

- NONDISCRIMINATION** The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, religion, sex, or national origin. Nor shall the District limit, segregate, or classify its employees or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status as an employee because of the individual's race, color, religion, sex, or national origin. *42 U.S.C. 2000d; 42 U.S.C. 2000e-2(a); 20 U.S.C. 1681; Labor Code 21.051; North Haven Board of Education v. Bell, 102 S.Ct. 1912 (1982)*
- Sexual harassment is a form of sex discrimination. *Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986)* [See also DHC (LEGAL)]
- AGE** The District shall not discriminate in employment, as set out above, because an individual is age 40 or above. *29 U.S.C. 623; 29 U.S.C. 631; Labor Code 21.101*
- EXCEPTION** As an exception to the policy stated above, the Board may employ an individual on the basis of the individual's religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification reasonably necessary to the normal operation of the District. *42 U.S.C. 2000e-2(e)*
- TITLE IX COMPLIANCE COORDINATOR** The District shall designate at least one employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended, and its implementing regulations. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. *34 CFR 106.8(a)* [See DAA(LOCAL)]
- DISABILITY** The District shall not discriminate against a qualified individual with a disability because of the individual's disability in regard to job application procedures; hiring, advancement, or discharge; employee compensation; job training; and other terms, conditions, and privileges of employment. Discrimination includes not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of the District. *42 U.S.C. 12112(a)(b); 29 CFR Part 1630; 34 CFR 104.11; Labor Code 21.051*
- The District shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to

have a family, business, social, or other relationship or association. *29 CFR 1630.8; 34 CFR 104.11, 104.3(j)*

COMPLIANCE COORDINATORS

ADA

The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II, Subtitle A, of the Americans with Disabilities Act and its implementing regulations, including any investigation of any complaint communicated to it alleging the District's noncompliance or actions prohibited by those provisions. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. *28 CFR 35.107* [See DAA(LOCAL)]

SECTION 504

The District shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. *34 CFR 104.7(a)*

NOTICES

ADA

The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act and its applicability to the District's programs, services, and activities. The information shall be made available in such manner as the Board and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 CFR 35.106*

The District shall post notices in an accessible format to applicants, employees, and members describing the applicable provisions of Title I of the ADA. *42 U.S.C. 12115*

SECTION 504

The District shall make available to applicants, participants, beneficiaries, and employees, including those with impaired vision or hearing, notice that it does not discriminate on the basis of disability in violation of Section 504.

The notice shall state, where appropriate:

1. That the District does not discriminate in admission or access to, or treatment or employment in, its programs and activities; and
2. The identity of the responsible employee designated as 504 coordinator.

Methods of notification may include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placement of notices in District publications; and
4. Distribution of memoranda or other written communications.

If the District publishes recruitment materials, it shall include in those

materials a statement of the 504 policy described above.

34 CFR 104.8

COMPLAINT
PROCEDURE

The District shall adopt and publish grievance procedures providing for prompt and equitable resolutions of complaints alleging any action that would be prohibited by the Americans with Disabilities Act or Section 504. *28 CFR 35.107(b); 34 CFR 104.7(b)*

DEFINITIONS
RELATED TO
INDIVIDUALS WITH
DISABILITIES

The term "disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the individual's major life activities, a record of having such an impairment, or being regarded as having such an impairment. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *42 U.S.C. 12102(2); 29 CFR 1630.2(g)-(l); 28 CFR 35.104; 34 CFR 104.3(j),(l)*

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to the District's judgment as to what functions of a job are essential, and if a written description has been prepared before advertising or interviewing applicants for the job, this description shall be considered evidence of the job's essential functions. *42 U.S.C. 12111(8); 29 CFR 1630.2(m)(n); 34 CFR 104.3(k)*

REASONABLE
ACCOMMODATION

The term "reasonable accommodation" may include (1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities and (2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. *42 U.S.C. 12111(9); 29 CFR 1630.2(o); 34 CFR 104.12(b)*

UNDUE HARDSHIP

The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of factors related to the nature and cost of the accommodation needed, overall financial resources of the affected facility and the District, and other factors set out in law. *42 U.S.C. 12111(10); 29 CFR 1630.2(p); 34 CFR 104.12(c)*

EXCEPTIONS TO
DEFINITIONS

DRUG AND
ALCOHOL
ABUSE

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the District acts on the basis of such use. Nor does it include any individual who is an alcoholic whose current use of alcohol prevents the employee from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 706(8)(C)*

As a qualification standard, the District may require that an individual not

DIRECT THREAT
TO HEALTH OR
SAFETY

pose a direct threat to the health or safety of other individuals in the workplace. Although the term "physical or mental impairment" includes such contagious diseases as HIV disease (whether symptomatic or asymptomatic) and tuberculosis, an individual who by reason of such disease or infection would pose a direct threat to the health or safety of others that cannot be eliminated or reduced by reasonable accommodation or who is unable to perform the duties of the job shall not be considered a "qualified individual." *42 U.S.C. 12113(b); 29 U.S.C. 706(8)(D); 29 CFR 1630.2(r); 28 CFR 35.104*

The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. The assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

1. The duration of the risk.
2. The nature and severity of the potential harm.
3. The likelihood that the potential harm will occur.
4. The imminence of the potential harm.

29 CFR 1630.2(r); School Board of Nassau County v. Arline, 107 S.Ct. 1123 (1987)

MILITARY
SERVICE

The District shall not deny initial employment, re-employment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. The District shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA). *38 U.S.C. 4311* [See also DEC(LEGAL)]

RELIGIOUS FREEDOM

The District may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civil Practice and Remedies Code 110.003* [See also FB(LEGAL) and GA (LEGAL)]

DATE ISSUED: 10/09/2000
UPDATE 64
DAA(LEGAL)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Houston ISD
101912

EMPLOYMENT OBJECTIVES:
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

ADA / SECTION 504
COORDINATOR The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973.

Name: Josephine Morgan

Position: Director, Equal Employment Opportunity

Address: 3233 Wesleyan, Houston, 77027

Telephone: (713) 892-6097

TITLE IX
COORDINATOR The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Josephine Morgan

Position: Director, Equal Employment Opportunity

Address: 3233 Wesleyan, Houston, 77027

Telephone: (713) 892-6097

COMPLAINTS The coordinators shall be responsible for investigation of complaints on behalf of employees and citizens. For complaint procedures, see DGBA(LOCAL) and GF (LOCAL).

DATE ISSUED: 02/22/1999

LDU-02-01

DAA(LOCAL)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

EMPLOYMENT OBJECTIVES:
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAB
(LOCAL)

The Board establishes the following objective criteria for decisions regarding the hiring, dismissal, reassignment, promotion, and demotion of District personnel. These criteria are not rank-ordered and may be considered in whole or in part in making such decisions.

1. Academic or technical preparation, supported by transcripts.
 2. Proper certification for grade level, subject, or assignment, including emergency permits and endorsements for specific subjects, programs, or positions.
 3. Experience.
 4. Recommendations and references.
 5. Evaluations.
 6. Suitability for the position and professional competence.
 7. The needs of the District.
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DATE ISSUED: 06/11/1982
UPDATE 18
DAB(LOCAL)-A

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

PROFESSIONAL
PERSONNEL

CREDENTIALS

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A person who desires to teach in a public school shall present the person's certificate for filing with the District before the person's contract with the Board is binding. *Education Code 21.003(a), 21.053(a)*

A person may not be employed by the District as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for the District only if the person holds the appropriate credentials from the appropriate state agency. *Education Code 21.003(b)*

ADDITIONAL
CERTIFICATION

The State Board for Educator Certification (SBEC) shall provide for a certified educator to qualify for additional certification to teach at a grade level or in a subject area not covered by the educator's certificate upon satisfactory completion of an examination or other assessment of the educator's qualification. *Education Code 21.056; 19 TAC 230.437*

MASTER
READING
TEACHERS

To ensure that there are teachers with special training to work with other teachers and with students in order to improve student reading performance, SBEC shall establish a master reading teacher certificate. *Education Code 21.0481*

The District may apply to the Commissioner of Education for grants for each high-need campus to be used to pay stipends to certified master reading teachers. *Education Code 21.410; 19 TAC 102.1011*

MASTER
MATHEMATICS
TEACHERS

To ensure that there are teachers with special training to work with other teachers and with students in order to improve student mathematics performance, SBEC shall establish a master mathematics teacher certificate. *Education Code 21.0482*

The District may apply to the Commissioner for grants for each high-need campus to be used to pay stipends to certified master mathematics teachers. *Education Code 21.411*

MASTER
TECHNOLOGY
TEACHERS

To ensure that there are teachers with special training to work with other teachers and with students in order to increase the use of technology in each classroom, SBEC shall establish a master technology teacher certificate.

Education Code 21.0483

The District may apply to the Commissioner for grants to be used to pay stipends to certified master technology teachers. *Education Code 21.412*

MASTER
SCIENCE
TEACHERS

To ensure that there are teachers with special training to work with other teachers and with students in order to improve student science performance, SBEC shall establish a master science teacher certificate. *Education Code 21.0484*

The District may apply to the Commissioner for grants to be used to pay stipends to certified master science teachers. *Education Code 21.413*

TEACHERS IN CORE
ACADEMIC
SUBJECTS

As part of the state plan described at 20 U.S.C. 6311, TEA shall develop a plan to ensure that all teachers teaching in core academic subjects within the state are highly qualified not later than the end of the 2005-06 school year.

'CORE ACADEMIC
SUBJECTS'
DEFINED

The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

TEACHERS IN TITLE
I PROGRAMS

Beginning with the first day of school of 2002-03, each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*) shall ensure that all teachers hired after that day and teaching in a program supported with such federal funds are highly qualified.

'HIGHLY
QUALIFIED'

GENERAL
CERTIFICATION
REQUIREMENT
DEFINED

The term "highly qualified":

1. When used with respect to any public elementary school or secondary school teacher, means the teacher:
 - a. Has obtained full state certification as a teacher (including alternative certification); and
 - b. Has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

SUBJECT
COMPETENCY
DEFINED

NEW
ELEMENTARY
TEACHER

2. When used with respect to an elementary school teacher who is new to the profession, means the teacher:
 - a. Holds at least a bachelor's degree; and
 - b. Has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

NEW MIDDLE
OR
SECONDARY
TEACHER

3. When used with respect to a middle or secondary school teacher who is new to the profession, means the teacher:
 - a. Holds at least a bachelor's degree; and
 - b. Has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
 1. Passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or

2. Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

EXISTING
TEACHER

4. When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means the teacher holds at least a bachelor's degree and:
 - a. Has met the applicable standard as detailed above for new teachers; or
 - b. Demonstrates competence in all academic subjects in which the teacher teaches based on a high objective uniform state standard of evaluation. *No Child Left Behind Act of 2001, 20 U.S.C. 6319, 7801*

NOTICE TO
PARENTS:
QUALIFICATIONS

As a condition of receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*), the District shall, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the District shall provide the parents on request (and in a timely manner) information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived.
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.
4. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

ADDITIONAL
INFORMATION

A school that receives such federal funds shall also provide to each individual parent:

1. Information on the level of achievement of the parent's child in each of the state academic assessments; and
2. Timely notice that the parent's child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who is not highly qualified.

No Child Left Behind Act of 2001, 20 U.S.C. 6311

CPR AND FIRST AID
CERTIFICATION

A District employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the District or UIL must maintain and submit to the District proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the

American Heart Association, or another organization that provides equivalent training and certification. The District shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

SCHOOL DISTRICT
TEACHING PERMIT

A person who does not hold a teaching certificate may be issued a school district teaching permit. The District may issue a school district teaching permit to and may employ a person who holds a baccalaureate degree. A baccalaureate degree is not required for persons who will teach only career and technology education.

STATEMENT TO
COMMISSIONER

After employing a person under a school district permit, the District shall promptly send a written statement to the Commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the Commissioner. Not later than the 30th day after the Commissioner receives the District's statement, the Commissioner may inform the District that the person is not qualified to teach. The person may not teach if the Commissioner finds that the person is not qualified.

If the Commissioner fails to act before the 30th day after receiving the statement, the District may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the Commissioner.

DURATION OF
PERMIT

A person holding a school district teaching permit may teach the subject or class identified to the Commissioner for as long as the teacher remains in the District or until the District revokes the permit for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions.

Education Code 21.055

Note: The assignment of a teacher to teach a class for which he or she is not properly certified triggers parent notification requirements in accordance with state and federal laws. See DK.

REVOCATION OF
CERTIFICATE FOR
CERTAIN OFFENSES
AGAINST CHILDREN

Not later than the fifth day after receiving notice from a court under Code of Criminal Procedure Article 42.018 that a person who holds a certificate issued under Education Code Chapter 21, Subchapter B, has been convicted, SBEC must revoke the person's certificate and provide written notice of the revocation and its basis to the person and to any school district or open-enrollment charter school employing the person at the time.

The revocation and notice requirement applies only if the victim of the offense is under 18 years of age, and only to a conviction of a felony under

Penal Code Title 5 or an offense for which the person must register as a sex offender.

Education Code 21.058 [See also DK and DF]

FAILURE OF
CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

1. Does not hold a certificate or permit issued by SBEC; or
2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

This provision does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

Education Code 21.0031(a), (e) [See DF]

PARAPROFESSIONAL
EMPLOYEES

CREDENTIALS

Educational aides shall be certified according to standards established by the State Board for Educator Certification. *19 TAC 230.551*

TITLE I PROGRAM
REQUIREMENTS

Each district receiving assistance under Title I, Part A of the ESEA (20 U.S.C. 6301 *et seq.*) shall ensure that all paraprofessionals working in a program supported with those funds shall:

DUTIES

1. Be assigned only duties consistent with 20 U.S.C. 6319(g).

HIGH SCHOOL
DIPLOMA

2. Regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

HIGHER
EDUCATION OR
COMPETENCY
TEST

3. If hired after January 8, 2002, have one of the following credentials:
 - a. Completed at least 2 years of study at an institution of higher education;
 - b. Obtained an associate's (or higher) degree; or
 - c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
 1. Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 2. Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

FULL
COMPLIANCE
DATE

All paraprofessionals hired before January 8, 2002 and working in a program supported with Title I, Part A funds shall satisfy the HIGHER EDUCATION OR COMPETENCY TEST requirement not later than January 8, 2006.

EXCEPTIONS

The HIGHER EDUCATION OR COMPETENCY TEST requirements above shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or
2. Whose duties consist solely of conducting parental involvement activities.

No Child Left Behind Act of 2001, 20 U.S.C. 6319

SCHOOL BUS DRIVERS

CREDENTIALS

A school bus driver must:

1. Be at least 18 years old.
2. Hold an appropriate class of driver's license for the vehicle being operated.
3. Pass an annual physical exam and otherwise meet medical and physical requirements established by the Department of Public Safety (DPS). [See DBB]
4. Have a driving record that is acceptable according to minimum standards adopted by the DPS. A check of the person's driving record shall be made with DPS annually.
5. Pass a pre-employment driver's license check with the DPS, and maintain a driving record acceptable according to the standards prescribed by the State Board and the DPS. [See ANNUAL EVALUATION, below]
6. Have an acceptable criminal history record. [See DC] If the District obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude, it may not employ the person to drive a school bus on which students are transported unless the employment is approved by the Board or the Board's designee.
7. Possess a valid certificate stating that the driver is enrolled in, or has completed, a driver training course in school bus safety education approved by the DPS.

Trans. Code 521.022; 37 TAC 14.11, 14.12, 14.14

ANNUAL EVALUATION

The District shall evaluate the driver's license record of each school bus driver at least annually to determine if the driver is still eligible to drive a school bus. *Trans. Code 521.022(d); 37 TAC 14.14*

EMPLOYEE ACCESS

All information contained in the personnel file of an employee shall be made available to that employee or the designated representative as public information is made available under the Public Information Chapter of the Government Code. *Gov't Code 552.102(a)*

SPECIAL RIGHT

An employee or an employee's designated representative has a special right of access, beyond the right of the general public, to records and copies of records held by the District that contain information relating to the person that is protected from public disclosure by laws intended to protect the employee's privacy interests. The District shall not deny to the employee or his or her representative access to information about the employee on the

grounds that the information is considered confidential by privacy principles, but may assert as grounds for denial of access other provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests. *Gov't Code 552.023*

If the officer for records determines that information in the employee's records is exempt from disclosure under provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests, he or she shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, the information shall be released not later than the tenth day after the request for information is received. *Gov't Code 552.307*

PUBLIC ACCESS

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Chapter of the Government Code. *Gov't Code 552* [See GBA]

DATE ISSUED: 09/30/2003
UPDATE 71
DBA(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LEGAL)

| | |
|-----------------------------|--|
| SCHOOL BUS DRIVERS | A person shall not drive a school bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in compliance with the requirements of 37 TAC 14.12. The results of the examination shall be noted on the form published by the U.S. Department of Transportation in 49 CFR Part 391.41. A driver shall not operate a school bus unless he or she has on his or her person the original or photographic copy of the medical examiner's Certificate 391.43 stating that the driver is physically qualified to drive a commercial motor vehicle. <i>Trans. Code 521.022; 37 TAC 14.12</i> |
| DEFINITIONS | The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any (LOCAL) policy adopted in conjunction with this policy. |
| BLOODBORNE PATHOGEN CONTROL | A district that employs employees who provide services in a public or private facility providing health care-related services, including a home health care organization, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of Health (TDH). This includes a district that operates a public school health clinic. |
| 'SHARPS' DEFINED | "Sharps" means an object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur. |
| MINIMUM STANDARDS | <p>The minimum standards in TDH's Bloodborne Pathogens Exposure Control Plan require the District to:</p> <ol style="list-style-type: none">1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the District and its particular facilities;2. Provide, at District expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an employee declines to be vaccinated, maintain a record of the employee's written refusal;3. Provide to affected employees pre-service and annual refresher training as described in the TDH Exposure Control Plan;4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDH on a standardized form.5. Provide a post-exposure evaluation and follow up with an employee |

who has a sharps injury.

Health and Safety Code 81.301-.307; 25 TAC 96

COST OF
HEPATITIS
TESTING AFTER
ACCIDENTAL
EXPOSURE

If certified emergency medical services personnel, a firefighter, a peace officer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B or hepatitis C. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test. *Health and Safety Code 81.095(B)*

PRE-EMPLOYMENT
INQUIRIES AND
EMPLOYMENT
ENTRANCE
EXAMINATIONS

The District shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, the District is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(c)(2); 29 CFR 1630.14(a)*

The District may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(c)(3); 29 CFR 1630.14(b)

CONFIDENTIALITY

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. *29 CFR 1630.14(b)(c)*

EXAMINATION
DURING
EMPLOYMENT

The District may require a medical examination (and/or inquiry) of an employee that is job related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions.

The Board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the Board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the Board testimony or other information relevant to the

educator's fitness to continue the performance of regular duties. [See also DEC]

The results of an employee's medical examination shall be used only to determine the employee's ability to perform job-related functions.

42 U.S.C. 12112(c)(4); 29 CFR 1630.14(c); Education Code 21.409(c)

DATE ISSUED: 12/16/2003

UPDATE 72

DBB(LEGAL)-B

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

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|-----------------------------------|--|
| TB TESTING REQUIREMENTS | <p>Employees new to the District shall provide evidence of a tuberculosis test administered, or X-ray results recorded, before employment with the District, and shall submit the results of the test. A person who gives evidence of having received a TB test within the previous four months shall not be required to take another test.</p> <p>The District shall comply with screening recommendations made by local health authorities.</p> |
| EXAMINATIONS DURING EMPLOYMENT | <p>A medical examination may be required of any employee when, in the judgment of the immediate supervisor after consultation with the Superintendent or designee, the employee's condition interferes with the ability to perform job-related functions or may pose a direct threat to the health or safety of the employee or others. The District may designate the physician to perform the examination and, in that case, shall pay the cost of the examination. If in the Superintendent's discretion the circumstances so require, the employee may be placed on administrative leave with pay, pending the physician's report and the District's decision.</p> |
| HEALTH OR SAFETY CONSIDERATIONS | <p>If it is determined that the employee poses a direct threat to health or safety within the District or that the employee's ability to perform job-related functions is affected, the Superintendent or designee shall determine under what circumstances the employee might continue to perform job-related functions without posing a direct threat to self or others.</p> |
| EXCLUSION | <p>If the employee cannot perform job-related functions without posing a threat to health or safety, the Superintendent or designee may exclude the employee from work. However, before being excluded from work, the employee shall be permitted to present evidence to the Superintendent or designee relevant to his or her fitness to continue regular duties.</p> |
| USE OF LEAVE | <p>Employees who are excluded from work because of a communicable disease or other medical condition may use any accrued paid leave to which they are entitled or request temporary disability leave, as appropriate. [See DEC]</p> |
| PLACEMENT ON TEMPORARY DISABILITY | <p>The Superintendent or designee shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent in consultation with the physician who has performed the medical exam, the employee's condition interferes with the performance of regular duties. [See DEC(LEGAL)]</p> |
| OTHER REQUIREMENTS | <p>Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]</p> |

Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees.

TERMINATION OF EMPLOYMENT Employees who are excluded from work because of a communicable disease may have their employment terminated when all leave to which they are entitled has expired, in accordance with appropriate policies. [See DEC and DF series]

DATE ISSUED: 05/01/2000

LDU-18-00

DBB(LOCAL)-X

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LEGAL)

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| HOLDING PUBLIC OFFICE | District employees shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. A schoolteacher, retired schoolteacher, or retired school administrator may receive compensation for serving as a member of those governing bodies, including a water district created under Section 59, Art. XVI, or Section 52, Art. III. However, Trustees of an independent school district serve without compensation. <i>Tex. Const., Art. XVI, Sec. 40(b); Atty. Gen. Op. DM-55 (1991), LA-114 (1975); Education Code 11.061(d)</i> |
| RESTRICTIONS ON 'PUBLIC SERVANTS' | "Public servant" includes a person elected, selected, appointed, or employed as an officer, employee, or agent of the government. <i>Penal Code 1.07(41)</i> [See also BBFA and DH] |
| ABUSE OF PUBLIC EMPLOYMENT | <p>A public servant commits an offense if he or she, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the public servant's office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government, that has come into his or her custody or possession by virtue of his or her office or employment. <i>Penal Code 39.02(a)</i></p> <p>"Law relating to the public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. <i>Penal Code 39.01(1)</i></p> |
| HONORARIA AND EXPENSES | A public servant commits a class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. <i>Penal Code 36.07</i> |
| GIFTS | A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the District commits a class A misdemeanor offense if he or she solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions. <i>Penal Code 36.08(d)</i> |
| TEXTBOOKS | Any administrator or teacher who receives any commission or rebate on any books used in the schools with which the person is concerned as administrator or teacher commits a Class B misdemeanor offense. |

Any administrator or teacher commits a class B misdemeanor offense if the administrator or teacher accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence an administrator or teacher in the selection of a textbook; and
3. Could not be lawfully purchased with funds from the state textbook fund.

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

Education Code 31.152

A person commits a Class C misdemeanor offense if the person knowingly violates any law providing for the purchase or distribution of free textbooks for the public schools. *Education Code 31.153*

Note: See also CBB for requirements when federal funds are involved.

DATE ISSUED: 12/16/2003
UPDATE 72
DBD(LEGAL)-P

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LOCAL)

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.

No gift, favor, loan, service, or anything of more than token value shall be accepted by District employees from any District vendor or prospective vendor seeking to do business with the District. Items of token value include trinkets of minimal value such as coffee mugs, key chains, caps, and the like. Plaques and commemorative items are not considered to be gifts. Meals exceeding \$100 in the aggregate per year from any District vendor or prospective District vendor are strictly prohibited. Meals that exceed \$50 per meal or up to \$100 in the aggregate per year from any District vendor or prospective vendor must be reported.

An employee shall not have a personal financial interest, business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interest of the District.

An employee who believes he or she has or may have a conflict of interest shall disclose the conflict to the Superintendent or designee, who shall take whatever action is necessary, if any, to ensure that the District's best interests are protected.

DISCLOSURE
STATEMENT

An administrative employee shall be required to execute the disclosure statement semi-annually, certifying that the employee will conform with the requirements of Section 16 of the Special Act of 1923, which created the District. For the purpose of this policy, "administrative employee" shall be defined as any District employee in pay grade 14 and above.

DEFINITION

"Conflict of interest" includes the common law conflict of interest and the following definition in Section 16 of the Special Act of 1923:

No Superintendent, business manager, or any other person holding any position of employment under said Board, shall be directly or indirectly interested in any purchase, sale, business, work or contract, the expense, price or consideration of which is paid from the school funds of said District; nor shall any employee purchase any warrants or claims against said Board or District, or any interest therein, or become surety for any person or persons having a contract or any kind of business with said Board, for the performance of which security may be required. Anyone violating this provision shall be discharged from services.

If the administrator is in doubt about a particular item, written clarification shall be requested concerning any transaction or potential transaction that might create a conflict of interest.

CONFLICT OF
INTEREST
REVIEW
COMMITTEE

The conflict of interest review committee shall analyze possible conflict of interest disclosures submitted to the Superintendent or the Human Resources Department and the committee shall make recommendations to the Superintendent for appropriate action by the Board, if necessary.

The committee shall analyze possible conflict of interest disclosures involving the Superintendent and make recommendations to the Board for appropriate action, if necessary. Conflict of interest disclosures involving the Superintendent should be submitted directly to the conflict of interest review committee.

DATE ISSUED: 09/13/2004
LDU-37-04
DBD(LOCAL)-X

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RELATION TO
TRUSTEE

Except as provided by this policy, no person shall be employed by the District who is related to a member of the Board by blood (consanguinity) within the third degree, or by marriage (affinity) within the second degree. *Gov't Code 573.002, 573.041* [See also BBFA]

The method of computing degrees of relationship is the civil law method. *Gov't Code 573.021*

CONSANGUINITY

Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. For this purpose, an adopted child is treated as a natural child of the adoptive parents. *Gov't Code 573.022*

The degree of relationship by consanguinity between a person and his or her descendant is determined by the number of generations that separate them. If a person and his or her relative are related by consanguinity, but neither is descended from the other, the degree of relationship is determined by adding the number of generations between the person and the nearest common ancestor shared by him or her and his or her relative to the number of generations between the relative and the nearest common ancestor.

If a Board member is the prospective employee's parent or child, there exists a relationship in the first degree. If a Board member is the prospective employee's grandparent, grandchild, sister, or brother, there is a relationship in the second degree. If a Board member is the prospective employee's great-grandparent, great-grandchild, aunt, uncle, niece, or nephew, there is a relationship in the third degree. These are the only relationships by consanguinity that are prohibited by the nepotism law.

Gov't Code 573.023

AFFINITY

Two persons are related to each other by affinity if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person. Divorce or the death of a spouse terminates relationships by affinity created by a marriage unless a child of the marriage is living. If a child of the marriage is living, the marriage is considered to continue until the youngest child of that marriage reaches the age of 21. *Gov't Code 573.024*

A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. If a Board member's spouse is the prospective employee's parent or child, or if the prospective employee's spouse is a Board member's parent or child, there exists a relationship in the first degree. If a Board member's spouse is the prospective

employee's grandparent, grandchild, sister, or brother, or if the prospective employee's spouse is a Board member's grandparent, grandchild, sister, or brother, there is a relationship in the second degree. These are the only relationships by affinity that are prohibited by the nepotism law. *Gov't Code 573.025*

EFFECT OF
TRUSTEE
RESIGNATION

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a Trustee's resignation is filled by a successor, the Trustee continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991)*

CONTINUOUS
EMPLOYMENT
EXCEPTION

The nepotism prohibitions described in this policy shall not apply to the confirmation or appointment of an individual to a position if the individual is employed in the position immediately before the election or appointment of the Trustee to whom the individual is related in a prohibited degree and that prior employment is continuous for at least:

1. Thirty days, if the Trustee is appointed; or
2. Six months, if the Trustee is elected.

Gov't Code 573.062(a)

If a person continues in a position under this exception, the Trustee who is related to the employee shall not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a bona fide class or category of employee. *Gov't Code 573.062(b)*

SUBSTITUTE
TEACHER
EXCEPTION

The nepotism prohibitions in Government Code 573.041 do not apply to appointment or employment of a substitute teacher. *Gov't Code 573.061*

SUPERINTENDENT

The Superintendent is merely an employee or agent of the Board and is not subject to prohibitions under the nepotism statutes. *Pena v. Rio Grande City CISD, 616 S.W.2d 658 (Tex. Civ. App. - Eastland 1981, no writ)*

PRINCIPAL

A principal is not a public officer for purposes of the nepotism statutes. *Atty. Gen. Op. DM-132 (1992)*

TRADING

It is illegal to evade the provisions of this policy by trading. *Gov't Code 573.044*

Note: An example of trading would be if a Board member employed the relative of a person subject to the nepotism statute, in return for which that person employed a relative of the Board member, given the fact that neither employer could legally employ his or her own relative.

