

Agenda of Regular

The Board of Trustees Mineral Wells ISD

A Regular of the Board of Trustees of Mineral Wells ISD will be held Tuesday, January 10, 2006, beginning at 6:00 PM in the District Services Complex.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. **Call to Order/Establish Quorum**
2. **Closed Session**
 - A. Resignations of Certified Personnel
 - B. Employment/Appointment/Reassignment/ Evaluation/ Compensation/Duties of Personnel
 - C. Renewal/Nonrenewal/Assignment/Reassignment/Probationary Status/Return to Probationary Status/Continuing Status of District Personnel
3. **Open Session**
4. **Prayer**
5. **Pledge of Allegiance**
6. **Certification of Public Notice**
7. **Public Forum - Delegations/Communications**
8. **Comments & Compliments**
 - A. "Teacher of the Month" - Wendell Barker
 - B. "Support Staff of the Month" - Melody Singleton
 - C. "Partner in Education" - City of Mineral Wells Police Department and Fire Department
9. **Superintendent's Report**
 - A. Performance Report - 2004-2005 School Report Cards - www.tea.state.tx.us/perfreport/src/2005/campus.srch.html
10. **Consent Agenda Items**
 - A. Monthly financial reports - bills and checks written since the last meeting 4
 - B. Minutes of the December 13, 2005, meeting of the Board 8

C. Certified Board Member Training	15
11. 2004-2005 Audit Report	
12. Selection of Audit Firm for 2005-2006	
13. Call for School Board Election	16
14. Appointment of Election Judge and Early Voting Clerks	19
15. City of Mineral Wells Proposal for Cost Sharing for the Operation/Maintenance of Central City Park	20
16. Request for Contribution to CPA, Inc.	22
17. MWISD Donation of Property to Paul Lawrence Dunbar School Restoration Group, Inc.	23
18. Review Update (LEGAL) Policies and Act on (LOCAL) Policies	
A. Explanatory Notes - Update 77	24
B. B (LEGAL) - Local District Governance	
C. BBFA (ETHICS: CONFLICT OF INTEREST) has been split into two codes:	
1) BBFA: Conflict Of Interest Disclosures	
2) BBFB: Prohibited Practices	
D. BBD (LEGAL) - Board Members - Training And Orientation	
E. BBD (LOCAL) - Board Members - Training And Orientation	
F. BBFA (LEGAL) - Ethics - Conflict Of Interest Disclosures	
G. BBFA (EXHIBIT) - Ethics - Conflict Of Interest Disclosures	
H. BBFB (LEGAL) - Ethics - Prohibited Practices	
I. BDAF (LEGAL) - Officers And Officials - Selection And Duties Of Chief Tax Officials	
J. BDF (LEGAL) - Board Internal Organization - Citizen Advisory Committees	
K. CHE (LEGAL) - Purchasing And Acquisition - Vendor Relations	
L. CNA (LEGAL) - Transportation Management - Student Transportation	
M. CNB (LEGAL) - Transportation Management - District Vehicles	
N. CPC (LOCAL) - Office Management - Records Management	
O. CRD (LEGAL) - Insurance And Annuities Management - Health And Life Insurance	
P. DAB (LOCAL) - Employment Objectives - Objective Criteria For Personnel Decisions	
Q. DBA (LEGAL) - Employment Requirements And Restrictions - Credentials And Records	
R. DBA (LOCAL) - Employment Requirements And Restrictions - Credentials And Records	
S. DBD (LEGAL) - Employment Requirements And Restrictions - Conflict Of Interest	
T. DBD (LOCAL) - Employment Requirements And Restrictions - Conflict Of Interest	
U. DBD (EXHIBIT) - Employment Requirements And Restrictions - Conflict Of Interest	
V. DFD (LEGAL) - Termination Of Contract - Hearings Before Hearing Examiner	
W. DFE (LOCAL) - Termination Of Contract - Resignation	
X. DGBA (LEGAL) - Personnel-Management Relations - Employee Complaints/Grievances	
Y. DIA (LEGAL) - Employee Welfare - Freedom From Harassment	
Z. E (LEGAL) - Instruction	

AA. EEH (LOCAL) - Instructional Arrangements - Homebound Instruction
BB. EFAA (LOCAL) - Instructional Materials Selection And Adoption - Textbook Selection And Adoption
CC. EHAA (LEGAL) - Basic Instructional Program - Required Instruction (ALL LEVELS)
DD. EHBA (LEGAL) - Special Programs - Special Education
EE. EHBA (LEGAL) - Special Education - Identification, Evaluation, And Eligibility
FF. EHBAB (LEGAL) - Special Education - Individualized Education Program (IEP) And ARDS
GG. EHBAC (LEGAL) - Special Education - Students In Nondistrict Placement
HH. EHBAD (LEGAL) - Special Education - Transition Services
II. EHBAE (LEGAL) - Special Education - Procedural Requirements
JJ. EHBC (LEGAL) - Special Programs - Compensatory/Accelerated Services
KK. EI (LEGAL) - Academic Achievement
LL. EKB (LEGAL) - Testing Programs - State Assessment
MM. EL (LEGAL) - Charter Campus Or Program
NN. F (LEGAL) - Students
OO. FFA (LEGAL) - Student Welfare - Wellness And Health Services
PP. FFA (LOCAL) - Student Welfare - Wellness And Health Services
QQ. FNAB (LEGAL) - Student Expression - Use Of School Facilities For NonSchool Purposes
RR. FNCF (LEGAL) - Student Conduct - Alcohol And Drug Use
SS. FNG (LEGAL) - Student Rights And Responsibilities - Student And Parent Complaints/Grievances
TT. FO (LEGAL) - Student Discipline
UU. FODA (LEGAL) - Expulsion - Juvenile Justice Alternative Education Program
VV. FOF (LEGAL) - Student Discipline - Students With Disabilities
WW. GF (LEGAL) - Public Complaints

19. **Vote on Closed Session Items**

20. **Adjournment**

BREAKDOWN OF TAX RECEIPTS RECEIVED FROM TAX ASSESSOR COLLECTOR

REPORT # 6

DATE: 12/6/2005

YEAR	RECEIPTS		GENERAL FUND		INT & SINK	
	TAXES	P/I	TAXES	P/I	TAXES	P/I
2005	\$ 174,640.96		\$ 156,495.76	\$ -	\$ 18,145.20	\$ -
2004	\$5,938.05	\$1,306.43	\$5,324.06	\$1,171.35	\$613.99	\$135.08
2003	\$2,307.53	\$784.56	\$2,066.39	\$702.57	\$241.14	\$81.99
2002	\$1,297.94	\$597.06	\$1,185.54	\$545.35	\$112.40	\$51.71
2001	\$606.54	\$351.79	\$554.01	\$321.32	\$52.53	\$30.47
2000	\$215.74	\$151.00	\$193.89	\$135.70	\$21.85	\$15.30
1999	\$8.18	\$6.71	\$7.40	\$6.07	\$0.78	\$0.64
1998	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1997	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1996	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PRIOR	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CED	\$0.00		\$0.00			
TOTAL	\$ 185,014.94	\$3,197.55	\$ 165,827.05	\$ 2,882.37	\$ 19,187.89	\$ 315.18
1% CURR	\$1,746.47	\$0.00	\$1,746.47			
1% PRIOR	\$103.75	\$31.98	\$135.73			
1% TOTAL	\$1,850.22	\$31.98	\$1,882.20			
TOTAL	\$183,164.72	\$3,165.57	\$163,944.86	\$2,882.37	\$19,187.89	\$315.18

DEPOSIT BREAKDOWN	LM FUND	I & S FUND	TOTAL
CURRENT YEAR	\$154,749.29	\$18,145.20	\$172,894.49
CURR YEAR PAST DUE			\$0.00
CURRENT YEAR P/I	\$78.48		\$78.48
PRIOR YEAR	\$9,195.56	\$1,042.69	\$10,238.25
PRIOR YEAR P/I	\$2,882.37	\$315.18	\$3,197.55
IN LIEU OF TAXES			\$0.00
EXCESS FUNDS	\$975.91		\$975.91
CED	\$0.00		\$0.00
INTEREST ON DEPOSITS			\$0.00
TOTAL	\$167,881.61	\$19,503.07	\$187,384.68

YTD TAX COLLECTIONS-LM FUND	\$379,062.36
YTD TAX COLLECTIONS-I&S FUND	\$28,265.94
TOTAL YTD TAXES COLLECTED	\$407,328.30

BREAKDOWN OF TAX RECEIPTS RECEIVED FROM TAX ASSESSOR-COLLECTOR

REPORT # 7 DATE: 12/15/2005

YEAR	RECEIPTS		GENERAL FUND		INT & SINK	
	TAXES	P/I	TAXES	P/I	TAXES	P/I
2005	\$ 301,762.11		\$ 270,409.03	\$ -	\$ 31,353.08	\$ -
2004	\$4,395.32	\$1,428.62	\$3,940.84	\$1,280.90	\$454.48	\$147.72
2003	\$2,117.81	\$739.22	\$1,896.50	\$661.97	\$221.31	\$77.25
2002	\$1,376.50	\$639.39	\$1,257.30	\$584.02	\$119.20	\$55.37
2001	\$196.00	\$115.35	\$179.03	\$105.36	\$16.97	\$9.99
2000	\$217.16	\$154.10	\$195.16	\$138.49	\$22.00	\$15.61
1999	\$21.06	\$17.49	\$19.06	\$15.83	\$2.00	\$1.66
1998	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1997	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1996	\$10.04	\$11.96	\$8.55	\$10.18	\$1.49	\$1.78
PRIOR	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CED	\$0.00		\$0.00			
TOTAL	\$ 310,096.00	\$3,106.13	\$ 277,905.46	\$ 2,796.75	\$ 32,190.54	\$ 309.38
1% CURR	\$3,017.72	\$0.00	\$3,017.72			
1% PRIOR	\$83.36	\$31.06	\$114.42			
1% TOTAL	\$3,101.08	\$31.06	\$3,132.14			
TOTAL	\$306,994.92	\$3,075.07	\$274,773.32	\$2,796.75	\$32,190.54	\$309.38

