 215,424,835	\$ 215,424,835	\$ 30,000,000
	9	2032-2033	2032	\$ 4,815,000	\$ 212,062,341	\$ -	\$ 204,653,593	\$ 204,653,593	\$ 30,000,000
	10	2033-2034	2033	\$ 4,815,000	\$ 201,459,224	\$ -	\$ 194,420,914	\$ 194,420,914	\$ 30,000,000
Continue to maintain viable presence	11	2034-2035	2034	\$ 4,815,000	\$ 191,386,263	\$ -	\$ 184,699,868	\$ 184,699,868	\$ 184,699,868
	12	2035-2036	2035	\$ 4,815,000	\$ 181,816,949	\$ -	\$ 175,464,874	\$ 175,464,874	\$ 175,464,874
	13	2036-2037	2036	\$ 4,815,000	\$ 172,726,102	\$ -	\$ 166,691,631	\$ 166,691,631	\$ 166,691,631
	14	2037-2038	2037	\$ 4,815,000	\$ 164,089,797	\$ -	\$ 158,357,049	\$ 158,357,049	\$ 158,357,049
	15	2038-2039	2038	\$ 4,815,000	\$ 155,885,307	\$ -	\$ 150,439,197	\$ 150,439,197	\$ 150,439,197
Additional years for 25 year economic impact as required by 313.026(c)(1)	16	2039-2040	2039	\$ 4,815,000	\$ 148,091,042	\$ -	\$ 142,917,237	\$ 142,917,237	\$ 142,917,237
	17	2040-2041	2040	\$ 4,815,000	\$ 140,686,490	\$ -	\$ 135,771,375	\$ 135,771,375	\$ 135,771,375
	18	2041-2042	2041	\$ 4,815,000	\$ 133,652,165	\$ -	\$ 128,982,806	\$ 128,982,806	\$ 128,982,806
	19	2042-2043	2042	\$ 4,815,000	\$ 126,969,557	\$ -	\$ 122,533,666	\$ 122,533,666	\$ 122,533,666
	20	2043-2044	2043	\$ 4,815,000	\$ 120,621,079	\$ -	\$ 116,406,983	\$ 116,406,983	\$ 116,406,983
	21	2044-2045	2044	\$ 4,815,000	\$ 114,590,025	\$ -	\$ 110,586,634	\$ 110,586,634	\$ 110,586,634
	22	2045-2046	2045	\$ 4,815,000	\$ 108,860,524	\$ -	\$ 105,057,302	\$ 105,057,302	\$ 105,057,302
	23	2046-2047	2046	\$ 4,815,000	\$ 103,417,498	\$ -	\$ 99,804,437	\$ 99,804,437	\$ 99,804,437
	24	2047-2048	2047	\$ 4,815,000	\$ 98,246,623	\$ -	\$ 94,814,215	\$ 94,814,215	\$ 94,814,215
25	2048-2049	2048	\$ 4,815,000	\$ 93,334,292	\$ -	\$ 90,073,504	\$ 90,073,504	\$ 90,073,504	

Notes: Market value in future years is good faith estimate of future taxable value for the purposes of property taxation.
Only include market value for eligible property on this schedule.

Schedule C: Employment Information

Date 13-May-21
Applicant Name Arbor Renewable Gas
ISD Name Beaumont ISD

Form 50-296A
 Revised October 2020

	Year	School Year (YYYY-YYYY)	Tax Year (Actual tax year) YYYY	Construction		Non-Qualifying Jobs	Qualifying Jobs	
				Column A Number of Construction FTE's	Column B Average annual wage rates for construction workers	Column C Number of non-qualifying jobs applicant estimates it will create (cumulative)	Column D Number of new qualifying jobs applicant commits to create meeting all criteria of Sec. 313.021(3) (cumulative)	Column E Annual wage of new qualifying jobs
Each year prior to start of Value Limitation Period <i>Insert as many rows as necessary</i>	Pre/QTP0	2021-2022	2021	0	0	0	0	0
	QTP1	2022-2023	2022	300 FTE's	60,000	0	0	0
	QTP2	2023-2024	2023	300 FTE's	60,000	0	0	0
Value Limitation Period <i>The qualifying time period could overlap the value limitation period.</i>	1	2024-2025	2024	0	0	0	10	60,000
	2	2025-2026	2025	0	0	0	10	60,000
	3	2026-2027	2026	0	0	0	10	60,000
	4	2027-2028	2027	0	0	0	10	60,000
	5	2028-2029	2028	0	0	0	10	60,000
	6	2029-2030	2029	0	0	0	10	60,000
	7	2030-2031	2030	0	0	0	10	60,000
	8	2031-2032	2031	0	0	0	10	60,000
	9	2032-2033	2032	0	0	0	10	60,000
	10	2033-2034	2033	0	0	0	10	60,000
Years Following Value Limitation Period	11 through 25	2034-2048	2034-2047	0	0	0	10	60,000

Notes: See TAC 9.1051 for definition of non-qualifying jobs.
 Only include jobs on the project site in this school district.

TAB 15

**ECONOMIC IMPACT ANALYSIS (IF SUPPLIED BY OTHER
THAN THE COMPTROLLER'S OFFICE)**

NOT REQUIRED

**OTHER PAYMENTS MADE IN THE STATE OR OTHER
ECONOMIC INFORMATION**

– N/A –

TAB 16

DESCRIPTION OF REINVESTMENT OR ENTERPRISE ZONE

THE INFORMATION THAT FOLLOWS IS IN RESPONSE TO SECTION 12, QUESTION 3A:

- 3a. Evidence that the area qualifies as an enterprise zone –
Designated as a qualified reinvestment zone by the City of Beaumont on July 13, 2021, see attached ordinance and abatement policy.
- 3b. Legal description of reinvestment zone –
See attached.
- 3c. order, resolution or ordinance establishing the reinvestment zone –
See attached.
- 3d. Guidelines and criteria for creating the zone –
See attached.
- 3e. A map of the reinvestment zone with vicinity map
See attached, Tab 11 includes the vicinity map.