FEDERAL FUNDS The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. Thus, the rules apply in the case of a teacher paid with funds from a federal grant. *Atty. Gen. L.A. No. 80 (1974)*

DATE ISSUED: 05/15/2003
UPDATE 70
DBE(LLEGAL)-A

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
NEPOTISM

These illustrations depict the relationships that violate the nepotism law.

CONSANGUINITY Board member is prospective employee's:

(Blood) Kinship

| | | | | |
|--------------|--------|-------|--|--|
| | | | | |
| First Degree | Parent | Child | | |
| | | | | |

| | | | | |
|---------------|-------------|------------|-----------------|--|
| | | | | |
| Second Degree | Grandparent | Grandchild | Sister/ Brother | |
| | | | | |

| | | | | |
|--------------|-------------------|------------------|------------|--------------|
| | | | | |
| Third Degree | Great-Grandparent | Great-Grandchild | Aunt/Uncle | Niece/Nephew |
| | | | | |

AFFINITY Board member's spouse is the prospective employee.

(Marriage) Kinship

OR

Board member's spouse is prospective employee's:

OR

Prospective employee's spouse is the Board member's:

| | | | | |
|--------------|--------|-------|--|--|
| | | | | |
| First Degree | Parent | Child | | |
| | | | | |

| | | | | |
|---------------|-------------|------------|-----------------|--|
| | | | | |
| Second Degree | Grandparent | Grandchild | Sister/ Brother | |
| | | | | |

NOTE: The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one affinity relationship between the Board member and prospective employee through either of their spouses.

DATE ISSUED: 07/08/1991
UPDATE 40
DBE(EXHIBIT)-A

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EMPLOYMENT
POLICY

The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:

1. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent; and
2. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202. [See DP (LEGAL)]

The employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District.

Education Code 11.163

ACTION ON
RECOMMENDATION

The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. *Education Code 11.163(b)*

FORMER TRUSTEE
EMPLOYMENT

A Trustee is prohibited from accepting employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

EMPLOYMENT OF
RETIREES

ACUTE
SHORTAGE
AREAS

For purposes of hiring retirees, the Board shall determine by rule whether there are acute shortage areas in the District based on the acute shortage area guidelines by the Commissioner of Education. The guidelines must include:

1. A list of acute shortage areas;
2. Suggested criteria for identifying local acute shortage areas; and
3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.

Gov't Code 824.602(m)

NOTICE TO TRS

The District shall furnish TRS a monthly certified statement of all employment after retirement containing information necessary for the executive director to classify employment as "substitute," "not more than one-half-time," "employment under the six-month exception," "employment

in an acute shortage area," or "full-time employment" under TRS rules. *34 TAC 31.10*

VERIFICATION OF EMPLOYMENT ELIGIBILITY The District shall verify employment eligibility within three business days of hire or actual commencement of duties for all persons hired after November 6, 1986. Employment eligibility for those employees who continue to be employed after May 31, 1987, shall be verified by examination of documents establishing identity and employment authorization and completion of the I-9 Form promulgated by the Federal Immigration and Naturalization Service. *8 CFR 274a.2*

CONTRACT POLICY The District shall employ each classroom teacher, as defined in Education Code 5.001(2), principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. [See text at DCA, DCB, and DCC] The District is not required to employ any other person other than these listed employees under a contract. [See text at DCD and DCE]

The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply.

Education Code 21.002

DAYS OF SERVICE A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service.

EXCEPTION The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator's salary.

Education Code 21.401

EDUCATIONAL AIDES The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.214 (f)*

CRIMINAL HISTORY RECORD The District may obtain criminal history record information that relates to a person the District intends to employ or a person who has indicated, in writing, an intention to serve as a volunteer with the District, as well as to a person currently employed or serving as a volunteer. *Education Code 22.083 (a), (b)*

SBEC NOTIFICATION The Superintendent shall promptly notify in writing the State Board for Educator Certification (SBEC) by filing a report with the executive director of SBEC within seven calendar days of the day the Superintendent learns that an applicant for or holder of a certificate issued under Chapter 21, Subchapter B of the Education Code has a reported criminal history. *Education Code 22.083(c); 19 TAC 249.14* [See also DF(LEGAL)]

CONTRACTED TRANSPORTATION SERVICES If the District contracts with a person for transportation services, the District shall obtain criminal history record information from any law enforcement or criminal justice agency relating to a person employed by the person as a bus driver or a person the person intends to employ as a bus driver. A person that contracts with the District to provide transportation services shall submit to the District the name and other identification data required to obtain the criminal history record information of such persons. If the District obtains

information that such a person has been convicted of a felony or a misdemeanor involving moral turpitude, the District shall inform the chief personnel officer of the person with whom the District has contracted, and the person may not employ that person to drive a bus on which students are transported without the permission of the Board. *Education Code 22.084*

If the District contracts with a commercial transportation company for transportation services, the company may obtain all criminal history record information that relates to a person employed by the company as a bus driver, bus monitor, or bus aide, or a person the company intends to employ in one of these positions. If the company obtains criminal history record information indicating that a person it employs or intends to employ has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not, without the permission of the Board, employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported. If the commercial transportation company obtains the criminal history record information, the District is not required to do the same. *Education Code 22.084 (c),(d)*

Criminal history record information obtained by the District shall not be released or disclosed to any person, other than the individual who is the subject of the information, TEA, or the chief personnel officer of a public or commercial transportation company with which the District contracts to provide transportation services to students. *Gov't Code 411.097* [See CNA (LEGAL)]

DISCHARGE OF
CONVICTED
EMPLOYEES

The District may discharge an employee if the District obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to the SBEC or to the District. An employee so discharged shall be considered to have been discharged for misconduct for the purposes of Labor Code Section 207.044 (unemployment compensation). *Education Code 22.085*

NEW HIRE
REPORTING

The District shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of a newly hired employee, and the name, address of, and the District's employer identification number. This report shall be made by submitting a copy of the employee's W-4 form, or, at the District's option, an equivalent form, and may be transmitted by first class mail, magnetically, or electronically.

DEADLINE

The report shall be made not later than 20 days after the date the District hires the employee or, in the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

42 U.S.C. 653a (b),(c); Family Code 234.101

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| PERSONNEL DUTIES | The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors. |
| POSTING VACANCIES | The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications. |
| EMPLOYMENT OF ALL PERSONNEL APPLICATIONS | <p>The Board delegates to the Superintendent final authority to hire contractual and noncontractual personnel. [See also BJA(LOCAL)]</p> <p>All applicants shall complete the application form supplied by the District.</p> <p>When applicants are equally qualified for a position, veterans retiring and/or exiting from military service and who are honorably discharged shall be extended a hiring preference.</p> <p>Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.</p> |
| EMPLOYMENT REQUIREMENTS | All employees shall meet the requirements specified by the District for the positions for which they are hired. Exception to this provision may be made only by the Superintendent. |
| CRIMINAL HISTORY RECORD | The District shall obtain criminal history record information on a person the District intends to employ. [See DC(LEGAL)] |
| POLYGRAPH TESTS | Applicants for certain positions may be requested to take a polygraph examination after a tentative offer of employment is made by the District. |
| UNAUTHORIZED PERSONS ON DISTRICT PREMISES | No person independently hired by a District employee shall be allowed to perform any tasks or volunteer any duties on District premises without prior approval of the principal, work location supervisor, and/or the Human Resources Department. [See also DH(LOCAL), GKG(LOCAL)] |
| EXIT INTERVIEWS AND TERMINATION REPORTS | An exit interview shall be conducted and a termination report prepared, if possible, for every employee who leaves employment with the District. These interviews shall be conducted in accordance with Standard Practice Memoranda (SPM). |
| RESIGNATION | An employee who retired or resigned in order to avoid termination shall not be |

OR RETIREMENT eligible for reemployment with the District.
IN LIEU OF
TERMINATION

EMPLOYMENT RESTRICTIONS For the purposes of restricting employment of applicants with a criminal history record, "conviction" is defined as a finding of guilt or acceptance by the courts of a plea of guilty or nolo contendere. The District shall not employ an applicant who:

1. Is a convicted felon;
2. Is convicted of a misdemeanor involving moral turpitude. "Moral turpitude" is an act of baseness, vileness, or depravity in the private or social duties that a person owes another member of society in general and that is contrary to the accepted rule of right and duty between persons.
3. Is charged with a felony or misdemeanor involving moral turpitude, until there is a final disposition of the charge;
4. Is on probation for any offense (including a deferred adjudication probation) that would otherwise restrict employment.

Persons charged with a criminal offense that was dismissed through deferred adjudication may be considered for employment except when the charge was for capital murder; murder; voluntary or involuntary manslaughter; any felony theft offense; indecency with a child; injury to a child, elderly, or disabled individual; kidnapping; aggravated kidnapping; aggravated sexual assault; aggravated assault causing serious bodily injury; sexual assault of a child; aggravated robbery; any felony where a deadly weapon was used or exhibited; any felony related to the manufacture, delivery, or possession of marijuana, a controlled substance, or a dangerous drug.

DATE ISSUED: 10/14/2002
LDU-41-02
DC(LOCAL)-X

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EMPLOYMENT PRACTICES:
PROBATIONARY CONTRACTS

DCA
(LEGAL)

PERSONS UNDER PROBATIONARY CONTRACTS Except as provided below, each of the following persons shall be employed under a probationary contract when the person is employed by the District for the first time or if the person has not been employed by the District for two consecutive school years subsequent to August 28, 1967:

1. Principal.
2. Supervisor.
3. Classroom teacher.
4. Counselor.
5. Other full-time professional employee who is required to hold a certificate issued under Education Code Chapter 21, Subchapter B.
6. Nurse.

EXCEPTIONS

REHIRES A person who previously was employed as a teacher by the District, and after at least a two-year lapse in District employment returns to District employment, may be employed under a probationary contract.

PRINCIPAL OR CLASSROOM TEACHER The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Section 21.102.

Education Code 21.101, 21.102(a), 21.202(b)

TERM OF CONTRACT A probationary contract may not be for a term exceeding one school year.

MAXIMUM A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.

EXCEPTION A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the Board determines that it is doubtful whether a continuing contract or a term contract should be given. If the Board makes such a determination, the District may make a probationary contract for a term ending with the fourth consecutive school year.

Education Code 21.102

DATE ISSUED: 09/30/2003
UPDATE 71
DCA(LLEGAL)-P

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REQUIREMENTS

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|--|---|
| CERTIFICATE | A person who desires to teach in a public school shall present the person's certificate for filing with the District before the person's contract with the Board is binding. <i>Education Code 21.053(a)</i> [See DCB(LOCAL) for listing of term contract positions] |
| PROBATIONARY CONTRACT PREREQUISITE | Except as provided below, before a term contract may be issued, the employee must be employed under a probationary contract. |
| EXCEPTION FOR PRINCIPAL OR CLASSROOM TEACHER | <p>The District may employ a person as a principal or classroom teacher under a term contract if the person has experience as a public school principal or classroom teacher, respectively, regardless of whether the person is being employed by the District for the first time or whether a probationary contract would otherwise be required under Section 21.102.</p> <p><i>Education Code 21.202</i> [See DCA]</p> |
| EMPLOYMENT POLICIES | Except as provided by Education Code 21.352(c), the Board's employment policies, which must include reasons for not renewing a term contract at the end of a school year, must require a written evaluation of each term contract employee at annual or more frequent intervals. <i>Education Code 21.203</i> [See DFBB and DN series] |
| CONTRACT TERMS | <p>A term contract must be in writing and include the terms of employment prescribed by Education Code Chapter 21, Subchapter E; the Board may include other provisions in a term contract that are consistent with that subchapter. Each term contract is subject to the approval of the Board.</p> <p>The Board shall provide each "teacher," as that term is defined in Education Code 21.201, with a copy of the teacher's contract.</p> |
| COPY OF POLICIES | <p>The Board shall also provide each teacher a copy of the Board's employment policies upon the teacher's request. If the District has an Internet Web site, the District shall place the Board's employment policies on that Web site. At each school in the District, the Board shall make a copy of the Board's employment policies available for inspection at a reasonable time on request.</p> <p><i>Education Code 21.204(a)-(d)</i></p> |
| MAXIMUM DURATION | Once the probationary period has been completed, the duration of a term contract may not exceed five school years. <i>Education Code 21.205</i> |
| PROPERTY INTEREST | There is no property interest in a term contract beyond its term. <i>Education Code 21.204(e)</i> |

DATE ISSUED: 09/30/2003
UPDATE 71
DCB(LEGAL)-D

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ELIGIBLE
POSITIONS

The Board may employ by term contracts, as authorized by Education Code 21.002 and 21.201, the following categories of full-time certified professional employees: certified central office and campus administrators, teachers, counselors, and librarians; and full-time nurses.

NON-CHAPTER
21
'PERFORMANCE
CONTRACTS'

In addition, several alternative "performance contracts," not governed by Chapter 21 of the Education Code, shall be available for specific categories of employees, in accordance with DCE (LOCAL).

GRANDFATHER
CLAUSES

TERM
CONTRACTS

Administrators employed before the cut-off dates established in DCE(LOCAL), who declined a performance contract, shall continue to receive term contracts as governed by the provisions of Chapter 21 of the Education Code.

CONTINUING
CONTRACTS
RETAINED

Any District employee hired under a continuing contract prior to November 1, 1996, shall remain under a continuing contract as long as the employee remains in the same contractual position. [See also DCC(LEGAL) and (LOCAL)]

Policies relating to employment by educator term contract [see DCB and DFB series] do not apply to employees on continuing contracts.

DATE ISSUED: 10/14/2002
LDU-41-02
DCB(LOCAL)-X

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APPLICABILITY Each employee with whom a continuing contract has been made shall be entitled to continue in the employee's position or a position with the District for future school years without the necessity for annual nomination or reappointment, until such time as the person:

1. Resigns [see DFE];
2. Retires under the Teacher Retirement System [see DEG];
3. Is released from employment by the District at the end of a school year because of necessary reduction of personnel [see DFCA];
4. Is discharged for good cause, as defined in Section 21.156 of the Education Code [see DFCA] and in accordance with the procedures provided [see DF and DFD];
5. Is discharged for a reason stated in the teacher's contract that existed on or before September 1, 1995, and pursuant to the procedures provided [see DFD]; or
6. Is returned to probationary status, as authorized in Section 21.106 of the Education Code [see DNB].

Education Code 21.154

FORMER ADMINISTRATORS The Board may grant to a person who has served as a principal or in another administrative position for which certification is required, at the completion of service in such capacity, a continuing contract, if the person qualifies for that position under criteria adopted by the Board. The period of service in an administrative capacity shall be construed as contract service as an employee.

Education Code 21.155

DATE ISSUED: 07/01/1996
UPDATE 51
DCC(LEGAL)-D

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Houston ISD
101912

EMPLOYMENT PRACTICES:
CONTINUING CONTRACTS

DCC
(LOCAL)

As of November 1, 1996, full-time certified teachers who have completed their probationary period shall be employed on term contracts, as authorized by Education Code 21.002 and 21.201. [See DCB(LEGAL) and (LOCAL)]

CONTRACTS
GRANDFATHERED

A District employee hired under a continuing contract prior to November 1, 1996, shall remain under a continuing contract as long as the employee remains in the same contractual position. [See DCC(LEGAL) and DCB(LOCAL)]

Policies relating to term contract employment [see DCB and DFB series] do not apply to employees on continuing contracts.

DATE ISSUED: 10/14/2002
LDU-41-02
DCC(LOCAL)-X

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The employment-at-will doctrine is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment. Jones v. Legal Copy, Inc., 846 S.W. 2d [Tex. App.-Houston (1st Dist.) 1993]

The employment-at-will doctrine places no duties on an employer regarding an employee's continued employment and thus bars contract and tort claims based on the decision to discharge an employee. Sabine Pilot Serv., Inc. v. Hauck, 687 S.W. 2d 733 (Tex. 1985)

In Texas, at-will employment is presumed unless shown otherwise. Gonzales v. Galveston Ind. Sch. Dist., 865 F. Supp. 1241 (S.D. Tex. 1994)

Employment for an indefinite term may be terminated at will and without cause, except as otherwise provided by law. Garcia v. Reeves County, Texas, 32 F. 3d 200 (5th Cir. 1994); Irby v. Sullivan, 737 F.2d 1418 (5th Cir. 1984); Winters v. Houston Chronicle Pub. Co., 795 S.W. 2d 723 (Tex. 1990)

EXCEPTION

An at-will employee cannot be discharged if the sole reason for the discharge was that the employee refused to perform an illegal act. Sabine Pilot Serv., Inc. v. Hauck, 687 S.W. 2d 733 (Tex. 1985) [See DG, DGA, DGB for other exceptions]

DISMISSAL
PROCEDURE

An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement nor right. Mott v. Montgomery County, Tex., 882 S.W. 2d 635, 638 [Tex. App.-Beaumont, 1994]

Termination of employment is a condition of work that is a proper subject for the grievance process. Fibreboard Paper Products Corp. v. National Labor Relations Board, 85 S.Ct. 398, 402 (1984); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984) [See DGBA(LEGAL) and (LOCAL)]

NOTICE TO THE
COMMISSIONER

See policy DF regarding circumstances under which a certified paraprofessional employee's dismissal will be reported to the commissioner of education.

currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

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| NONCONTRACT EMPLOYMENT | <p>The Board delegates to the Superintendent authority to hire and dismiss the following categories of employees, who shall serve on an at-will/noncontract basis: administrative support personnel, certified professionals in positions that do not require certification except those listed in DCB(LOCAL) and DCE(LOCAL), paraprofessional, hourly, and noninstructional support employees.</p> <p>A noncontract employee shall have no expectation of continued employment or any right to due process other than those rights prescribed by state and federal constitutions.</p> |
| PROBATIONARY | <p>Employees hired on a noncontract basis shall be on probationary status during the first 12 months of employment.</p> |
| NONPROBATIONARY | <p>Noncontract employees who have completed 12 months of full-time employment shall be considered nonprobationary.</p> |
| ASSIGNMENT AND EVALUATION | <p>The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment.</p> <p>Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with District practice.</p> |
| REASONABLE ASSURANCE OF EMPLOYMENT | <p>District employees in positions normally requiring less than 12 months of service annually, who are expected to report to work at the beginning of the following school session, shall be provided a letter of reasonable assurance of employment. [See CRF]</p> |
| REASSIGNMENT OF NONCONTRACT EMPLOYEES | <p>All noncontract employees are subject to assignment and reassignment of positions or duties, additional duties, changes in responsibilities or work, transfers, or reclassification at any time. [See also DK(LOCAL)]</p> |
| DISCIPLINE / OTHER EMPLOYMENT DECISIONS | <p>The following disciplinary actions and other employment decisions shall apply to all noncontract employees.</p> |
| SUSPENSION, DEMOTION, RETURN TO PROBATION | <p>A noncontract employee may have his or her probation extended, be returned to probation, be suspended without pay or demoted, for any reason not prohibited by law, as determined by the needs of the District.</p> |
| TERMINATION | <p>A noncontract employee may be terminated for any reason not prohibited by law or for no reason, as determined by the needs of the District. A termination shall become effective at the expiration of the two-week notice given to the employee.</p> <p>A reduction in force may take place when the Board determines that</p> |

REDUCTION IN
FORCE

financial exigency exists or the Superintendent determines that a reorganization or program change is required.

Procedures for the reduction in force of noncontract personnel shall be developed. These procedures shall provide criteria to determine the mechanics of reduction, reassignment, termination, and recall. Any termination will be made in accordance with established current procedures on termination of noncontract employees. Assignments to new jobs will be based on matching of skill sets.

REORGANIZATION

Reorganization is defined as a change in positions due to:

1. A change, elimination, or addition of a function within a department or school;
2. A change in the role, responsibility, qualifications, or skill level of a significant number of employees within a department, school, or within a category of employees.

A reorganization shall be approved by the Superintendent. If during a reorganization it becomes necessary to terminate an employee, such personnel action shall be taken in accordance with applicable Board policy, state and federal law, and District procedures.

Procedures for a reorganization shall be developed. These procedures shall provide criteria to determine the mechanics of reduction, reassignment, and termination of staff, if necessary. Assignments to new jobs will be based on matching of skill sets.

APPEAL

A noncontract employee who has been notified of a suspension without pay, demotion, or termination may appeal the action in accordance with the appropriate SPM.

RESIGNATION

Noncontractual employees intending to resign shall give a minimum of two weeks notice. If such notice is not given, the resigning employee shall not be eligible for reemployment with the District.

An employee who resigns or retires to avoid District-initiated termination shall not be eligible for reemployment with the District.

SUSPENSION
WITHOUT PAY FOR
CRIMINAL CHARGES

In the event an at-will employee is charged with a felony crime or charged with any crime involving moral turpitude and ordered to stand trial in any court of competent jurisdiction, the Superintendent may suspend the employee without pay pending the final determination and/or the District's decision regarding administrative action.

If the employee is found not guilty or the charges are dismissed, pay and benefits withheld may be released to the employee upon the approval of the Superintendent. If the employee has received any income during the period of time he or she was suspended without pay, the Superintendent may deduct said amounts from the withheld sum. If the employee is convicted of a felony or a crime involving moral turpitude, he or she will be dismissed. Any plea of guilty by an employee, or the court's acceptance of nolo contendere under the "Deferred Adjudication Act," shall constitute a "conviction" for purposes of this policy.

DATE ISSUED: 10/14/2002

LDU-41-02

DCD(LOCAL)-X

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Note: This policy applies only to employees whose contracts are not governed by Chapter 21 of the Education Code.

WRITTEN
CONTRACT-
NON-EDUCATOR

A contract of employment with the District creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. Perry v. Sindermann, 92 S.Ct. 2694 (1972); Board of Regents of State Colleges v. Roth, 92 S.Ct. 2701 (1972)

TERMINATION

END OF
CONTRACT

The Board may decide by vote or inaction not to offer any employee on a contract not governed by Chapter 21 of the Education Code further employment with the District beyond the term of the contract for any reason or no reason. Perry v. Sindermann, 92 S.Ct. 2694 (1972); Board of Regents of State Colleges v. Roth, 92 S.Ct. 2701 (1972) [See DCE(LOCAL)]

MID-
CONTRACT

An employee may be dismissed for good cause before the completion of the term fixed in his or her contract. [See also DFF(LOCAL)]

PROCEDURE

Before any employee on a contract not governed by Chapter 21 of the Education Code is dismissed, the employee shall be given reasonable notice of the cause or causes for the termination, set out in sufficient detail to fairly enable him or her to show any error that may exist and the names and the nature of the testimony of the witnesses against him.

Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970)

HEARING

The Board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

SUSPENSION

An employee may be suspended with pay pending the outcome of a dismissal hearing. Moore v. Knowles, 466 F.2d 531 (5th Cir. 1972)

An employee may be suspended without pay, so long as the suspension is temporary, and the employee receives a due process hearing. Gilbert v. Homar, 117 S.Ct. 1807, 1814 (1997)

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| NON-CHAPTER 21 CONTRACTS | Employees in categories specified below shall, upon completion of a probationary period, be offered a "performance contract" or other contract for a one-year term, unless otherwise determined by the Superintendent. These contracts, which are not governed by Chapter 21 of the Education Code, represent an alternative to "term contracts" as established in DCB(LEGAL) and (LOCAL). Dispute resolution procedures are not available for contesting nonrenewal of these contracts. |
| GRANDFATHER CLAUSE | However, an administrator employed by the District before the time lines established below for his or her category, and who declined an alternative contract shall be grandfathered and continue to receive term contracts as governed by Chapter 21 of the Education Code. [See DCB(LOCAL)] |
| TYPES OF PERFORMANCE CONTRACTS PRIOR TO AUGUST 31, 2001 | Prior to August 31, 2001, performance contracts and other alternative contracts were available for specific categories of employees, as follows: <ul style="list-style-type: none">• Superintendent's Administrator Contract: for district superintendents and employees reporting directly to the Superintendent who were hired between December 15, 1994 and August 31, 2001; and employees in pay grades 18 and above hired between August 24, 1995 and August 31, 2001.• Principal/Executive Director Contract: for employees assigned as principals or district directors between August 24, 1995 and August 31, 2001.• Assistant Principal or Dean of Instruction Contract: for persons employed or assigned to those positions between February 23, 2000 and August 31, 2001.• Administrator's Contract: for administrators employed between February 23, 2000 and August 31, 2001 and assigned to pay grades 17 and below, as approved by the Superintendent.• Non-Certified Administrator's Contract: for non-certified administrators employed between December 15, 1994 and August 31, 2001.• Other Alternative Contracts: for employees as designated by the Superintendent. |
| PHASING OUT PERFORMANCE CONTRACTS ISSUED PRIOR TO SEPTEMBER 1, 2001 | Performance contracts issued with expiration dates after August 31, 2001 will continue in force until their expiration date. Upon expiration of his or her performance contract, an employee shall be offered either a Certified Administrator Performance Contract or a Non-Certified Administrator Performance Contract based on eligibility criteria, as determined by the Superintendent. |

NON-CHAPTER 21
PERFORMANCE
CONTRACTS AS
OF SEPTEMBER 1,
2001

CERTIFIED
ADMINISTRATOR
PERFORMANCE
CONTRACT

A Certified Administrator Performance Contract shall be offered to employees previously covered under a Superintendent's Administrator Contract, a Principal/Executive Director Contract, an Assistant Principal or Dean of Instruction Contract, or a District Superintendent Contract.

NON-CERTIFIED
ADMINISTRATOR
PERFORMANCE
CONTRACT

A Non-Certified Administrator Performance Contract shall be offered to employees previously covered under a Non-Certified Administrator Contract, an Alternative Administrator Contract, or one of the Alternative Administrator Contract derivatives offered to the various chief officers within the District (i.e. Chief Academic Officer, Chief Business Officer, Chief Financial Officer, or Chief of Staff).

TERMINATION
AND
NONRENEWAL

Performance contracts may be terminated for cause, without cause, or by nonrenewal.

In the event of a proposed termination for cause, the holder of a performance contract is eligible for a due process hearing under the same procedures applicable to probationary and term contracts. [See DFD(LEGAL)]

In the event of a proposed termination without cause, the holder of a performance contract is not eligible for a hearing but, based on the contract specifications, is entitled to a contractually established buyout amount. In the alternative, the holder of a performance contract may be reassigned to another administrative or classroom position in accordance with contractually established terms.

Contract nonrenewal does not entitle a holder of a performance contract to a nonrenewal hearing because employees on such contracts have waived those rights.

NONCONTRACT
EMPLOYMENT

A professional educator who accepts a position that does not require certification, or is not statutorily entitled to a contract, must relinquish his or her contract and accept employment under the terms and conditions of the noncontract employment relationship. [See DCD(LEGAL) and (LOCAL)]

DATE ISSUED: 10/14/2002
LDU-41-02
DCE(LOCAL)-X

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| MINIMUM SALARY | <p>The District shall pay each classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse not less than the minimum monthly salary, based on the employee's level of experience, as specified in Education Code 21.402 and 19 TAC 153.1021.</p> <p>A classroom teacher, full-time librarian, full-time counselor certified under Education Code Chapter 21, Subchapter B, or full-time nurse employed by the District in the 2000-01 school year is, for as long as the employee is employed by the District, entitled to a salary that is at least equal to the salary the employee received for the 2000-01 school year.</p> <p><i>Education Code 21.402(d); 19 TAC 153.1021, 153.1022</i></p> |
| PLACEMENT ON SALARY SCHEDULE | <p>The Commissioner's rules determine the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule. The District shall credit the teacher, librarian, counselor, or nurse for each year of experience, whether or not the years are consecutive. <i>Education Code 21.403(c), 19 TAC 153.1022</i></p> |
| EMPLOYEES FORMERLY ON CAREER LADDER | <p>As long as a teacher or librarian is employed by the same school district, the teacher or librarian is entitled to:</p> <ol style="list-style-type: none">1. Placement on the minimum salary schedule at the step above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level two of the career ladder on August 31, 1993; or2. Placement on the minimum salary schedule at the step two steps above the step on which the teacher would otherwise be placed, if the teacher or librarian received a career ladder supplement for level three of the career ladder on August 31, 1993. <p><i>Education Code 21.403(d)</i></p> |
| VALID CERTIFICATE | <p>An educator, as defined in Education Code 5.001(5), who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate. <i>Education Code 21.053(b)</i></p> |
| MINIMUM WAGE | <p>Employees not exempt under the Fair Labor Standards Act shall be paid minimum wage and receive compensation for overtime under the conditions specified in the act. <i>29 U.S.C. 206, 207</i></p> |
| WAGE AND HOUR RECORDS | <p>The District shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. <i>29 CFR 516.2</i></p> |

TRS
SUPPLEMENT

BEFORE
SEPTEMBER 1,
2004

Until September 1, 2004, TRS shall deliver to each district \$500 per year for each full-time active employee and \$250 per year for each part-time active employee, other than professional staff.