DEPOSIT BREAKDOWN	LM FUND	I & S FUND	TOTAL
CURRENT YEAR	\$267,391.31	\$31,353.08	\$298,744.39
CURR YEAR PAST DUE			\$0.00
CURRENT YEAR P/I	\$33.34		\$33.34
PRIOR YEAR	\$7,382.01	\$837.46	\$8,219.47
PRIOR YEAR P/I	\$2,796.75	\$309.38	\$3,106.13
IN LIEU OF TAXES			\$0.00
EXCESS FUNDS	\$0.00		\$0.00
CED	\$0.00		\$0.00
INTEREST ON DEPOSITS			\$0.00
TOTAL	\$277,603.41	\$32,499.92	\$310,103.33

YTD TAX COLLECTIONS-LM FUND	\$656,967.82
YTD TAX COLLECTIONS-I&S FUND	\$35,017.48
TOTAL YTD TAXES COLLECTED	\$691,985.30

ACCOUNTS PAYABLE LISTING REPORT

<u>VENDOR</u>	<u>INVOICE NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
AMER.COM USA	31119	TECH SUPPLIES	\$ 830.62
AMER.COM USA	31258	TECH SUPPLIES	314.60
FLINN SCIENTIFIC, INC	969227	supplies	2,460.85
FOLLETT LIBRARY RESOURCES	416793F-6	SUPPLIES	59.22
FORT WORTH SHAVER & APPLIANCE	95870	SUPPLIES	215.55
FORT WORTH SHAVER & APPLIANCE	95871	SUPPLIES	197.97
FORT WORTH SHAVER & APPLIANCE	96153	SUPPLIES	28.99
GARNER PIPE & SUPPLY	28289	SUPPLIES	327.96
GATEWAY COMPANIES, INC	2798145	LAPTOP COMPUTER	1,299.00
THE H.W. WILSON COMPANY	56766246	Library	157.00
HARCOURT ASSESSMENT, INC.	1060753	SUPPLIES	1,128.81
THE HIGHSMITH COMPANY, INC	9137251-001	Supplies	403.00
LAKESHORE LEARNING MATERIALS	115823	Supplies	2,326.17
MATHESON TRI-GAS	440092	SUPPLIES	130.10
MATHESON TRI-GAS	440176	SUPPLIES	100.60
MATHESON TRI-GAS	447382	SUPPLIES	283.87
MCDUGAL LITTELL	5338084J	Supplies	586.45
PC MALL GOV, INC.	S22506040101	SUPPLIES	106.71
QUILL	2688893	supplies	193.87
QUILL	2842768	supplies	337.59
QUILL	3167753	supplies	66.59
QUILL	3261160	supplies	51.29
RENAISSANCE LEARNING, INC	2790544	LIBRARY SUPPLIES MAINTENANCE	750.32
REXEL MINERAL WELLS	302191801	SUPPLIES MAINTENANCE	34.48
REXEL MINERAL WELLS	302193401	SUPPLIES MAINTENANCE	11.92
REXEL MINERAL WELLS	302196601	SUPPLIES MAINTENANCE	10.87
REXEL MINERAL WELLS	302200501	SUPPLIES MAINTENANCE	79.25
REXEL MINERAL WELLS	302202601	SUPPLIES	79.66
SCHOOL SPECIALTY	8556743	CHART TABLETS	152.70
TEACHER'S DISCOVERY	P01195610101	supplies	49.19
THINKING MAPS, INC.	ILG0021488	THINKING MAPS	102.00
ULTIMATE OFFICE	P088986801016	SUPPLIES	276.45
UPSTART/HIGHSMITH, INC	9138863-001	Supplies	202.38
WILLIAM V. MACGILL & COMPANY	110931	supplies	278.65
WILSON ENTERPRISES	W46810	Laundry	28.90
<u>General Fund Total</u>			<u>\$13,663.58</u>

<u>VENDOR</u>	<u>INVOICE NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Grand Prairie ISD	110	Excess Revenue for Playoff Game Mineral Wells vs Denison	\$674.00
Quality Inn & Suites	110	Lodging for Soccer Tournament in Waco	748.93
<u>Co-Curricular Total</u>			<u>\$1,422.93</u>

<u>VENDOR</u>	<u>INVOICE NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Texas Council of Admin.	DIR-3378	TCASE Directories	\$112.00
<u>Special Education Total</u>			<u>\$112.00</u>

<u>VENDOR</u>	<u>INVOICE NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Brookshires	T4 TRX94	Teacher Incentive	\$18.36
Scholastic Book Fairs	104 2849	Books	167.20
Wes-Tex Vending Company	21309	Coffee Supplies	32.50
Wes-Tex Vending Company	22006	Coffee Supplies	61.25
<u>Campus Activity Fund Total</u>			<u>\$279.31</u>

**MINERAL WELLS INDEPENDENT SCHOOL DISTRICT
MINERAL WELLS, TEXAS**

REGULAR BOARD MEETING

The Board of Trustees of the Mineral Wells Independent School District met on Tuesday, December 13, 2005, in the District Services Complex, 906 S.W. 5th Avenue, Mineral Wells, Texas. Board President Dr. Ty L. Gore called the meeting to order at 6:00 p.m.

BOARD MEMBERS PRESENT:

Dr. Ty L. Gore, President; Doug Pennington, Secretary; Dr. Moss Dickerson, Joel Hardeman, and Holt Price

MEMBERS ABSENT:

Reyes Garcia III and Rodney Henderson

CENTRAL ADMINISTRATORS PRESENT:

Ray M. Crass, Superintendent; Russell Cotton, Assistant Superintendent; and Linda Porter-Bradford, Assistant Superintendent

CLOSED SESSION:

The Board adjourned into closed session at 6:00 p.m.

The Board adjourned from closed session at 7:08 p.m.

OPEN SESSION:

The Board reconvened in open session at 7:10 p.m.

PRAYER:

Dr. Moss Dickerson opened the meeting with prayer.

PLEDGE OF ALLEGIANCE:

The Board led the audience in the pledge of allegiance.

CERTIFICATION OF PUBLIC NOTICE OF MEETING:

Ray M. Crass, superintendent, certified that the provisions of Texas Government Code Chapter 551 had been complied with in connection with public notice of meeting.

PUBLIC FORUM - DELEGATIONS/COMMUNICATIONS:

None

COMMENTS & COMPLIMENTS:

Superintendent Crass reminded the Board and audience that since there was no board meeting in November they would be recognizing the Teacher of the Month, Support Staff of the Month, and Partner in Education for November and December tonight.

John Corsi introduced Deeann Hampton as the “**Teacher of the Month**” for November. Mr. Corsi reported that Ms. Hampton is a 1990 graduate of Mineral Wells High School. He stated that she has been teaching at Mineral Wells ISD for twelve years all of which has been at the high school. He reported that she teaches accounting and BCIS. In addition, he stated that she is the UIL accounting sponsor, student council sponsor, helps Donna Parker with Coronation, and was a previous drill team and cheerleader sponsor. He announced that when she is asked to do something she does it with a smile, most of the time. He reported that they are glad that she is on their campus. He stated that there is no doubt where her heart lies, because she is all about the kids.

Superintendent Crass presented Deeann Hampton with a pen to show appreciation for her outstanding work and dedication to MWISD.

Parisa Lerma introduced Lorraine Parsons as the “**Teacher of the Month**” for December. Mrs. Lerma reported that Mrs. Parsons has been a teacher for 30 years. She stated that she has been with Mineral Wells ISD for 26 years. During her 26 years of teaching, she stated that Mrs. Parsons has taught at Lamar, Houston, Travis, and Mineral Wells Junior High. She reported that Mrs. Parsons has taught adult education classes for 13 years. She announced that Mrs. Parsons has been nominated by two different students for Who’s Who of American Teachers. She reported that she was voted “For You Made a Difference” for the Mineral Wells Chamber of Commerce. In 1991, she stated that Mrs. Parsons received the Teacher Leadership Award from Tarleton State University. Mrs. Lerma reported that she did ask Mrs. Parsons for one of her greatest accomplishments. She stated that Mrs. Parsons mentioned that she is proud to now be teaching the children of parents that she taught in the first grade. A special memory that she shared is that in 1978 she was hired to teach 72 Cambodian children that had just moved to Mineral Wells. She reported that Mrs. Parsons was a traveling teacher and went from Houston to Travis and then to Lee Middle School when junior high was our middle school. In addition, she stated that at noon Mrs. Parsons drove to Fort Wolters to pick up 8 Cambodian kindergarten students that she was responsible for teaching English to. She announced that Mrs. Parsons told her that she became known as the Cambodian lady. She reported that Mrs. Parsons has three children that all went to school and graduated from Mineral Wells. She stated that Mrs. Parsons has two step-daughters, April and Alisha, and that she and her husband, Ernie, share seven grandchildren. Mrs. Lerma reported that some of her co-workers gave her feedback about Mrs. Parsons. She stated that they said that Mrs. Parsons is pleasant to be around, positive with children praising their efforts and correcting behaviors in a manner that leaves the child with their self-esteem, understanding as to what needs to be changed, open ear and heart for students and

parents, quick to offer assistance and praise, humble, kind and caring, respected, high and reasonable expectations, etc. Mrs. Parsons introduced her husband to the audience and stated that he is a wonderful husband.

Superintendent Crass presented Lorraine Parsons with a pen to show appreciation for her outstanding work and dedication to MWISD.