ORDINANCE NO. 21-042

ENTITLED AN ORDINANCE DESIGNATING AN AREA AS THE ARBOR REINVESTMENT ZONE PURSUANT TO THE TEXAS REDEVELOPMENT AND TAX ABATEMENT ACT (TEXAS TAX CODE, CHAPTER 312); PROVIDING TAX INCENTIVES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR REPEAL.

WHEREAS, the City of Beaumont endeavors to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in areas of the City; and,

WHEREAS, Arbor Renewable Gas, LLC is seeking incentives for an investment for the creation and maintenance of its facility located between Highway 347 and Highway 69 South, approximately 145' north of the OCI Menthol Plant property; and,

WHEREAS, it is necessary to establish a Reinvestment Zone for the purpose of commercial and industrial tax abatement before Arbor Renewable Gas, LLC is to be considered for incentives; and,

WHEREAS, it is found to be feasible and practical and would be a benefit to the land to be included in the zone and to the City of Beaumont after the expiration of any agreement entered into pursuant to the Property Redevelopment and Tax Abatement Act; and,

WHEREAS, to further this purpose, it is in the best interest of the City of Beaumont to designate the area described in Exhibit "A" and shown on Exhibit "B" as the Arbor Reinvestment Zone pursuant to the Texas Redevelopment and Tax Abatement Act (Texas Tax Code, Chapter 312); and,

WHEREAS, the zone is eligible for Commercial-Industrial tax abatement; and,

WHEREAS, the area being designated is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City of Beaumont;

NOW, THEREFORE, BE IT ORDAINED BY
THE CITY COUNCIL OF THE CITY OF BEAUMONT:

Section 1.

That the statements and findings set out in the preamble to this ordinance are hereby, in all things, approved and adopted.

Section 2.

That the City Council hereby designates the area described in Exhibit A and shown on Exhibit "B," attached hereto and incorporated herein for all purposes, as the Arbor Reinvestment Zone (herein referred to as the "Zone").

Section 3.

That the City Council finds that the Zone meets the criteria contained in the Texas Redevelopment and Tax Abatement Act (Texas Tax Code, Chapter 312).

Section 4.

That the City Council finds that the designation of the reinvestment zone would contribute to retention or expansion of primary employment in the area and/or would contribute to the attraction of major investments that would be a benefit to the property and would contribute to the economic development of the municipality.

Section 5.

That the City Council may provide certain tax incentives applicable to business enterprises in the Zone, which are not applicable throughout the city, as allowed for in the Act.

Section 6.

That the City Council has established certain guidelines and criteria governing tax abatement agreements and is therefore eligible to participate in tax abatement.

Section 7.

That a public hearing to consider this ordinance was held by the City Council on July 13, 2021.

Section 8.

That this ordinance shall take effect from and after its passage as the law and charter provide.

Section 9.

That if any section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to a particular set of persons or circumstances should for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this ordinance, and to such end the various portions and provisions of this ordinance are declared to be severable.

Section 10.

That all ordinances or parts of ordinances in conflict herewith are repealed to the

extent of the conflict only.

The meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 13th day of July, 2021.



Robin Mouton
- Mayor Robin Mouton -

LEGAL DESCRIPTION OF PROPOSED SITE

Being 53.54 acres of land, part of Tract H-2 of Partition Map No. 2 of the McFaddin Trust in the Pelham Umphries Survey, Abstract No. 32, recorded in Volume 7, page 133 of the Map Records of Jefferson County, Texas; being part of Tract No. H-2 of multiple tracts of land recorded in Volume 692, page 22, of the Deed Records of Jefferson County, Texas; said 53.54 acre tract being more fully described by metes and bounds as follows, to wit:

BEGINNING at a brass disc found in concrete for the Northeasterly corner of a (called 7.595) acre tract of land conveyed to E. I. Du Pont De Nemours & Company, recorded in Volume 845, page 48 of the Deed Records of Jefferson County, Texas; said brass disc being on the Westerly right-of-way line of a dedicated road named State Highway 347 (a.k.a. Twin City Highway); also being the Southeasterly corner of the herein described tract; having a State Plane Coordinate of N: 13948984.10, E: 3538676.65;

THENCE, South 39 deg., 09 min., 57 sec., West, on the Northerly line of the (called 7.595) acre tract, a distance of 2171.12' to a ½" steel rod, capped and marked "S&P", found for the Northwesterly corner of the (called 7.595) acre tract on the Easterly line of a (called 50.84) acre tract of land conveyed to Gulf States Utilities Company, recorded as Tract 3 in Volume 370, page 38, Deed Records of Jefferson County, Texas; said ½" steel rod being the Southwesterly corner of the herein described tract having a State Plane Coordinate of N: 13947300.78, E: 3537305.44;

THENCE, North 52 deg., 25 min., 13 sec., West, on the Easterly line of the (called 50.84) acre tract, a distance of 937.65' to a ½" steel rod, capped and marked "SOUTHEX", set on the intersection of the Easterly line of the (called 50.84) acre tract and the Easterly right-of-way line of a dedicated road named US Highway 69, 96, 287;

THENCE, North 27 deg., 32 min., 46 sec., West, on the Easterly right-of-way line of said US Highway 69, 96, 287, a distance of 134.93' to a ½" steel rod found for the Northwesterly corner of the herein described tract;

THENCE, North 38 deg., 32 min., 42 sec., East, a distance of 2128.07' to a 5/8" steel rod found for the Northeast corner of the herein described tract on the Westerly right-of-way line of said State Highway 347; from which a TxDOT concrete monument found bears North 51 deg., 23 min., 57 sec., West, a distance of 4.29';

THENCE, South 51 deg., 40 min., 07 sec., East on the Westerly right-of-way line of said State Highway 347, a distance of 1084.41' to the POINT OF BEGINNING and containing 53.54 acres of land, more or less.