If an active employee is not covered by a cafeteria plan of the District, the TRS supplement shall be paid to the active employee as supplemental compensation in addition to the rate of compensation that:

1. The District paid the employee in the preceding school year; or
2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year.

An employee who is covered under the District's cafeteria plan may choose to receive the TRS benefit as supplemental compensation as described at CRD.

AFTER
SEPTEMBER 1,
2004

Effective September 1, 2004, the state shall annually contribute \$1,000 or the amount specified in the General Appropriations Act to a health reimbursement arrangement account established for each employee for the payment of qualified health-care expenses. The comptroller shall establish separate accounts for each participating employee or transfer funds to trust accounts in the custody of the comptroller established for the benefit of employees.

Effective September 1, 2004, the statutory provision allowing employees to choose to receive the TRS benefit as supplemental compensation is repealed.

ELIGIBILITY

A member of the professional staff of the district, as defined by TRS rule, is not eligible to receive the state supplement.

An employee is not eligible to receive the state contribution until the 90th day after the date the employee is employed.

Insurance Code 1580.051; 19 TAC 41.42

ATTENDANCE
SUPPLEMENT

The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

PRINCIPAL
PERFORMANCE
INCENTIVES

A performance incentive awarded to a principal under Education Code 21.357 shall be distributed to the principal's school. The campus level committee shall determine the manner in which the performance incentive shall be used.
Education Code 21.357(c)

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101912

COMPENSATION AND BENEFITS:
SALARIES, WAGES, AND STIPENDS

DEA
(LOCAL)

SALARY
MANUAL

The Superintendent shall develop and recommend to the Board for adoption a pay system for all District personnel, which shall be incorporated into the *Salary Manual*. This manual shall reflect all Board action related to employee salary or compensation.

The administration shall be responsible for developing procedures and guidelines for the proper implementation of the pay system for employees, as established in the *Salary Manual*.

DATE ISSUED: 05/01/2000
LDU-18-00
DEA(LOCAL)-X

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COMPENSATION AND BENEFITS:
FRINGE BENEFITS

DEB
(LEGAL)

PEACE OFFICERS If a District peace officer dies, the District shall provide, at no cost, the deceased person's duty weapon, if any, and badge to the person's designated beneficiary, or if there is no designated beneficiary, to the person's estate. The District shall provide peace officers with a form on which they may designate their beneficiaries for this purpose. If a District peace officer dies and is to be buried in the person's uniform, the District shall provide the uniform at no cost. *Gov't Code 615.102-.103*

**HEALTH
INSURANCE**

**CONTINUATION
BENEFITS TO
SURVIVORS** When a District peace officer dies in the course of the individual's duty as a result of exposure to a risk that is inherent in the duty or to which the general public is not customarily exposed, an eligible survivor is entitled to purchase continued health insurance benefits from the District. An eligible survivor is a person who on the date of the peace officer's death is the officer's surviving spouse or dependent.

If the dependent is a surviving minor child, he or she is entitled to continue health insurance coverage until the dependent reaches 18 years of age or becomes eligible for group health insurance through another employer.

If the dependent is not a minor child, he or she is eligible to continue health insurance coverage until the earlier of the date he or she marries, the date he or she becomes eligible for group health insurance through another employer, or the date he or she becomes eligible for Medicare benefits.

The surviving spouse is entitled to continue health insurance coverage until the earlier of the date he or she remarries, the date he or she becomes eligible for group health insurance through another employer, or the date he or she becomes eligible for Medicare benefits.

The District shall provide written notice of rights under this provision to an eligible survivor not later than the tenth day after the date of the peace officer's death. If an eligible survivor is a minor child, the District shall also contemporaneously provide the notice to the child's parent or guardian unless, after reasonable effort, the parent or guardian cannot be located.

The District must be informed of an eligible survivor's election to continue coverage not later than the 90th day after the peace officer's death. The survivor may elect to continue coverage at any level of benefits offered to dependents of active employees or, if offered, may elect to continue coverage at a reduced level of benefits. Survivors who elect to continue coverage are entitled to make payments for coverage or have payments made on their behalf at the same time and to the same entity that payments are made by current employees and to purchase the coverage at the group rate for that coverage that exists at the time of

payment.

Gov't Code 615.071-.079

DATE ISSUED: 11/12/2001

UPDATE 67

DEB(LLEGAL)-P

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COMPENSATION AND BENEFITS:
FRINGE BENEFITS

DEB
(LOCAL)

LEGAL
REPRESENTATION

The District shall provide legal representation for any District employee on any claim made against him or her based on an act or omission by the employee in the course and scope of employment. The employee's right to legal counsel shall not be revoked except:

1. When the claim arises from an employee's action that was not in accordance with official directives or established Board policy;
2. When the claim arises from an illegal act, official misconduct, or gross negligence on the part of the employee;
3. When the Office of Legal Services determines there is a conflict of interest between the employee and the District; or
4. When the claim arises from disciplinary or discharge actions recommended by the administration.

PAYMENT IN
JUDGMENTS

The District shall pay actual damages, court costs, and attorneys' fees adjudged against an employee represented by the District legal counsel if the damages arise out of a cause of action for negligence.

The District shall not pay any damages adjudged against the employee if the judgment is based on an illegal act, a willful or wrongful act or omission, an act or omission constituting gross negligence, or an act or omission not in accordance with official directives or established Board policy.

DATE ISSUED: 01/08/2001
LDU-02-01
DEB(LOCAL)-X

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This introductory page outlines the contents of the leaves and absences policy. See the following sections for statutory provisions on:

SECTION I

Sick/Personal Leave

1. State Personal Leave; Accumulated Sick Leave page 2
2. Assault Leave page 2
3. Temporary Disability Leave page 3
4. Family and Medical Leave (FML) pages 4-11
 - a. Eligibility, Notice to Employees
 - b. Definitions of "Serious Health Condition," "Health Care Provider"
 - c. Maintenance of Health Benefits
 - d. Duration of Leave: Intermittent and End-of-Term Leaves; Combined Leave for Spouses
 - e. Notice by Employees, Foreseen and Unforeseen Leave
 - f. Medical Certification, Recertification
 - g. Concurrent Use of FML with Paid/Unpaid Leave
 - h. Reinstatement
 - i. Denial of Restoration to Key Employees

SECTION II

Military Leave

1. Federal page 12
2. State: Short- and Long-Term page 13

SECTION III

Miscellaneous

1. Religious Observances page 14
2. Compliance with a Subpoena page 15
3. Jury Duty page 15
4. Developmental Leave page 15
5. Absence Control page 15

STATE PERSONAL
LEAVE

A state minimum personal leave program consisting of five days per year of personal leave, with no limit on accumulation and no restrictions on transfer among districts, shall be provided for District employees. The District may provide additional personal leave beyond this minimum. The Board may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict the purposes for which the leave may be used. *Education Code 22.003(a)*

STATE SICK
LEAVE
ACCUMULATION

District employees retain any sick leave accumulated as state minimum sick leave under former Section 13.904(a) of the Education Code. Former Section 13.904(c), Education Code, continues to govern the use of that sick leave. Sick leave shall be used only for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Death in the employee's immediate family.

Acts of the 74th Legislative Session, Senate Bill 1, Sec. 66

FORMER
EDUCATION
SERVICE CENTER
(ESC) EMPLOYEES

The District shall accept the sick leave accrued by an employee who was formerly employed by a regional education service center (ESC), not to exceed five days per year for each year of employment. *Education Code 8.007*

ASSAULT LEAVE

In addition to all other days of leave, a District employee who is physically assaulted during the performance of regular duties is entitled to the number of days of leave necessary to recuperate from physical injuries sustained as a result of the assault. At the request of an employee, the District must immediately assign the employee to assault leave. Days of assault leave may not be deducted from accrued personal leave. Assault leave may not extend more than two years beyond the date of the assault. Following an investigation of the claim, the District may change the assault leave status and charge the leave against the employee's accrued personal leave or against the employee's pay if insufficient accrued personal leave is available.

Notwithstanding any other law, assault leave benefits due to an employee shall be coordinated with temporary income benefits due from workers' compensation so the employee's total compensation from temporary income benefits and assault leave policy benefits will equal 100 percent of the employee's weekly rate of pay.

A District employee is physically assaulted if the person engaging in the conduct causing injury to the employee:

1. Could be prosecuted for assault; or
2. Could not be prosecuted for assault only because the person's age or mental capacity makes the person a nonresponsible person for purposes of criminal liability.

Education Code 22.003(b), (c)

SICK LEAVE
DIFFERENT FROM
TEMPORARY
DISABILITY
LEAVE

An employee's entitlement to sick leave is unaffected by any concurrent eligibility for a leave of absence for temporary disability. The two types of leave are different, and each must be granted by its own terms. *Atty. Gen. Op. H-352 (1974)*

PREGNANCY

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions, for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. *29 CFR 1604.10(b)*

TEMPORARY
DISABILITY

Each full-time educator shall be given a leave of absence for temporary disability at any time the educator's condition interferes with the performance

of regular duties. The contract or employment of the educator may not be terminated while the educator is on a leave of absence for temporary disability. For purposes of temporary disability leave, pregnancy is considered a temporary disability.

AT
EMPLOYEE'S
REQUEST

A request for a leave of absence for temporary disability must be made to the Superintendent. The request must:

1. Be accompanied by a physician's statement confirming inability to work;
2. State the date requested by the educator for the leave to begin; and
3. State the probable date of return as certified by the physician.

BY BOARD
AUTHORITY

The Board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the Board's judgment in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The educator shall have the right to present to the Board testimony or other information relevant to the educator's fitness to continue in the performance of regular duties.

RETURN TO
ACTIVE DUTY

NOTICE

The educator shall notify the Superintendent of a desire to return to active duty no later than the 30th day before the expected date of return. The notice must be accompanied by a physician's statement indicating the educator's physical fitness for the resumption of regular duties.

PLACEMENT

An educator returning to active duty after a leave of absence for temporary disability is entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. In any event, the educator shall be placed on active duty no later than the beginning of the next school year. A principal at another campus voluntarily may approve the appointment of an employee who wishes to return from leave of absence. However, if no other principal approves the assignment by the beginning of the next school year, the District must place the employee at the school at which the employee formerly taught or was assigned. *Atty. Gen. Op. DM-177 (1992)*

LENGTH OF
ABSENCE

The Superintendent shall grant the length of leave of absence for temporary disability as required by the individual educator. The Board may establish a maximum length for a leave of absence for temporary disability, but the maximum length may not be less than 180 calendar days. *Atty. Gen. Op. H-352 (1974)*

Education Code 21.409

FEDERAL FAMILY
AND MEDICAL
LEAVE ACT
(FMLA)

An employee of a district having 50 or more employees within 75 miles of the worksite who has been employed by the District for at least 12 months and for 1,250 hours during the previous 12-month period shall be entitled to a total of 12 workweeks of leave, without loss of any employment benefit accrued prior to the beginning of the leave, during any 12-month period for one or more of the following reasons:

1. Because of the birth or adoption, including placement for foster care, of the employee's child and in order to care for the child, provided the leave is taken within 12 months of the birth, adoption, or placement of the child. By agreement between the employee and the District, this leave may be taken intermittently or on a reduced leave schedule.
2. To care for the employee's spouse, child, or parent if the spouse, child, or parent has a serious health condition.
3. Because of the employee's serious health condition that makes the employee unable to perform functions of his or her position.

29 U.S.C. 2611(2), 2612(a)

METHODS FOR DETERMINING ENTITLEMENT PERIOD

The District is permitted to choose any one of the following methods for determining the 12-month period for which the 12-week leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month "leave year," such as a fiscal year, a year required by state law, or a year starting on an employee's "anniversary" date;
3. The 12-month period measured forward from the date any employee's FML begins; or
4. A "rolling" 12-month period measured backward from the date an employee uses any FML (except that such measure may not extend back before August 5, 1993).

29 CFR 825.200(b)(1)-(4)

NOTICE TO EMPLOYEES

The District shall post and keep posted in conspicuous places on each campus where notices to employees are usually posted, a notice approved by the Secretary of Labor that sets out excerpts from or summaries of the Family and Medical Leave Act and information pertaining to the filing of a charge. *29 U.S.C. 2619*

If the District's workforce is comprised of a significant portion of workers who are not literate in English, the District shall be responsible for providing the information required by the notice in a language in which the employees are literate. *29 CFR 825.300(c)*

SERIOUS HEALTH CONDITION

A "serious health condition" that entitles an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefor or recovery therefrom) or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider for a period of incapacity (as described above) for:
 - a. More than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition.
 - b. Pregnancy, including severe morning sickness, or prenatal care.
 - c. Treatment for such incapacity due to a chronic serious health

condition (one that requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity).

- d. A condition for which treatment may not be effective and for which the employee or family member is under the continuing supervision of a health care provider (i.e., Alzheimer's, a severe stroke, or the terminal stages of a disease).
- e. The purpose of receiving multiple treatments by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

29 CFR 825.114(a)

HEALTH CARE
PROVIDER

For FMLA leave purposes, a "health care provider" is defined as any of the following:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices.
2. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state (meaning that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider) and performing within the scope of their practice as defined by state law.
3. Nurse practitioners, nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law.
4. Christian Science Practitioners who are listed with the First Church of Christ, Scientist in Boston, Massachusetts.
5. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
6. A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

29 CFR 825.118

MAINTENANCE
OF HEALTH
BENEFITS

During any period that an eligible employee takes FMLA leave, the District shall maintain coverage under any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in active duty with the District. *29 U.S.C. 2614 (c)(1)*

FAILURE TO
RETURN FROM
LEAVE

The District may recover its share of health care premiums paid during a period of FMLA leave if an employee fails to return to work after his or her FMLA leave entitlement has been exhausted or expires, unless one of the following conditions exists:

1. The continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under FMLA; or
2. Other circumstances beyond the employee's control.

When an employee fails to return to work, except for the reasons stated above, health premiums paid by the District during a period of FMLA leave are a debt owed the District by the nonreturning employee, and may be recovered by the District through deduction of any sums due the employee or through legal action.

29 U.S.C. 2614(c)(2); 29 CFR 825.213(a), (f)

DISCRIMINATION
PROHIBITED

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to employee's rights. An employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA. An employer is prohibited from discriminating against employees or prospective employees who have used FMLA. *29 CFR 825.220*

INTERMITTENT
LEAVE

An eligible employee other than an instructional employee may take leave intermittently or on a reduced leave schedule when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment for himself or herself. *29 U.S.C. 2612(b)*

Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule reduces the usual number of working days per workweek or hours per workday. The District may limit leave increments to the shortest period of time that its payroll system uses to account for absences or use of leave, provided it is one hour or less. An employee may not be required to take more FMLA leave than necessary to address the circumstance that precipitated the need for the leave, unless the employee is an eligible instructional employee whose request meets the conditions below. *29 CFR 825.203 (a), (d)*

An eligible instructional employee who requests leave to care for a spouse, parent, or child or because of his or her own serious health condition that is foreseeable based on planned medical treatment and who would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required to choose either to:

1. Take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
2. Transfer temporarily to an available alternative position offered by the District for which the teacher is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the teacher's regular employment position.

29 U.S.C. 2618(c)

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instruction, nor does it include personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers. *29 CFR 825.600(c)*

CHILD CARE /
ADOPTION

The District may allow any of its employees to take intermittent leave for child care and/or adoption purposes. *29 U.S.C. 2618(c)(2)*

END-OF-TERM
LEAVE

When an instructional employee requests leave near the end of a semester, the District may impose the following restrictions on the timing of a return to duty:

1. If the leave begins more than five weeks before the end of the semester, the District may require the employee to continue taking leave to the end of the semester if the leave will last at least three weeks and the return to employment would occur during the three-week period before the end of the semester.
2. If the leave begins during the five weeks before the end of the semester and is for a purpose other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks and return to employment would occur during the two-week period before the end of the semester.
3. If the leave begins during the three weeks prior to the end of the semester for a purpose other than the employee's own serious health condition and will last more than five working days, the District may require the employee to continue to take leave until the end of the semester.

If the District requires an employee to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA entitlement.

29 U.S.C. 2618(d); 29 CFR 825.600(c), 825.602, 825.603(b)

BOTH SPOUSES
EMPLOYED IN
DISTRICT

A husband and wife who are eligible for FMLA leave and are both employed in the District may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken:

1. For the birth of a son or daughter or to care for the child after birth.
2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.
3. To care for a parent with a serious health condition.

When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount he or she has taken individually and 12 weeks

of FMLA leave for a purpose other than those listed above.

29 U.S.C. 2612(f); 29 CFR 825.202

NOTICE BY EMPLOYEES

FORESEEABLE LEAVE

An employee shall provide at least 30 days' notice before FMLA leave is to begin if the need for leave is foreseeable based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days' notice is not practicable, such as because of not knowing approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

"As soon as practicable" means as soon as possible and practical taking into account all of the facts and circumstances in the individual case. Ordinarily, it would mean at least verbal notification to the employer within one or two business days of when the need for leave becomes known to the employee.

29 CFR 825.302

LEAVE THAT IS NOT FORESEEABLE

When the need for leave, or its approximate timing, is not foreseeable, an employee shall provide notice to the District as soon as practicable under the facts and circumstances of the particular case. Ordinarily, notice shall be provided within no more than one or two working days of learning of the need for leave. Notice should be provided either in person or by telephone, telegraph, "fax" machine, or other electronic means. *29 CFR 825.303*

SPECIFICITY OF NOTICE

Employees are not required to expressly invoke the FMLA's protection when notifying the District of their need for FMLA leave. *Manuel v. Westlake Polymers Corp.*, 66 F.3d 758 (5th Cir. 1995).

MEDICAL CERTIFICATION

The District may require a certification issued by the health care provider of the spouse, child, parent, or employee that the employee is needed to care for the spouse, child, or parent or, in case of leave for the employee's condition, that the employee is unable to perform the functions of his or her position. The certification shall include the date on which the serious health condition began, the probable duration of the condition, and the appropriate medical facts within the provider's knowledge regarding the condition. The employee shall in a timely manner provide a copy of the certification to the District. *29 U.S.C. 2613*

RECERTIFICATION For pregnancy, chronic, or permanent/long-term conditions under the continuing supervision of a health care provider, the District may request recertification no more often than every 30 days, unless more frequent recertification is warranted because:

1. The employee requests an extension of leave.
2. Circumstances described by the original certification have changed significantly (i.e., the duration or nature of the illness or complications).

3. The District receives information that casts doubt upon the continuing validity of the certification.

The employee must provide the requested recertification to the District within the time frame requested by the District (which must allow at least 15 days to submit a recertification), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good-faith efforts.

Any recertification requested by the District shall be at the employee's expense, unless the District provides otherwise. No second or third opinion on recertification may be required.

29 U.S.C. 2613(e); 29 CFR 825.308

CONCURRENT
USE OF PAID
LEAVE AND FMLA
LEAVE

The District may designate any paid leave to which the employee is entitled as substituting for all or some portion of the employee's FMLA leave entitlement. Once the District has acquired knowledge that the leave is being taken for an FMLA-required reason, the District must promptly (within two business days absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as FMLA leave. *29 U.S.C. 2612(d)(2); 29 CFR 825.208(b)(1)*

WORKERS'
COMPENSATION
RECIPIENTS

The provision for substituting an employee's paid leave does not apply to a workers' compensation absence. However, the District may not deny use of accrued paid leave to an employee who is on FMLA leave and receiving workers' compensation benefits. *29 CFR 825.207(d)(1), (2); Atty. Gen. Op. JC-40 (1999)*

RETURN TO
WORK

The District may uniformly require, as a prerequisite for reinstating employees whose FMLA leave was due to their own serious health condition, medical certification of their ability to resume work. *29 U.S.C. 2614(a)(4)*

RETURN TO
POSITION

An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. The determination of how an employee is restored to an equivalent position is based on the District's established policies and practices that clearly explain the employee's restoration rights on return from leave. *29 U.S.C. 2614(a)(1), 2618(e); 29 CFR 825.604*

DENIAL OF
RESTORATION

The District may deny restoration to "key employees," as described below, and may delay restoration to any employee who fails to provide a fitness-for-duty certificate to return to work, if such is required by the District.

A "key employee" is a salaried FMLA-eligible employee who is among the highest paid ten percent of all District employees within 75 miles of the employee's worksite. Key employees may be denied restoration to their original or equivalent positions under the following conditions:

1. At the time FMLA leave is requested (or FMLA leave begins, if earlier), the employee has received written notice that he or she is a "key employee," and has been informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the District determines that substantial and grievous economic injury will result to

- District operations if the employee is reinstated from FMLA leave.
2. The Board determines that denial of restoration is necessary to prevent substantial and grievous economic injury to the District.
 3. On making the determination that injury would occur, the District notifies the employee in writing, either in person or by certified mail, of its intent to deny restoration to employment on completion of FMLA leave. The notice must explain the basis for the Board's finding of injury and must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of leave and the urgency of the need for the employee to return.
 4. If the employee does not return to work in response to the District's notice, he or she continues to be entitled to maintenance of health benefits at the District's expense. The employee's FMLA rights continue unless and until the employee gives notice he or she no longer wishes to return to duty or the District actually denies restoration at the end of the leave period.
 5. An employee who has received notice as set out at item 3 above is still entitled to request reinstatement at the end of the leave period. The District must then determine whether it will suffer substantial and grievous economic injury from reinstatement based on the facts at that time. If such a determination is made, the District shall notify the employee in writing (in person or by certified mail) of denial of restoration.

29 U.S.C. 2614(b); 29 CFR 825.216, 825.217, 825.219, 825.312(c)

FEDERAL LEAVE
FOR MILITARY
SERVICE

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services (the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Services, and any other category of persons designated by the President in time of war or emergency) shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) if:

1. The person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to the District (unless notice is precluded by military necessity or is otherwise unreasonable or impossible);
2. The cumulative length of the absence and of all previous absences from a position of employment with the District does not exceed five years; and
3. The person reports to or submits an application for reemployment to the District and complies with the appropriate procedural requirements that apply under the circumstances.

A person who is reemployed under this act is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of service in the uniformed services plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

The District is not required to reemploy a person if:

1. The District's circumstances have so changed as to make reemployment impossible or unreasonable;
2. The reemployment of such person would impose an undue hardship on the District; or
3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4301, et. seq.

STATE LEAVE FOR MILITARY SERVICE

SHORT TERM All employees of the District who are members of the state military forces or of the reserve components of the United States Armed Forces shall be granted a paid leave of absence from their duties without loss of time, efficiency rating, vacation time, personal time, sick leave, or salary on all days during which they are engaged in authorized training or duty ordered or authorized by proper authority, not to exceed 15 workdays in a federal fiscal year. *Gov't Code 431.005(a), (b)*

CALLED TO DUTY A member of the state military forces who is ordered to active state duty by the governor or other proper authority under state law is entitled to the same benefits and protections provided to persons performing service in the uniformed services under 38 U.S.C. 4301-4313 and 4316-4319 and to persons in the military service of the United States under 50 App. U.S.C. 501-536, 560, and 580-594, as those laws existed on April 1, 2003. *Gov't Code 431.017*

Such employees who are ordered to duty by proper authority shall be restored, when relieved from duty, to the position held by them when ordered to duty. *Gov't Code 431.005(c)*

LONG TERM Any employee, other than a temporary employee, who leaves a position with the District to enter active military service is entitled to be reemployed by the District in the same position held at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position. *Gov't Code 613.001(3), 613.002*

An employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the District in a position that the employee can perform and that has like seniority, status, and pay as the former position or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

To be reemployed, a veteran of the military must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from

active military service. Application must be made in writing to the Superintendent and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

A person reemployed after active military service shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard or the Texas State Guard. *Gov't Code 613.001(2)*

USE OF
PERSONAL
LEAVE

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

The District may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

RELIGIOUS
OBSERVANCES

The District shall reasonably accommodate an employee's request to be absent from duty in order to participate in religious observances and practices, so long as it does not cause undue hardship on the conduct of District business. Such absence shall be without pay unless applicable paid local leave is available. *42 U.S.C. 2000e(j), 2000e-2(a); Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 107 S.Ct. 367 (1986); Pinsker v. Joint Dist. No. 28J of Adams and Arapahoe Counties, 735 F.2d 388 (10th Cir.1984)*

COMPLIANCE
WITH A
SUBPOENA
JURY DUTY

The District may not discharge, discipline, or penalize in any manner an employee because the employee complies with a valid subpoena to appear in a civil, criminal, legislative, or administrative proceeding. *Labor Code 52.051(a)*

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, the District shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror.

Education Code 22.006

DEVELOPMENTAL
LEAVES OF
ABSENCE

The Board may grant a developmental leave of absence for study, research travel, or other suitable purpose to an employee working in a position requiring a permanent teaching certificate who has served in the District at least five consecutive school years.

A developmental leave of absence may be granted for one school year at one-half regular salary or for one-half of a school year at full regular salary. Payment to the employee shall be made periodically by the District in the same manner, on the same schedule, and with the same deductions as if the employee

were on full-time duty.

An employee on developmental leave shall continue to be a member of the Teacher Retirement System of Texas and shall be an employee of the District for purposes of participating in programs, holding memberships, and receiving benefits afforded by employment in the District.

Education Code 21.452

ABSENCE
CONTROL

Uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a district that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced. *Continental Coffee Products Co. v. Cazarez*, 937 S.W.2d 444 (Tex. 1996) (workers' compensation discrimination case); *Texas Division-Tranter, Inc. v. Carrozza*, 876 S.W.2d 312 (Tex. 1994) (workers' compensation discrimination case); *Swearingen v. Owens-Corning Fiberglas Corp.*, 968 F.2d 559 (5th Cir. 1992) (workers' compensation discrimination case); *Howell v. Standard Motor Prods., Inc.*, 2001 U.S. Dist LEXIS 12332 (N. D. Tex. 2001) (Family and Medical Leave Act case); *Specialty Retailers v. DeMoranville*, 933 S.W.2d 490 (Tex. 1996) (age discrimination case); *Gonzalez v. El Paso Natural Gas Co.*, 40 F.E.P. Cases (BNA) 353 (Tex. App.-El Paso 1986, no pet.) (sex discrimination case)

[Some employees may have protected status even after the expiration of all other leave. See CRD and DAA]

DATE ISSUED: 09/30/2003
UPDATE 71
DEC(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

COMPENSATION AND BENEFITS:
LEAVES AND ABSENCES

DEC
(LOCAL)

COMPREHENSIVE LEAVE The District's comprehensive leave program includes both paid leave and unpaid leave privileges. Eligibility for the various types of leave depends on the employee's position, the number of months of service per year, and the length of service. [See also DED(LOCAL) for provisions on vacation for 12-month employees]

COMPENSATED LEAVE Paid leave includes state personal leave, local leave, state sick leave accumulated before May 1, 1995, and vacation leave.

In addition, employees may be absent without loss of pay and without the absence being charged against the employee's accrued accumulated leave for assault leave, funeral leave as specified below, jury duty, witness subpoenas, professional business, professional consultation, dispute resolution meetings, reserve military duty, and Fulbright Teacher Exchange Programs. [See OTHER PAID LEAVES, below]

Paid leave provisions apply to all salaried and eligible hourly employees. Eligible hourly employees are those in standing, daily assignments that meet the criteria for membership in the Teacher Retirement System (TRS) of Texas. [See TRS Eligibility Requirements]

Paid leave provisions do not apply to individuals whose positions do not meet TRS eligibility criteria. Personnel on less than a 12-month contract who are employed for additional periods of duty on a noncontract status during the summer months are not eligible to use or to accrue personal leave during these periods.