Russell Cotton introduced Martha Mitchell as the **“Support Staff of the Month”** for November. Mr. Cotton announced that he would like to take this opportunity to compliment the entire business department. He mentioned that he would rate Paul Hearn, Martha Mitchell, Dorinda Brown, Debbie Clark, and Janice Bennie up there with anybody in the state as far as conducting and taking care of the school’s business in accounting and payroll. He reported that they are an excellent group to have around. If a survey was taken of the most important person in the district among the 580 employees, he stated that Martha Mitchell probably would win because she writes their paychecks. He stated that Mrs. Mitchell has been with the school district for 16 years. He reported that out of 580 employees Mrs. Mitchell single handedly gets them all paid, not to mention also doing the substitutes, temporary help, and hourly rate individuals. He announced that she does it very diligently and accurately. He reported that it is not just writing the checks, because she also must calculate in the TRS, withholding, various insurances, levee issues, and other deductions. He reported that they have an excellent record on accuracy out of the payroll department because of Mrs. Mitchell. He announced that she is very reliable, dependable, willing to come in on weekends and holidays to work to meet deadlines, and gets the job done. In addition, he stated that she has good problem solving skills, very courteous with the employees when dealing with any payroll problems, and is basically a very dedicated employee. Approximately four years ago, Mr. Cotton stated that he encouraged the business office staff to get involved in TASBO (Texas Association of School Business Officials). He mentioned that they offer certification programs by which individuals in different facets of education in the business office can get certifications that are equivalent to some degrees in college. He stated that Martha Mitchell finished two levels of certification with TASBO. He introduced Ronnie Mitchell, her husband, who was in the audience. He mentioned that he attended high school with Martha and reported that he found out tonight that she was the valedictorian of her senior class.

Superintendent Crass presented Mrs. Mitchell with a plaque of appreciation for her hard work and dedication to MWISD.

Bruce Butler introduced Maria Stagner as the **“Support Staff of the Month”** for December. Mr. Butler reported that Ms. Stagner worked for Headstart for three years and then decided to go to Tarrant County Junior College to study Phlebotomy. He stated that she worked for approximately one year at the hospital. He reported that she missed the connection of being around children and started working as a substitute in 1999 for the district. Shortly after that, he announced that she started working full time for the district. He mentioned that she was an ESL aide for two years, worked five years as a resource aide in the special education classroom, started off this year in a resource classroom and was moved to ESL inclusion to work with special education students. In addition, he reported that she has been very instrumental in the Latino Literacy Night

that is held at Travis and also serves on their social committee. He stated that she is a real pleasure to work with and always has a smile on her face. Anything that is asked of her, he announced that she is more than willing to do. Lastly, he reported that all of their written literature that is sent home to parents in Spanish is proofed by Ms. Stagner for errors, which has saved them on numerous occasions from making some very embarrassing statements. Mr. Butler announced that Ms. Stagner wanted to say thank you for giving her the opportunity to work for the district.

Superintendent Crass presented Ms. Stagner with a plaque of appreciation for her hard work and dedication to MWISD.

Donna Overcash, head librarian, was asked to introduce the “**Partner in Education**” for the month of November. Mrs. Overcash announced that this individual does not really need an introduction, because he has been a member of this community for several years. She stated that he was the head person at Fort Wolters at one time and the former mayor of Mineral Wells. She introduced Col. Willie Casper as the “Partner in Education” for November. She reported that Col. Casper has been a volunteer in Mineral Wells ISD for more years than we can even remember. She announced that he has focused his time the last few years in the libraries. She reported that he volunteers in every library and comes faithfully every week rain or shine. She announced that they greatly appreciate his help, because he is very conscientious, accurate, thorough, and takes it very seriously. Whatever is asked of him, she stated that he does it with great pride and great care, which is very important to them. She reported that they are so fortunate to have Col. Casper as a volunteer in the campus libraries and appreciate that he is willing to look around and makes suggestions for improvements that they might have not noticed. In addition, she announced that he takes the initiative to make sure that those improvements are done. On behalf of all of MWISD and the campus librarians, she stated that we are so happy that Col. Casper volunteers with us and is a true friend and “Partner in Education.”

Superintendent Crass presented Col. Casper with a certificate of appreciation for his hard work and dedication to the school district.

John Corsi announced that he would also like to thank Col. Casper for his contribution to the high school. Mr. Corsi stated that Col. Casper is at the high school every week. In addition, he reported that Col. Casper has also donated a flag and several other things to the high school. He introduced Randy Leek, owner of Randy’s Texaco, as the “**Partner in Education**” for the month of December. He reported that Mr. Leek makes sure that the big ram that was purchased about five years ago is transported back and forth to the games. He mentioned that Mr. Leek has put the big ram up for all of the home games, as well as carried it to all of the away games for the past two years. In addition, he reported that Mr. Leek has contributed a generator. He stated that Mr. Leek truly loves doing it. Mr. Corsi reported that he believes that Mr. Leek’s effort makes a big difference for the students and town. He stated that it adds to the pride of Mineral Wells High School and the City of Mineral Wells. He reported that Mr. Leek was unable to attend the meeting tonight, but he stated that he would be talking with Mr. Leek very soon.

SUPERINTENDENT'S REPORT:

John Corsi introduced FCCLA representatives, Amanda Daniell, Felishia Benavides, Rozina Shabbuddin, Holly Belveal, and their advisors, Michelle Stone and Lynn Deisher, to the audience. Mr. Corsi stated that these students came to him about one month ago concerning a program on "Stop the Violence" that is spreading across the United States. He stated that he feels that this is a great program and would possibly look at implementing it.

Holly Belveal and Rozina Shabbuddin, officers for Region II, thanked the Board for their support and their enthusiasm in FCCLA. Ms. Belveal informed the Board that they attended the National Conference in San Diego, California last summer. She reported that they have souvenirs from the conference for them just to say thank you.

Felishia Benavides thanked the Board for allowing them to make the presentation tonight. Felishia Benavides and Holly Belveal gave a brief presentation on the FCCLA "Stop the Violence" training that they attended in Austin on December 2, 2005.

CONSENT AGENDA ITEMS:

Doug Pennington moved and Dr. Moss Dickerson seconded a motion to approve the consensus agenda items as follows:

- Approved the monthly financial reports for November and December.
- Approved the bills and checks written since the last meeting.
- Approved a budget amendment as presented.
- Approved the minutes for the October 11, 2005, meeting of the Board.

The motion carried 5-0.

DISCUSS A POSSIBLE AMENDMENT TO 2005-2006 SCHOOL CALENDAR:

Doug Pennington moved and Joel Hardeman seconded a motion to amend the 2005-2006 school calendar as follows:

- 1. District will now be closed on Monday, January 2, 2006.**
- 2. The staff development scheduled on Tuesday, May 30, 2006, will now be a student and staff day.**
- 3. The staff development that was scheduled on Tuesday, May 30, 2006, has been moved to Thursday, June 1, 2006.**

The motion carried 5-0. (copy attached)

CONSIDERATION OF AN ADDENDUM TO MWJHS STUDENT HANDBOOK:

Doug Pennington moved and Holt Price seconded a motion to approve an addendum to the MWJHS student handbook as presented. The motion carried 5-0. (copy attached)

CONSIDERATION OF OIL AND GAS EXPLORATION ON MINERAL WELLS ISD PROPERTY:

Joel Hardeman moved and Holt Price seconded a motion to grant permission to administration to move forward on advertising in the paper the district's intent to lease school property for oil and gas exploration. The motion carried 5-0. (copy attached)

VOTE ON CLOSED SESSION ITEMS:

Doug Pennington moved and Holt Price seconded a motion to accept the resignations of the following individuals:

<u>NAME</u>	<u>ASSIGNMENT</u>	<u>EFFECTIVE DATE</u>
Neill, Margaret (retirement)	Travis Elementary	December 31, 2005
Slemmons, Alan (retirement)	Mineral Wells Junior High	December 31, 2005

The motion carried 5-0.

Doug Pennington moved and Holt Price seconded a motion to approve the employment of the following individual:

<u>NAME</u>	<u>ASSIGNMENT</u>	<u>EFFECTIVE DATE</u>
Bradford, James	DSC Director of Maintenance	December 1, 2005

The motion carried 5-0.

Holt Price moved and Joel Hardeman seconded a motion to approve the employment of the following individual:

<u>NAME</u>	<u>ASSIGNMENT</u>	<u>EFFECTIVE DATE</u>
Weeks, Mark	Travis Elementary	January 2, 2006

The motion carried 5-0.

ADJOURNMENT:

Upon a motion by Doug Pennington and a second by Joel Hardeman, the meeting was adjourned at 7:45 p.m. The motion carried 5-0.

Dr. Ty L. Gore, President

Doug Pennington, Secretary

jb

**CERTIFIED BOARD MEMBER TRAINING
2005/2006**

BOARD MEMBER	TOTAL HOURS
Dr. Moss Dickerson	56.25
Mr. Reyes Garcia III	86.00
Dr. Ty L. Gore	99.00
Mr. Joel Hardeman	9.50
Mr. Rodney Henderson	141.75
Mr. Doug Pennington	153.00
Mr. Holt Price	45.50

ORDER OF ELECTION FOR OTHER POLITICAL SUBDIVISIONS

An election is hereby ordered to be held on May 13, 2006 for the purpose of: electing one trustee for each position designated as 1 and 2.

Early voting by personal appearance will be conducted each weekday at 906 S.W. Fifth Avenue, Mineral Wells, Texas 76067 between the hours of 8:00 a.m. and 4:00 p.m. beginning on May 1, 2006 and ending on May 9, 2006.

Applications for ballot by mail shall be mailed to:

Russell Cotton
906 S.W. Fifth Avenue
Mineral Wells 76067

Applications for ballot by mail must be received no later than the close of business on May 5, 2006.

Additional early voting will be held as follows:

Location	Date	Hours
_____	_____	_____
_____	_____	_____
_____	_____	_____

Issued this the 10th day of January 2006.

Member

Signature of Presiding Officer

Member

Member

Member

Member

Member

Member

ORDEN DE ELECCION PARA OTRA SUBDIVISION POLITICA

Por la presente se ordena que se llavará a cabo una elección el 13 de Mayo, 2006 con el propósito de: elegir un encomendero para cada puesto según números 1 y 2.

La votación adelantada en persona se llevará a cabo de lunes a viernes en 906 S.W. Fifth Avenue, Mineral Wells, Texas 76067 entre las 8:00 de la mañana y las 4:00 de la tarde empezando el 1 de Mayo, 2006 y terminando el 9 de Mayo, 2006.