PROPOSED SITE LOCATION



EXHIBIT "B"

PROPOSED SITE LOCATION



RESOLUTION NO. 20-181

BE IT FURTHER RESOLVED BY THE CITY COUNCIL

OF THE CITY OF BEAUMONT:

THAT the City Council hereby adopts the City of Beaumont's Reinvestment Zone Tax Abatement Policy attached hereto as Exhibit "A."

The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

PASSED BY THE CITY COUNCIL of the City of Beaumont this the 8th day of September, 2020.




- Mayor Becky Ames -

**CITY OF BEAUMONT
REINVESTMENT ZONE
TAX ABATEMENT POLICY**

PHILOSOPHY

Tax abatement is an economic development strategy to mitigate the substantial costs usually associated with the construction of a new or expansion of an existing facility that enhances the economic and/or social base of the community. Because property tax revenue is the means to provide vital community services, it is the position of City of Beaumont that tax abatement be utilized sparingly, and only after careful consideration of the economic impact on the community. Nothing herein shall imply or warrant that the City of Beaumont is under any obligation to provide tax abatement to any applicant.

ELIGIBILITY

This policy document provides criteria for eligibility and policy implementation as adopted by the City Council of the City of Beaumont, in accordance with Texas Tax Code, Chapter 312, otherwise known as the Property Redevelopment and Tax Abatement Act (Act), governing property tax abatement agreements within Reinvestment Zones. All applications will be considered on a case-by-case basis.

The following types of enterprises are eligible to apply for tax abatement.

- Industrial/Manufacturing - activities such as engaging in the mechanical or chemical transformation of materials or substances into new products; assembling component parts of manufactured products, if the new product is neither a structure nor other fixed improvement; and blending of materials, such as lubricating oils, plastic toxins or liquors. Other eligible activities include specialty resins and polymers, pharmaceuticals, medical devices and specialty foods.
- Distribution - activities described as the wholesale distribution of durable and/or nondurable goods, such as motor vehicles, furniture, lumber and other construction materials, professional and commercial equipment, electrical goods, hardware and plumbing and heating equipment, paper and paper products, apparel and groceries.
- Central administrative office services - examples include performing management, support services or telecommunication functions for related entities.
- Properties subject to a Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program Agreement.

Eligible property for which abatement may be granted includes non-residential real property and/or tangible personal property located on the real property other than that personal property

that was located on the real property at any time before the abatement agreement is executed. Abatement of taxes shall be the value of real or personal property located on the property for each year of the Tax Abatement Agreement only to the extent that the value for the year exceeds the value for the year in which the agreement was executed. Excluded from eligible personal property are inventory or supplies. Personal property with a useful life of less than ten years is also not eligible for tax abatement.

- A. The City of Beaumont herein ("Governmental Entity") adopts these guidelines and criteria for tax abatement ("Policy") for real property owners who propose a project ("Project") to develop, redevelop and improve taxable qualifying real property ("Real Property"). The Governmental Entity is willing to provide a subsidy to a Real Property Owner in the form of a special exemption from certain taxes provided the Real Property Owner agrees to accept and abide by this Policy. If the Real Property owner leases said property to a third party, the Governmental Entity may require assurances that the conditions outlined in this policy for the Real Property Owner will be met.
- B. The abatement of ad valorem taxes on Real Property Improvements and Eligible Personal Property will be evaluated and determined according to the following formula and will be subject to the remaining terms of this policy.

PERCENT OF CREATED VALUE TO BE ABATED	CAPITAL COST OF THE PROJECT (OR)	NUMBER OF NEW FULL-TIME JOBS TO BE CREATED
	\$ 0 - \$ 500,000	Not Applicable
100% for 2 yrs. after project completion	\$ 500,001 - \$2,000,000	20-30
100% for 3 years	\$2,000,001 - \$3,500,000	31-40
100% for 4 years	\$3,500,001 - \$5,000,000	41-50
Individual Case Basis	\$5,000,001 or more	51 or more

A full-time equivalent employment position is one that provides at least 2,080 hours annually within the City's taxing jurisdiction. The number of full-time equivalent employment positions is determined by adding the total number of hours worked and/or actual paid leave (such as vacation, sick leave, jury duty) of all employees, less overtime hours, and dividing that sum by 2,080. All existing jobs as well as those created must be maintained throughout the term of a tax abatement agreement.

- C. With respect to a Project with a minimum investment of \$5,000,001, each tax abatement request will be individually reviewed by the Governmental Entity and approved or declined based on the merits of the application. The percentage of taxes abated is one hundred percent abatement until Project Completion, not to exceed the first and second Tax Year. The percentage of taxes abated for the first through fifth Tax Years next following Project Completion shall be that percentage of abatement granted by the Governmental Entity at the time of the application.

The City Council may extend the abatement period longer than the periods stated above if warranted based on an analysis of the direct economic impact.

The period of time that the taxes are abated will be referred to as the "Abatement Period". The "first Tax Year" is defined as the first full calendar year next following the commencement of construction of the Project.