ADVANCED LEAVE In no instance may state or local leave be approved for more days than have been accumulated in prior years plus that which will be earned during the employment period of the current school year. Should a recipient of advanced paid leave resign from employment with the District prior to earning the amount of leave advanced, the recipient will have the advanced leave pay deducted from his or her final check.

RATE OF ACCRUAL An employee shall accrue one day of paid leave per each month of service to be credited at the beginning of each school year. The first five days accrued shall be designated as state personal leave; the remainder of days accrued shall be designated as local leave.

TYPES OF LEAVE

| Types of Leave | Paid/Unpaid | Number of Days |
|----------------------|-------------|-----------------|
| State Personal Leave | Paid | 5 days per year |

| | | |
|---|--------|-------------------|
| [See DEC(LEGAL)] | | |
| Local Personal Leave | Paid | |
| 10-month employees | | 5 days per year |
| 11-month employees | | 6 days per year |
| 12-month employees | | 7 days per year |
| Temporary Disability | Unpaid | |
| All leave-eligible employees | | 180 calendar days |
| For full-time educators, temporary disability shall be in accordance with Education Code 21.409. May be granted to other District employees with limitations established at TEMPORARY DISABILITY, below | | |
| Funeral Leave | Paid | 3 days per event |
| On the death of a spouse, parent, current parent-in-law, child, or other person residing in the employee's household | | |
| Vacation Leave | Paid | |
| For 12-month employees only | | |
| 1-9 years of continuous service | | 10 days/2 weeks |
| 10-18 years of continuous service | | 15 days/3 weeks |
| 19 or more years of continuous service | | 20 days/4 weeks |
| Supplemental Sick Leave Bank (SSLB) | Paid | Up to 30 days |
| In accordance with the provisions at SUPPLEMENTAL SICK LEAVE BANK, below | | |
| Family and Medical Leave | Unpaid | 12 weeks annually |
| But may be used concurrently with accrued paid leave [See DEC(LEGAL)] | | |

STATE PERSONAL LEAVE The District has established a state personal leave program consisting of five days of paid leave annually, as required by law. [See DEC(LEGAL)]

TYPES OF STATE PERSONAL LEAVE Under authority of Education Code 22.003 and to preserve the employee's leave benefit while minimizing disruption to the instructional program, the Board requires employees to differentiate between uses of personal leave:

DISCRETIONARY 1. To be taken at the individual employee's discretion, subject to limitations set out below. Each employee who accrues state personal leave may take up to five days a year as discretionary personal leave.

If the employee's state personal leave balance is depleted due to absences for nondiscretionary reasons, then the five days allotted for discretionary personal leave shall be deducted from local leave balances.

NON-DISCRETIONARY 2. To be used for the same reasons and in the same manner as state sick leave accumulated prior to May 30, 1995. [See DEC(LEGAL)] and see

MEDICAL CERTIFICATION, below]

USE OF
DISCRETIONARY
LEAVE

REQUEST FOR
LEAVE

A notice of request for discretionary state personal leave shall be submitted to the principal/work location supervisor or designee in advance of the anticipated absence; discretionary personal leave shall be granted on a first-come, first-served basis, with a maximum of five percent of campus employees in each category permitted to be absent at the same time for discretionary personal leave.

The principal or designee shall notify the employee in advance whether the request is granted or denied.

DURATION OF
LEAVE

Discretionary personal leave may not be taken for more than three consecutive days.

SCHEDULE
LIMITATIONS

Discretionary leave shall not be allowed during or on:

The first week of a new semester,

The day before or after a school holiday,

Days scheduled for end-of-semester or end-of-year exams,

Days scheduled for TAAS tests, or

Professional or staff development days.

LOCAL LEAVE

Employees may use local leave with full pay when unable to report to work due to personal illness, illness of an immediate family member, or for a death in the immediate family. Up to three days of paid local leave may be used also for excused personal business.

If the condition preventing the employee from attending work qualifies for Family and Medical Leave, the District shall classify any leave taken as FMLA leave. If the employee exhausts all paid leave and is still unable to return to work, he or she may be placed on temporary disability leave. [See DEC(LEGAL) and local provisions below]

MEDICAL
CERTIFICATION

Certification by a doctor who is duly registered and licensed under the Medical Practice Act of Texas, a licensed chiropractor, a Christian Scientist practitioner, or a licensed podiatrist (chiropracist) shall be required for personal illness absences in excess of seven consecutive duty days. Absences in excess of seven days are subject to verification by the District Health and Medical Services Department.

When an employee's absences become a concern or a pattern of absences becomes established, the principal/supervisor may review with the employee the reason for such absences. Such absences may be subject to medical verification.

DEFINITIONS

IMMEDIATE FAMILY

For the purposes of state sick leave accrued before May 30, 1995, and local sick leave, the term "immediate family" shall include:

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, sibling-in-law.
5. Grandparent and grandchild.
6. Any person related to the employee by blood or marriage who is residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act, the definition of "family" shall include only items 1, 2, and 3 on the above list, but shall exclude son- or daughter-in-law, and parent-in-law.

FAMILY EMERGENCY

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

TEMPORARY DISABILITY LEAVE

EDUCATORS

Temporary disability (unpaid) leave shall be granted to full-time educators who meet the statutory criteria. [See DEC(LEGAL)] The maximum length of such leave shall be 180 calendar days and reinstatement to active duty shall be in accordance with statutory guidelines and the appropriate Standard Practice Memoranda (SPM).

OTHER EMPLOYEES

A temporary disability (unpaid) leave may be granted also to other eligible employees for a maximum of 180 calendar days, upon approval by the Superintendent or designee. Application for this leave shall be submitted in accordance with the established SPM. Reinstatement to regular employment shall be on a position-available basis only.

REINSTATEMENT OR RESIGNATION

An employee reaching the end of the temporary disability leave period shall provide timely written notice, as required by the SPM, of his or her intention to resume active duty or to request an extension of leave. A request for extended leave may be granted by the Superintendent or designee. [See also FITNESS-FOR-DUTY CERTIFICATION, below]

Failure to comply with specific SPM provisions shall constitute good cause for termination of contract employees, in accordance with law and District policies. [See DF policy series]

LEAVE ACCUMULATION

The following shall apply to state and local leave, which are cumulative on an unlimited basis:

COMPUTATION

1. Each eligible full-time employee shall earn leave at the rate of one

working day per month of assigned responsibility to be credited to the employee at the beginning of each school year (12 days for 12-month employees, 11 days for 11-month employees, 10 days for 10-month employees.) This includes both state personal leave and local leave.

2. Salaried employees working less than full time shall accumulate proportional time. For TRS eligible hourly employees, a leave day is defined as the number of hours equivalent to a scheduled workday for the position.

ORDER OF USE For purposes of personal illness, illness or death in the immediate family, family emergency, or other nondiscretionary reasons, available leave shall be used in the following order until balances are exhausted:

1. State personal leave.
2. State sick leave accumulated prior to the 1995-96 school year.
3. Local leave.
4. Vacation leave.
5. Supplemental Sick Leave Bank (SSLB).

RECORDING All leave shall be recorded in accordance with the District's *Finance Procedures Manual*.

AVAILABILITY Leave for the current year shall be available for use at the beginning of the employee's duty schedule. When an employee who has used more leave than he or she has earned ceases to be employed by the District, the cost of the unearned leave days shall be deducted from the employee's final paycheck.

FAMILY AND MEDICAL LEAVE The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave (FMLA) shall run from September 1 through August 31.

CONCURRENT USE OF LEAVES

FMLA LEAVE

WORKERS' COMP ABSENCE The District shall require the use of all applicable state and local leave and personal leave in the order determined by this policy, followed by temporary disability leave when applicable, concurrently with family and medical leave. An employee's Family and Medical Leave entitlement shall run concurrently with a workers' compensation absence if the injury is classified as a serious health condition. [See DEC(LEGAL)]

PAID LEAVE OFFSET The District shall pay the difference between the weekly income benefit received under workers' compensation and the employee's regular weekly compensation and shall charge leave proportionately up to the employee's accumulated leave benefits.

ASSAULT LEAVE Assault leave, during which the employee's workers' compensation wage benefits shall be supplemented by the District up to the preassault weekly salary, with no deduction from the employee's accumulated paid leave benefits, shall run concurrently with family and medical leave. [See DEC (LEGAL)]

FUNERAL LEAVE Regular employees eligible for the comprehensive leave program may receive funeral leave and be absent without loss of pay and without deduction from

their accrued leave in the case of death of a spouse, child, parent, current parent-in-law, or any person residing in the employee's home at the time of death, for a period not to exceed three days per occurrence.

Additional days and all other funerals shall be charged to the employee's accrued leave balance. Regular hourly employees may use personal leave days for a death in the employee's immediate family.

PAYMENT FOR UNUSED LEAVE

THE 1972 PLAN An employee hired before October 10, 1972, who leaves employment with the District is eligible to receive payment for accumulated unused paid leave if he or she:

1. Has been continually employed by the District since initial employment; and
2. Has become eligible for retirement in accordance with the Teacher Retirement System of Texas.

An employee who meets all criteria shall receive payment for the unused portion of any accumulated unused paid leave benefits at his or her current daily rate of pay, not to exceed one-half of the contract year or the number of days available as of August 31, 1986, whichever is less.

If an employee dies while under contract, any accumulated personal leave benefits, not to exceed one-half of the contract year or the number of days available as of August 31, 1986, shall be paid to the estate of the deceased.

EXCEPTION

Unless otherwise approved by the Board, an employee is not eligible for buy-back of unused state sick leave, state personal leave, and local personal leave if he or she:

1. Is terminated from employment with the District;
2. Resigns or retires in lieu of termination or nonrenewal;
3. Is under investigation for a terminable offense (while the investigation continues); or
4. Is found guilty in an investigation for a terminable offense.

ATTENDANCE INCENTIVE PLAN

Effective March 1, 1998, the District may "buy-back" any accrued but unused state leave from employees, in accordance with options of the Attendance Incentive Plan described below. Employees wishing to participate in any of these options shall apply in writing, observing time lines and following procedures specified by the payroll department.

All state personal leave days surrendered to the District in exchange for a cash payment shall be permanently deducted from the employee's leave bank. The days surrendered may not be taken as leave or transferred to another school district.

OPTION 1

BUY-BACK AT Beginning with the 1997-98 school year, an employee who has used less than

END OF
SCHOOL
YEAR

five days of state personal leave during the school year has the option of receiving a cash "buy-back" for the unused days at the end of the school year, as defined by the employee's contract or number of months of service.

The cash value of each employee's day of leave for "buy-back" purposes shall be one-half of the current rate of pay the last day of the contract year in which the days were accrued. Stipends, extra duty pay, overtime, or any other money is not a part of the daily rate of pay. An employee may receive payment for up to five days minus the number of days taken as state personal leave during the school year.

Requirements for payment of unused state personal leave days shall be published by the Human Resources Department annually.

OPTION 2

PARTIAL
BUY-BACK AT
TIME OF
RESIGNATION

Beginning with the 1997-98 school year, an employee who resigns from employment with the District has the option of receiving a cash "buy-back" of his or her unused state personal leave days accumulated since September 1, 1995. This provision does not apply to state sick leave accrued prior to the 1995-96 school year.

The cash value of each employee's day of leave for "buy-back" purposes shall be one-half of the current rate of pay the last day of the contract year in which the days were accrued. Stipends, extra duty pay, overtime, or any other money are not a part of the daily rate of pay.

An employee who is under investigation, whose employment is terminated or nonrenewed by the District, or who resigns or retires in lieu of termination shall not be eligible for this benefit unless otherwise approved by the Board.

An employee opting to be paid for accumulated state personal leave days shall apply in writing to the Payroll Department within 30 days of the date of separation from the District; otherwise the accumulated state personal leave days shall remain in the employee's leave bank. As provided by law, state personal leave not sold back to the District may accumulate without limit and is transferable to other Texas school districts. [See DEC(LEGAL)]

If an employee dies while employed by the District, this benefit shall be paid as if the employee had resigned and requested the payment. If the employee who died was eligible for retirement under TRS, then payment shall be made in accordance with the retirement provisions under Option 3, below.

OPTION 3

FULL BUY-
BACK AT
RETIREMENT

Beginning with the 1997-98 school year, an employee in good standing who retires in accordance with provisions of the Teacher Retirement System of Texas shall receive cash payment for any accrued unused state sick leave and state personal leave at 100 percent of each day's value calculated at the employee's current rate the last day of the contract year in which the days were accrued. The rate of pay does not include stipends, extra duty pay, overtime, incentive pay, or the like. This provision does not apply to local leave days,

except in the special circumstances noted below in THE 1972 PLAN.

This benefit will be calculated automatically upon retirement for each employee who completes an affidavit certifying that he or she is retiring under the Teacher Retirement System (TRS). Verification shall be obtained from TRS that the employee actually retired before the benefits are granted.

These retirement benefits shall not be available to an employee under investigation, or whose employment is terminated by the District, or who resigns or retires in lieu of termination or nonrenewal, unless otherwise approved by the Board.

THE 1972 PLAN

If the employee was continuously employed by the District prior to October 10, 1972, and is eligible to receive partial payment for accrued personal leave, the employee shall be eligible also for payment of an additional benefit under this section up to a maximum amount equivalent to one-half the employee's annual contract salary. The additional payment shall be equal to the lesser of the following:

1. The accumulated but unused state personal leave and state sick leave balances; or
2. The number of days remaining in the employee's combined local leave bank after the number of days eligible for payment under the 1972 Plan are subtracted, whichever is less.

The 1972 Plan applies only to employees hired prior to October 10, 1972. The number of days eligible for payment under the 1972 Plan was frozen on August 31, 1986.

SUPPLEMENTAL SICK LEAVE BANK (SSLB)

All employees who have applied and been approved to use the Supplemental Sick Leave Bank (SSLB) may be absent with full pay for the number of days, up to 30, approved by the District's health care insurance carrier.

Implementation procedures shall be as indicated in the *Finance Procedures Manual*.

An employee must contribute to the bank one local leave day per fiscal year. The contribution shall entitle the employee to a maximum of 30 supplemental leave days for that fiscal year.

FAMILY AND MEDICAL LEAVE- CERTIFICATION OF HEALTH CONDITION

Employees who request a leave of absence under the Family and Medical Leave Act for their serious health condition or that of a family member must provide the District with documentation from the health care provider which supports their request for such leave. Such written certification should be provided, when possible, in advance or at the start of the leave. The certification form is available from the Department of Human Resources.

If an employee's leave is foreseeable and he or she fails to submit the required certification within the time frame requested (which will be no less than 15 days after the receipt of the request for leave), the employee's family and medical leave may be delayed until the required certification is provided. If repeated requests for the certification are ignored, family and medical leave may be denied.

If the need for leave is not foreseeable, an employee must provide the medical certification within the time frame requested (which will be no less than 15 days after the receipt of the request for leave) or as soon as reasonably possible under the particular facts and circumstances. If an employee fails to provide a medical certification within a reasonable time under the pertinent circumstances, the continuation of his or her family and medical leave may be delayed. If a certification is never produced, the leave will not constitute family and medical leave and will result in a review of the period of absence for appropriate disciplinary action, which may include termination.

| | |
|--|--|
| VERIFICATION OF FAMILY RELATIONSHIP | Employees requesting leave for the birth or placement of a child with an employee for adoption or state-approved foster care, or to care for a family member with a serious health condition, may be required to provide reasonable documentation of a family relationship. The Department of Human Resources will inform employees of any need for such verification. |
| COMBINED LEAVE FOR SPOUSES | If both spouses are employed by the District, family and medical leave to care for their newborn child, or upon the adoption or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks, as determined by the needs of the District. |
| INTERMITTENT LEAVE | In addition to the uses for intermittent leave provided for by the Family and Medical Leave Act [see DEC(LEGAL)], the District shall permit intermittent leave for the care of an employee's newborn child and for the adoption or placement of a child with the employee. |
| TEACHER REINSTATEMENT | A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with the END-OF-TERM LEAVE section in DEC(LEGAL). |
| RESIGNATION | If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave. |
| INTERMITTENT OR REDUCED LEAVE SCHEDULE | If the leave involves an intermittent or a reduced work schedule for the employee's own serious health condition or for the care of a family member with a serious health condition, the Certification of Physician Form must be submitted by the health care provider stating that the leave is medically necessary or will assist his or her recovery, and must indicate the expected duration and schedule of such intermittent leave. |
| FITNESS-FOR-DUTY CERTIFICATION | Upon returning to work from a medical leave of absence of more than seven calendar days duration, all employees will be required to provide certification from the employee's health care provider that the employee is able to return to work. The cost, if any, of a fitness-for-duty certification shall be borne by the employee. Failure to provide the required return to work certification may result in a delay of job restoration until the certification is provided. |
| COUNTING FMLA LEAVE | If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave. [See DEC(LEGAL) for Family and Medical Leave provisions] |
| OTHER PAID | In order to encourage involvement and active participation in professional |

LEAVES

activities, family life, and public service, an employee may request to be absent with full pay for the purposes outlined below. Any employee desiring such leave should submit a request to the appropriate superior (principal, department head, or supervisor) at least ten school days in advance of the pending absence and make a written request on the short leave form. Such leave shall not be charged against the employee's accumulated leave balance.

JURY DUTY AND OTHER COURT APPEARANCES

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation for jury duty. However, absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

PROFESSIONAL BUSINESS

Short leaves with full pay may be granted to employees for visiting schools, for attending important professional meetings, or for carrying out some special assignments on recommendation of the department head and the Superintendent. The employee may be asked to file a written report. Each administrator may be allowed professional leave without salary deduction for attending national and state professional meetings, visiting schools, and attending other professional meetings, at his or her own expense, upon approval of the immediate supervisor and department head.

Procedures for authorization and reimbursement for a professional trip are outlined in the *Finance Procedures Manual*.

PROFESSIONAL CONSULTATION

When meetings between the Board or designee and the representative organization are scheduled during normal working hours of a school day, the members shall be relieved, as necessary, from all regular duties without loss of pay in order to permit their attendance at such meetings.

EMPLOYMENT DISPUTE RESOLUTION MEETINGS

When it is necessary for any party of interest to attend an employment dispute resolution meeting, he or she shall, upon notice, be released without loss of pay in order to permit participation in the foregoing activities. Any employee who appears as a witness in such investigation or meetings shall be accorded the same right. [See DGBA(LOCAL) and appropriate SPM]

FULBRIGHT TEACHER EXCHANGE PROGRAM

The District shall participate in the Fulbright Teacher Exchange Program to help promote mutual understanding between the people of the United States and the people of other countries through educational exchange. Teachers and administrators wishing to participate in the exchange program may apply to the Superintendent or designee in accordance with administrative regulations.

UNPAID LEAVES

POLITICAL LEAVE

Upon application, an unpaid leave of absence not to exceed four years shall be granted to any employee for the purpose of seeking or, if elected, serving in a public office.

DEVELOPMENTAL LEAVE

An employee may be granted an unpaid leave for one year for the purpose of engaging in a study designed to improve the employee's professional competence. Such leave request shall be accompanied by a statement describing how the leave is designed to improve professional competence. A study leave will be effective at the beginning of the semester following the date of request. Upon request, such leave may be extended for one additional

year. Upon returning, the employee must provide proof of the academic work done.

An employee with five years' service with the Teacher Retirement System (TRS) may purchase up to two years of credit for developmental leave by notifying TRS in advance of the intention to take such leave, having the District certify that the leave request will meet the requirements of improving professional competency, and making the appropriate deposit with TRS.

DATE ISSUED: 05/21/2001

LDU-21-01

DEC(LOCAL)-X

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COMPENSATION AND BENEFITS:
VACATIONS AND HOLIDAYS

DED
(LOCAL)

VACATION
LEAVE - 12-
MONTH
EMPLOYEES
ONLY

The District shall provide paid vacation time for all employees in 12-month full-time assignments:

1. During the first year of employment, employee vacation time shall accrue as follows and shall not exceed a maximum of ten days.
2. After the first year of employment, vacation shall accrue as follows:

| | | |
|--|-------------------------------------|-------------------|
| | 1-9 years continuous service | 2 weeks (10 days) |
| | 10-18 years continuous service | 3 weeks (15 days) |
| | 19 years or more continuous service | 4 weeks (20 days) |

Employees are expected to use vacation days in the year in which they are earned. In cases of unforeseen or unusual circumstances, employees may accumulate and carry over vacation days for a total maximum of 30 days at the close of the school year. Unused vacation days in excess of the maximum will be lost.

Time of vacation is subject to approval of the immediate supervisor.

DATE ISSUED: 12/17/2001
LDU-51-01
DED(LOCAL)-X

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Houston ISD
101912

COMPENSATION AND BENEFITS:
EXPENSE REIMBURSEMENT

DEE
(LEGAL)

TRAVEL
SERVICES

An employee of the District who is engaged in official business may participate in the Texas Building and Procurement Commission's contract for travel services.
Gov't Code 2171.055(f)

DATE ISSUED: 12/16/2003
UPDATE 72
DEE(LEGAL)-P

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| | |
|-----------------|--|
| TRAVEL | Prior approval for all travel, including prepaid expenses, shall be obtained before any expenses are incurred. |
| IN-DISTRICT | <p>The Superintendent or designee shall determine the appropriate mode of in-District travel for employees based on position, assignment, and transportation requirements. In-District travel may be by:</p> <ol style="list-style-type: none">2. 1. District-owned vehicle assigned to the employee, to be used in accordance with administrative procedures; or2. 2. Employee-owned vehicle, for which mileage reimbursement shall be provided in accordance with provisions in the <i>Finance Procedures Manual</i>. |
| OUT-OF-DISTRICT | |
| MILEAGE | <p>An employee of the District shall be reimbursed for authorized mileage incurred while performing duties related to the job only if such travel is at the request of the employee's immediate supervisor and is approved by the Superintendent or designee.</p> <p>Procedures for obtaining professional trip authorization and reimbursement limits are outlined in the <i>Finance Procedures Manual</i>.</p> |

DATE ISSUED: 05/01/2000
LDU-18-00
DEE(LOCAL)-X

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TERMINATION OF CONTRACT

DF
(LEGAL)

| | |
|-----------------|---|
| | <p>An attempt by any District employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension in accordance with applicable policies. <i>Education Code 26.008(b)</i> [See DFAA, DFBA, DFCA]</p> |
| REPORT TO SBEC | <p>In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent shall notify the State Board for Educator Certification (SBEC) if the Superintendent has reasonable cause to believe that:</p> |
| CRIMINAL RECORD | <p>1. An educator employed by or seeking employment in the District has a criminal record;</p> |
| RESIGNATION | <p>2. The educator resigned and reasonable evidence supports a recommendation by the Superintendent to terminate the educator based on a determination that the educator engaged in misconduct described in 3(a)-(e), below; or</p> |
| TERMINATION | <p>3. An educator's employment at the District was terminated based on a determination that the educator:</p> <ul style="list-style-type: none">a. Abused or otherwise committed an unlawful act with a student or minor;b. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481 or by 21 U.S.C. Section 801 et seq.;c. Illegally transferred, appropriated, or expended funds or other property of the District;d. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; ore. Committed a criminal offense or any part of a criminal offense on school property or at a school-sponsored event. "Abuse" has the meaning assigned by Family Code 261.001 and includes any sexual conduct involving an educator and a student or minor. |
| REPORTS | <p>The Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first learns about an alleged incident of misconduct described in items 1-3, above. The report must be in writing and in a form prescribed by SBEC. SBEC shall determine whether to impose sanctions against a superintendent who fails to file a report in violation of this requirement.</p> <p>The Superintendent shall notify the Board of the District and the educator of the filing of the report.</p> |
| IMMUNITY | <p>A superintendent who in good faith and while acting in an official capacity files a report with SBEC is immune from civil or criminal liability that might otherwise be incurred or imposed.</p> |

Education Code 21.006, 19 TAC 249.14

ABANDONMENT OF CONTRACT SBEC shall not pursue sanctions against an educator alleged to have abandoned his or her contract unless the District's Board:

1. Renders a finding that good cause did not exist for the educator to resign his or her position later than the 45th day before the first day of instruction; and
2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.14

REMOVAL / TERMINATION FOR CERTAIN OFFENSES AGAINST CHILDREN

A school district or open-enrollment charter school that receives notice under Education Code Section 21.058(b) of the revocation of a certificate issued under Chapter 21, Subchapter B, shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student [see DK]; and
2. As soon as practicable, terminate the employment of the person in accordance with the person's contract and with Education Code Chapter 21, Subchapter B.

These removal and termination requirements apply only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender, and only if the victim of the offense is under 18 years of age.

Education Code 21.058

CONTRACT VOID FOR FAILURE OF CERTIFICATION

An employee's probationary, term, or continuing contract under Education Code Chapter 21 is void if the employee:

1. Does not hold a certificate or permit issued by SBEC; or
2. Fails to fulfill the requirements necessary to extend the employee's temporary or emergency certificate or permit.

DISTRICT'S OPTIONS

After an employee receives notice that the employee's contract is void the District may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position other than classroom teacher at the employee's existing rate of pay or at a reduced rate; and

An employee whose contract is void is not entitled to the minimum salary prescribed by Education Code 21.402.

NO APPEAL OR CHAPTER 21 HEARING

The District's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of this chapter do not apply to the decision.

APPLICABILITY These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

Education Code 21.0031; Nunez v. Simms, 341 F.3D 385 (5th Cir. 2003)

DATE ISSUED: 12/16/2003
UPDATE 72
DF(LEGAL)-P

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DISCHARGE Any probationary contract employee may be discharged at any time for good cause as determined by the Board. "Good cause" is the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state. *Education Code 21.104 (a)*

Note: See DF regarding circumstances in which a certified employee's dismissal must be reported to the State Board for Educator Certification (SBEC).

SUSPENSION The District may, for good cause as defined above, suspend an employee without pay in lieu of discharge. The period of suspension may not extend beyond the end of the current school year. *Education Code 21.104(b)*

NOTICE Before any probationary contract employee is dismissed or suspended without pay for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 105 S.Ct. 1487 (1985)*

HEARING If a probationary contract employee who has received notice of proposed termination desires a hearing before an independent hearing examiner, the employee must file a written request with the Commissioner not later than the 15th day after the date the employee receives notice of the proposed termination. The employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.