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Russell Cotton
906 S.W. Fifth Avenue
Mineral Wells 76067

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de las horas de negocio el 5 de Mayo, 2006.

La votación adelantada además se llevará a cabo de tal manera:

Sitio	Fecha	Horas
_____	_____	_____
_____	_____	_____
_____	_____	_____

Emitida sete dia 10 de Enero, 2006.

Miembro

Firma del Oficial que Preside

Miembro

Miembro

Miembro

Miembro

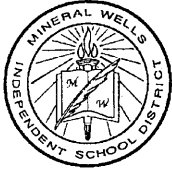
Miembro

Miembro

Mineral Wells Independent School District

**ELECTION CALENDAR
2006**

February 11	First day to file for place on ballot
March 13	Last day to file for place on ballot
March 20	Deadline for write-in candidate filing
March 21	First day to cancel election if no opposition Last day to withdraw and have name removed
March 24	Post notice of ballot position drawing
March 28	Ballot position drawing
April 13	First day to publish notice of election Last day to register to vote for election
April 24	Last day to <u>post</u> notice of election
May 1	First day of early voting by personal appearance
May 3	Last day to <u>publish</u> notice of election
May 5	Last day to receive application for ballot to be voted by mail
May 9	Last day to vote early by personal appearance
May 13	Election Day
May 16	First day of the period (May 16-24) to conduct canvass of election returns (Post notice 72 hrs prior)



MINERAL WELLS INDEPENDENT SCHOOL DISTRICT

906 S.W. 5th Ave.
Mineral Wells, Texas 76067

Office of:

Russell Cotton
Assistant Superintendent
Support Services

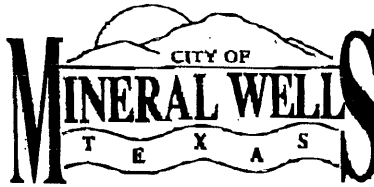
January 10, 2006

To: Board of Trustees, Mineral Wells I.S.D.

Re: Election Judges and Clerks

Ray Madrigal has agreed to serve as the election judge for the May 13 School Board Election and Russell Cotton has agreed to serve as the early voting clerk along with Sandra McFall as his deputy early voting clerk. It is required that the Board approve these three positions. So recommended.

Russell Cotton
Assistant Superintendent



Post Office Box 460
Mineral Wells, Texas 76068

Telephone: (940) 328-7703 FAX: (940) 328-7704
cityofmw@mesht.net

January 5, 2006

Mr. Ray Crass, Superintendent
Mineral Wells Independent School District
906 S.W. 5th Avenue
Mineral Wells, Texas 76067

Re: Proposal – Cost Sharing for Operation/Maintenance of Central City Park

Dear Ray:

Over the past two to three years the MWISD has spent approximately \$6500 per year for electricity at the track and tennis courts. Water and sewer service for the concession stand is currently absorbed by the City (approximately \$1100 per year) and approximately \$3600 per year is spent by the District to water the infield of the track (soccer field). Resurfacing of the track appears to be on a four year cycle at a cost of approximately \$40,000. The tennis courts are in need of resurfacing at a cost estimated at \$12,800 with such resurfacing required approximately every five years.

Given these costs, I would recommend that the City and School District enter into a Interlocal Agreement whereby the City makes an annual cash payment to the District to reflect the City's share of the ongoing operation and maintenance of the facilities at Central City Park. I would suggest that the City provide a one third share of these expenses given that each of the facilities is predominantly used for District activities. The actual dollar contribution which is proposed is calculated as follows:

Recurring Expense

Track Resurfacing	\$40,000 (every four years)
Tennis Court Resurfacing	\$12,800 (every five years)
Electricity/Water and Sewer – Track/Tennis Courts/ Concession Stand/Soccer Field	\$11,200 annually

Proposed Annual Contribution

Track Resurfacing	\$10,000
Tennis Court Resurfacing	\$ 2,560
Utility Expense (electricity only)*	\$ 6,500
Subtotal	\$19,060
Proposed City of Mineral Wells Contribution at 1/3 share -	\$ 6,400

*Does not include water/sewer charges for Concession Stand/Soccer Field

By making the above described contributions on an annual basis, funds would be available to defray recurring utility expense and provide for maintenance of the tennis court and track surfaces as needed.

I have discussed this proposal with the Mayor and he is in general agreement with this concept. This proposal has not been presented to the City Council for their consideration; however, I believe that the Council would likely be receptive to structuring such an Interlocal Agreement with the District based upon this proposal.

If you should have any questions concerning this, please contact me.

Sincerely,



Lance Howerton,
City Manager

LH:dr

CPA, Inc.
P.O. Box 1613
Mineral Wells, TX 76068

December 30, 2005


Ray Crass
Mineral Wells ISD
906 S.W. 5th Ave
Mineral Wells, TX 76067

Dear Mr. Crass:

As you may have heard, the Cross Timbers Drug Task Force will be disbanding in March of 2006. Because of this, the Citizens Police Academy Alumni has taken on the challenge of purchasing a drug dog for Palo Pinto County and the City of Mineral Wells. The dog would be shared between these entities and is a crucial purchase for the fight against drug trafficking in our community. It will also be available and used intensively at your campuses free of charge to the district.

As a community leader, we wanted to bring this to your attention and ask for your partnership. To date, we have raised \$8,000 of the \$20,000 to purchase, train, house and support the dog. Any contribution you could make would be greatly appreciated. Please remit your contribution to CPA, Inc., P.O. Box 1613, Mineral Wells, TX 76068. Our goal is to have all funds collected by January 15, 2006.

I would be available to you for a meeting if more information is needed. You may call me at 940-452-4683. Thank you for your consideration.



Michael Eubank, President
CPA, Inc.

940-452-4683

***THE PAUL LAWRENCE DUNBAR SCHOOL RESTORATION
GROUP, INC.***

*210 S.W. 11th Street
Mineral Wells, Texas 76067*

*Dr. Ty Gore, President
Board of Directors
Mineral Wells ISD*

Dr. Gore and Board Members:

The Paul Lawrence Dunbar School Restoration Group, Inc. is a 501c3 non-profit corporation. The registered agent of the corporation that is filed with the office of the Secretary of State is: Ruby Holliman (Secretary Designee) at 210 S.W. 11th Street, Mineral Wells, Texas 76067.

The Designation will become permanent upon the organizational meeting of the members. The other officers named in our application are as follows: Arthur Nickerson, President, Clarence F. Holliman, Vice President and DeArtis Nickerson, Treasurer and authorized agent.

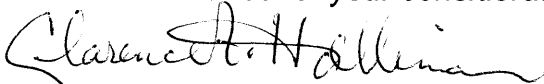
The City National Bank of Mineral Wells is the designated bank. Our filing number is: 800557329 and was effective on 10-13-2005. The name and address of the incorporator is:

*Sharon M. Leal
408 W. 17th Street, Suite 101
Austin, Texas 78701-1207
(512) 474-2002*

We have organized this group in order to restore the historic Paul Lawrence Dunbar School, to make use of the facility to benefit the children and citizens of our community and preserve a portion of our heritage. Therefore, consider this letter as a request that the Board of Directors or the Mineral Wells Independent School District transfer, by deed, the Paul Lawrence Dunbar school to the Paul Lawrence Dunbar Restoration Group, Inc. at your earliest opportunity.

We will take full responsibility for the structure within 6 months of the transfer or earlier as dues and donations have been collected and deposited to our account.

Thanks in advance for your consideration,



*Clarence Holliman
Vice President,
Paul Lawrence Dunbar Restoration Group, Inc.*

Explanatory Notes

TASB Localized Policy Manual Update 77

District: Mineral Wells ISD

B (LEGAL) LOCAL DISTRICT GOVERNANCE

BBFA (ETHICS: CONFLICT OF INTEREST) has been split into two codes:

- BBFA: CONFLICT OF INTEREST DISCLOSURES
- BBFB: PROHIBITED PRACTICES

BBD (LEGAL) BOARD MEMBERS
TRAINING AND ORIENTATION

As reflected at SPECIFIC OPEN MEETINGS TRAINING and SPECIFIC OPEN RECORDS TRAINING on page 3, SB 286 from the 79th regular session now requires board members and certain other elected or appointed public officials to complete training on Government Code Chapters 551 and 552, commonly referred to as the Texas Open Meetings Act and the Texas Public Information Act. The attorney general is charged with the responsibility of ensuring that training is made available. The Office of the Attorney General will both provide this training and approve alternative providers. Board members must complete the required training within 90 days of taking the oath of office; however, those who took the oath of office prior to January 1, 2006, have until January 1, 2007, to complete the training.

Under terms of the legislation, these courses will accrue board member training credit as well. The attorney general's office is currently developing video training that will fulfill these requirements; the video training is expected to be released in December 2005. Further information on the requirement and the attorney general's response to various questions regarding the training may be found at <http://www.oag.state.tx.us/agency/sb286info.shtml>.

Please note: Board members may delegate to a public information coordinator the SB 286–required open records training; however, the open meetings training is not delegable.

BBD (LOCAL) BOARD MEMBERS
TRAINING AND ORIENTATION

SB 286, described above, also introduces into statute the term “public information coordinator.” Because the responsibilities of the public information coordinator are administrative in nature and usually fall within the purview of the superintendent, either directly or by delegation, we have developed language identifying the superintendent as the coordinator. The statement goes on to delegate, as permitted by the statute, the Government Code 552 training requirement that would otherwise reside with individual board members.

BBFA (LEGAL) ETHICS
CONFLICT OF INTEREST DISCLOSURES

This policy has been revised structurally as well as substantively.