**PROPERTIES SUBJECT TO
VOLUNTARY CLEANUP AGREEMENT**

Tax abatement may apply to properties that are subject to a Voluntary Cleanup Program Agreement as executed with the Texas Commission on Environmental Quality (TCEQ) in accordance with §361.601 et. seq. of the Health and Safety Code for the cleanup or removal of a hazardous substance or contaminant from the environment, as follows:

<u>Capital Expenditure</u>	<u>Abatement</u>	<u>Years</u>
Minimum of \$250,000	100%	1
	75%	2
	50%	3
	25%	4

Tax abatement for such properties shall not exceed four years and will take effect on January 1 of the year following the date the property owner receives a certificate of completion for the property. The City of Beaumont may cancel or modify the agreement if it determines that the use of the land is changed from the use specified in the certificate of completion, and the new use may result in an increased risk to human health or the environment.

- D. Prior to beginning the actual construction work or buying personal property for the Project proposed for tax abatement, the Real Property Owner requesting tax abatement within a lawfully created reinvestment zone must:
 - (1) Provide the Governmental Entity with (a) a description of the Project clearly defining and delineating the work to perform; (b) a statement agreeing to expend a designated amount ("Project Cost") for the Project and, if the abatement is based on Required Jobs, a separate statement agreeing that the required minimum number of full-time jobs will be created ("Required Jobs") and maintained during the term of the Contract; (c) an explanation as to how the Project will provide long term significant positive economic benefit to the community, the Governmental Entity and its taxpayers; (d) information as to what attempt will be made to utilize Jefferson County contractors and workers; and (e) information as to what attempt will be made to utilize Jefferson County minority contractors and workers.

- (2) Furnish the Governmental Entity with a written statement that tax abatement will be a significant factor in determining whether the Project for the development, redevelopment or improvement of the Real Property will take place.
- (3) Agree to execute a Contract with the Governmental Entity containing the covenants and conditions required by the Governmental Entity.

E. Should the Governmental Entity agree to grant an abatement to the Real Property Owner after compliance with the procedure outlined above, then:

- (1) Subject to the terms and conditions of the contract, a stipulated percentage as set forth above of those particular ad valorem real property taxes ("Taxes") which are generated by virtue of fair market value created ("Created Value") solely due to the construction and completion of the Project on the real Property will be abated.
- (2) The Period of Construction ("Construction Period") for the Project shall not go beyond the end of the second Tax Year. During the Construction Period the Real Property Owner must actually expend the Project Cost.
- (3) Within six months next following the end of the Construction Period, the Project must be operational; i.e., it must actively serve the purpose for which it is designed.
- (4) In the event the Project is either:
 - (a) Not complete at the Minimum Cost by the end of the Construction Period; or
 - (b) Is timely completed at the Minimum Cost but is not operational within six months next following the end of the Construction Period; or
 - (c) Is timely completed but the Required Jobs are not created or maintained as set forth in paragraph (B); or
 - (d) Is timely completed at the Minimum Cost, is operational within six months next following the end of the Construction Period and, if applicable, meets the job requirements, but its operations are discontinued for a continuous period of six months, then the Contract shall terminate with respect to the Project and so shall the abatement of Taxes for the Created Value of the Project. The Taxes otherwise abated with respect to the Project shall be paid to the Governmental Entity on the date specified by law, or, if such date has passed, then within sixty (60) days of the accelerated termination of the Abatement Period.
- (5) Employees and/or designated representatives of the Governmental Entity will have access to the Project during the term of the contract for inspection purposes so as to determine if the terms and conditions of the Contract are being met. All

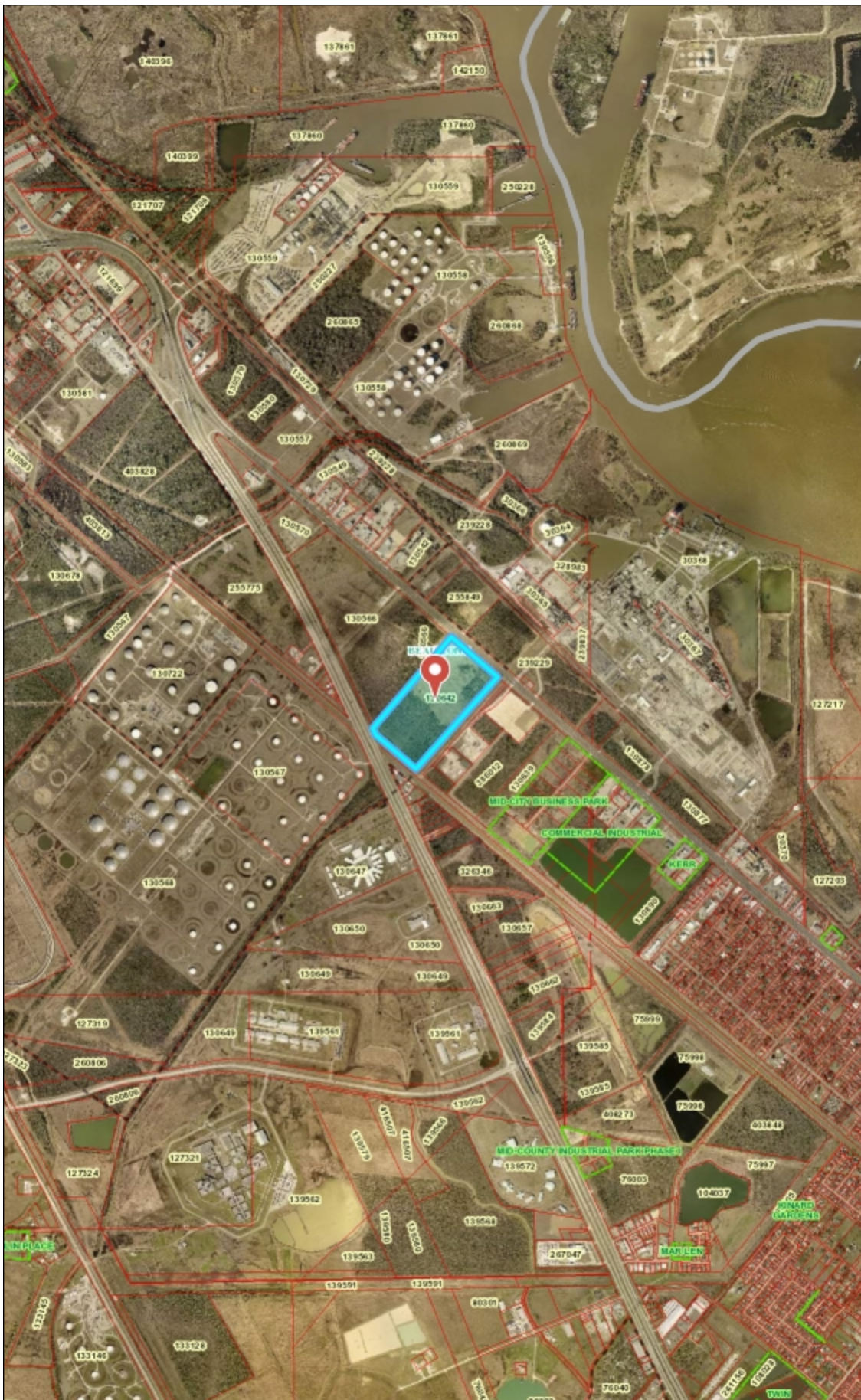
inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Project. All inspections will be made with one or more representatives of the Real Property Owner, and in accordance with its safety standards.