Education Code 21.251, 21.253 [See DFD]

currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Houston ISD
101912

PROBATIONARY CONTRACTS:
SUSPENSION/TERMINATION DURING CONTRACT

DFAA
(LOCAL)

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| SUSPENSION WITH PAY | A probationary contract employee may be suspended with pay or placed on administrative leave by the Superintendent or designee during an investigation of any allegations or charges against the employee or at any time the Superintendent or designee determines that the District's best interest will be served by the suspension or administrative leave. |
| TEMPORARY ASSIGNMENT OF AN EMPLOYEE SUSPENDED WITH PAY | The Superintendent or designee may temporarily reassign an employee who has been suspended with pay from his or her regular duties, if the Superintendent or designee determines it is in the best interest of the District. |

DATE ISSUED: 05/01/2000
LDU-18-00
DFAA(LOCAL)-X

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| GROUNDS FOR TERMINATION | A probationary contract employee may be terminated at the end of the contract period if the Board determines that such termination will serve the best interests of the District. |
| NOTICE | The Board shall give the employee notice of its decision to terminate the employment not later than the 45th day before the last day of instruction required under the contract. |
| NO APPEAL | The Board's decision to terminate a probationary employee at the end of a contract period is final and may not be appealed. |
| FAILURE TO NOTIFY | <p><i>Education Code 21.103(a)</i></p> <p>Failure to give a probationary employee notice of termination within the time period described above obligates the Board to employ the probationary employee for the following school year. The contract will be for a position in the same capacity under:</p> <ol style="list-style-type: none">1. A probationary contract, if the person has been employed under a probationary contract for less than three consecutive school years; or2. A continuing or term contract, according to District policy, if the person has been employed under a probationary contract for three consecutive school years. |

Education Code 21.103(b)

DATE ISSUED: 06/22/2000
UPDATE 63
DFAB(LEGAL)-P

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PROBATIONARY CONTRACTS:
RETURN TO PROBATIONARY STATUS

DFAC
(LEGAL)

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| | <p>In lieu of discharging a continuing contract employee, terminating a term contract employee, or not renewing a term contract, the District may, with written consent of the employee, return the employee to probationary contract status.</p> |
| AFTER BOARD PROPOSAL | <p>Except as provided below, an employee may agree to be returned to probationary status only after receiving written notice that the Board has proposed discharge, termination, or nonrenewal. [See DF series]</p> |
| AFTER NOTICE FROM SUPERINTENDENT | <p>An employee may agree to be returned to probationary contract status after receiving written notice of the Superintendent's intent to recommend discharge, termination, or nonrenewal.</p> |
| NOTICE | <p>The notice must inform the employee of the District's offer to return the employee to probationary contract status, the period during which the employee may consider the offer, and the employee's right to seek counsel. The District must provide the employee at least three business days after the employee receives the notice to agree to be returned to probationary contract status. This provision does not require the Superintendent to provide notice of intent to recommend discharge, termination, or nonrenewal.</p> |
| NEW PROBATIONARY PERIOD | <p>An employee returned to probationary status must serve a new probationary period as if the employee were employed by the District for the first time.</p> <p><i>Education Code 21.106</i></p> |

DATE ISSUED: 12/16/2003
UPDATE 72
DFAC(LEGAL)-P

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TERM CONTRACTS:
SUSPENSION/TERMINATION DURING CONTRACT

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| SUSPENSION WITHOUT PAY | <p>The Board may, for good cause as determined by the Board, suspend an employee without pay:</p> <ol style="list-style-type: none">1. Pending discharge, or2. In lieu of termination. <p>The suspension may not extend beyond the end of the school year.</p> <p><i>Education Code 21.211(b)</i></p> |
| BACK-PAY | <p>If no discharge occurs subsequent to a suspension without pay pending discharge, the term contract employee is entitled to back pay for the period of suspension. <i>Education Code 21.211(c)</i></p> |
| GROUND FOR DISMISSAL | <p>The Board may terminate a term contract and discharge a term contract employee at any time for:</p> <ol style="list-style-type: none">1. Good cause as determined by the Board; or2. A financial exigency that requires a reduction in personnel. <p><i>Education Code 21.211(a)</i></p> |
| NOTICE | <p>Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. <u><i>Cleveland Bd. of Educ. v. Loudermill, 105 S.Ct. 1487 (1985)</i></u></p> |
| HEARING | <p>If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the Commissioner not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The term contract employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice.</p> <p>The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.</p> <p><i>Education Code 21.251, 21.253 [See DFD]</i></p> |
| SUSPENSION WITH PAY | <p>The employee may be suspended with pay pending the outcome of the dismissal hearing. <u><i>Moore v. Knowles, 466 F.2d 531 (1972)</i></u></p> |

Note: See DF regarding circumstances in which a certified employee's dismissal must be reported to the State Board for Educator Certification (SBEC).

DATE ISSUED: 12/16/2003
UPDATE 72
DFBA(LEGAL)-P

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Houston ISD
101912

TERM CONTRACTS:
SUSPENSION/TERMINATION DURING CONTRACT

DFBA
(LOCAL)

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| SUSPENSION WITH PAY | A term contract employee may be suspended with pay or placed on administrative leave by the Superintendent or designee during an investigation of any allegations or charges against the employee or at any time the Superintendent or designee determines that the District's best interest will be served by the suspension or administrative leave. |
| TEMPORARY ASSIGNMENT OF AN EMPLOYEE SUSPENDED WITH PAY | The Superintendent or designee may temporarily reassign an employee who has been suspended with pay from his or her regular duties, if the Superintendent or designee determines it is in the best interest of the District. |

DATE ISSUED: 05/01/2000
LDU-18-00
DFBA(LOCAL)-X

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| EVALUATIONS | Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. <i>Education Code 21.203(a)</i> [See DNA] |
| REASONS | The Board shall establish by policy reasons for nonrenewal at the end of a school year. <i>Education Code 21.203(b)</i> |
| NOTICE | <p>Not later than the 45th day before the last day of instruction in a school year, the Board shall notify in writing each term contract employee whose contract is about to expire of its proposal to renew or not renew the contract.</p> <p>The Board's failure to give notice of a proposed renewal or nonrenewal constitutes an election to employ the term contract employee in the same professional capacity for the following school year.</p> <p><i>Education Code 21.206</i></p> |
| REQUEST FOR HEARING | If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the Board in writing and file a written request with the Commissioner for an independent hearing examiner not later than the 15th day after receiving the notice of proposed action. |
| HEARING EXAMINER | The hearing shall be conducted by an independent hearing examiner in accordance with the process described at DFD. <i>Education Code 21.207</i> |
| BOARD DECISION | Following the hearing, the Board shall take appropriate action in accordance with DFD. |
| NO HEARING | <p>If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.</p> <p><i>Education Code 21.208</i></p> |
| APPEALS | An employee aggrieved by a decision of the Board to nonrenew a term contract may appeal to the Commissioner for a review of the Board's decision. <i>Education Code 21.209</i> |

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REASONS

The recommendation to the Board and its decision not to renew the contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age. Reasons for proposed nonrenewal of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of required or assigned duties.
4. Inability to maintain discipline in the classroom or at assigned school-related functions.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Conducting personal business during school hours when it results in neglect of duties.
8. Reduction in force because of financial exigency or program change. [See DFF(LOCAL)]
9. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.
10. The possession, use, or being under the influence of alcohol, alcoholic beverages, or drugs and narcotics as defined by the Texas Controlled Substances Act, while on school property, working in the scope of the employee's duties, or attending any school- or District-sponsored activity.
11. Conviction of a felony or any crime involving moral turpitude.
12. Failure to meet the District's standards of professional conduct.
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
14. Disability, not otherwise protected by law, that impairs performance of required duties.
15. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, or depravity.
16. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.

17. Reasons specified in individual employment contracts reflecting special conditions of employment.
18. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
19. A significant lack of student progress.
20. Assault on an employee or student.
21. Falsification of records or other documents related to the District's activities.
22. Intentional or deliberate misrepresentation of facts to a supervisor or other District official in the conduct of District business.
23. Failure to fulfill requirements for certification, including passing the TECAT or ExCet.
24. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
25. Any attempt to encourage or coerce a child to withhold information from the child's parent.
26. Reasons constituting good cause for dismissing the employee during the contract term.

**RECOMMENDATIONS
FROM
ADMINISTRATION**

Administrative recommendations for renewal or proposed nonrenewal of professional employee contracts shall be submitted to the Superintendent. The Superintendent shall require that each administrator's recommendation be accompanied by copies of all pertinent information necessary to a decision to recommend proposed nonrenewal. The final decision on the administrative recommendation to the Board on each employee's contract rests with the Superintendent.

**SUPERINTENDENT'S
RECOMMENDATION**

The Superintendent shall identify employees whose contracts are recommended for proposed nonrenewal by the Board. The Board shall consider the reasons in support of the proposed nonrenewal and shall then act on all recommendations. [See DFBB(LEGAL)]

**NOTICE OF
PROPOSED RENEWAL
OR NONRENEWAL**

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract.

Upon receiving notice of proposed nonrenewal for any reason, an employee on a performance or other alternative contract shall not request a hearing or contest the proposed nonrenewal in any administrative or judicial forum. [See DCE(LOCAL)]

If the notice of proposed nonrenewal of a Chapter 21 term contract does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal in a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

**REQUEST FOR
HEARING**

An eligible employee who desires a hearing after receiving the notice of proposed nonrenewal shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed

nonrenewal.

HEARING
PROCEDURE

The hearing shall be conducted by an independent hearing examiner in accordance with the process described at DFD(LEGAL).

BOARD DECISION

Following the hearing, the Board shall take appropriate action in accordance with DFD(LEGAL).

NO HEARING

If the employee fails to request a hearing, the Board shall take the appropriate action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

DATE ISSUED: 05/21/2001
LDU-21-01
DFBB(LOCAL)-X

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| DISCHARGE | <p>A teacher employed under a continuing contract may be discharged at any time for good cause as determined by the Board. "Good cause" is the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.</p> |
| SUSPENSION | <p>The District may suspend a teacher without pay and for a period not to extend beyond the end of the current school year in lieu of discharge, for good cause as defined above.</p> <p><i>Education Code 21.156</i></p> |
| REDUCTION IN FORCE | <p>Continuing contract employees may be released from employment by the District at the end of a school year because of necessary reduction of personnel.</p> <p>Necessary reduction of personnel shall be made in the reverse order of seniority in the specific teaching fields.</p> <p><i>Education Code 21.157</i></p> |
| NOTICE | <p>Before any employee under a continuing contract is discharged, suspended without pay in lieu of discharge, or released because of a necessary reduction in personnel, the employee shall be notified in writing by the Board of the proposed action and the grounds for the action. <i>Education Code 21.158(a)</i></p> <p>An employee who is discharged or suspended without pay for actions related to the inability or failure of the employee to perform assigned duties is entitled, as a matter of right, to a copy of each evaluation report or any other written memorandum that concerns the fitness or conduct of the employee, by requesting in writing a copy of these documents. <i>Education Code 21.158(b)</i></p> |
| HEARING | <p>If, upon written notification of the proposed action, the employee desires to contest the same, the employee shall notify the Board in writing not later than the tenth day after the date of receipt of the official notice and must provide the Commissioner with a copy of the notice. A timely request for a hearing entitles the employee to a hearing before a hearing examiner.</p> <p>The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing.</p> <p><i>Education Code 21.251(a)(1), 21.253, 21.159 [See DFD]</i></p> |
| HEARING NOT REQUESTED | <p>If the employee fails to request a hearing not later than the tenth day after receiving notice of the proposed action, the Board shall take the appropriate action and notify the employee in writing of the action not later than the 30th day</p> |

after the date the Board sent the notice of the proposed action. *Education Code 21.159(c)*

Note: See DF regarding circumstances under which a certified employee's termination during the year shall be reported to the State Board for Educator Certification (SBEC).

DATE ISSUED: 12/16/2003
UPDATE 72
DFCA(LEGAL)-P

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| SUSPENSION WITH PAY | A continuing contract employee may be suspended with pay or placed on administrative leave by the Superintendent during an investigation of any allegations or charges against the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension or administrative leave. |
| TEMPORARY ASSIGNMENT OF AN EMPLOYEE SUSPENDED WITH PAY | The Superintendent or designee may temporarily reassign an employee who has been suspended with pay from his or her regular duties, if the Superintendent or designee determines it is in the best interest of the District. |
| REDUCTION IN FORCE | As provided by Education Code 21.157, continuing contract employees may be released from employment by the District at the end of a school year because of necessary reduction of personnel. |

DATE ISSUED: 05/01/2000
LDU-18-00
DFCA(LOCAL)-X

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| APPLICABILITY | <p>This hearing process applies only if an employee requests a hearing after receiving notice of a proposed decision to:</p> <ol style="list-style-type: none">1. Terminate a continuing contract at any time;2. Terminate a probationary or term contract before the end of the contract period; or3. Suspend without pay. <p>It does not apply to:</p> <ol style="list-style-type: none">1. A decision to terminate a probationary contract at the end of the contract term; or2. A decision not to renew a term contract, unless the Board has adopted this process for nonrenewals. [See DFBB] <p><i>Education Code 21.251</i></p> |
| REQUEST FOR HEARING | <p>Not later than the 15th day after the date the employee receives notice of one of the proposed contract actions listed above, the employee must file a written request with the Commissioner for a hearing before a hearing examiner. The employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. <i>Education Code 21.253</i></p> |
| ASSIGNMENT OF HEARING EXAMINER BY AGREEMENT | <p>The parties may agree to select a hearing examiner from the list maintained by the Commissioner or a person who is not certified to serve as a hearing examiner, provided that person is licensed to practice law in Texas. If the parties agree on a hearing examiner the parties shall, before the date the Commissioner is permitted to assign a hearing examiner, notify the Commissioner in writing of the agreement, including the name of the hearing examiner selected.</p> |
| BY APPOINTMENT | <p>If the parties do not select a hearing examiner by agreement, the Commissioner shall assign the hearing examiner not earlier than the sixth business day and not later than the tenth business day after the date on which the Commissioner receives the request for a hearing. When a hearing examiner has been assigned, the Commissioner shall notify the parties immediately.</p> |
| REJECTION | <p>The parties may agree to reject a hearing examiner for any reason and either party is entitled to reject an assigned hearing examiner for cause. A rejection must be in writing and filed with the Commissioner not later than the third day after the date of notification of the hearing examiner's assignment. If the parties agree to reject the hearing examiner or if the Commissioner</p> |

determines that one party has good cause for the rejection, the Commissioner shall assign another hearing examiner.

FINALITY OF
DECISION

After the employee receives notice of the proposed contract action, the parties may agree in writing that the hearing examiner's decision be final and nonappealable on all or some issues.

Education Code 21.254

POWERS OF
HEARING
EXAMINER

The hearing examiner may issue subpoenas, administer oaths, rule on motions and the admissibility of evidence, maintain decorum, schedule and recess the proceedings, allow the parties to take depositions or use other means of discovery, and make any other orders as provided by Commissioner rule.

CONDUCT OF
HEARING

The hearing and any depositions must be held within the geographical boundaries of the District or at the regional education service center that serves the District.

Education Code 21.255

SCHEDULE
RESTRICTION

A hearing before a hearing examiner may not be held on a Saturday, Sunday, or a state or federal holiday, unless all parties agree. *Education Code 21.257 (c)*

PRIVATE

A hearing before a hearing examiner shall be private unless the employee makes a written request for a public hearing.

EXCEPTION

If necessary to maintain decorum, the hearing examiner may close a hearing that an employee has requested be public.

PROTECTION
OF WITNESSES

To protect the privacy of a witness who is a child, the hearing examiner may close the hearing to receive the testimony or order that the testimony be presented by procedures in Article 38.071, Code of Criminal Procedure.

EMPLOYEE
RIGHTS

At the hearing, the employee has the right to:

1. Be represented by a representative of the employee's choice;
2. Hear the evidence on which the charges are based;
3. Cross-examine each adverse witness; and
4. Present evidence.

The hearing is not subject to the Administrative Procedure Act.

The hearing shall be conducted in the same manner as a trial without a jury in state district court. A certified shorthand reporter shall record the hearing.

EVIDENCE

The Texas Rules of Civil Evidence shall apply at the hearing. An evaluation or appraisal of the teacher is presumed to be admissible at the hearing. The hearing examiner's findings of fact and conclusions of law shall be presumed to be based only on admissible evidence.

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| BURDEN OF PROOF | <p>The District has the burden of proof by a preponderance of the evidence at the hearing.</p> <p><i>Education Code 21.256</i></p> |
| COSTS | <p>The District shall bear the cost of the services of the hearing examiner and certified shorthand reporter and the production of any original hearing transcript. Each party shall bear its costs of discovery, if any, and its attorney's fees. <i>Education Code 21.255(e)</i></p> |
| RECOMMENDATION | <p>Not later than the 60th day after the date on which the Commissioner receives a request for a hearing before a hearing examiner, the hearing examiner shall complete the hearing and make a written recommendation. The recommendation must include findings of fact and conclusions of law. The recommendation may include a proposal for granting relief, including reinstatement, back pay, or employment benefits. The proposal for relief may not include attorney's fees or other costs associated with the hearing or appeals from the hearing. The hearing examiner shall send a copy of the recommendation to each party, the Board President, and the Commissioner.</p> |
| WAIVER OF DEADLINE | <p>The parties may agree in writing to extend by not more than 45 days the right to a recommendation by the date specified above.</p> <p><i>Education Code 21.257</i></p> |
| CONSIDERATION | <p>The Board or a designated subcommittee shall consider the hearing examiner's record and recommendation at the first Board meeting for which notice can be posted in compliance with the open meetings laws. The meeting must be held not later than the 20th day after the date that the Board President receives the hearing examiner's recommendation and record.</p> |
| ORAL ARGUMENT AND RECORDING | <p>At the meeting, the Board or subcommittee shall allow each party to present an oral argument to the Board or subcommittee. The Board may, by written policy, limit the amount of time for oral argument, provided equal time is allotted each party. A certified shorthand reporter shall record any such oral argument.</p> |
| LEGAL ADVICE | <p>The Board or subcommittee may obtain advice from an attorney who has not been involved in the proceedings.</p> <p><i>Education Code 21.258, 21.260</i></p> |
| DECISION | <p>Not later than the tenth day after the date on which the meeting to consider the hearing examiner's recommendation is held, the Board or subcommittee shall announce its decision, which must include findings of fact and conclusions of law, and may include a grant of relief.</p> <p>The Board or subcommittee may adopt, reject, or change the hearing examiner's conclusions of law or proposal for granting relief. The Board may reject or change a finding of fact made by the hearing examiner:</p> <ol style="list-style-type: none"> 1. Only after reviewing the record of the proceedings; and 2. Only if the finding of fact is not supported by substantial evidence. <p>The Board or subcommittee shall state in writing the reason for and legal</p> |

basis for a change or rejection.

RECORDING

A certified shorthand reporter shall record the announcement of the decision. The District shall bear the cost of the reporter's services.

Education Code 21.259, 21.260

DATE ISSUED: 12/16/2003

UPDATE 72

DFD(LLEGAL)-P

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Houston ISD
101912

TERMINATION OF CONTRACT:
HEARINGS BEFORE HEARING EXAMINER

DFD
(LOCAL)

TIME LIMITS
FOR ORAL
ARGUMENT

The Board shall consider the hearing examiner's record and recommendation at the first Board meeting for which notice can be posted in compliance with the open meetings laws.

The Board shall allow ten minutes per party for oral argument. Administration shall be offered the opportunity to present argument first and may use a portion of the designated time for rebuttal after the other party has presented argument.

The Board reserves the right to grant additional time in equal amount to both parties, depending on the complexity of the issues and solely at the Board's discretion.

DATE ISSUED: 03/02/1998
UPDATE 58
DFD(LOCAL)-A

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TERMINATION OF CONTRACT:
RESIGNATION

DFE
(LEGAL)

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| RESIGNATION DEADLINE | An employee under a probationary contract, a term contract, or a continuing contract for the following school year may relinquish the position and leave District employment without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing. A contractual employee may resign with the consent of the Board or the Board's designee at any other mutually agreeable time. |
| SANCTIONS | On written complaint of the District, the State Board for Educator Certification (SBEC) may impose sanctions against an employee who is employed under a contract for the following school year and resigns, fails without good cause to comply with the resignation deadlines, and fails without good cause to perform the contract. <i>Education Code 21.105, 21.160, 21.210</i> |
| NOTICE TO SBEC | The Superintendent shall promptly notify in writing the State Board for Educator Certification (SBEC) by filing a report with the executive director of SBEC within seven calendar days of the date the Superintendent first obtains knowledge of information indicating conduct listed at DF(LEGAL). Before an employee's resignation is accepted in such a circumstance, the Superintendent shall inform the employee in writing that a report will be made to SBEC that may result in sanctions against the employee's certificate. The Superintendent shall notify the Board prior to filing a report of a resignation with SBEC. <i>19 TAC 249.14</i> [See also DF(LEGAL)] |

DATE ISSUED: 08/25/1999
UPDATE 61
DFE(LEGAL)-P

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TERMINATION OF CONTRACT:
RESIGNATION

DFE
(LOCAL)

GENERAL REQUIREMENTS All resignations shall be submitted in writing to the Human Resources Department. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing. The Board delegates to the Superintendent the authority to accept resignations in accordance with the requirements of this policy. A resignation may not be withdrawn without consent of the Superintendent or designee.

DURING SCHOOL YEAR An employee serving a term contract may resign effective at the end of a contract term at any time during the school year after active duty has begun. Term contract employees may not resign during the school year after active duty has begun and with an effective date before the end of the contract term, without the consent of the Superintendent or designee.

DURING SUMMER MONTHS Acceptance of a resignation after the deadline established by law [see DFE (LEGAL) preceding] is contingent on finding a suitable replacement.

REEMPLOYMENT AFTER RESIGNATION An employee who resigns and later seeks reemployment in the District shall:

2. 1. Be employed on a probationary basis in accordance with appropriate policies.
2. 2. Be placed on the salary schedule in accordance with the appropriate section of the *Salary Manual* approved by the Board.
2. 3. Forfeit seniority and any unused accumulated local personal leave.

An employee who resigns or retires to avoid District-initiated termination or nonrenewal shall not be eligible for reemployment with the District.

DATE ISSUED: 05/21/2001
LDU-21-01
DFE(LOCAL)-X

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- APPLICABILITY** This policy shall apply to reductions in force of contractual employees when the reduction in force requires the termination of:
1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
 - a. A probationary contract during the contract period;
 - b. A term contract during the contract period; or
 - c. A term contract at the end of the contract period.
 2. A contract not governed by Chapter 21 of the Education Code during the contract period.
- EXCLUSIONS** This policy shall not apply to termination:
2. 1. Of a continuing contract [see DFCA];
 2. 2. Of a probationary contract at the end of the contract period [see DFAA];
or
 2. 3. At the end of the contract period of a contract not governed by Chapter 21 of the Education Code [see DCE].
- DEFINITIONS** Definitions used in this policy are as follows:
1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
 2. "Reorganization" shall mean a change in positions due to:
 - a. A change, elimination, or addition of a function within a department or school; or
 - b. A change in the role, responsibility, qualifications, or skill level of a significant number of employees within a department, school, or within a category of employees.
 2. 3. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, school operation, or department. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, a reorganization, or a consolidation of two or more individual schools, administrative districts, or departments.
 4. "Discharge" shall mean termination of a contract during the contract period.

5. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

GENERAL GROUNDS

A reduction in force may take place when the Board determines that financial exigency exists or the Superintendent determines that a reorganization or program change is required. In either case, this may involve the discharge or nonrenewal of one or more employees. Such a determination constitutes sufficient cause for discharge or nonrenewal in accordance with appropriate policies and procedures. [See DF series, DCD, DCE, and corresponding SPMs]

SCOPE OF REDUCTION

When a reduction in force is to be implemented, the Superintendent may assist the Board by making recommendations to the Board regarding the employment areas to be affected. In determining affected employment areas, the Board may combine or coordinate employment areas, as defined below (e.g., the Board may combine "elementary programs" and "compensatory education programs" to identify an employment area of "elementary compensatory education program").

EMPLOYMENT AREAS

Employment areas include, but are not limited to:

1. Elementary grades, levels, subjects, departments, or programs.
2. Secondary grades, levels, subjects, departments, or programs.
2. 3. Special programs, such as gifted and talented, career and technology education, bilingual/ESL programs, special education, compensatory education, and migrant education. Each special program is a separate employment area.
4. Counseling programs.
5. Library programs.
6. Nursing and other health services programs.
7. An educational support program that does not provide direct instruction to students.
8. Other Districtwide programs.
9. An individual campus.
10. Any administrative position(s), unit, or department.
11. Other contractual position(s).

CRITERIA FOR DECISION

Using the following criteria, the Superintendent shall recommend to the Board employees within the affected employment area(s) for discharge or nonrenewal because of a reduction in force. These criteria are listed in order of importance; the Superintendent shall apply them sequentially to the extent necessary to identify the employees who least satisfy the criteria and therefore are subject to the reduction in force; i.e., if all necessary reductions can be accomplished by applying the certification criterion, it is not necessary to apply the performance criterion, etc.

11. 1. Job Code: the code that designates a specific title for a position.
2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

If the Superintendent in his or her discretion decides that the documented performance differences between two or more reduction in force prospects are too insubstantial to rely upon, he or she may proceed to apply criterion 3 and, thereafter and to the extent needed, criterion 4.

2. 3. Seniority: Length of continuous service in the District. An authorized leave shall not be considered an interruption of continuous service.
4. Professional background: Professional education and work experience related to the current or projected assignment.

CONSIDERATION FOR AVAILABLE POSITIONS Once the Superintendent has identified the appropriate employees in the affected area(s), those employees shall be considered for other available positions for which they are qualified up to the date of a hearing requested in accordance with the provisions below. Assignments to new jobs shall be based on matching of skill sets.

NOTICE AND HEARING After considering the Superintendent's recommendation, and if no vacancies exist for which the identified employees are qualified, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB(LEGAL) and (LOCAL).

DISCHARGE An employee receiving notice of proposed discharge during the period of a contract governed by Chapter 21 of the Education Code may request a hearing before an independent hearing examiner in accordance with DFD(LEGAL).

DATE ISSUED: 12/17/2001
LDU-51-01
DFF(LOCAL)-X

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EMPLOYEE FREE SPEECH District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate; however, neither employees nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 89 S. Ct. 733 (1969) [See also GKD]

WHISTLEBLOWER PROTECTION The Board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by the District or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

DEFINITIONS "Employee" means an employee or appointed officer who is paid to perform services for the District. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:

- a. Regulate under or enforce the law alleged to be violated in the report, or
 - b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dept. of Trans. v. Needham, 82 S.W.3d 314 (Tex. 2002)

WHISTLEBLOWER COMPLAINTS An employee who alleges a violation of whistleblower protection may sue the District for injunctive relief, actual damages, court costs, and attorneys fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

INITIATE GRIEVANCE Before suing, an employee must initiate action under the District's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke the District's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

LEGAL ACTION If the Board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust the District's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate District grievance procedures and sue within the time lines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

NOTICE OF RIGHTS The Board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

PROTECTION FOR REPORTING CHILD ABUSE The Board or its agents may not suspend or terminate the employment of, or otherwise discriminate against, a professional employee who in good faith:

1. Reports child abuse or neglect to:
 - a. The person's supervisor,
 - b. An administrator of the facility where the person is employed,
 - c. A state regulatory agency, or
 - d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

A person whose employment is suspended or terminated or who is otherwise discriminated against in violation of the foregoing may sue for injunctive relief, damages, or both. A District employee who has a cause of action under **WHISTLEBLOWER PROTECTION** may not bring an action under **PROTECTION FOR REPORTING CHILD ABUSE**.

Family Code 261.110

DATE ISSUED: 12/02/2002
UPDATE 69
DG(LEGAL)-P

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EMPLOYEE RIGHTS AND PRIVILEGES:
FREEDOM OF ASSOCIATION

DGA
(LEGAL)

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|----------------------------------|--|
| POLITICAL PARTICIPATION | The Board or any District employee may not directly or indirectly require or coerce any teacher to refrain from participating in political affairs in his or her community, state, or nation. <i>Education Code 21.407(b)</i> |
| ASSOCIATION MEMBERSHIP | The Board or any District employee may not directly or indirectly require or coerce any teacher to join any group, club, committee, organization, or association. Education Code Chapter 21 does not abridge the right of an educator to join or refuse to join any professional association or organization. <i>Education Code 21.407(a), 21.408</i> |
| LABOR ORGANIZATIONS | An individual may not be denied employment by the District because of the individual's membership or nonmembership in a labor organization. <i>Gov't Code 617.004</i> "Labor organization" means any organization in which employees participate that exists, in whole or in part, to deal with one or more employers concerning grievances, labor disputes, wages, hours of employment, or working conditions. <i>Gov't Code 617.001</i> |
| COLLECTIVE BARGAINING PROHIBITED | The Board may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of District employees; nor shall it recognize a labor organization as the bargaining agent for a group of employees. <i>Gov't Code 617.002</i> |
| STRIKES PROHIBITED | District employees may not strike or engage in an organized work stoppage against the District. However, the right of an individual to cease work shall not be abridged if the individual is not acting in concert with others in an organized work stoppage. <i>Gov't Code 617.003(a), (c)</i> |
| PENALTIES | Any employee who participates in a strike or organized work stoppage shall forfeit all reemployment rights and any other rights, benefits, or privileges he or she enjoys as a result of public employment or former public employment. <i>Gov't Code 617.003(b)</i> |

DATE ISSUED: 07/01/2002
UPDATE 68
DGA(LEGAL)-P

An employee's participation in community, political, or employee organization activities shall be entirely voluntary and shall not:

1. Interfere with the employee's performance of assigned duties and responsibilities.
2. Result in any political or social pressure being placed on students, parents, or staff.
3. Involve trading on the employee's position or title with the District.

POLITICAL
ACTION

District employees shall have the liberty of political action when not engaged actively in their employment, provided such action is within the law and provided that such action does not impair their usefulness in their respective capacities.

District employees shall be free from political coercion, from the perceived necessity of making political contributions of money or other things of value and from having to engage in any political work or activity against their wishes, under the assumption that failure to do so would in any way affect their employment status.

PROHIBITED
USE OF
DISTRICT
PROPERTY

Employees shall not use District property for any political efforts related to the election of public officials or a proposed public measure.

POLITICAL
MATERIALS
IN THE
CLASSROOM

Use of political material for instructional purposes in the classroom is not forbidden if the material presented has a legitimate relationship to the unit under study. Each teacher shall ensure that the presentation is open-minded, fair, responsible, and respectful of the differing opinions of others.