The increasing complexity of Texas's conflict of interest laws applicable to school districts has prompted the subdivision of this CONFLICT OF INTEREST policy into two separate codes:

- BBFA, focusing more narrowly on required disclosures
- BBFB, addressing specific prohibited practices

BBFA also reflects new provisions of HB 914 from the 79th regular session. That legislation expands the Local Government Code as follows:

Explanatory Notes

TASB Localized Policy Manual Update 77

- Under CONFLICTS DISCLOSURE STATEMENT, on page 3, are various circumstances that would require a local government officer to file with the district's records officer (generally the superintendent) on the form published by the Texas Ethics Commission a new "conflicts disclosure statement" required by the Local Government Code. This is separate and apart from the "substantial interest" affidavit required by Local Government Code Chapter 171 and the "interest in property" affidavit required by Government Code 553.003 (see page 4). Use of this disclosure statement is required as of January 1, 2006.
- A DEFINITION OF LOCAL GOVERNMENT OFFICER, encompassing the superintendent, also appears on page 3.
- At DEFINITION OF RECORDS ADMINISTRATOR is a list of persons who may perform that function: "the director, superintendent, or other person responsible for maintaining the records of the district." A cross-reference to CPC, where records management is addressed, has been added.
- INTERNET POSTING REQUIREMENT recites the obligation of the district to provide Internet access to the newly required conflicts disclosure statements and to vendor disclosure questionnaires that have been filed with the records administrator of the district.

BBFA (EXHIBIT) ETHICS
CONFLICT OF INTEREST DISCLOSURES

Both exhibits have been revised for clarity:

- Exhibit A
AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR REAL PROPERTY
"Local public officials" are required to file (with "the official board recordkeeper") such an affidavit under Local Government Code 171.002.
- Exhibit B
AFFIDAVIT DISCLOSING INTEREST IN PROPERTY
Government Code 553.002-.003 requires "public servants" to file (with the county clerk) such an affidavit.

Please note: We have added to the cover page a text note referring board members and the superintendent—who are required to file ("with the records administrator" of the district) the conflicts disclosure statement required by Local Government Code 176.003-.004—to the new form promulgated by the Texas Ethics Commission, published on the commission's Web site at <http://www.ethics.state.tx.us>.

BBFB (LEGAL) ETHICS
PROHIBITED PRACTICES

This policy presents material previously found in BBFA(LEGAL) dealing with specific violations of laws pertaining to ethics. These prohibitions were unaffected by the 79th regular session or other changes in the legal context.

BDAF (LEGAL) OFFICERS AND OFFICIALS
SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

HB 898 from the 79th regular session and effective September 1, 2005, affects the tax assessor's duties. At item 2 under ASSESSOR, the text now reflects that the assessor shall "prepare and mail a tax bill to each person **and** [emphasis added] authorized agent, in whose name property is listed on the tax roll." Previously the tax assessor could send the bill to either party.

Explanatory Notes

TASB Localized Policy Manual Update 77

BDF (LEGAL) BOARD INTERNAL ORGANIZATION CITIZEN ADVISORY COMMITTEES

SB 42, from the 79th regular session and effective for the 2006–07 school year, expanded the health-related information that the district was previously required to make available for public inspection and newly requires the district to publish this information in the student handbook and on the district's Web site.

Districts must now adopt and publish policies ensuring that elementary, middle, and junior high school students engage in at least 30 minutes per school day (or 135 minutes per school week) of physical activity. Previous requirements include reporting the number of times during the preceding year that the school health advisory council has met, adopting district policies restricting student access to vending machines, and prescribing penalties for use of tobacco products by students and others on school campuses or at school-related activities.

The post-legislative supplement to the *TASB Model Student Handbook* provides further guidance on fulfilling this requirement.

CHE (LEGAL) PURCHASING AND ACQUISITION VENDOR RELATIONS

This new policy recites key HB 914 provisions regarding potential conflicts of interest between district officials and vendors. While policies BBFA and DBD speak to conflicts of interest involving officers and employees, respectively, CHE has been created to address newly required vendor disclosures. A vendor has seven business days (from the date it enters into contract discussions or negotiations with the district or submits an application, bid, or RFP response, etc.) to file with the district's records administrator the information on the questionnaire promulgated by the Texas Ethics Commission.

The legislation also allows the vendor to file the questionnaire electronically. District obligations include maintaining and making public a list of district officials who are subject to the filing requirement and publishing filed statements on the district's Web site.

CNA (LEGAL) TRANSPORTATION MANAGEMENT STUDENT TRANSPORTATION

At WIRELESS COMMUNICATION DEVICES, on page 4, may be found the SB 1257 ban on a bus driver using a cell phone or like device while driving when minors are on the bus. Exceptions are allowed for emergency communication or when the bus is not in motion.

CNB (LEGAL) TRANSPORTATION MANAGEMENT DISTRICT VEHICLES

On August 10, 2005, the federal highways reauthorization bill passed into law, and it has major implications for school district purchasing or leasing of 15-passenger vans.

Grandly styled the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users" or "SAFETEA," the law newly prohibits a district from purchasing or leasing a new 15-passenger van to be used primarily for the transportation of students to or from school or school-related events **unless** the van fulfills federal standards for school buses and multi-functional school activity buses. This requirement is found at NEW VAN PURCHASES OR LEASES and applies to purchases or leases initiated after August 10, 2005. The law does not apply to the purchase of used vehicles in the resale market.

Although not recited here, the law includes civil penalties for violations: a maximum of \$10,000 per vehicle (accumulating to a maximum of \$15 million for a series of violations by a single district).

CPC (LOCAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

Legislative action, beginning in 1989 and continuing through the last regular session, has expanded the vocabulary of records management to include four roles:

Explanatory Notes

TASB Localized Policy Manual Update 77

- Records Management Officer (a Local Government Code provision from the 1989 legislative session)
- Records Administrator (added to the Local Government Code by HB 914 in the 2005 legislative session)
- Officer for Public Information (a Government Code provision arising from the 1993 legislative session)
- Public Information Coordinator (added to the Government Code by SB 286 in the 2005 legislative session)

Each is essentially an administrative function under the supervision of the superintendent. We have developed this listing to assist users of the manual in connecting the “dots” to their statutory context. While the requirement to inform the Texas State Library of the name of the district’s records management officer remains in effect, the need to address it in local policy was tied to the initial implementation of the 1989 legislation. Therefore, we have deleted it from this text.

These four statutory titles may present some confusion if the district has used these or similar titles—such as “Public Information Officer”—for administrative positions whose functions do not encompass those associated with these titles by the above statutes. As a practical matter, we suggest that the district retitle otherwise “name-alike” administrative positions.

CRD (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT
HEALTH AND LIFE INSURANCE

An Insurance Code stipulation that districts not participating in TRS Active Care provide employees a “plan disclosure statement” has been deleted. TASB attorneys have determined that this provision does not apply to school districts meeting the “substantive coverage requirement” specified by the Insurance Code and mandated by Education Code 22.004(b), recited at GROUP HEALTH BENEFITS on page 1.

DAB (LOCAL) EMPLOYMENT OBJECTIVES
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

Recently, in pursuing a complaint against a district, the U.S. Department of Justice objected to “suitability for the position” previously listed in this policy because, in the view of the department, it was subjective and could be misapplied to result in a discriminatory action prohibited by federal law (based on gender, age, etc.). Consequently, we have deleted this item entirely. In addition, item 5, previously “evaluations,” has been broadened to read “appraisals and other performance evaluations.”

These six criteria are intended to comport with Civil Order 5281, which has required since 1971 that each district have a list of objective criteria, not related to race or ethnicity, by which it will make decisions regarding employee assignment, demotion, reassignment, or dismissal and by which it will judge applicants. The full text of the order may be found at <http://www.tea.state.tx.us/eec/5281.html>.

DBA (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

For a more complete representation of the legal context within which districts must operate, we have added at PROFESSIONAL PERSONNEL CREDENTIALS a long-standing Education Code requirement for valid certification before an educator can be compensated for work done.

DBA (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

Guidance offered by TEA’s Division of NCLB Program Coordination suggests that the home campus teacher of a student assigned to a disciplinary alternative education program (DAEP) can be considered the “teacher

Explanatory Notes

TASB Localized Policy Manual Update 77

of record” for purposes of determining if the student is being instructed by a “highly qualified” teacher under the NCLBA. For this to hold true, however, (LOCAL) policy must provide for the following:

- The home campus teacher assigns and evaluates all student coursework;
- The student will receive substantially the same coursework and be subject to the same grading standards as other students on the home campus who are enrolled in the course;
- The home campus teacher has final authority to assign a grade for completed coursework and the final grade for the course;
- The home campus teacher is available on a regular basis to the student and to the DAEP teacher for face-to-face consultation; and
- The DAEP teacher meets all applicable SBEC certification requirements.

The enclosed (LOCAL) policy has been revised to reflect these TEA-defined criteria. If these conditions are met and if the home campus teacher meets NCLB requirements as “highly qualified,” parental notification is not required.

We have retained, at UPDATING CREDENTIALS, an existing policy provision previously applicable only to professional employees but now extended to all employees. This broadened language would, of course, include paraprofessionals required to maintain NCLB “highly qualified” status. We have deleted a previous statement addressing the timeline for teachers employed on emergency permits; this is more appropriately addressed in the employee’s contract. TASB’s Model Employee Contracts, published by TASB Human Resource Services, address this requirement in the “Certification Addendum” for educator contracts. The model contracts are available to HR Services subscribers via MyTASB at https://www.tasb.org/docs-mytab/gov_svcs/human_rsc_svcs/memlib/memlibfiles/c_models.pdf.cfm.

Other changes are as follows:

- A new CONTRACT PERSONNEL section charges the superintendent with ensuring that a contract employee holds valid credentials before a contract is issued.
- We have deleted a RECORDS statement referencing maintenance of records “in accordance with law and local administrative requirements.” Maintenance and retention of personnel records should be addressed within the district’s records management plan, as required by the Local Government Code. [See CPC]

DBD (LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

This policy has been revised structurally as well as substantively to clarify the conflict-of-interest standards applicable to employees and to incorporate the enactment of HB 914 from the 79th regular session. Of note:

- Presented first in the policy are specific violations of Penal Code and Education Code provisions pertaining to ethics. These prohibitions were unaffected by the 79th regular session.
- On page 3 appears the long-standing Texas Constitutional prohibition against a person’s holding more than one civil office of emolument, subject to noted exceptions.
- Also on page 3 appears provisions of Local Government Code 176.005—added by HB 914—that allow the board to extend to all or certain employees a CONFLICTS DISCLOSURE STATEMENT and to take disciplinary action against an employee who violates the requirement. As noted at BBFA(LEGAL), board members and superintendents are required to file such disclosures. At CHE(LEGAL), vendors are required to file questionnaires explaining their relationships with district officials. These disclosure requirements take effect on January 1, 2006.