- (6) In the event that (a) The Real Property Owner allow its ad valorem taxes owed the Governmental Entity to become delinquent and fails to timely and properly follow the legal procedures for their protest and/or contest; or (b) the Real Property Owner violates any of the terms and conditions of the Contract, and fails to cure during the Cure Period (as hereafter provided), then the Contract may be terminated by the Governmental Entity, and all taxes otherwise abated by virtue of the Contract will be recaptured and paid to the Governmental Entity by the Real Property Owner within sixty (60) days of the termination.
- (7) The term "Base Year Value" as used herein is the market value of all realty improvements of the Real Property Owner located within the taxing entity as of January 1 of the year a contract is executed less the abated value of all projects granted the Real Property Owner by the taxing entity for the "Base Year". The term "Taxable Value" is determined by deducting the amount of any abatements granted for that Tax Year from the appraised market value of all realty improvements of the Real Property Owner located within that taxing entity. If on January 1st of any Tax Year all of the legally determined realty improvements owned by the Real Property Owner within the jurisdiction of the Governmental Entity is less than the legally determined Base Year Value and/or in the event that the Real Property Owner reduces their ad valorem taxes on personal property otherwise payable to the Governmental Entity by participating in a foreign trade zone or by having otherwise taxable property exempted pursuant to special legislation, e.g., the "Freeport Amendment" ("Special Treatment"), then the abatement otherwise available shall be reduced by one dollar for each dollar that the taxable value is less than the Base Year Value and, also, for each dollar of tax reduction attributable to Special Treatment; provided, however, that in no event shall the offset exceed the Created Value of the Project otherwise subject to the abatement of taxes.
- (8) Notwithstanding any other provision herein to the contrary in the event that the Governmental Entity adopting this Policy is required to adopt a tax rate which would subject the Entity to a tax rollback election under Section 26.07 of the Property Tax Code, and this increase is caused by requirements set forth by the State; mandated by the judiciary; expenses required to repair, rebuild or rehabilitate improvements which are damaged or destroyed; or due to a significant decline in value of a major industrial complex located in the jurisdiction of the Entity, then the Entity may allocate the taxable value necessary to reduce the actual rate below the rollback rate to the Owners of abated property based on the Owner's prorate share of the total abated value for the current tax year.




- (9) Should the Governmental Entity determine that the Real Property Owner is in default in the terms and conditions of the Contract, then the Governmental Entity will notify the Real Property Owner at the address stated in the Contract of such claimed default, and if such is not cured within sixty (60) days from the date of such notice ("Cure Period"), the Contract may be terminated by the Governmental Entity. Any notice of default shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested. In the event the notice is affected by personal delivery, the date and hour of actual delivery shall be the time and date of such notice to the Business. Absent a postal strike or the stoppage of the mails, in the event of delivery of notice by registered or certified United States mail, the date and hour following 48 hours after the date and hour at which the sealed envelope containing the notice is deposited in the United States mail, properly addressed, and with postage prepaid, shall be the time and date of such notice to Real Property Owner.
- F. The Governmental Entity adopting this Policy shall have the final decision with respect to its interpretation and, also, as to whether the minimum standards set forth above have been met by the Real Property Owner.
- G. This Policy shall terminate on the second anniversary from the date of its adoption by the Governmental Entity.

APPLICATION

For additional information on tax abatement, contact the Planning & Community Development Department at (409) 880-3100. In determining how and with whom tax abatement will be utilized, the City will examine the potential return on the public's investment, including net jobs created, jobs retained, broadening of the tax base, expansion of the economic base and competitive impact upon existing industries and businesses. Approval is contingent upon final consideration and action by the Beaumont City Council. To the extent permitted by law, information provided by an applicant in connection with a request for tax abatement is confidential and not subject to public disclosure until the tax abatement agreement is executed.



Legend

-  County Boundary
-  City
-  Subdivision

Enter Map Title...

Web Print: 05/11/2021

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.