There are legitimate educational experiences to be gained by students through student involvement in political campaigns. However, school personnel shall not influence a student's selection of a particular candidate or position on a ballot issue.

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Houston ISD
101912

EMPLOYEE RIGHTS AND PRIVILEGES:
PERSONNEL-MANAGEMENT RELATIONS

DGB
(LEGAL)

PRIVILEGES TO EMPLOYEE ORGANIZATIONS The District may distinguish among associations on the basis of proportionate membership if it ensures that any distinguishing policies and customs are reasonable and not coercive. *San Antonio Federation of Teachers v. San Antonio Indep. Sch. Dist., Comm. of Ed. Dec. 77-R105 (1980)*

DATE ISSUED: 07/01/2002
UPDATE 68
DGB(LEGAL)-P

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CONSULTATION
WITH EMPLOYEE
GROUPS

The primary purpose of the consultation process is to establish, maintain, and facilitate communications with employees of the District. It is the desire of the District that the consultation be meaningful both to the District and to the employee consultation groups. While the focus of consultation shall be on problem solving and the initiation of desirable change, the Board shall reserve the right to make final decisions concerning all questions relative to employee-employer relationships, as provided by law. Accordingly, the Board may not negotiate, or otherwise enter into a legally binding agreement, with any employee group regarding wages, hours, and working conditions.

MEETINGS

Consultation meetings shall be held monthly in accordance with a regular schedule and shall be "meetings of record" for which minutes will be kept and distributed. The Superintendent, or a member of the Superintendent's Cabinet, shall conduct all consultation meetings. Other staff members may be asked by the Superintendent to participate in consultation meetings, as deemed necessary. Minutes of each consultation meeting will be distributed to participants and to the Board prior to the next consultation meeting.

AGENDA

Representation at consultation meetings will be a decision of each consultation group. The order of agenda items for discussion will be rotated. All consultation parties shall have sufficient time to present their ideas. By mutual agreement, meetings may be adjourned and reconvened at the earliest possible date in order to complete the agenda. Proposed agenda items shall be submitted in writing at least two days prior to a scheduled meeting, except in extenuating circumstances.

The goal of consultation is to reach consensus. In cases where consensus is not reached, the Superintendent may take a vote to determine the position of the various consultation groups, which will vote their proportional representation. The Superintendent is not bound by the outcome of such a vote.

Ad hoc meetings in which nonconsultation groups participate shall not replace or be used to circumvent the consultation process. The consultation process shall be utilized to address all items relating to wages, hours, and conditions of employment.

DETERMINATION OF
APPROPRIATE
CONSULTING
GROUPS

The Board, upon recommendation of the Superintendent, shall determine the appropriateness of any employee group requesting consultation with the District.

TEACHER

The Teacher Council for Professional Consultation (TCPC) will be

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| COUNCIL FOR PROFESSIONAL CONSULTATION (TCPC) | composed of representatives chosen by the various teacher consultation groups. Representation on the TCPC shall be on a proportional basis. Each group shall be allowed one representative for the first 500 to 999 designations by teachers that the group will represent. For each additional 1,000 designations or major fraction thereof (501), the group shall be entitled to one representative on the council (500 to 1,500, one representative; 1,501 to 2,500, two representatives; 2,501 to 3,500, three representatives, etc.). |
| | Selection of a TCPC representative shall be the responsibility of the employee consultation group to which the seat is assigned. |
| MANAGEMENT AND SUPERVISORY / PERSONNEL | The Board assures management and supervisory personnel appropriate consideration of benefits afforded other school personnel without the benefit of consultation. Any person in a position of responsibility who can effectively recommend any employee for employment, termination, assignment, transfer, promotion, or make employee evaluations is considered, for these purposes, a management or supervisory person. |
| | No provision of Board policy pertaining to an item that the Board has delineated as a subject of consultation will be changed or modified before the appropriate consultation group is consulted, unless the Superintendent or Board determines that action without consultation is necessary to the operation of the District. In this case, such action may be taken without prior consultation. |
| | Open communication is vital. To ensure continuous communication, meetings with the Superintendent or designee and the management and supervisory personnel will be established on a regular basis to discuss items of administrative concern. |
| PARAPROFESSIONAL AND CLASSIFIED NONSUPERVISORY PERSONNEL | The Superintendent shall designate administrators to consult with representatives of the paraprofessional and classified nonsupervisory employee consultation groups designated by the Board according to these procedures. |
| | Paraprofessionals and classified nonsupervisory employment personnel may designate up to two non-employee representatives to assist in consultation with the administration. |
| EDUCATIONAL OFFICE PERSONNEL (SECRETARIAL AND CLERICAL) | Each consultation group of educational office personnel (secretarial and clerical) participating in the representation selection process shall be allowed one representative for each 200 or major fraction thereof (101 to 300, one representative; 301 to 500, two representatives; 501 to 700, three representatives; etc.). |
| FACILITIES MANAGEMENT AND OPERATIONS PERSONNEL | Each consultation group of facilities management and operations personnel participating in the representation selection process shall be allowed one representative for each 200 or major fraction thereof (101 to 300, one representative; 301 to 500, two representatives; 501 to 700, three representatives, etc.). |
| FOOD SERVICE | Each consultation group of food service personnel participating in the |

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| PERSONNEL | representation selection process shall be allowed one representative for each 200 or major fraction thereof (101 to 300, one representative; 301 to 500, two representatives; 501 to 700, three representatives; etc.). |
| MAINTENANCE, WAREHOUSE, TEXTBOOK, TRANSPORTATION, CRAFTS, AND PRINT SHOP PERSONNEL | Each consultation group of maintenance, warehouse, textbook, transportation, crafts, and print shop personnel participating in the representation selection process shall be allowed one representative for each 100 or major fraction thereof (51 to 150, one representative; 151 to 250, two representatives; 251 to 350, three representatives; etc.). |
| SERVICE (FINANCIAL, TECHNICAL, AND ADMINISTRATIVE SUPPORT) STAFF | Each consultation group of service (financial, technical, and administrative support) personnel participating in the representation selection process shall be allowed one representative for each 25 or major fraction thereof (13 to 38, one representative; 39 to 64, two representatives; 65 to 90, three representatives; etc.). |
| TEACHER AIDES | Each consultation group of teacher aides participating in the representation selection process shall be allowed one representative for each 200 or major fraction thereof (101 to 300, one representative; 301 to 500, two representatives; 501 to 700, three representatives; etc.). |
| BUS DRIVERS | Each consultation group of bus drivers participating in the representation selection process shall be allowed one representative for each 140 or major fraction thereof (71 to 210, one representative; 211 to 420, two representatives; etc.). |
| DUES DEDUCTIONS | Dues deductions for members of employee organizations will be made at the expense of the District. [See CFEA(LEGAL)] |
| CONSULTATION ELECTION PROCEDURES | <p>An organization desiring to change representation must submit a written request to the Superintendent before October 1 of a school year showing evidence of change in membership that would justify the calling of an election to determine the proportional representation. An organization may not be listed on a preference questionnaire for an employee unit unless that organization has previously been approved to represent that employee unit or unless the aforementioned evidence justifying an election is presented as stated. If an election is justified, the above procedures will be followed.</p> <p>A recognized employee unit may request representation for the first time by submitting a petition to the Superintendent before October 1, as long as no competing organization for representation of that unit is involved.</p> <p>If an election is warranted, the District shall prepare a list of all organizations desiring to represent the employees of that unit on TCPC; such list shall include a category of "no organization." A preference questionnaire will be mailed to each employee by October 31, and each employee may designate one category or the category "no organization." The questionnaire shall then be returned to the independent auditors employed by the District or other independent third party postmarked not later than midnight, November 15. The preference questionnaire will be mailed to the address reflected in the employee's personnel file. If the questionnaire is returned by U.S. mail to the District prior to being voted, the employee may request that it be forwarded to a new address or may pick it up in the appropriate</p> |

department. Employees whose questionnaires are not returned may not be given duplicate questionnaires.

By December 1, the independent auditors, or other independent third party, using internal auditing, as needed, shall determine the number of employees indicating a preference to be represented by each organization or by "no organization" and certify such to the Superintendent and Board.

All costs of mailing the preference questionnaires and determining results shall be borne by the District.

INDIVIDUAL RIGHTS
TO PRESENT
GRIEVANCE

Nothing herein is intended to prevent an employee from presenting a grievance concerning wages, hours, or conditions of work individually or through a representative who does not claim the right to strike. A grievance is defined as a dispute alleging a violation of the application or misapplication of the policies of the Board as related to wages, hours, or conditions of work. [See DGBA(LEGAL) and (LOCAL)]

DATE ISSUED: 05/21/2001

LDU-21-01

DGB(LOCAL)-X

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| DISABILITY LAWS AND TITLE IX | Employees may present complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 or alleging sex discrimination in employment practices. <i>34 CFR 104.7, 106.8(b)</i> |
| REDRESS OF GRIEVANCES | Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes by petition, address, or remonstrance. <i>Tex. Const. Art. I, Sec. 27</i> |
| WAGES, HOURS, CONDITIONS OF WORK | The prohibition against collective bargaining shall not impair employees' rights to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. <i>Gov't Code 617.005</i> |
| APPRAISALS | Employees may present grievances regarding the appraisal process and shall receive a written response. The Board has the authority to review the educational judgment of an appraiser regarding denial of credit and may award credit only if the appraiser's educational judgment was clearly erroneous or an abuse of discretion. <i>Navarro v. Ysleta ISD, Comm. of Ed. Dec. 007-R8-988 (1994)</i> |
| FINALITY OF GRADES | An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the District's grading policy applicable to the grade, as determined by the Board of the District in which the teacher is employed. The Board's determination is not subject to appeal. <i>Education Code 28.0212</i> |
| RIGHT TO REPRESENTATION | An employee, or a group of employees, may be represented in a grievance presentation at any level through an attorney or through any other person or organization that does not claim the right to strike. <i>Gov't Code 617.005; Corpus Christi Fed. of Teachers v. Corpus Christi ISD, 572 S.W.2d 663 (Tex. 1978); Sayre v. Mullins, 681 S.W.2d 25 (Tex. 1984); Lubbock Professional Firefighters v. City of Lubbock, 742 S.W.2d 413 (Tex. App.-Amarillo, writ ref'd n.r.e.)</i> |
| PRESENTATION | An employee's legal right to present a grievance is satisfied at each level when someone in a position of authority hears the employee's concern; however, that authority is under no legal compulsion to take action to rectify the matter. <i>Att'y. Gen. Op. H-422 (1974); Corpus Christi ISD v. Padilla, 709 S.W.2d 700 (Tex. App.-Corpus Christi, 1986, no writ)</i> |
| BOARD'S ROLE | The Board shall provide an opportunity at its regular meetings for employees to present their complaints or grievances for Board consideration. <i>Prof. Ass'n of Coll. Educ. v. El Paso Comm. Coll., 678 S.W.2d 94 (Tex. App.-El Paso, 1984,</i> |

writ ref'd, n.r.e.)

COMPLAINTS
REGARDING
OTHER
EMPLOYEES

The Board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a District employee by another employee and the complaint or charge directly results in the need for a hearing. However, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. *Gov't Code 551.082*

DATE ISSUED: 09/30/2003

UPDATE 71

DGBA(LEGAL)-P

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DISPUTE
RESOLUTION
PROCESS

The Dispute Resolution Process provides employees an orderly process for the prompt and equitable resolution of disputes when a concern has not been resolved. The Board intends that, whenever feasible, disputes be resolved at the lowest possible administrative level. This policy shall not be construed to create new or additional rights beyond those granted by Board policy or law.

DEFINITIONS

For purposes of this policy, "days" shall mean calendar days.

The terms "dispute," "complaint," and "grievance" shall have the same meaning. A dispute under this policy may include, but shall not be limited to, any of the following:

1. Grievances concerning an employee's wages, hours, or conditions of work, including employment status.
2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.
4. Whistleblower complaints.

OTHER REVIEW
PROCESSES

Procedures and information regarding sexual harassment by other employees are found at DHC(LOCAL) and information regarding federal nondiscrimination is found at DAA(LOCAL).

An employee's termination or nonrenewal may be the subject of a dispute or grievance under this policy only if the District does not otherwise provide for a review of the matter. The following are governed by other review processes and are not subject to this policy:

1. Grievances regarding suspension without pay of a contractual employee: DF series
2. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education Code: DF series
3. Grievances against a District peace officer: CKE
4. Grievances regarding instructional materials: EFA

NOTICE TO
EMPLOYEES

The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy.

FREEDOM FROM
RETALIATION

Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a grievance under this policy. [See DG(LEGAL)]

WHISTLEBLOWER
COMPLAINTS

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a dispute resolution process under this policy within the time specified by law. [See DG(LEGAL)]

The complaint shall first be filed in accordance with the alternative dispute resolution process, below. Time lines for the employee and the District set out in this policy may be shortened to enable the Board to make a final decision within 60 days of the initiation of the complaint.

**GENERAL
REQUIREMENTS**

The Dispute Resolution Form must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any dispute shall be paid by the party incurring them.

CONSOLIDATION

When the Superintendent determines that two or more individual concerns are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the disputes.

**REPRESENTATION
AT DISPUTE
RESOLUTION
CONFERENCES**

An employee shall be entitled to representation at any and all meetings that directly relate to the issues which are being addressed in the dispute resolution process. An employee may represent himself or herself or be represented by an individual of his or her choosing. An employee may not designate a representative who claims the right to strike.

TIME FRAMES

The primary purpose of the dispute resolution process is the resolution of concerns in an expeditious manner. The time frames set forth at each level of the process are maximums and, whenever possible, the decision-maker should render a decision or resolution within a shorter period of time.

All time frames shall be counted in calendar days, the first day commencing on the next calendar day after the motivating event that formed the basis of the complaint/dispute/concern. The time frames shall not include the Districtwide designated holidays.

In the event a decision or resolution has not been rendered within the allotted time frame, an employee may appeal the lack of compliance with established time frames to the next level of the process. The employee may not file a separate grievance for failure to comply with established time frames under this policy.

**SCHEDULING
CONFERENCES**

All conferences shall take place during normal District business hours. All participants, including witnesses, shall be released from regular duties and shall suffer no loss of pay or other benefits if, and only if, they receive prior approval from their immediate supervisor. In no instance shall regular instruction be interrupted.

**MUTUAL
AGREEMENT OF
THE PARTIES**

The parties involved may mutually consent to modify the procedures as may be necessary to accomplish the goal of resolving disputes in the most efficient and expeditious manner possible.

WITHDRAWAL

An employee may withdraw a dispute at any time. Once withdrawn, a dispute may not be reopened.

A dispute shall be considered withdrawn if an employee fails to pursue the dispute or otherwise is deemed to be unreasonably protracting the process.

RESOLUTION

If at any level of the dispute resolution process the employee is granted the relief he or she has requested, the dispute shall be deemed resolved. A resolved dispute shall be provided in writing and may not be appealed to the next level

of the process.

INFORMAL RESOLUTION OF CONCERNS

When informal discussions fail to resolve the concern or dispute, the employee may obtain a Dispute Resolution Form from the school office, the department/District office, or the Department of Human Resources and file a request for the formal process described below.

FORMAL PROCESS

The formal process shall consist of Levels One and Two, which are closed to the public. No members of the public may attend except the designated representative. A Level Three presentation to the Board shall be within a properly posted Board meeting and may be held in closed session upon request by the aggrieved employee.

LEVEL ONE

An individual who has been unable to resolve a concern/dispute about a wage, hour, or condition of work through the informal process, may file a Dispute Resolution Form within 30 calendar days from the date of the alleged action/decision that forms the basis of the concern/dispute. If the employee did not learn of the action until a later date, the time shall be counted from the date a reasonable person should have learned of the action/decision through reasonable diligence.

The form must clearly state the dispute regarding an issue of wage, hour, or condition of work. The form must also clearly state a valid remedy that a supervisor may lawfully grant. A form may be rejected on the grounds that it is not a valid dispute of wage, hour, and condition of work or that no valid remedy has been stated or may be granted for the alleged act/decision.

The Dispute Resolution Form shall be filed with the principal/department head/work location supervisor who has direct supervision of that particular employee.

The immediate supervisor shall convene a conference with the employee within seven calendar days of receipt of the Dispute Resolution Form. The conference is not an evidentiary or due process hearing. The conference is an informal conference for the sole purpose of discussing and resolving concerns or disputes of an employee with respect to wage, hours, or conditions of work. The conference may not be recorded in any manner by any person participating in, or attending the conference. The conference shall be held during regular District business hours, except that no instruction shall be interrupted.

There shall be no cross-examination of any witnesses, nor shall this conference in any way resemble an evidentiary hearing. Each side will simply make presentations to the supervisor within the time restrictions set by the supervisor.

The supervisor, after considering the matters presented at the conference and any other information he or she may have, shall issue a decision or resolution with respect to the dispute held by the employee. The decision/resolution shall be rendered no later than seven calendar days from the date of the conference. The decision/resolution shall be provided to the employee on the original Dispute Resolution Form filed with the supervisor.

LEVEL TWO

In the event the employee is not satisfied with the decision/resolution of the immediate supervisor or if a decision/resolution is not rendered within the allotted time frame, the employee may appeal the dispute to Level Two of the Dispute Resolution Process. If the immediate supervisor has not issued a decision/resolution, the employee shall request the return of the original

Dispute Resolution Form for filing at Level Two.

An employee must file the appeal within seven calendar days of decision/resolution or lack thereof with the next-level vertical-line supervisor, such as assistant, District, associate, or deputy superintendent level supervisor. The appeal shall be filed by forwarding the original Dispute Resolution Form with the next level vertical line supervisor. The next level supervisor shall convene a conference within ten calendar days of the date of receipt of the Dispute Resolution Form. The conference shall be held during the normal District business hours of the employee requesting the conference.

The conference is not an evidentiary or due process hearing; it is an informal conference for the sole purpose of resolving concerns or disputes brought up by an employee with respect to wages, hours, or conditions of work. The conference shall be recorded by a court reporter paid for by the District. The employee shall be allotted a specific amount of time to present his or her concerns. The employee may also present witnesses and submit any available documentation. The immediate supervisor shall be allotted the same amount of time to present his or her own position and allowed also to submit any documentation on the issue.

There shall be no cross-examination of witnesses, nor shall this conference in any way resemble an evidentiary hearing. Each side will simply make presentations to the next line supervisor within the time restrictions set by the supervisor.

The next-line supervisor, after considering the matters presented at the conference and any other information he or she may have, shall arrive at a decision or resolution regarding the dispute. The decision/resolution shall be rendered no later than seven calendar days from the date on which the next-line supervisor receives the transcript of the conference and provided to the employee on the original Dispute Resolution Form filed with the supervisor.

LEVEL THREE

If the employee is not satisfied with the decision/resolution of the next-line supervisor or if a decision/resolution is not rendered within the allotted time frame, the employee may appeal the dispute to Level Three of the Dispute Resolution Process. If the immediate supervisor has not issued a decision/resolution, the employee shall request the return of the original Dispute Resolution Form for filing at Level Three.

The appeal to the Board shall be filed within seven calendar days of the decision/resolution, or the lack thereof, by forwarding the original Dispute Resolution Form to the Board Services Office, Level One of the Hattie Mae White Administration Building. The form shall be accompanied by a cover letter requesting a hearing, addressed to the Board President.

The Board shall attempt to hear the dispute within 30 calendar days of its receipt. Both parties, the employee and the immediate supervisor, shall make oral arguments before the Board within time restrictions set by the Board.

After hearing and considering the concern of the employee and the response of the administration, the Board may choose to issue a disposition of the dispute or not to act on it. If the Board chooses to issue a disposition, it shall be done in writing, no later than at the next regularly scheduled Board meeting. The disposition shall be addressed to the employee and the immediate supervisor.

ALTERNATIVE
DISPUTE
RESOLUTION
PROCESS

The Alternative Dispute Resolution Process shall be used to address good faith allegations of unlawful discrimination and/or concerns that are not under the authority of an employee's immediate supervisor.

The employee shall transmit the Dispute Resolution Form directly to the deputy superintendent for human resources, with a copy to the employee's immediate supervisor. The deputy superintendent for human resources shall determine if the dispute is appropriate for this alternative process and, if so, shall assign an assistant/district/associate level superintendent to hear and resolve the dispute.

However, if the dispute is more appropriately handled by the immediate supervisor, the deputy superintendent for human resources shall inform both the employee and the immediate supervisor in writing that the dispute should be handled through the regular Dispute Resolution Process. The Alternative Dispute Resolution Process is also available to employees seeking relief for specific allegations of unlawful discrimination on the basis of sex (including sexual harassment), race, religion, national origin, age, or disability, or on the basis of the employee exercising his or her constitutional rights. Concerns of this nature shall specify the individual harm being alleged.

The Alternative Dispute Resolution Process shall be handled in the same manner as the Level Two conference described above. If the dispute is not resolved at Level Two, that decision may be appealed to the Board in accordance with the procedures that apply to Level Three disputes.

DATE ISSUED: 12/15/2003
LDU-50-03
DGBA(LOCAL)-X

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EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

PUBLIC SERVANTS All District employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). *Penal Code 1.07(41), Title VIII* [See DBD and BBFA]

DRUG ABUSE PREVENTION In compliance with Workers' Compensation Commission rules, the District shall provide a written copy of the local drug abuse policy to each employee:

1. On or before the first day of employment; or
2. Within 30 days after the date the local policy is adopted by the Board.

28 TAC 169.1(b)

TOBACCO USE PROHIBITED The Board shall prohibit smoking or using tobacco products at a school-related or school-sanctioned activity on or off school property.

ENFORCEMENT The Board shall ensure that District personnel enforce the policies on school property.

Education Code 38.006(1)(3) [See also FNCD and GKA]

DIETARY SUPPLEMENTS Except as provided at Education Code 38.011(b), the District employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or
2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

IMMUNITY FROM INDIVIDUAL LIABILITY The statutory immunity detailed below is in addition to and does not preempt the common law doctrine of official and governmental immunity. *Education Code 22.051(b)*

'PROFESSIONAL EMPLOYEES' A professional employee of the District is not personally liable for any act that is incident to or within the scope of the duties of the employee's position of employment and that involve the exercise of judgment or discretion, except in

circumstances where, in disciplining a student, the employee uses excessive force or his or her negligence results in bodily injury to the student.

"Professional employee of the District" includes the Superintendent; a principal; teacher, including a substitute teacher or a teacher employed by a company that contracts with the District to provide the teacher's services to the District; a supervisor; social worker; counselor; nurse; teacher's aide; a student in an education preparation program participating in a field experience or internship; a DPS-certified school bus driver, and any other person whose employment requires certification and the exercise of discretion.

MOTOR
VEHICLE
EXCEPTION

Education Code Section 22.0511 does not apply to the operation, use, or maintenance of any motor vehicle.

Education Code 22.0511(a)-(b), 22.051; Hopkins v. Spring ISD, 756 S.W.2d 617 (Tex. 1987); Barr v. Bernhard, 562 S.W.2d 844 (Tex. 1978)

'INDIVIDUALS'

In addition to the immunity described above [at PROFESSIONAL EMPLOYEES], and under other provisions of state law, an individual is entitled to any immunity and any other protections afforded under the Paul D. Coverdell Teacher Protection Act of 2001 (20 U.S.C. Section 6731 et seq.), as amended. [See TEACHERS, below] Nothing in Education Code 22.0511(c) shall be construed to limit or abridge any immunity or protection afforded an individual under state law. *Education Code 22.0511(c)*

'TEACHERS' (THE
PAUL T.
COVERDELL
TEACHER
PROTECTION
ACT OF 2001)

Except as provided in 20 U.S.C. Section 6736(b), no "teacher" in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if:

1. The teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;
2. The actions of the teacher were carried out in conformity with federal, state, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;
3. If appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the state in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;
4. The harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and
5. The harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the state requires the operator or the owner of the vehicle, craft, or vessel to:
 - a. Possess an operator's license; or
 - b. Maintain insurance.

"Teacher" means:

1. A teacher, instructor, principal, or administrator;

2. Another educational professional who works in a school;
3. An individual member of a school board (as distinct from the Board); or
4. A professional or nonprofessional employee who works in a school, and:
 - a. In the employee's job, maintains discipline or ensures safety; or
 - b. In an emergency, is called on to maintain discipline or ensure safety.

20 U.S.C. Section 6733, 6736(a)

REPORT OF DRUG OFFENSES

A teacher, administrator, or other District employee is not liable in civil damages for reporting to a school administrator or governmental authority, in the exercise of professional judgment within the scope of the teacher's, administrator's, or employee's duties, a student whom the teacher suspects of using, passing, or selling, on school property any of the following substances:

1. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act.
2. A dangerous drug, as defined by the Texas Dangerous Drug Act.
3. An abusable glue or aerosol paint, as defined by Health and Safety Code Chapter 485, or a volatile chemical, if the substance is used or sold for the purpose of inhaling its fumes or vapors.
4. An alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code.

Education Code 37.016

REPORT TO LOCAL LAW ENFORCEMENT

A principal or person designated by the principal is not liable in civil damages for making a good faith report, as required by law [see GRA], to the District's police department, if one exists, and to the police department of the municipality in which the school is located or, if the school is not in a municipality, to the sheriff of the county in which the school is located, when the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Section 508.149, Government Code; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Chapter 481, Health and Safety Code.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)-(14) or (16) [see FNCG].
4. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
5. Conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a), (d), or (e).

Education Code 37.015

REPORT TO SBEC OF EDUCATOR

The Superintendent shall promptly notify in writing the State Board for Educator Certification (SBEC) by filing a report with SBEC not later than the

MISCONDUCT

seventh day after the Superintendent first learns about a criminal record or an alleged incident of misconduct, as described at DF, involving a certified educator. *Education Code 21.006; 19 TAC 249.14*

DATE ISSUED: 12/16/2003

UPDATE 72

DH(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

DEFINITIONS

For purposes of defining prohibited conduct, the following shall apply:

- "Immorality" is conduct that the Board determines is not in conformity with the accepted principles of right and wrong behavior or that the Board determines is contrary to the moral standards that are accepted within the District.
- "Moral turpitude" is an act of baseness, vileness, or depravity in the private or social duties that a person owes another member of society in general and that is contrary to the accepted rule of right and duty between persons. Examples include but shall not be limited to: theft, attempted theft, swindling, forgery, indecency with a minor, prostitution, and the like.
- "Workplace" is defined as the site for performance of work done in connection with all assignments or duties of one's employment with the District. This includes any District building or premise; any District-owned or District-approved vehicle, including any vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event where students are under the jurisdiction of the District.

GENERAL
GUIDELINES

Employees shall be courteous to one another and the public, working together in a cooperative spirit to serve the best interests of the District. All District employees shall be expected to adhere to the standards of conduct set out in the *Code of Ethics and Standard Practices for Texas Educators*. [See DH(EXHIBIT)]

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA(LOCAL)]

EMPLOYEE
RESPONSIBILITIES

Every employee shall be responsible for:

1. Arriving at work on time every day and following attendance procedures;
2. Satisfactorily completing the duties as specified by the job description and/or contract, if any;
3. Relating to colleagues and supervisors with respect, courtesy, and in a professional manner;
4. Spending the workday on work-related activities to the exclusion of personal business;
5. Dressing in a manner that is appropriate for the job assignment and that reflects positively on the District, and that includes the use of all issued safety equipment;

6. Recognizing that employment with the District is not guaranteed, but is dependent on employee performance, budget, and need;
7. Following the established rules of behavior for the District and society in general as defined by local, state, and federal laws;
8. Conducting their duties in a safe manner, following the District's general safety policies and department rules regarding proper use of approved safety equipment and apparel; and
9. Following the directives of the supervisor.