Explanatory Notes

TASB Localized Policy Manual Update 77

DBD (LOCAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

Your current policy describes two kinds of conflict-of-interest disclosures:

- A broad, locally imposed standard that requires employees to disclose to their supervisors any potential conflict of interest with the proper discharge of responsibility or with the best interest of the district.
- A more narrowly defined “substantial interest” standard that obligates certain employees with such an interest—as defined by law—in real property or a business entity to file with the superintendent, the board president, or a designee an affidavit. This mirrors the Local Government Code requirement long in place for local public officials and applicable to board members.

HB 914 complicates this picture by introducing an additional disclosure—applicable to the superintendent and the board but which the board might require of other employees as well. As described at BBFA(LEGAL) and DBD(LEGAL), this new standard mandates filing with the district’s records administrator a conflicts disclosure statement (on a form developed by the Texas Ethics Commission) if a vendor with whom the district is doing business or considering doing business:

- has an employment relationship—or other business relationship—with the district employee or a member of his or her family;
- has provided the district employee or family member taxable income; or
- has provided the district employee or family member one or more gifts—apart from food, lodging, transportation, or entertainment—having a 12-month aggregate value of more than \$250.

This new disclosure standard prompts our revision of the SPECIFIC DISCLOSURES provision to clarify that your existing policy imposes the broad GENERAL STANDARD and the “substantial interest” standard that requires an affidavit of disclosure . . . but **not** the HB 914 standard that requires a conflicts disclosure statement [as described in BBFA and DBD(LEGAL)].

If your district desires to extend the HB 914 standard to employees other than the superintendent, it may do so for specific employees or for all employees. Please contact your Policy Consultant/Analyst for appropriate policy language.

For clarity, we have added a section pertaining to the AFFIDAVIT DISCLOSING INTEREST IN PROPERTY. According to Government Code 553.002, district “officers” and board candidates are subject to this requirement.

DBD (EXHIBIT) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CONFLICT OF INTEREST

We recommend the addition of these conflict of interest affidavits to your localized policy manual so that they are readily accessible to employees who are obligated by DBD(LOCAL) to file such affidavits.

- Exhibit A
AFFIDAVIT DISCLOSING SUBSTANTIAL INTEREST IN A BUSINESS ENTITY OR REAL PROPERTY
Your district’s DBD(LOCAL) extends to certain employees the Local Government Code 171.002 requirement that “local public officials” file such a disclosure statement. The completed form should be timely filed with the superintendent, board president, or designee. [The form for board member use is at BBFA(EXHIBIT).]
- Exhibit B
AFFIDAVIT DISCLOSING INTEREST IN PROPERTY
Government Code 553.002–.003 requires “public servants” to timely file—with the county clerk(s)—such a disclosure. This form is specifically for the superintendent’s use. [The form for board member use is at BBFA(EXHIBIT).]

Explanatory Notes

TASB Localized Policy Manual Update 77

On the cover page to these exhibits, we have appended a note referring employees required to file the “conflicts disclosure statement” to the Texas Ethics Commission’s Web site: <http://www.ethics.state.tx.us>. As explained at DBD(LEGAL), Local Government Code 176.003–.004 requires the superintendent and board members to file such disclosures and permits the board, by local policy, to extend this particular requirement to other employees as well.

DFD (LEGAL) TERMINATION OF CONTRACT HEARINGS BEFORE HEARING EXAMINER

At RECORD OF PROCEEDINGS, on page 4, appears an excerpt from TEA rules adopted in July 2004 and addressing what constitutes a “record” for a Chapter 21 appeal before an independent hearing examiner (IHE), a subcommittee of the board, or the board.

The record upon which the commissioner of education shall decide an appeal must include:

- transcripts of local proceedings
- all evidence admitted
- all offers of proof
- all written pleadings, motions, and intermediate rulings
- a description of matters officially noticed
- the recommendation of the IHE, if applicable
- the transcript of the oral argument before the board or board subcommittee
- the decision rendered by the board or board subcommittee
- the board or board subcommittee’s written reasons for changing the IHE’s recommendation, if applicable

These rules replaced previous hearing rules, adopted in 1993, when hearings were *de novo*. The rules were updated in July 2004 to reflect the fact that appeals are now conducted on the basis of a review of the substantial evidence as presented by the record.

DFE (LOCAL) TERMINATION OF CONTRACT RESIGNATION

We have extensively revised this policy to clarify who has authority to accept resignations and in what circumstances.

At AT–WILL EMPLOYEES we have added text clarifying that the superintendent or designee has authority to accept such resignations at any time.

At CONTRACT EMPLOYEES, new text establishes that:

- Before the school year starts, the superintendent or designee may accept a contract employee’s resignation, but if the resignation is submitted after the penalty-free resignation date established by Education Code 21.105(a) and 21.210(a), the acceptance is contingent on finding a suitable replacement.
- After the school year starts, the superintendent or designee may accept the resignation or refer it to the board to pursue SBEC sanctions. If the superintendent accepts the resignation, the board loses the option to pursue sanctions. If the board wishes to require all mid-year resignations to be brought before the board, please contact your Policy Consultant/Analyst.
- Effective at the end of the school year, the superintendent or designee is authorized to accept the resignation.

Explanatory Notes

TASB Localized Policy Manual Update 77

- The resignation of a contract employee may not be withdrawn without the consent of the board.

DGBA (LEGAL) PERSONNEL–MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

RECORD OF PROCEEDINGS, on page 3, has been amended to include an excerpt from TEA rules adopted in July 2004 and addressing what constitutes a “record” for appeals brought under Education Code 7.057.

The record upon which the commissioner of education decides an appeal must include:

- acceptable tape recordings or transcripts of the local hearing
- all evidence admitted
- all offers of proof
- all written pleadings, motions, and intermediate rulings
- a description of matters officially noticed
- the recommendation of the independent hearing examiner, if applicable
- the tape or transcript of the oral argument before the board
- the decision rendered by the board

These rules replaced previous hearing rules, adopted in 1993, when hearings were *de novo*. The rules were updated in July 2004 to reflect the fact that appeals are now conducted on the basis of a review of the substantial evidence as presented by the record.

DIA (LEGAL) EMPLOYEE WELFARE
FREEDOM FROM HARASSMENT

The section HARASSMENT OF EMPLOYEES newly includes two standards of current law. The first is drawn from federal regulations and states, “Harassment on the basis of a protected characteristic is a violation of the federal anti-discrimination laws”; the second is drawn from case law and states, “Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment.”

E (LEGAL) INSTRUCTION

We have revised the E Section table of contents as follows:

- EEH—a new policy code for HOMEBOUND INSTRUCTION.
- EHBAD—redesignated to address SPECIAL EDUCATION: TRANSITION SERVICES.
- EHBAE—a new policy code for SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS (previously addressed at EHBAD).

EEH (LOCAL) INSTRUCTIONAL ARRANGEMENTS
HOMEBOUND INSTRUCTION

TEA’s 2005–2006 Student Attendance Accounting Handbook states that to qualify for funding for homebound instruction, “the school district must have a policy and procedures approved by the local school board for implementation of general education homebound instruction.” Further information about homebound instruction requirements may be found on pages 26–34 of the handbook, which is available at <http://www.tea.state.tx.us/peims/handbook/0506hand.doc>.

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We have drafted the enclosed language to fulfill that policy requirement.

EFAA (LOCAL) INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION
TEXTBOOK SELECTION AND ADOPTION

This policy—required by the Texas Administrative Code [19 TAC 66.104(a)]—has been lightly edited to remove an unnecessarily limiting provision regarding the number of professional staff members serving on the local textbook review/selection committee and to remove the redundant April 1 deadline. This deadline (for the district to transmit to TEA a listing of instructional materials selected for use in the district) is prescribed by 19 TAC 66.104(g) and is recited in EFAA(LLEGAL).

EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

Under ENRICHMENT CURRICULUM, on page 1, item 2b has been adjusted to reflect the language of SB 42 from the 79th regular session: the health component of the enrichment curriculum has been restated to include “emphasis on the importance of proper nutrition and exercise.”

At STEROID NOTICE AND EDUCATION, on page 4, provisions of Education Code 38.008 (enacted in 1995) and Education Code 38.0081(b) (from the 79th regular legislative session) are added to this policy. The former provision requires posting of notices in gyms and classes where secondary physical education is conducted; the specific language of the notice is found at FNCF(EXHIBIT) in localized policy manuals. The latter provision is the result of HB 3563, which ordered the State Board of Education to identify grade levels where students participating in extracurricular activities are to be provided TEA-developed information regarding steroid use and health risks.

Please note: The State Board has not yet specified which grade levels are implicated. TEA and the Texas Department of State Health Services have developed the required information, available at <http://www.tea.state.tx.us/taa/comm042605.pdf>; in the transmittal letter for the information, Commissioner of Education Shirley Neeley and Commissioner of Health Eduardo Sanchez encouraged districts to share this information with students, parents, and staff.

Not reflected in EHAA(LEGAL) is a further HB 3563 requirement: the University Interscholastic League is ordered to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the League unless the student agrees not to use steroids and the parent acknowledges in writing the statements that are found in the FNCF(EXHIBIT).

UIL is also required to:

- develop an education program—before September 1, 2005—for students participating in UIL athletic activities and for their parents and coaches regarding the health effects of steroid use.
- make the program available to districts.
- work with public or private entities to study the effectiveness of the program.

During the 2005–06 school year, UIL must measure the extent of illegal steroid use by high school students and the number of districts that test high school students for illegal steroids. UIL is further charged with the responsibility of developing a plan for testing students engaged in UIL athletic activities for illegal steroids.