PropID: 130642
PropIDPadded: 000130642
GeographicID:
300032-000-003900-00000
PropertyTypeCode: R
PropertyType: Real
PropertyUseCode: D1
PropertyUse: 5+ ACRES
PASTURE/RANCH
LegalDescription: P
HUMPHREYS-ABS 32 TR
21(H-2) 53.41 AC
SiteAddress: HIGHWAY 347
BEAUMONT, TX
Mapsc0: 101-87
MapID: 0
Owner1: CORDTS E G JR &
GRACE N & MASHED O
MINERALS LP
Owner1Address: E G CORDTS
JR 5 ACADIANA CT STE A
BEAUMONT TX 77706-3038
OwnerID: 500911
PercentOwnership: 100

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

TAB 17

**SIGNATURE AND CERTIFICATION PAGE, SIGNED AND
DATED BY AUTHORIZED SCHOOL DISTRICT
REPRESENTATIVE AND AUTHORIZED COMPANY
REPRESENTATIVE**

SECTION 16: Authorized Signatures and Applicant Certification

After the application and schedules are complete, an authorized representative from the school district and the business should review the application documents and complete this authorization page. Attach the completed authorization page in Tab 17.

NOTE: If you amend your application, you will need to obtain new signatures and resubmit this page, Section 16, with the amendment request.

1. Authorized School District Representative Signature

I am the authorized representative for the school district to which this application is being submitted. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code.

print here

Print Name (Authorized School District Representative)

Title

sign here

Signature (Authorized School District Representative)

Date

2. Authorized Company Representative (Applicant) Signature and Notarization

I am the authorized representative for the business entity for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application and schedules is true and correct to the best of my knowledge and belief.

I hereby certify and affirm that the business entity I represent is in good standing under the laws of the state in which the business entity was organized and that no delinquent taxes are owed to the State of Texas.

print here

Print Name (Authorized Company Representative (Applicant))

Title

sign here

Signature (Authorized Company Representative (Applicant))

Date



(Notary Seal)

GIVEN under my hand and seal of office this, the

18th day of May, 2021

Notary Public in and for the State of Texas

My Commission expires:

July 11, 2024

If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.

O'HANLON, DEMERATH & CASTILLO

ATTORNEYS AND COUNSELORS AT LAW

808 WEST AVENUE
AUSTIN, TEXAS 78701
PHONE: (512) 494-9949
FAX: (512) 494-9919

KEVIN O'HANLON

kohanlon@808west.com

Rio Grande Valley Office
426 W. Caffery Ave.
Pharr, Texas 78577

San Antonio Office
117 W. Craig Place
San Antonio, Texas 78212

August 5, 2021

Superintendent Shannon Allen and
Members of the Board of Trustees
Beaumont Independent School District
3395 Harrison Ave.
Beaumont, Texas 77706

RE: Legal Representation Agreement for District Representation for Purposes of Tax Code Chapter 313 matters concerning Application of Arbor Renewables Gasoline - Phase 1 LLC.

Dear Shannon Allen and Members of the Beaumont ISD Board of Trustees,

The purpose of this letter is to provide you the terms and conditions under which our firm proposes to undertake all necessary legal work to process, negotiate, draft and, as requested, provide post-agreement legal advice to the Beaumont Independent School District Board of Trustees or the Board of Trustees upon reassuming their duties (hereinafter "Client") concerning the above-referenced Application of Arbor Renewables Gasoline - Phase 1 LLC. At all times our representation will be subject the direction of Client's Board of Trustees and executive staff. Please review the agreement, and if you wish to retain the Firm's services, execute and return the agreement to our office by either facsimile or email.

If retained, we propose to represent in the above-referenced matter as follows:

I. Designation of Firm's Primary Counsel: Kevin O'Hanlon, our firm's President and Managing Partner will have primary responsibility for this engagement. Mr. O'Hanlon has been practicing law in Texas for approximately 38 years and has been involved in the drafting and negotiation of Chapter 313 agreements since drafting the original Chapter 313 agreement in 2002. The use of all firm personnel will be based on the exercise of our professional judgment and will depend on the nature of the work to be performed and the qualifications, skill and specialized expertise needed to perform an aspect of a specific engagement.

II. Legal Representation Through Agreement Execution: If engaged by Client, our firm will provide the following legal services with respect to the above referenced matter for the fee set forth in Paragraph III, below:

1. Review Client's existing Chapter 313 Policies and, where appropriate, recommend amended language to the Board, to ensure compliance with current statute and regulatory directives.
2. Review the Application, including Schedules A1-C and all other supporting documentation for completeness; and require the Applicant, as necessary, to submit additional and/or supplementary information to ensure that the Application documents and any other required reports include all information required by the Comptroller's rules or by 34 Tex. Administrative Code § 9.1054.
3. Upon request, provide a comprehensive briefing on the mandatory procedures, rules of the Comptroller's Office, legal risks under the Texas school finance system.
4. Review, on behalf of the Client, any Amended, Supplemental Application, or any other required documentation, submitted by the Applicant for the same project, and make appropriate recommendations for action.
5. Ensure that all requests from the Comptroller concerning the Application are expeditiously handled, and forward to the Comptroller and the Appraisal District any Amended or Supplemental Application or any other information necessary to complete the Comptroller's Application Certification or economic impact study.
6. Ensure Client is kept current on and is in compliance with all required transparency requirements.
7. Where requested, draft Board agenda items and supporting materials for Board action, in full compliance with the Texas Open Meetings Act.
8. Attend, in person any staff and/or Board meetings as necessary to keep Client informed of the status of the engagement.
9. Coordinate with Client's school finance consultants to ensure all required analyses to properly protect the District's financial interests have been completed in a timely manner.
10. Secure and forward all required supplemental information necessary to assist the staffs of the Comptroller and, as applicable, the Texas Education Agency (TEA); the Texas Workforce Commission, and the Texas Economic Development and Tourism Office with the analyses required by the rules adopted by the respective agencies.
11. Track all deadlines including Tex. Tax Code § 313.025(b) and, if required prepare and transmit extension of time documentation to the required stakeholders in order that not later than 150 days after the Application Review Start Date, an Agreement is presented to the Board for final approval or action upon a request from the Applicant for an extension

of the Application Review Period has been timely executed and forwarded to the Comptroller.