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| NONDISCRIMINATION | All employees shall work, supervise others, or be supervised in a work environment free of discrimination. The use of discriminatory remarks and/or epithets regarding an employee's race, sex, age, color, disability, religion, or national origin is a violation of this policy and may be grounds for disciplinary action up to and including termination. |
| SAFETY REQUIREMENTS | All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor. |
| WEAPONS PROHIBITION | District employees are prohibited from possessing or using any of the weapons defined in Section 46.05 of the Penal Code [see FNCG(LLEGAL)] while on District property, while working in the scope of assigned duties, or while attending District-sponsored activities. Any exceptions to this provision shall be specifically authorized by the Superintendent or designee. |
| TOBACCO USE | Employees shall not use tobacco products in District buildings, in District vehicles, nor in the presence of students at school or at school-related activities. [See DH and GKA(LLEGAL)] |
| ALCOHOL AND DRUGS | <p>A copy of this policy, the purpose of which is to eliminate alcohol and drug abuse from the workplace, shall be provided each employee at the beginning of each year or upon employment.</p> <p>Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"> 1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. 2. Alcohol or any alcoholic beverage. 3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation. 4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs. <p>An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.</p> |
| EXCEPTION | An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee's use shall not be considered to have violated this policy. |

Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)] All employees are subject to reasonable suspicion testing for alcohol and/or drug use. [See DHE (LOCAL)]

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| NOTICE | An employee who tests positive for prohibited drugs and/or alcohol shall be subject to termination, except where an employee voluntarily admits to alcohol or illegal drug use and commences counseling or rehabilitation prior to an event that leads to the initiation of any alcohol or drug testing; such an employee must thereafter refrain from using alcohol and/or illegal drugs. [See also DI (EXHIBIT) for Drug-Free Workplace Requirements and DHE (LOCAL) for alcohol and drug testing] |
| UNAUTHORIZED PERSONS ON DISTRICT PREMISES | A District employee shall not bring his or her own relative, personal aide, or hired helper to assist the employee in the performance of duties on District premises or at school-sponsored activities without prior approval of the principal/work location supervisor and/or Human Resource Department. [See also DC(LOCAL) and GKG (LOCAL)] |
| DRESS AND GROOMING | The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent. |
| MONEY LENDING | The District prohibits loans made by one employee to another with the intent of collecting interest. |
| VIOLATIONS | Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, and guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series] |
| ANNUAL CRIMINAL HISTORY RECORD CHECK | <p>A criminal background check shall be conducted on all active personnel annually. Employees shall disclose a prior record when requested to do so at the time of employment. Failure to do so could result in termination of employment.</p> <p>A review committee will assess the records of employees found to have criminal records that may bar them from continued employment in the District.</p> |
| RESPONSIBILITY TO REPORT CHARGES | Employees are required to notify the District within 30 days should they be charged with, convicted of, granted deferred adjudication, or if they have entered a plea of nolo contendere to any felony or any misdemeanor involving moral turpitude. This notification must be made in writing to the custodian of records in the Human Resources department. Failure to make such notification may result in termination of employment. |
| REPORTS OF MISCONDUCT | In its Declaration of Beliefs and Visions, the Board expressed its strong confidence in and appreciation for District personnel. The Board desires to provide a uniform system that adequately addresses the needs and concerns of all District employees. The Board therefore encourages employees and others connected with the District to bring forward reports in the form of |

complaints, comments, and suggestions in order to maintain effective and efficient operations, free of disruptions that detract from the District's main objective of educating children.

This policy applies not only to District employees, but is also available to parents, students, patrons of the District, and the general public.

The Board recognizes that there are existing resources through which reports can be made and resolved. These resources include the Employee Hotline, the Employee Assistance Program, the Equal Employment Opportunity, Professional Standards, District Police, and Internal Affairs Departments, as well as other appropriate law enforcement authorities. The Board has designated the chief of staff for business services as the clearinghouse for all reports of wrongdoing and for the coordination of resolutions.

The First Amendment of the United States Constitution prohibits the government from creating law that abridges the freedom of speech. Under Article 1, Section 8 of the Texas Constitution, every person shall be at liberty to speak, write, or publish his or her opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever pass curtailing the liberty of speech. This policy is not intended to abrogate any individual's state and federal constitutional right to free speech on matters of public concern or to inhibit an employee's right to participate in political affairs in the employee's community, state, or nation as provided under Education Code 21.407(b). These rights must be exercised responsibly and within the context of the District's right to maintain and secure an effective and efficient workplace and school operations free of disruptions that detract from the District's objective of educating children.

DATE ISSUED: 12/08/2003
LDU-49-03
DH(LOCAL)-X

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EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

CODE OF ETHICS AND STANDARD PRACTICES
FOR TEXAS EDUCATORS

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community.

1. Professional Ethical Conduct, Practices, and Performance.

Standard 1.1. The educator shall not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.

Standard 1.2. The educator shall not knowingly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local

school board policies, and other applicable state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

2. Ethical Conduct Toward Professional Colleagues.

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, sex, disability, or family status.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC under this chapter.

3. Ethical Conduct Toward Students.

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not knowingly treat a student in a manner that adversely affects the student's learning, physical health, mental health, or safety.

Standard 3.3. The educator shall not deliberately or knowingly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the

basis of race, color, sex, disability, national origin, religion, or family status.

Standard 3.5. The educator shall not engage in physical mistreatment of a student.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any student or knowingly allow any student to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

19 TAC 247.2

DATE ISSUED: 12/02/2002
UPDATE 69
DH(EXHIBIT)-P

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EMPLOYEE STANDARDS OF CONDUCT:
HARASSMENT

DHB
(LOCAL)

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| | <p>Employees shall not engage in harassment motivated by race, color, religion, national origin, disability, or age and directed toward students or District employees. A substantiated charge of harassment against a student or employee shall result in disciplinary action.</p> |
| DEFINITIONS | <p>The term "harassment" includes repeated, unwelcome, and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, disability, or age that creates an intimidating, hostile, or offensive educational or work environment.</p> |
| REPORTING | <p>Employees who believe they have been harassed are encouraged to promptly report such incidents to the campus principal or supervisor. If the campus principal or supervisor is the subject of a complaint, the employee shall report the complaint directly to the Superintendent.</p> <p>An employee who suspects or knows that a student is being harassed by a school employee or by another student shall inform his or her principal or immediate supervisor.</p> |
| INVESTIGATIONS | <p>Any allegations of harassment of students or employees shall be investigated and addressed.</p> <p>Oral complaints shall be reduced to writing to assist in the District's investigation. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.</p> |
| PROTECTION FROM RETALIATION | <p>The District shall not retaliate against an employee who in good faith reports perceived harassment.</p> |
| COMPLAINT PROCESS | <p>An employee may appeal the decision of the principal or supervisor regarding the investigation into the allegations in accordance with DGBA(LOCAL).</p> |

DATE ISSUED: 02/05/2001
UPDATE 65
DHB(LOCAL)-A

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|--------------------------------------|---|
| POLICY | The District may develop and implement a sexual harassment policy to be included in the District improvement plan. <i>Education Code 37.083(b)</i> [See BQ series] |
| SEXUAL HARASSMENT OF OTHER EMPLOYEES | <p>Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:</p> <ol style="list-style-type: none">1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. <p><i>42 U.S.C. 2000e-2(a); 29 CFR 1604.11(a); Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57, 106 S.Ct. 2399 (1986); Harris v. Forklift Systems, Inc., 510 U.S. 17, 114 S.Ct. 367 (1993)</i></p> <p>Same-sex sexual harassment is prohibited. <i>Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75, 118 S.Ct. 998 (1998)</i></p> |
| STANDARD OF CARE | <p>The District shall exercise reasonable care to prevent and correct promptly any sexually harassing behavior and develop preventive or corrective measures to address sexually harassing behavior.</p> <p>A supervisor with immediate (or successively higher) authority over an employee shall not create an actionable hostile environment for that employee nor take a tangible employment action (hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits) based on an employee's sex.</p> <p><i>Burlington Industries, Inc. v. Ellerth, 524 U.S. 742, 118 S.Ct. 2257 (1998); Faragher v. City of Boca Raton, 524 U.S. 775, 118 S.Ct. 2275 (1998)</i></p> |
| SEXUAL HARASSMENT OF STUDENTS | <p>Sexual harassment of students includes such activities as engaging in sexually oriented conversations for purposes of personal sexual gratification, telephoning students at home or elsewhere to solicit inappropriate social relationships, physical contact that would reasonably be construed as sexual in nature, and enticing or threatening students to engage in sexual behavior in exchange for grades or other school-related benefit. <i>20 U.S.C. 1681(a); Franklin v. Gwinnett County Public Schools, 503 U.S. 60, 112 S. Ct. 1028 (1992)</i></p> |

A District official who has authority to take corrective action on the District's behalf and who has actual notice of teacher-student sexual harassment or abuse shall take corrective measures to address the harassment or abuse. *Gebser v. Lago Vista ISD*, 524 U.S. 274, 118 S.Ct. 1989 (1998)

SEXUAL ABUSE
OF STUDENTS

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a District employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include, but is not limited to, fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor ISD*, 15 F.3d 443 (5th Cir. 1994)

DATE ISSUED: 05/15/2003
UPDATE 70
DHC(LEGAL)-P

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| | |
|----------------------|---|
| EMPLOYEE-TO-EMPLOYEE | Employees shall not engage in conduct constituting sexual harassment of other employees. Employees who believe they have been sexually harassed by other employees are encouraged to come forward with complaints. District officials or their agents shall investigate promptly all allegations of sexual harassment of employees by other employees, and officials shall take prompt and appropriate disciplinary action against employees found to have engaged in conduct constituting sexual harassment of employees. |
| COMPLAINT PROCEDURE | An employee who believes he or she has been or is being subjected to any form of sexual harassment shall bring the matter to the attention of the principal, immediate supervisor, or Title IX coordinator for employees in accordance with the procedures in the District's employee complaints policy [see DGBA (LOCAL)]. However, no procedure or step in that policy shall have the effect of requiring the employee alleging harassment to present the matter to a person who is the subject of the complaint; nor shall a sexual harassment complaint be dismissed because it is not filed within the time lines set out in DGBA(LOCAL). |
| EMPLOYEE-TO-STUDENT | <p>Employees shall not engage in conduct constituting sexual harassment or sexual abuse of students. Sexual harassment includes any welcome or unwelcome sexual advances, requests for sexual favors, and other verbal (oral or written), physical, or visual conduct of a sexual nature. Romantic relationships between District employees and students constitute unprofessional conduct and are prohibited.</p> <p>All allegations of sexual harassment or sexual abuse of students by employees shall be reported to parents and investigated. Information about sexual harassment or sexual abuse of a student that may reasonably be characterized as known or suspected child abuse or neglect shall be reported to appropriate authorities, as required by law. [See FFG(LEGAL)]</p> <p>In considering and investigating allegations that an employee has sexually harassed or sexually abused a student [see DHC (LEGAL)], the investigation shall proceed from the presumption that the employee's conduct was unwelcome.</p> |
| CONSEQUENCES | <p>Sexual harassment is prohibited on District property, at District-related events or activities, and in any other circumstance where the conduct affects the alleged victim's employment. Violations of this policy shall result in disciplinary action, up to and including termination.</p> <p>Retaliation against employees or students who report sexual harassment or who assist in the investigation of a sexual harassment complaint is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.</p> <p>[See also FNCJ(LOCAL), which contains the complaint procedure for students</p> |

alleging sexual harassment or sexual abuse by an employee]

DATE ISSUED: 05/01/2000

LDU-18-00

DHC(LOCAL)-X

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Houston ISD
101912

EMPLOYEE STANDARDS OF CONDUCT:
SEXUAL HARASSMENT/SEXUAL ABUSE

DHC
(EXHIBIT)

NOTICE OF EMPLOYEE RIGHTS

What is the District policy concerning sexual harassment?

The District forbids employees from engaging in conduct that constitutes sexual harassment of other employees or of students.

The District encourages employees to come forward with allegations of sexual harassment or misconduct in the workplace. Employees who report sexual harassment will not be subjected to adverse treatment for reporting the harassment.

What is sexual harassment?

"Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when submission to such conduct is made a term or condition of employment or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. "Sexual harassment" includes same-sex harassment when the harassment constitutes discrimination because of sex.

What laws address sexual harassment?

Title VII is a federal law that prohibits discrimination on the basis of race, color, religion, sex, or national origin. The Texas Labor Code, Section 21.051, makes it an unlawful employment practice for an employer to discriminate on the basis of race, color, disability, religion, sex, national origin, or age.

Title VII does not prohibit genuine but innocuous differences in the way men and women routinely interact with members of the same sex and of the opposite sex. It forbids only behavior so objectively offensive as to alter the "conditions" of the victim's employment.

What do I do if I believe I have been the victim of sexual harassment?

Employees are encouraged to report allegations of sexual harassment as soon as possible. Complaints may be brought to your supervisor, your principal, or the Title IX coordinator. You may make your request in writing or orally, and you are encouraged to file your complaint promptly, so that any problems may be resolved at the earliest possible time. Although the District will not reject any such complaint because it is filed too late, employees should understand that the sooner the issue is brought to the District's attention, the sooner it can be resolved.

What will happen once I file a complaint?

Whether you report your problem to the principal, supervisor, or the Title IX coordinator, the process will be the same. If you have made your complaint orally, the supervisor will reduce it to writing and ask you to verify that it has been transcribed accurately. The supervisor will hold a conference with you as soon as possible, but at the latest, within seven days. Following the conference, the supervisor ordinarily will have seven days to offer a response, unless the investigation takes longer to resolve. You will be informed if there is a delay in the response.

What if I'm not happy with my supervisor's response?

The District provides a three-level complaint process. If you are not satisfied with the initial outcome, you may appeal to the Superintendent or the Superintendent's designee. The Superintendent or designee will hold another conference with you and attempt to resolve the situation. If you still feel that the problem has not been solved, you may appeal to the Board of Trustees.

How will the District respond to claims of sexual harassment?

The District will respond promptly to all allegations of sexual harassment. Prompt remedial action, reasonably calculated to end the harassment, will be taken when claims are substantiated.

Will my complaint be confidential?

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

DATE ISSUED: 10/06/1998

UPDATE 59

DHC(EXHIBIT)-A

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

| | |
|-----------------------------------|--|
| SEARCHES- GENERAL RULE | <p>Citizens, including District employees, have a right to be free from unreasonable searches and seizures. <i>U.S. Const. Fourth Amendment; Tex. Const. Art. I, Sec. 9</i></p> <p>The District may search an employee or an employee's property if:</p> <ol style="list-style-type: none">1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and2. The search is reasonably related in scope to the circumstances that justified the interference in the first place. <p><i>O'Connor v. Ortega</i>, 480 U.S. 709, 107 S.Ct. 1492 (1987); <i>New Jersey v. T.L.O.</i>, 469 U.S. 325, 105 S.Ct. 733 (1985)</p> <p>In addition, the District may search an employee's workplace for noninvestigatory, work-related purposes, or if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. <i>O'Connor v. Ortega</i>, 480 U.S. 709, 107 S.Ct. 1492 (1987)</p> |
| DRUG / ALCOHOL TESTING | <p>Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. <i>Skinner v. Railway Labor Executives Ass'n</i>, 489 U.S. 602, 109 S.Ct. 1402 (1989)</p> |
| RANDOM DRUG TESTING | <p>The District may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. <i>Skinner v. Railway Labor Executives Ass'n</i>, 489 U.S. 602, 109 S.Ct. 1402 (1989); <i>National Treasury Employees Union v. Von Raab</i>, 489 U.S. 656, 109 S.Ct. 1384 (1989)</p> |
| SAFETY- SENSITIVE POSITIONS | <p>Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and the Board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. <i>Aubrey v. School Board of LaFayette Parish</i>, 148 F.3d 559 (5th Cir. 1998)</p> |

Note: The following testing requirements apply to every employee of the District who operates a commercial motor vehicle and is subject to commercial driver's license requirements in accordance with federal regulations.

COMMERCIAL
MOTOR
VEHICLE
DEFINED

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

49 CFR 382.107

REQUIRED
TESTING

The District shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 2717; 49 CFR Part 382*

TESTING
PROCEDURES

The District shall ensure that all alcohol or controlled substances testing conducted under 49 CFR Part 382 complies with the procedures set forth in 49 CFR Part 40. *49 CFR 382.105*

TESTS
REQUIRED

Required testing includes pre-employment, postaccident, random, reasonable suspicion, return-to-duty, and follow-up testing. No driver shall refuse to submit to a postaccident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a return-to duty or follow-up alcohol or controlled substances test. The District shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 CFR 382.211, 382.309*

POLICY
REQUIREMENTS

The District shall provide educational materials that explain the federal requirements and the District's policies and procedures with respect to meeting these requirements and shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided.

The materials to be made available to drivers shall include detailed discussion of at least the following:

1. The identity of the person designated by the District to answer driver questions about the materials.
2. The categories of drivers who are subject to the provisions of 49 CFR Part 382.
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with 49 CFR Part 382.
4. Specific information concerning driver conduct that is prohibited by 49 CFR Part 382.
5. The circumstances under which a driver will be tested for alcohol and/or controlled substances under 49 CFR Part 382.
6. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing

processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.

7. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with 49 CFR Part 382.
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
9. The consequences for drivers found to have violated 49 CFR Part 382 including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR Part 40, Subpart O.
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

49 CFR 382.601

DATE ISSUED: 05/15/2003
UPDATE 70
DHE(LEGAL)-P

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EMPLOYEE STANDARDS OF CONDUCT:
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

REASONABLE
SUSPICION
SEARCHES

The District reserves the right to conduct searches when the District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business.

PURPOSE OF
ALCOHOL /
DRUGS TESTING
PROGRAM

The District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by any of the following:

1. Employees who are drivers of District-owned, -leased, or rented vehicles;
2. Employees who perform safety-sensitive functions, including but not limited to, police officers who carry firearms, motor vehicle mechanics and inspectors, transportation aides, and operators of hazardous equipment;
3. Applicants for positions in the above-referenced categories; and
4. Any employee when there is reasonable suspicion of use of alcohol or controlled substances in the workplace.

The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

CONSORTIUM

With specific Board approval, the Superintendent may contract on behalf of the District with outside consultants and contractors and work with a consortium of other local governments to secure the testing services, educational materials, and other component elements needed for this program.

Under such contract, the consortium shall be responsible for implementing, directing, administering, and managing the alcohol and controlled substances program within the U.S. Department of Transportation guidelines. The consortium shall serve as the principal contact with the laboratory and for collection activities in assuring the effective operation of the testing portion of the program.

REASONABLE
SUSPICION
TESTING

Only supervisors specifically trained in accordance with federal regulations [see DHE(LEGAL)] may, based upon reasonable suspicion, remove an employee from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the employee

whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the employee is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

CONSEQUENCES OF POSITIVE TEST RESULTS In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to termination. [See DF series]

ALCOHOL RESULTS 0.02 AND ABOVE An employee tested under this policy and found to have an alcohol concentration of 0.02 or greater shall be terminated.

CONSEQUENCES FOR VIOLATION OF PROHIBITIONS

An employee whose conduct is in violation of the alcohol and controlled substances prohibitions of this policy shall be terminated for:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Testing positive for alcohol, at a concentration of 0.02 or above, in a post-accident test.
3. Testing positive for controlled substances in a post-accident test.
4. Testing positive for alcohol, at a concentration of 0.02 or above, in a random test.
5. Testing positive for controlled substances in a random test.
6. Testing positive for alcohol, at a concentration of 0.04 or above, in a required confirmation test.
7. Testing positive for controlled substances in a required confirmation test.
8. Testing positive for alcohol, at a concentration of 0.02 or above, in a reasonable suspicion test.
9. Testing positive for controlled substances in a reasonable suspicion test.

DATE ISSUED: 02/10/2003
LDU-06-03
DHE(LOCAL)-X

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EMPLOYEE STANDARDS OF CONDUCT:
SEARCHES AND ALCOHOL/DRUG TESTING

POSTACCIDENT TESTING

This table depicts the circumstances under which an employer is required to perform a postaccident alcohol or controlled substances test, in accordance with 49 CFR 382.303(a).

| Types of accidents involved | Citation issued | Test must be performed |
|--|-----------------|------------------------|
| | | |
| Human fatality | YES | YES |
| | NO | YES |
| | | |
| Bodily injury with immediate medical treatment away from the scene | YES | YES |
| | NO | NO |
| | | |
| Disabling damage to any motor vehicle requiring tow away | YES | YES |
| | NO | NO |

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- HAZARD COMMUNICATION ACT The District shall perform the following duties in compliance with the Hazard Communication Act:
- NOTICE 1. Post and maintain the notice promulgated by the Texas Board of Health in the workplace. *Health and Safety Code 502.017(a)*
- EDUCATION AND TRAINING 2. Provide an education and training program for employees using or handling hazardous chemicals. "Employee" means any person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), 502.009*
- WORKPLACE CHEMICAL LIST 3. Maintain the written hazard communication program and a record of each training session to employees, including the date, a roster of the employees who attend, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*
- WORKPLACE CHEMICAL LIST 4. Compile and maintain a work-place chemical list that includes required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the Texas Board of Health for certain highly toxic or dangerous hazardous chemicals. The list shall be readily available to employees and their representatives. *Health and Safety Code 502.005(a), (c)*
- WORKPLACE CHEMICAL LIST 5. Update the list as necessary, but at least by December 31 each year, and maintain at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*
- LABELING 6. As required by law, label new or existing stocks of hazardous chemicals with the identity of the chemical and appropriate hazard warnings, if such stocks are not already appropriately labeled. *Health and Safety Code 502.007*
- MATERIAL SAFETY DATA SHEETS 7. Maintain a legible copy of the most current manufacturer's material safety data sheets (MSDS) for each hazardous chemical; request such sheets from the manufacturer if not already provided or otherwise obtain a current MSDS; make such sheets readily available to employees or their representatives on request. *Health and Safety Code 502.006*
- PROTECTIVE 8. Provide employees with appropriate personal protective equipment.

EQUIPMENT

Health and Safety Code 502.017(b)

PEST CONTROL
TREATMENT
NOTICE

The chief administrator or building manager shall notify persons who work in a District building or facility of a planned pest control treatment by both of the following methods:

1. Posting the sign provided by the certified applicator or technician in an area of common access the employees are likely to check on a regular basis at least 48 hours before each planned treatment.
2. Providing the official Structural Pest Control Board Consumer Information Sheet to any individual working in the building, on request.

Occupations Code 1951.455; 22 TAC 595.7

DATE ISSUED: 05/15/2003
UPDATE 70
DI(LEGAL)-P

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VALUES AND
EXPECTATIONS

The District recognizes that promoting a safe and positive work environment contributes to the fulfillment of the District's mission and provides for the intellectual, social, emotional, and physical growth of students.

An employee can expect:

1. A supervisor who follows District policy in relation to wages, hours, and conditions of work;
2. A procedure for resolving employment disputes;
3. Respect from colleagues and supervisors;
4. A safe and healthy work environment;
5. Assistance, as needed, from the Employee Assistance Program; and
6. Training or staff development to be available.

PROTECTION
FROM PHYSICAL
ASSAULTS

The District shall take reasonable steps to provide a safe environment for its students and employees. An employee may use reasonable force as is necessary to protect himself or herself from an attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the aggressor or within control of a student or other person. [See also DEC(LEGAL) on ASSAULT LEAVE]

DRUG-FREE
AWARENESS
PROGRAM

As part of the Employee Assistance Program, the District shall establish a drug-free awareness program to inform employees about:

1. The dangers of drug use and abuse in the workplace.
 2. The District's policy of maintaining a drug-free environment. [See DH (LOCAL)]
 3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community.
 4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions. [See DI(EXHIBIT)]
-

DATE ISSUED: 05/01/2000
LDU-18-00
DI(LOCAL)-X

DRUG-FREE WORKPLACE REQUIREMENTS

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

The District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. 41 U.S.C. 702(a)(1)(B); 28 TAC 169.2

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] 41 U.S.C. 702(a)(1)(A); 28 TAC 169.2

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Within ten days of receiving such notice from the employee or any other source the District shall notify the granting agency of the conviction. 41 U.S.C. 702(a)(1)(D), (EXHIBIT)

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U.S.C. 702) and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]

DATE ISSUED: 06/22/2000

UPDATE 63

DI(EXHIBIT)-A

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Houston ISD
101912

EMPLOYEE RECOGNITION AND AWARDS

DJ
(LOCAL)

SERVICE
AWARDS

Employees shall be presented service pins at the end of 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 years of service. Employees shall be presented with service pins at the end of the school year in which the pins are earned.

An employee eligible to receive a service pin in the current year, who has worked at least half the assigned duty year and discontinues regular employment status with the District, shall receive a service pin.

DATE ISSUED: 02/21/2005
LDU-08-05
DJ(LOCAL)-X

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

ASSIGNMENT

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A public school employee must have the appropriate credentials, as set forth by the State Board for Educator Certification, for his or her current assignment, unless the appropriate permit has been issued. *Education Code 21.003; 19 TAC 230.601* [See EHBD]

The District is not required to activate a permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below. *19 TAC 230.501(g)*

PERMITS

A degreed, certified teacher employed in the previous year or semester in an assignment for which he or she was fully certified may not be assigned to a position that requires activating a permit unless:

1. The teacher has given written consent to the activation of the permit; or
2. Because of fluctuations in enrollment or changes in course offerings, the teacher's previous assignment no longer exists and no alternative assignment for which the teacher is fully certified is available on that campus. If a permit is activated for a teacher under these circumstances, the teacher shall be offered the opportunity to return to his or her previous assignment or an alternative assignment for which the teacher is fully certified on that campus as soon as such an assignment is available. If a teacher accepts the assignment, the actual transfer of duties shall occur not later than the beginning of the next academic year.

If, under either of the conditions stated above, a permit is activated for a temporary staffing condition within 30 days of the opening of the school year or later during the contract year, the teacher is exempt from the requirement to complete additional coursework or examination requirements for certification for the remainder of the contract year for which the permit is activated. This exemption is not renewable, and a teacher continuing on an emergency permit for a second year must meet the full requirements of an emergency permit.

A teacher under this provision who refuses to consent to activation of a permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the permit.

However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with District policy.

19 TAC 230.501(b), (c)

PRINCIPAL'S
APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY
CERTIFIED OR
UNCERTIFIED
TEACHER

An "inappropriately certified or uncertified teacher" includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by SBEC rules;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the Commissioner.

The notice requirement above does not apply if a school is required in accordance with Section 1111(h)(6)(B)(ii), No Child Left Behind Act of 2001 (20 U.S.C. Section 6311), and its subsequent amendments, to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school provides notice as required by that Act. [See EHBD]

Education Code 21.057; 19 TAC 230.601

DATE ISSUED: 12/16/2003

UPDATE 72

DK(LLEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

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| SUPERINTENDENT'S AUTHORITY | <p>All personnel are employed subject to assignment and reassignment by the Superintendent or designee when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract of a contract employee. Any change in an employee's contract shall be in accordance with policy DC.</p> |
| CAMPUS ASSIGNMENTS | <p>Any employee may request reassignment within the District to another position for which he or she is qualified.</p> <p>The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.</p> |
| SUPERVISION OF EMPLOYEES BY FAMILY MEMBERS | <p>Principals and supervisors may hire and/or retain employees at the same school or work location who are related within the first, second, or third degree of consanguinity or affinity. Notwithstanding this provision, principals and supervisors are subject to the prohibition against employees reporting directly or indirectly to their own relatives, as described in this policy.</p> <p>An employee shall not be assigned to work in a school, building, or department where the employee reports directly or indirectly to an administrator to whom the employee is related within the second degree by blood or marriage.</p> <p>If such situations develop as a result of marriage, administrative transfer due to reorganization, or similar circumstance, both of the employees involved shall bring it immediately to the attention of the appropriate administrator for resolution.</p> |
| ADMINISTRATIVE TRANSFERS | <p>A person assigned to an administrative position shall not be eligible for promotion or transfer from that position until completion of one year of employment unless transfer is approved by the Superintendent.</p> |
| SUPPLEMENTAL DUTIES | <p>Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.</p> |

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| WORK SCHEDULES | The work week and daily time schedules shall be determined by the Superintendent or designee and principals. |
| TRANSITIONAL DUTY PROGRAM | A limited or transitional duty program shall be provided, in accordance with Standard Practice Memoranda (SPM), for employees who have an occupational injury or occupational illness and are temporarily unable to return to full regular duty status. The light-duty assignment shall be temporary and, if rejected by the employee, shall result in a reduction of workers' compensation wage benefits. [See CRE(LEGAL)] |
| TEMPORARY ASSIGNMENT OF AN EMPLOYEE SUSPENDED WITH PAY | The Superintendent or designee may temporarily reassign an employee who has been suspended with pay from his or her regular duties, when the Superintendent or designee determines it is in the best interest of the District. [See DFBA and DFCA(LEGAL)] |

DATE ISSUED: 02/21/2005
LDU-08-05
DK(LOCAL)-X

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

PLANNING AND PREPARATION Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation including parent-teacher conferences, evaluating students' homework, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404*

DUTY-FREE LUNCH Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. *Education Code 21.405*

EXCEPTION If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, and in accordance with commissioner rules, the District may require a classroom teacher or librarian to supervise students during lunch no more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, the District shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.
2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the District in jeopardy of a potential roll-back election.
3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the District is unable to find individuals to supervise students during lunch.