Finally, UIL must file a written report with the Legislature—not later than December 1, 2006—regarding the use survey, the effectiveness study of educational programs, and the testing plan. The bill directly states that, if the Legislature is not satisfied that the educational program has significantly reduced student use of illegal steroids, it may require UIL to implement the testing plan (and authorizes UIL to raise membership fees to pay for the testing).

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EHBA (LEGAL) SPECIAL PROGRAMS
SPECIAL EDUCATION

On December 3, 2004, President Bush signed into law the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). These changes became effective July 1, 2005, with compliance staged or dependent on state action and final regulations still in progress. Key provisions of the new federal legislation are as follows:

- Teacher qualifications [addressed at DBD(LEGAL) in Update 75]
 - A special education teacher who teaches any of the core academic subjects—English, reading, language arts, mathematics, science, foreign language, civics and government, economics, arts, history, or geography—at the elementary level is “highly qualified” if he or she has special education certification in addition to meeting the general requirements for being “highly qualified.”
 - Additional requirements apply to special education teachers who teach “alternative achievement standards” or who teach two or more core academic subjects exclusively to special education students. New special education teachers must be “highly qualified” in at least one of the following core academic subjects when hired—math, language arts, or science—and will be permitted two years to become “highly qualified” in any other core academic subjects taught.
- Due process [addressed at EHBAB in this update]
 - Complainants must now give notice of all issues prior to a hearing or the complainant risks not having the issues addressed during the hearing.
 - Parents must bring complaints to the district’s attention and attempt resolution before a due process hearing is conducted. A meeting to attempt to resolve the complaint must occur with the complainant within 15 days before a due process hearing.
 - State-funded mediation by a qualified and impartial mediator is permitted.
 - Due process decisions are now to be based on provisions of FAPE (Free Appropriate Public Education), not procedure.
 - A two-year statute of limitations is imposed for complaints.
- Individualized education programs (IEPs) and paperwork reduction [addressed at EHBAB in this update]
 - Fifteen (as yet unnamed) states will pilot a demonstration program identifying ways to reduce paperwork and other administrative duties (including the option to develop multi-year IEPs up to three years).
 - Any IEP team member may be excused from attending a team meeting if agreed upon by both the parent and a district official.
 - Changes to an IEP after the annual IEP meeting may be made without reconvening the team, provided the parent and district official agree and develop a written document to amend or modify the IEP.
- Student discipline [addressed at FOF in this update]
 - A district may now, on a case-by-case basis, determine if the student should be removed from class for misconduct and placed in an alternative setting, pending the manifestation determination.
 - During an appeal, a student may remain in the alternative placement pending an expedited hearing. The burden of proof no longer rests solely with the district.

These significant changes prompted TASB attorneys to re-evaluate the scope and level of detail of the (LEGAL) policies in the EHBA series—where programmatic aspects are presented—and at FOF—where dis-

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cipline of students with disabilities is addressed. The result of that initiative is a substantial redevelopment of each of these policies.

EHBA(LLEGAL) remains the gateway policy and addresses the rights of students with disabilities to a Free Appropriate Public Education. The controlling concept of this policy is to provide an overview of the essential foundations of special education: nondiscrimination, provision of special education, least restrictive environment, and the concept of and entitlement to a Free Appropriate Public Education. While much material previously at this policy has been recoded elsewhere in the EHBA series, PLACEMENT OPTIONS, found on page 2, is newly included from state regulations last revised in September 2000.

Please note: The U.S. Department of Education is currently reviewing new and old statute, regulations, and policy letters as well as public input, to identify areas of IDEA 2004 that need to be addressed by new regulations. Until those regulations are enacted, regulations implementing IDEA 1997 remain in force (to the extent that they are consistent with IDEA 2004). Further information on IDEA 2004 is available at <http://www.ed.gov/policy/spced/guid/idea/idea2004.html>.

EHBAA (LEGAL) SPECIAL EDUCATION IDENTIFICATION, EVALUATION, AND ELIGIBILITY

EHBAA(LLEGAL) has been reorganized to present a more logical flow of information, and additional provisions have been incorporated from federal statute and regulations where appropriate. In addition, the language has been refined to more closely track statute, and detail unnecessary for local governance and management purposes has been deleted.

Of note:

- At CHILD FIND, “children who are wards of the state” has been added from the law.
- The section regarding PRIVATE SCHOOL STUDENTS is also new statutory text.
- Changes in the federal law are reflected in the second and third paragraphs at INITIAL EVALUATION, on page 2.
- New statutory language has also been incorporated at CONSENT FOR INITIAL EVALUATION (page 2), DETERMINATION (on page 3), and REEVALUATIONS (on page 4).
- Provisions at PRESCRIPTION MEDICATION, on page 5, were enacted by the IDEA reauthorization.

EHBAB (LEGAL) SPECIAL EDUCATION INDIVIDUALIZED EDUCATION PROGRAM (IEP) AND ARDS

As with EHBAA(LLEGAL), this policy has been reorganized and redeveloped for readability, appropriate level of detail, inclusion of new statutory material, and consistency with statutory language.

Key changes include:

- The multi-page initial section, titled ADMISSION, REVIEW, AND DISMISSAL COMMITTEE, has been extensively revised to include from State Board rules provisions relating to the structure, responsibilities, and processes of the ARD committee.
- TRANSFER STUDENTS, on page 4, incorporates new statutory text that supersedes commissioner’s rules last revised in 2003.
- At INDIVIDUALIZED EDUCATION PROGRAM is a prescription for the written statement that is drawn from current law and the IDEA reauthorization.

EHBAC (LEGAL) SPECIAL EDUCATION STUDENTS IN NONDISTRICT PLACEMENT

Redevelopment continues with EHBAC(LLEGAL): the policy has been revamped to clarify its focus around “related services” (transportation, assistive technology devices, and extended school year services) and non-district placement (private schools, dual enrollment, charter schools, residential facilities, etc.).

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Key changes include:

- The federal law's definition of ASSISTIVE TECHNOLOGY DEVICES now specifically excludes surgically implanted medical devices.
- DUAL ENROLLMENT specifications, beginning on page 3, were to expire on June 30, 2004. Commissioner's rules, effective on June 7, 2004, deleted the expiration language and extended the provisions to students who were not yet eligible to attend kindergarten in a public school.

EHBAD (LEGAL) SPECIAL EDUCATION TRANSITION SERVICES

The scope—and title—of EHBAD has been revamped to address transition services.

Key changes regarding such services include the following:

- At TRANSITION SERVICES DEFINED is the revised definition found within IDEA 2004.
- At GRADUATION is new statutory language specifying that a district is not required to conduct an evaluation conference before terminating the service eligibility of a graduating student or of a student who ages out of eligibility.

Also in this section is a new statutory requirement that the district provide a student whose eligibility has expired a summary of the student's "academic achievement and functional performance" and recommendations on how the student may be assisted in meeting his or her postsecondary goals.

EHBAE (LEGAL) SPECIAL EDUCATION PROCEDURAL REQUIREMENTS

The redirection of policy code EHBAD prompts the creation of a new code—EHBAE—to address special education procedural requirements (previously found at EHBAD).

As with other codes in this series, the provisions of the policy have been redeveloped for clarity, to more closely track statutory language, for appropriate level of detail, and to include new statutory provisions.

Of note:

- At CONTENTS OF NOTICE, on page 2, a new item 5—requiring an opportunity to present and resolve complaints—has been added from IDEA 2004.
- At TIME LIMIT, on page 3, commissioner's rules regarding timely hearing requests have been added.

EHBC (LEGAL) SPECIAL PROGRAMS COMPENSATORY/ACCELERATED SERVICES

TEA's recently adopted rules implementing the optional flexible year program—styled by TEA as "OFYP"—have been excerpted beginning on page 7. Effective October 18, 2005, the rules address four key aspects:

- Eligibility: the student did not or is not likely to pass a state assessment and/or is not eligible for promotion to the next grade level.
- Program criteria:
 - The instructional days during the regular school year for ineligible students may not drop below 170 days.
 - Eligible students must be provided at least 180 days of instruction.

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- No more than five days of instruction may be waived for staff development or teacher preparation.
- District transportation as well as free and reduced-price meals—if provided during the regular year—must also be provided during the OFYP.
- The district may require educational support personnel to provide necessary services.
- Educators on 10-month contracts must fulfill the minimum days of service required by the Education Code.
- Approval process:
 - The district must submit to TEA a letter describing the proposed modification to the instructional calendar (approved by the board) and the OFYP to be provided.
 - TEA approval of any modification to the instructional calendar is limited to one year but extensions may be granted upon reapplication.
 - The commissioner may require, as a condition of approval, a district to document the success of its approach.
- Funding: the calculation of ADA is modified to reflect the actual number of instructional days within the approved calendar. The divisor for students on a reduced calendar may not be less than 170 days; for eligible students served through OFYP, not less than 180 days.

The text of the rules may be found at <http://www.tea.state.tx.us/rules/commissioner/adopted/0905/61-1017n-ltradopt.html>.

EI (LEGAL) ACADEMIC ACHIEVEMENT

Changes, nonlegislative in nature, are as follows:

- **ACADEMIC ACHIEVEMENT RECORD:** a new second paragraph, drawn from State Board of Education rule, has been added to address transfer of the record. The rule, adopted in 1996 and last revised in 2001, provides that copies of the record must be made available to transferees and may also be provided to the receiving district. The rule further instructs districts to “respond promptly to all requests for student records from receiving districts.”
- **EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM:** Education Code 28.025(g), previously recited under this heading, expired on January 1, 2004. In its place appears a parallel provision, found in the Higher Education Section of the Education Code. This provision contains no expiration date.

EKB (LEGAL) TESTING PROGRAMS STATE ASSESSMENT

The policy has undergone some restructuring and text changes for clarification.