12. Secure the required Certification from the Texas Comptroller's Office as a prerequisite for application approval by the Board.
13. Prepare appropriate documentation and materials, including agenda postings, to ensure a proper Public Hearing on the Application is held at which the Superintendent, the District's consultants, the Applicant, and members of the public shall have a reasonable opportunity to present their views on the proposed Application.
14. Ensure that required conflict of interest filings are prepared and reviewed at critical stages of the application approval process by all stakeholders.
15. In conjunction with the Client's school finance consultants, prepare and have presented for Board review and adoption such findings of fact regarding the Application as are required by law.
16. Review the financial impact of any proposed agreement with the Client's Board and executive staff and with the District's school finance consultants to ensure that the full financial consequences of the agreement are understood by and acceptable to Client.
17. In accordance with Client instructions, negotiate final terms of a proposed tax limitation agreement, to include the maximum possible financial protections for the Client, and in accordance with Client directives, negotiate terms for supplemental payments as are allowed under law and consistent with Client directives, and present any recommendations concerning the negotiations to the Client.
18. Ensure that the District and the Comptroller are provided draft copies of the Agreement at least twenty (20) days prior to the meeting at which the Board is scheduled to consider final approval of an Agreement, and secure Comptroller approval of such draft prior to final Board action.
19. Ensure that after final Board approval of any Chapter 313 agreement, fully executed copies of such agreement are distributed to all appropriate parties and stakeholders.

III. Fees for Services under Section II: Our firm policy is to charge its school district clients a flat fee of \$37,500.00 for all services provided to the District under Section II, above. For services under Section II, Client will be billed for services upon final Client approval of completed Chapter 313 Agreement, or in the event of withdrawal of the Chapter 313 application from Client consideration if Applicant no longer wishes to proceed with its Application.

IV. Post Agreement Legal Services: After the approval and execution of a Tax Limitation Agreement as contemplated by Section II, above, our firm will on an annual basis, provide Client with all legal representation necessary to:

1. Advise Client with respect to its obligations and entitlements under the Agreement.
2. Assist the appointed Third-Party under the Agreement with the performance of their duties.
3. Monitor new legal developments and ensure full Client compliance requirements imposed, from time-to-time by the Texas Comptroller's Office, the Texas Education Agency, or any State regulatory or Legislative agency, including audits by the State Auditor.
4. Represent the District with respect to all Public Information Act requests concerning the Chapter 313 Agreement or its compliance requirements.
5. Assemble draft and file all required reports to regulatory agencies.
6. Draft and present to the Board for possible adoption, including the drafting of required agenda items and supporting materials, all required post-agreement resolutions of Findings necessary to ensure ongoing compliance.
7. Advise Client and represent the District in all appeals or disputes with the Applicant.
8. Represent the District in all mediations or litigation arising out of the Agreement or its enforcement.

V. Fees for Services under Section IV: Billing for services performed from year-to year under Section IV, above will be limited the total fee which can be recovered to from the Applicant under the agreement, after the payment of the Third-Party's fees which will also be recoverable from the Applicant. In addition to the foregoing our firm will be entitled to retain any attorney's fees by a court of competent jurisdiction over matters involving the agreement. Client will not be responsible to the firm for payments of fees and/or expenses in excess of the amount set forth herein. By way of clarification, our annual fees will not cause the District to budget or expend any monies in excess of that recoverable from the Chapter 313 Applicant. For services billed under Section IV, in accordance with provisions contained in the Chapter 313 Agreement, Applicant will be directly billed for such services. All invoices will show, on their face the source of payments, ensuring that Client does not incur a net expense for the provision of services under Section IV.

VI. Termination of Services

This agreement shall continue from-year-to year, along as the Agreement executed under Section 2 remains in effect. **Client's Obligations to our firm under Sections III and V may be terminated at any time in the sole discretion of the Client.** In the event of termination by Client, our firm shall be compensated for the work performed for Client prior to the date of termination. Our firm may cancel terminate this agreement only upon ninety (90) days prior notice to client

VII. Conflict Issues: We have reviewed the goals that the Client wishes to achieve through this engagement and have examined our relationship with the proposed applicant. We have not detected any conflict between our firm and your interests in this engagement.

VIII. Submission of Additional Documentation: Contemporaneously with the submission of this Engagement Letter we are submitting the following additional documentation

- a. A complete Vendor Conflict of Interest Disclosure Form (Texas Ethics Commission Form CIQ)
- b. Completed Internal Revenue Service Form W-9

On a personal note, I am very pleased that are considering our firm to assist in this important project. We look forward to serving you, and we shall use our best efforts on your behalf. We firmly believe that the experience that our legal team brings to the engagement will enable the Client to both control its legal risk, while providing the highest possible benefit for the Client and its constituents.

Sincerely,



Kevin O'Hanlon
O'HANLON, DEMERATH & CASTILLO

AGREED TO:

By: _____
Superintendent



— O'HANLON —
DEMERATH & CASTILLO

Attachment A

Compliance with House Bill 89 and Senate Bill 252

Due to the passage of House Bill 89 and Senate Bill 252 during the 85th Texas Legislative Session, effective September 1, 2017, any entity contacting with a school district must adhere to following:

Compliance with House Bill 89: A governmental entity may not enter into a contract with a company for good or services unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract.

Compliance with Senate Bill 252: A governmental entity may not enter into a contract with a company engaged in business with Iran, Sudan or a foreign terrorist organization identified on a list prepared by the Texas Comptroller.