Substantive changes are as follows:

- At **SPECIAL EDUCATION STUDENTS**, on page 3, the implementation during the 2004–05 school year of an alternative assessment for grades 9–10 is reflected. The transitional language has been deleted.
- **EXIT-LEVEL TEST: STUDENTS FROM OTHER STATES**, on page 9, tracks HB 25 from the 79th legislative session. Effective May 27, 2005, the legislation requires the commissioner to adopt a norm-referenced, exit-level test for students who enroll in a Texas public school after January 1 of their senior year. This testing requirement applies to first-time enrollees as well as students who have been out of a Texas public school for four or more years.

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EL (LEGAL) CHARTER CAMPUS OR PROGRAM

TEACHER RETIREMENT SYSTEM, on page 4, has been revised to reflect SB 1691 from the 79th regular session. Effective September 1, 2005, the legislation clarified that a district employee's TRS eligibility is unaffected by the fact that the employee works within a district charter campus or program.

F (LEGAL) STUDENTS

We have extended the scope of FFA to include not only policies specific to health services and requirements but also to encompass "wellness." (See the explanatory note at FFA, below.)

Note as well that we have created a new policy code—FLA—to accommodate policies pertaining to confidentiality of student health information.

FFA (LEGAL) STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

The new federal "wellness policy" mandate has been added to this policy. The mandate, contained within Public Law 108–265 signed into law on June 30, 2004, requires each school district participating in a meal program under the National School Lunch Act or Child Nutrition Act to establish a "local wellness policy" prior to the beginning of the 2006–07 school year.

This policy must:

- express goals for nutrition education, physical activity, and other school-based activities designed to promote student wellness
- include local nutrition guidelines to promote student health and reduce childhood obesity
- ensure that guidelines for reimbursable school meals are no less restrictive than USDA regulations and guidance
- plan for measuring implementation of the policy—including designation of at least one person at each school responsible for ensuring fulfillment of the policy

The legislation further requires that development of the policy be broad-based, involving not only the board but parents, students, school food service personnel, school administrators, and the public. More information on the federal requirement may be found at USDA's "Team Nutrition" site: <http://www.fns.usda.gov/TN/healthy-schools.html>. As the site shows, there are a wide range of resources from which districts may draw when implementing a local wellness program.

In Texas, the growing body of state law and regulation—from the Texas Public School Nutrition Policy promulgated by the Texas Commissioner of Agriculture to the various health and wellness requirements found elsewhere within this update—form a policy context that is more specific than in many other states. The particular challenge for Texas districts is weaving these statutory and regulatory threads into programs and activities that promote student health generally.

To assist districts with that task, Policy Service recently published a **Starting Points** policy development toolkit on the subject. Available via MyTASB to superintendents and policy administrators, the **Starting Points** can be found at https://www.tasb.org/docs-mytasb/gov_svcs/policy_svc/wellness_sp/index.shtml.cfm.

FFA (LOCAL) STUDENT WELFARE
WELLNESS AND HEALTH SERVICES

The new federal "wellness policy" (described above) renders your current (LOCAL) policy no longer adequate and we therefore recommend its deletion. The mandated wellness policy must explicitly encompass nutrition

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education, physical activity, and school-based activities designed to promote student wellness. We recommend that you establish the collaborative framework required by federal law and use the new **Starting Points** policy development tool kit to recreate a (LOCAL) policy at this code.

FNAB (LEGAL) STUDENT EXPRESSION USE OF SCHOOL FACILITIES FOR NONSCHOOL PURPOSES

To assist districts in addressing the requirements of the Equal Access Act, TASB attorneys have added from federal statute three definitions under LIMITED OPEN FORUM IN SECONDARY SCHOOLS: “secondary school,” “meeting,” and, on page 2, “sponsorship.”

The 1984 Equal Access Act provides that a public secondary school establishes a “limited open forum” whenever it grants a noncurriculum-related student group access to meet on school premises during noninstructional time. In doing so, the school limits its ability to deny access to student groups based solely on their viewpoint or the content of their speech. The absence or presence of a limited open forum has been central to legal challenges brought against an increasing number of school districts.

The choice of whether or not to permit a limited open forum and the implications of that choice for distribution of nonschool literature by students and for nonschool use of school facilities by students are complex. To assist districts in developing or refining FNAA(LOCAL) and FNAB(LOCAL) policies that tease out these knots, Policy Service has issued a **Starting Points** policy development tool kit. Available via MyTASB to superintendents and policy administrators, the **Starting Points** can be found at http://www.tasb.org/docs-mytasb/gov_svcs/policy_svc/amendment_sp/overview.shtml.cfm.

FNCF (LEGAL) STUDENT CONDUCT ALCOHOL AND DRUG USE

Recitations of Education Code 37.006 and 37.007—specifying disciplinary consequences for possession or use of alcohol, marijuana or a “controlled substance,” or a dangerous drug—have been deleted. These provisions are found at FOC (PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM) and FOD (EXPULSION).

In its place are direct statements regarding the alcohol and drug criminal offenses:

- At CRIMINAL OFFENSE, language from Education Code 37.122 has been added, defining as a Class C misdemeanor possession or use of an intoxicating beverage on school grounds or at an athletic event involving a school.
- At DRUG-FREE ZONES appears text from Health and Safety Code 481.134 enhancing the criminal penalties for a person who knowingly or intentionally possesses a controlled substance on a school bus or within 1,000 feet of a district property.

FNG (LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES STUDENT AND PARENT COMPLAINTS/GRIEVANCES

As at DGBA(LEGAL), RECORD OF PROCEEDINGS, on page 4, has been amended to include an excerpt from TEA rules adopted in July 2004 and addressing what constitutes a “record” for appeals brought under Education Code 7.057.

The record upon which the commissioner of education decides an appeal must include:

- acceptable tape recordings or transcripts of the local hearing
- all evidence admitted
- all offers of proof

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- all written pleadings, motions, and intermediate rulings
- a description of matters officially noticed
- the recommendation of the independent hearing examiner, if applicable
- a tape or transcript of the oral argument before the board
- the decision rendered by the board

These rules replaced previous hearing rules, adopted in 1993, when hearings were *de novo*. The rules were updated in July 2004 to reflect the fact that appeals are now conducted on the basis of a review of the substantial evidence as presented by the record.

FO (LEGAL) STUDENT DISCIPLINE

On November 7, 2005, Attorney General Greg Abbott ruled that HB 383—a Family Code amendment from the 79th regular session—did NOT impair the ability of a professional employee of a school district to administer corporal punishment.

The ruling (published at <http://www.oag.state.tx.us/opinions/ga/ga0374.pdf>) responds to a July 27 request from Commissioner of Education Shirley Neeley after the passage of HB 383 that stated, in part:

“Only the following persons may use corporal punishment for the reasonable discipline of a child:

- the parent or grandparent of the child;
- a stepparent of the child who has the duty of control and reasonable discipline of the child; and
- an individual who is a guardian of the child and who has the duty of control and reasonable discipline of the child.”

The commissioner queried whether the legislation applied to corporal punishment administered within a school setting and went on to inquire whether corporal punishment may be administered without parental consent. The attorney general concluded that the new law:

“does not prohibit the use of corporal punishment by school districts. Therefore a professional school district employee may utilize corporal punishment to the extent permitted by other state law and school district policies. Additionally, a school district may adopt a policy authorizing corporal punishment without the permission of persons [listed in the cited passage].”

The attorney general's analysis is consistent with that of TASB attorneys this summer: the intent of the language was to clearly empower grandparents, stepparents, and guardians to use corporal punishment without fear of a *de facto* claim of child abuse. Moreover, the legislature left intact existing authority permitting districts to administer corporal punishment. Believing that sufficient legal authority existed for school personnel to administer corporal punishment, TASB Legal Services did not include the HB 383 provisions in FO(LEGAL) policy at Update 76, the first of the post-legislative updates, nor is it included at Update 77.

FODA (LEGAL) EXPULSION JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM

At FEES, on page 4, has been added a provision from HB 1687 prohibiting a juvenile justice alternative education program from charging fees “except as otherwise provided by law.” This legislation, from the 79th regular session, became effective June 18, 2005.

FOF (LEGAL) STUDENT DISCIPLINE STUDENTS WITH DISABILITIES

As indicated in notes accompanying the EHBA series policies in this update, the incorporation of changes arising from the IDEA reauthorization and recent commissioner's rules prompted TASB attorneys to closely

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reevaluate policies pertaining to disabled students. This policy, pertaining to the discipline of students with disabilities, was similarly redeveloped and incorporates legislative changes as well.

Changes of note:

- On page 1, SPECIAL EDUCATION STUDENTS now includes language from HB 283 from the 79th regular session. Effective June 18, 2005, the legislation requires the Student Code of Conduct to withhold discipline of a special education student for “bullying, harassment, or making hit lists” until the ARD committee has reviewed the conduct.
- At INTERIM ALTERNATIVE EDUCATIONAL SETTING, on page 4, is a new statutory provision that permits a district to remove a student to an interim alternative placement (such as a DAEP) for up to 45 days if the student has inflicted serious bodily injury upon another person on school premises or at a school function under the jurisdiction of the state or a district, regardless of whether the conduct was a manifestation of the student’s disability. A definition of SERIOUS BODILY INJURY, on page 5, has been added from the federal law as well.
- PLACEMENT DURING APPEALS, on page 6, has been revised to reflect the fact that a district may now require a student to remain in a DAEP pending an appeal, but the district must arrange an expedited hearing.

GF (LEGAL) PUBLIC COMPLAINTS

As with DGBA(LEGAL) and FNG(LEGAL), RECORD OF PROCEEDINGS has been amended to include an excerpt from TEA rules adopted in July 2004 and addressing what constitutes a “record” for appeals brought under Education Code 7.057.

The record upon which the commissioner of education decides an appeal must include:

- acceptable tape recordings or transcripts of the local hearing
- all evidence admitted
- all offers of proof
- all written pleadings, motions, and intermediate rulings
- a description of matters officially noticed
- the recommendation of the independent hearing examiner, if applicable
- a tape or transcript of the oral argument before the board
- the decision rendered by the board

These rules replaced previous hearing rules, adopted in 1993, when hearings were *de novo*. The rules were updated in July 2004 to reflect the fact that appeals are now conducted on the basis of a review of the substantial evidence as presented by the record.