In signing this attachment, I attest that O'Hanlon, Demerath & Castillo is in compliance with HB 89 and SB 252.

Kevin O'Hanlon
Partner
O'Hanlon Demerath & Castillo

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.

O'Hanlon, Demerath & Castillo

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.

Beaumont ISD Board of Trustees and Superintendent

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.

NONE

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

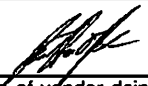
B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

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.

NONE

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

8/5/2021

Date

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. O'Hanlon, Demerath & Castillo, P.C.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> 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) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.) See instructions. 808 West Ave	Requester's name and address (optional)
6 City, state, and ZIP code Austin, Texas 78701	
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 instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number																									
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or																									
Employer identification number																									
2	6	-	2	6	9	1	9	1	5																

Part II Certification

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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 for Part II, later.

Sign Here	Signature of U.S. person	Date ▶ 1/28/2020
------------------	--------------------------	------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

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, later.*

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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
 CERTIFICATION OF FILING**

Certificate Number:
 2021-787089

Date Filed:
 08/05/2021

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

O'Hanlon Demerath & Castillo
 Austin, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Beaumont Independent School District

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 services, goods, or other property to be provided under the contract.

TBD. by Comp. App. No.

Legal Representation Agreement for District Representation for Purposes of Tax Code Chapter 313 matters concerning Application of Arbor Renewables Gasoline - Phase 1 LLC.

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Castillo, Ben	Austin, TX United States	X	
	O'Hanlon, Kevin	Austin, TX United States	X	

5 Check only if there is NO Interested Party.

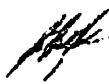
6 UNSWORN DECLARATION

My name is Kevin O'Hanlon, and my date of birth is 5/18/1952.

My address is 808 West Avenue, Austin, TX, 78701, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of TX, on the 5th day of August, 2021.
(month) (year)



Signature of authorized agent of contracting business entity
 (Declarant)



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: **II.F.7.**

Agenda Item Title: Consider and possible action regarding COVID-19 Mitigation Practices and Face Coverings

Cabinet Level Presenter(s): Dr. Shannon Allen

Additional Presenter(s):

Executive Summary: On July 28, 2021, Texas Governor Greg Abbott issued Executive Order GA-38, which states, “no governmental entity, including a . . . school district . . . may require any person to wear a face covering or to mandate that another person wear a face covering.” Discussion among the board members regarding District response and steps to mitigate spread of COVID-19.

Recommendation: Discussion with possible action based upon results of discussion.

Budget Impact* (if applicable):

Funding Source (if applicable):

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): N/A

Policy Reference (if applicable, list policy/regulation):

Legal Review (if necessary, list attorney and firm): N/A

Shannon Allen, Ed.D. /s/
Cabinet Level Presenter's Signature

8/12/2021
Date

*CFO Signature (required if there is a budget impact)

Date

General Counsel's Signature

Date



GOVERNOR GREG ABBOTT

July 29, 2021

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SECRETARY OF STATE

3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER
GA 38

Relating to the continued response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility “for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to

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JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, the legislature authorized as “an offense,” punishable by a fine up to \$1,000, any “failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans’ private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called “vaccine passports,” the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer’s vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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JUL 29 2021

- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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JUL 29 2021

4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
 - a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; *provided, however, that*:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
 - a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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JUL 29 2021

- COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.
- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".

JOE A. ESPARZA
Deputy Secretary of State

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SECRETARY OF STATE
3:15pm O'CLOCK

JUL 29 2021



Board Exhibit Cover Sheet

Meeting Date: August 19, 2021

Agenda Item/Exhibit Number: II.F.8.

Agenda Item Title: Consideration and Approval of Local District Amendments affecting local policy AE (LOCAL)

Cabinet Level Presenter(s): Dr. Shannon Allen

Additional Presenter(s): Sierra Fisher

Executive Summary: Consider Recommendation of Approval of Local District Amendments affecting local policy AE (LOCAL)

Recommendation: Recommend Adoption

Budget Impact* (if applicable): Not Applicable Funding

Funding Source (if applicable): Not Applicable Compliance

Compliance with Purchasing Guidelines (list applicable guidelines, including grant requirements): Not Applicable

Policy Reference (if applicable, list policy/regulation): Not Applicable

Legal Review (if necessary, list attorney and firm):

Shannon Allen

8/12/2021

Cabinet Level Presenter's Signature

Date

*CFO Signature (required if there is a budget impact)

Date

Sierra Fisher/s/gca

8/12/2021

General Counsel's Signature

Date

Motto	Preparing Our Next Generation
Vision	In collaboration with the entire community, we will create an inclusive environment of academic excellence that supports the diverse needs of all learners.
Core Beliefs	<p>The following are statements of the District's fundamental convictions, values, and character:</p> <ol style="list-style-type: none">1. All children can and will learn. The District will prioritize effective, engaging instruction aligned with a challenging curriculum for all students.2. We can achieve higher levels of performance within every facet of our organization. The District will promote high expectations for all students and staff members, clearly defined District goals and strategically aligned resources.3. Every classroom should will have an effective teacher, and every school should will have an effective principal. The District will recruit, develop, and retain highly effective teachers and administrators.4. All school and work environments should will be safe, secure, and supportive. The District will ensure that learning and work environments are safe, secure, and supportive in order for all students and staff to achieve high levels of performance.5. In order to prepare our next generation to become responsible citizens, we should will work collaboratively with our families and community partners. The District will actively collaborate with families and community partners to maximize opportunities for the success of our students.6. We should be fiscally responsible and accountable to the public. The District will implement financial procedures and internal controls to ensure fiscal responsibility.
Mission Statement	Beaumont Independent School District will inspire and prepare all students for lifelong success by providing an exemplary education in a safe learning environment.