19 TAC 153.1001

DATE ISSUED: 04/10/1996
UPDATE 51
DL(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

RESTRICTIONS
ON WRITTEN
REPORTS

The Board shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare.

A classroom teacher may not be required to prepare any written information other than:

1. Any report concerning the health, safety, or welfare of a student;
2. A report of a student's grade on an assignment or examination;
3. A report of a student's academic progress in a class or course;
4. A report of a student's grades at the end of each grade reporting period;
5. A textbook report;
6. A unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;
7. An attendance report;
8. Any report required for accreditation review;
9. Any information required by the District that relates to a complaint, grievance, or actual or potential litigation and that requires the classroom teacher's involvement; or
10. Any information specifically required by law, rule, or regulation.

The District may collect essential information, in addition to the information specified above, from a classroom teacher on agreement between the classroom teacher and the District.

PAPERWORK
REVIEW

The Board shall review paperwork requirements imposed on classroom teachers and transfer to existing noninstructional staff a reporting task that can reasonably be accomplished by that staff. [See BAA]

Education Code 11.164

DATE ISSUED: 09/30/2003
UPDATE 71
DLB(LEGAL)-P

Houston ISD
101912

WORK LOAD:
REQUIRED PLANS AND REPORTS

DLB
(LOCAL)

RESTRICTIONS ON WRITTEN REPORTS Upon the Board's request, the Superintendent shall report on paperwork requirements imposed on teachers.

DATE ISSUED: 10/17/2005
LDU-42-05
DLB(LOCAL)-X

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| STAFF DEVELOPMENT | The District shall budget adequate time and financial resources to support a comprehensive staff development program, approved in accordance with Education Code 11.253 and 21.451. This program shall be guided by the campus improvement plan developed through the site-based decision-making process and shall reflect best practices. [See BQ series] |
| IDENTIFYING NEEDS | Guided by the strategies and activities of the District, campus improvement plans, and individual growth plans, the campus and District committees [see BQ series] shall identify staff development needs for teachers and administrators. When the committees determine that teacher involvement is appropriate, teachers will have input into the identification of those needs and in the planning of staff development. |
| | <i>19 TAC 153.1011(c)</i> |
| DEVELOPMENT ACTIVITIES | Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see BQB]. |
| TRAINING SPECIFICS | <p>The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.</p> <p>The staff development may include:</p> <ol style="list-style-type: none">1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;2. Training that relates to instruction of students with disabilities and is designed for educators who work primarily outside the area of special education; and3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school. |
| | <i>Education Code 21.451; 19 TAC 153.1011</i> |
| STUDENT ACHIEVEMENT | The District may use Districtwide staff development that has been developed and approved through the District-level decision process. <i>Education Code 21.452(c)</i> |
| | The District and each committee shall plan for and promote student achievement for all students. Staff development shall focus on standards for student performance in the Texas essential knowledge and skills. <i>19 TAC 153.1011(f)</i> |
| ELEMENTS OF DEVELOPMENT | The District's staff development program should reflect the standards of professional practices recognized at state and national levels. The approved |

PROGRAM

program shall provide access to various models of staff development that foster and model effective practices such as the:

1. Individually guided model;
2. Observation/assessment model;
3. Development/improvement process model;
4. Inquiry model;
5. Training model; and
6. Other models meeting local needs.

19 TAC 153.1011(d)

SPECIAL
PROGRAMS
TRAINING

TITLE I STAFF
DEVELOPMENT

A district that receives assistance under Title I shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the state content standards, to enable all children to meet the state's student performance standards; and shall meet the requirements of federal law. *20 U.S.C. 6320(a)* [See EHBD]

GIFTED AND
TALENTED
EDUCATION

The District shall ensure that:

1. Prior to assignment in the program, teachers who provide instruction and services that are part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester.
3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

ADULT
EDUCATION

All adult education staff hired after September 1, 1996, shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. *19 TAC 89.25(a)(1)(2)*

Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. *19 TAC 89.25(a)(4)(B)*

EXCEPTIONS The in-service professional development requirements may be reduced in

individual cases if documentation of exceptional circumstances is submitted to TEA for approval. *19 TAC 89.25(a)(5)*

RECORDS Records of staff qualifications and professional development shall be maintained by the District and must be available for monitoring. *19 TAC 89.25(a)(6)*

RESOURCES FOR STAFF DEVELOPMENT If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the District. *Education Code 21.453*

DATE ISSUED: 12/16/2003

UPDATE 72

DMA(LEGAL)-P

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| STAFF DEVELOPMENT | The District shall support the continued professional development of its employees by providing staff development opportunities to ensure that each employee is prepared to successfully contribute in his or her role in reaching the overall goal of increasing student achievement. |
| DEFINITION | <p>"Staff development" shall be defined as the facilitation of activities that assist staff members to increase their capacity through continual improvement of their job-related skills, knowledge, and performance. Staff development may include models that foster effective practices such as individually guided models, observation-assessment models, development/improvement process models, inquiry models, training models, and other models meeting school/administrative and/or District/department needs.</p> <p>The District shall provide and employees may be required to participate in staff development opportunities to increase knowledge and enhance skills and to be prepared to successfully perform their duties and responsibilities, as well as to address their individual needs as identified through their performance evaluations and/or needs assessments.</p> <p>All staff development throughout the District shall be in alignment with the District's statement of beliefs and visions, the goals of the District Improvement Plan, including District Initiatives, and the school/administrative District/department improvement plan. All staff development shall focus on improving and/or supporting student achievement. [See policies at BQA, BQB]</p> |

DATE ISSUED: 05/01/2000
LDU-18-00
DMA(LOCAL)-X

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Houston ISD
101912

PROFESSIONAL DEVELOPMENT:
PROFESSIONAL MEETINGS AND VISITATIONS

DMD
(LEGAL)

District employees may be permitted to attend meetings of professional organizations during a work day, with pay, if a direct school-related purpose will be accomplished. Such release time shall not be granted if the meetings are primarily to pursue the business of the organization. *Atty. Gen. Op. MW-89 (1979)*

DATE ISSUED: 04/20/1983
UPDATE 20
DMD(LEGAL)-P

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PROFESSIONAL DEVELOPMENT:
PROFESSIONAL MEETINGS AND VISITATIONS

DMD
(LOCAL)

MEETINGS,
CONFERENCES,
AND
WORKSHOPS

Professional personnel may attend and participate in meetings, conferences, and workshops that will contribute to their professional growth and development. [See also DMA and DMC]

When attendance at such events is recommended or required by the administration, the Board, TEA, or UIL, personnel may attend with the Superintendent's approval. No salary deduction or loss of leave shall occur when attendance is recommended or required.

The Superintendent may grant additional absences to employees for attendance at meetings, conferences, and workshops that are of special interest to the employee.

RELEASE TIME

Requests for release time with pay to attend employee organization meetings, other than any such meetings approved for required staff development purposes, shall be considered on a case-by-case basis. The responsibility for justifying the school-related purpose to be accomplished by attendance shall rest with the employee. Approval shall be given only if the employee is on the program, has some official function, or can obtain specific information related to his or her job description that will assist the District in improving the instructional program.

DATE ISSUED: 04/20/1988
UPDATE 41
DMD(LOCAL)-A

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| GENERAL PRINCIPLES | All District employees shall be periodically appraised in the performance of their duties and shall be provided assistance to improve job performance. The <i>Appraisal Program Manual</i> , approved by the Board, shall govern the employee evaluation and appraisal system consistent with the general principles set out below. [See also DNA and DNB] |
| CRITERIA | The employee's performance of assigned duties and other job- related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated. |
| PERFORMANCE REVIEW | Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary. |
| DOCUMENTATION AND RECORDS | Official appraisal records shall be maintained throughout a person's employment with the District and for two years after an employee ceases to be employed with the District. |
| EMPLOYEE COPY | All employees shall receive a copy of their annual written evaluation. |
| COMPLAINTS | Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's Dispute Resolution Process. [See DGBA(LOCAL)] |
| ASSISTANCE | <p>Employees receiving unfavorable ratings on their appraisal or at any other time shall be provided with specific suggestions for improvement in the form of a written growth plan or other written plan of assistance.</p> <p>Employees receiving satisfactory ratings may be provided with specific suggestions for improvement in writing. Work location supervisors may develop a plan for improvement whenever the employee's performance becomes a concern, regardless of whether that employee has a specified appraisal system.</p> <p>A principal or work location supervisor may place an employee on a written growth plan or plan of assistance at any time when performance or behavior becomes a concern.</p> |
| APPLICATION OF ASSESSMENT SYSTEMS | All aspects of the appraisal systems shall be applied consistently and fairly to all employees. When an employee feels that any one of these procedures has been misapplied to him or her, a dispute may be filed in accordance with the Dispute Resolution Process, at DGBA(LOCAL). However, unless the procedure in question was maliciously misapplied, or applied in bad faith, or not applied by an appraiser, such misapplication or failure to follow the |

procedures shall not prevent or be any impediment to the Board or Superintendent changing any employee's employment status under the terms of the employment contracts, if applicable, and state and federal laws.

THIRD-PARTY
INPUT

The community and other persons not directly involved in the appraisal process shall have the opportunity to provide third-party input concerning any employee. All third-party input must be in writing and signed. A parent or legal guardian must sign if the initiating party is under 18 years of age. Third-party input determined to be valid may be used as a part of the appraisal process and becomes a part of the appraisal file.

DATE ISSUED: 05/01/2000
LDU-18-00
DN(LOCAL)-X

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| IN GENERAL | Each teacher shall be given a written evaluation annually or at more frequent intervals. <i>Education Code 21.203(a)</i> |
| EXCEPTION TO ANNUAL FREQUENCY REQUIREMENT | A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. <i>Education Code 21.352(c)</i> |
| APPRAISAL NOTICE | <p>A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. <i>19 TAC 150.1003(c)</i></p> <p>The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file. Each teacher is entitled to receive a written copy of the evaluation. After receiving a written copy of the evaluation, a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district. <i>Education Code 21.352(c), (d)</i></p> |
| CONFIDENTIALITY | A document evaluating the performance of a teacher is confidential. <i>Education Code 21.355</i> |
| CHOICE OF APPRAISAL METHOD | <p>Beginning with the 1997-98 school year, the District has two choices in selecting a method to appraise teachers:</p> <ol style="list-style-type: none">1. A teacher-appraisal system recommended by the Commissioner, the Professional Development and Appraisal System (PDAS) [see STATE METHOD below]; or2. A local teacher-appraisal system [see LOCALLY DEVELOPED APPRAISAL METHOD, below]. <p><i>Education Code 21.352(a); 19 TAC 150.1001(a)</i></p> |
| SELECTION OF APPRAISAL METHOD | <p>The Superintendent, with the approval of the Board, may select the PDAS. Each district or campus wanting to select or develop an alternative teacher-appraisal system must follow the requirements below at DISTRICT OPTION. <i>19 TAC 150.1001(c)</i></p> <p>The Superintendent shall notify the executive director of the regional education service center of the District's choice of appraisal system(s) by a time designated by the Commissioner. <i>19 TAC 150.1010</i></p> |
| CLASSROOM | A teacher who directs extracurricular activities in addition to performing |

PERFORMANCE

classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

Note: The following provisions apply to teacher appraisal using the state appraisal method.

STATE METHOD

ORIENTATION

The District shall ensure that all teachers are provided with an orientation to the Professional Development and Appraisal System (PDAS) no later than the final day of the first three weeks of school and at least three weeks before the teacher's first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. A teacher new to the District shall be provided with an orientation of the PDAS at least three weeks before the teacher's first observation.

Teachers' orientation shall include materials approved by the Commissioner. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

19 TAC 150.1007

APPRAISER QUALIFICATIONS

The teacher appraisal process requires at least one appraiser. The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification.

An appraiser other than the teacher's supervisor shall be approved by the Board, hold a valid teaching certificate, and have at least three years of prekindergarten, elementary, or secondary teaching experience. A classroom teacher may not appraise another classroom teacher on the same campus unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities. Before conducting appraisals, an appraiser shall be certified by having satisfactorily completed uniform appraiser training, including required Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training, with a trainer and curriculum approved by the Commissioner. Periodic recertification shall be required for each appraiser.

Educators certified as appraisers for the Texas Teacher Appraisal System (TTAS) before January 1997 shall be required to take only the Professional

Development and Appraisal System (PDAS) training to qualify as a certified appraiser for the new system. Educators seeking certification as an appraiser after January 1, 1997, and no later than June 1, 2002, holding no prior TTAS certification, shall be required to complete the ILT or ILD training and the PDAS training with successful completion of the ILT or ILD training as a prerequisite to the PDAS training. Educators seeking certification as an appraiser for the PDAS after June 1, 2002, shall complete ILD training and the PDAS training with successful completion of the ILD training as a prerequisite to the PDAS training.

19 TAC 150.1006

CALENDAR

The District shall establish a calendar for appraisal. The appraisal period for each teacher must include all of the days of a teacher's contract. The calendar shall:

1. Exclude observations in the three weeks following the day of completion of the PDAS orientation in the school years when an orientation is required;
2. Exclude observations in the three weeks following the day of completion of the PDAS orientation for teachers new to the PDAS;
3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;
4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and
5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

19 TAC 150.1003(d)

CAMPUS OPTION

If a campus within the District wishes to develop an alternative appraisal method, its campus-planning and decision-making committee shall:

1. Develop a local appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the District-level planning and decision-making committee.

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and

b. Performance of the teachers' students.

Upon submission of the appraisal process and criteria to the District-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the Superintendent. The Superintendent shall submit the recommended campus appraisal process and criteria, the District-level planning and decision-making committee's recommendation, and the Superintendent's recommendation to the Board. The Board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

19 TAC 150.1009(b)

OBSERVATIONS
AND APPRAISAL
PROCESS

Each teacher must be appraised each school year. A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified.

The annual appraisal shall include:

1. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the appraiser. However, by mutual consent of the teacher and appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments, so long as those time segments aggregate to at least 45 minutes;
2. A written summary of each observation, which shall be given to teachers within ten working days after the completion of an observation with a pre- and post-observation conference conducted at the request of the teacher or appraiser;
3. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:
 - a. Within the first three weeks from the day of completion of the PDAS orientation;
 - b. Within the first three weeks from the day of completion of the PDAS orientation, for teachers new to the PDAS; or
 - c. Within the first three weeks of instruction in the school years when the PDAS orientation is not required.
4. Revision of Section I (if necessary) and completion of Sections II and III of the Teacher Self-Report Form that shall be presented to the principal at least two weeks prior to the annual summative conference;
5. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
6. A written summative annual appraisal report; and
7. A summative annual conference.

19 TAC 150.1003(a), (b), (g)

ASSESSMENT OF

Each teacher shall be appraised on the following domains:

PERFORMANCE

1. Domain I: Active, successful student participation in the learning process;
2. Domain II: Learner-centered instruction;
3. Domain III: Evaluation and feedback on student progress;
4. Domain IV: Management of student discipline, instructional strategies, time, and materials;
5. Domain V: Professional communication;
6. Domain VI: Professional development;
7. Domain VII: Compliance with policies, operating procedures, and requirements; and
8. Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System [AEIS]).

Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process. The data for the appraisal of each domain shall be gathered from observations, the Teacher Self-Report Form, and other documented sources. The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.

19 TAC 150.1002 (a), (b)

DOCUMENTATION

CUMULATIVE DATA

During the appraisal period, the appraiser shall evaluate and document performance specifically related to the domain criteria as identified in the PDAS. Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser. Any documentation that will influence the teacher's summative annual appraisal report shall be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal. *19 TAC 150.1003(e), (f)*

RATINGS

Each teacher shall be evaluated on Domains I through VIII using the following categories:

1. Exceeds expectations;
2. Proficient;
3. Below expectations; and
4. Unsatisfactory.

The teacher evaluation in Domain VIII shall include the following areas:

1. Efforts to enhance academic performance;
2. Efforts to enhance student attendance;
3. Efforts to identify and assist students in at-risk situations; and
4. Campus performance ratings.

Campus performance rating data for Domain VIII shall be reported (not scored) by a campus or the District for the first year of the PDAS implementation and/or during the first year for new teachers to a campus.

19 TAC 150.1002(d)-(f)

SUMMATIVE
REPORT

No later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students, a written annual summative report shall be shared with the teacher. The written annual summative report shall be placed in the teacher's personnel file by the end of the appraisal period. Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s). *19 TAC 150.1003(h), (k)*

SUMMATIVE
CONFERENCE

Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the District calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources. When the appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference. *19 TAC 150.1003(i), (j)*

TEACHER
RESPONSE

A teacher may submit a written response or rebuttal:

1. After receiving a written observation summary, or any other written documentation associated with the teacher's appraisal; and/or
2. After receiving a written annual summative report.

Any written response or rebuttal must be submitted within ten working days of receiving a written observation summary, a written annual summative report, or any other written documentation associated with the teacher's appraisal. At the discretion of the appraiser, this time period may be extended to 15 working days.

19 TAC 150.1005(a), (b)

SECOND
OBSERVATION
REQUESTED

A teacher may request a second appraisal by another appraiser:

1. After receiving a written observation summary with which the teacher disagrees; and/or
2. After receiving a written annual summative report with which the teacher disagrees.

19 TAC 150.1005(c)

The second appraisal must be requested within ten working days of receiving a written observation summary or written annual summative report. At the discretion of the appraiser, this time period may be extended to 15 working days. *19 TAC 150.1005(c), (d)*

The District shall adopt written procedures for determining the selection of second appraisers, which shall be disseminated to each teacher at the time of employment and updated annually or as needed. *19 TAC 150.1005(g)*

PROCEDURE
FOR SECOND
APPRAISAL

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required. The second appraiser shall appraise the teacher in all domains and shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains. *19 TAC 150.1005(e), (f)*

APPEALS

The District shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. *19 TAC 150.1005(g)*

TEACHER IN NEED
OF ASSISTANCE

A teacher whose performance meets any of the following will be designated as a "teacher in need of assistance":

1. A teacher who is evaluated as unsatisfactory in one or more domains; or
2. A teacher who is evaluated as below expectations in two or more domains.

When a teacher is designated as a "teacher in need of assistance," the appraiser and/or the teacher's supervisor shall, in consultation with the teacher, develop an intervention plan that includes:

1. Domain(s) that designate a teacher as a teacher in need of assistance;
2. Directives or recommendations for professional improvement activities;
3. Evidence that is used to determine successful completion of professional improvement activities;
4. Directives for changes in teacher behavior;
5. Evidence that is used to determine if teacher behavior has changed; and
6. Specific time line for successful completion.

In cases when the teacher's appraiser is not the teacher's principal, the principal shall be involved in the development and evaluation of the intervention plan. A teacher who has not met all the requirements of the intervention plan for teachers in need of assistance by the time specified may be considered for separation from the assignment, campus, and/or District.

INTERVENTION
PLAN

The intervention plan shall include options for professional development activities designed to enhance teacher proficiency. At least one option shall not place significant financial burden on either the teacher or the District. An intervention plan may be developed at any time at the discretion of the appraiser when the appraiser has documentation that would potentially produce an evaluation rating of "below expectations" or "unsatisfactory."

19 TAC 150.1004

TRAINING OF
TEACHER
PARTICIPANTS

In the initial year of adoption and implementation of the PDAS, selected teachers from each campus shall be given the opportunity to participate in the appraisal training for purposes of disseminating information to colleagues on their campus and assisting, at the discretion of the principal, in the orientation of all campus teachers. These teachers shall be designated as appraisal-orientation facilitators.

Each campus shall offer the opportunity to participate in appraisal training to

a number of teachers equal to the number of campus administrators; however, each campus shall have at least one teacher participant. The principal shall select representative teachers from nominations submitted by the site-based decision-making committee. The principal may select representatives other than those nominated by the SBDM when nominated teachers are unable to attend appraisal training.

AT DISTRICT
EXPENSE

The District shall pay the training fees for its teachers attending the PDAS appraisal training.

The District shall make available additional training for teachers as part of the District's menu of professional development opportunities. All teachers are eligible to participate in appraisal and/or Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training at their own expense.

19 TAC 150.1008

Note: The following provisions apply to teacher appraisal using the locally developed appraisal method.

DISTRICT OPTION

Beginning with the 1997-98 school year, a district not wanting to use the PDAS shall develop its own teacher appraisal system supported by locally adopted policy and procedures and by the processes outlined in the Texas Education Code 21.352.

The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system; however, it may become a local option governed by the process outlined below. If adopted as a local option, the TTAS must be modified to comply with Education Code 21.351(a)(1)(2).

LOCALLY
DEVELOPED
APPRAISAL
METHOD

The District-level planning and decision-making committee shall:

1. Develop a local appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the District.

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and

b. Performance of the teacher's students.

A District-level planning and decision-making committee shall submit the appraisal process and criteria to the Superintendent, who shall submit the appraisal process and criteria to the Board with a recommendation to accept or reject. The Board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(a)

CAMPUS OPTION

A campus wishing to develop an alternative appraisal method shall comply with the provisions established by law. *19 TAC 150.1009(b)* [See CAMPUS OPTION, above]

DATE ISSUED: 09/30/2003

UPDATE 71

DNA(LEGAL)-P

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| PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM | The Professional Development and Appraisal System (PDAS) and the Modified Professional Development and Appraisal System (MPDAS) are the assessment programs for teachers. |
| OBSERVATIONS | PDAS observations shall be unscheduled. Appraisers shall not give advance notice of the date or time of an observation. If a teacher requests a second observation, the observation will be unscheduled. Second appraisers shall not give advance notice of the date or time of an observation. When a second appraisal is made the appraisers' domain scores will be averaged and will constitute the teacher's domain rating scores for the appraisal period. |
| ASSISTANCE | When there are concerns about an employee's performance, the employee may be provided suggestions for improvement in the form of a Growth Plan; when an employee receives unfavorable ratings, however, the employee shall be provided such a Growth Plan. Growth plans for teachers will be written according to the guidelines for the PDAS. |
| DISPUTE RESOLUTION | If a teacher feels that a procedure of the appraisal system has been misapplied to him or her, or if a teacher wishes to dispute the content of the assessment or the ratings given, the teacher may access the DISPUTE RESOLUTION process at DGBA(LOCAL). |
| PROBATIONARY TEACHERS | Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term. [See DFAB(LEGAL)] |
| EMPLOYMENT DECISIONS | When relevant to decisions regarding term contracts, written evaluations of a teacher's performance, as documented to date, and any other information the administration deems appropriate, shall be considered in decisions affecting contract status. |

DATE ISSUED: 05/01/2000
LDU-18-00
DNA(LOCAL)-X

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| FREQUENCY | Administrators and other professionals shall be appraised in the performance of their job duties annually or at more frequent intervals. <i>Education Code 21.203(a)</i> |
| ADMINISTRATOR APPRAISAL | All administrators shall be appraised annually using either the Commissioner's recommended appraisal process and performance criteria [see DNB (EXHIBIT)] or criteria and procedures developed in consultation with the District- and campus-level committees and adopted by the Board. District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months. <i>Education Code 21.354</i> |
| EXCEPTION | An administrator or other certified educator may be appraised less frequently if the employee agrees in writing and the employee's most recent evaluation rated the employee as at least proficient, or the equivalent, and did not identify any area of deficiency. An employee who is appraised less frequently than annually must be appraised at least once during each period of five school years. <i>Education Code 21.352(c)</i> |
| CONFIDENTIALITY OF EVALUATION | A document evaluating the performance of an administrator is confidential. <i>Education Code 21.355</i> |
| PERFORMANCE | The information in the annual report describing the educational performance of each campus [see BQB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the academic excellence indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. <i>Education Code 21.354(e), 39.054(3)(D)</i> |

DATE ISSUED: 09/30/2003
UPDATE 71
DNB(LEGAL)-P

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Houston ISD
101912

PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LOCAL)

EMPLOYMENT DECISIONS When relevant to the decision, written evaluations of a professional employee's performance, as documented to date, and any other information the administration determines to be appropriate shall be considered in decisions affecting contract status.

EXCEPTION Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term.

DATE ISSUED: 11/15/1996
UPDATE 53
DNB(LOCAL)-A

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PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(EXHIBIT)

PROCEDURES FOR APPRAISAL OF ADMINISTRATORS

RECOMMENDED BY THE COMMISSIONER OF EDUCATION

Note: The following procedures, which are recommended but not required by the commissioner, may be used in whole or in part.

The District shall establish an annual calendar providing for the following activities, in which both the administrator and the appraiser shall participate:

1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.
2. Formative conference.
3. Summative conference.

Appropriate administrators shall be involved in developing, selecting, or revising the appraisal instrument and process.

Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

19 TAC 150.1022 (a) - (c)

The domains and descriptors used to evaluate administrators may include the following:

1. Instructional management.
2. School or organization morale.

3. School or organization improvement.
4. Personnel management.
5. Management of administrative, fiscal, and facilities functions.
6. Student management.
7. School or community relations.
8. Professional growth and development.
9. Academic excellence indicators and campus performance objectives.
10. For principals, student performance. Districts using the commissioner-recommended student performance domain for principals shall meet the following requirements:
 - a. Principals and their appraisers whose districts adopt the commissioner-recommended student performance domain shall satisfactorily complete appraiser training with a trainer and curriculum approved by the commissioner. Periodic retraining shall be required.
 - b. The commissioner-recommended student performance domain shall be implemented in accordance with procedures approved by the commissioner.
 - c. The results on the commissioner-recommended student performance domain shall be incorporated into the local appraisal instrument.
 - d. The results on the commissioner-recommended student performance domain shall be a primary consideration in identifying a principal in need of assistance. An intervention plan shall be required for a principal whose results on this domain fall below the commissioner's established standards.
 - e. For a principal new to the campus or for a new campus, the results from the commissioner-recommended student performance domain shall be on a "report only" basis during the first year. Dropout and attendance data for the principal shall be on a "report only" basis for the first two years.

In developing appraisal instruments, the District shall use the local job description, as applicable.

The District may implement a process for collecting staff input for evaluating administrators or for developing plans for professional growth for administrators.

If such a process is implemented for use in the administrator's evaluation, staff input shall not be anonymous.

19 TAC 150.1021, 150.1022 (d) - (g)

DATE ISSUED: 10/06/1998

UPDATE 59

DNB(EXHIBIT)-P

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PRINCIPAL

QUALIFICATIONS The Board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

CERTIFICATION To be eligible to receive a Standard Principal Certificate, an individual must:

1. Successfully complete the educator assessments required under 19 TAC 230.5.
2. Hold a master's degree from an accredited institution of higher education.
3. Have two years of creditable teaching experience as a classroom teacher, as defined by 19 TAC Chapter 230, Subchapter Y.

19 TAC 241.25

DUTIES

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

The principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the Superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the Superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the Superintendent pursuant to Board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. Report the maximum attendance for the school to the Superintendent for the purpose of textbook requisitions. [See CMD]
11. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. *Election Code 13.046*

Education Code 11.202(b), 11.253(c), (h), 31.103(a) [See also DMA]

DATE ISSUED: 12/02/2002
UPDATE 69
DP(LEGAL)-P

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PRINCIPAL
QUALIFICATIONS

In addition to the minimal certification requirement, the principal shall have:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage budget and personnel and coordinate campus functions;
4. The ability to explain policy, procedures, and data;
5. Strong communications, public relations, and interpersonal skills;
6. Three years' experience as a classroom teacher;
7. Prior experience in instructional leadership roles; and
8. Other qualifications deemed necessary by the Board.

PRIMARY
ROLE

The primary role of the principal shall be to ensure an effective instructional program for all students under his or her jurisdiction. As the recognized instructional leader, the principal shall in turn hold all school personnel within his or her building accountable for their performance and effectiveness.

The principal shall be involved in curriculum planning, professional development, and the implementation of all areas of the educational programs as they apply to his or her school.

PERSONNEL

All personnel assigned to a building shall be accountable to the principal unless specifically designated otherwise by the Superintendent.

DATE ISSUED: 12/02/2002

UPDATE 69

DP(LOCAL)-X

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PERSONNEL POSITIONS:
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(LEGAL)

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA (LEGAL)]

Education Code 21.057

DATE ISSUED: 11/12/2001
UPDATE 67
DPB(LEGAL)-P

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21ST CENTURY
HIGH SCHOOL
LEARNING
COMMUNITY

The Houston Independent School District pledges to support its high schools in the redesign and development of new structures and processes that will optimize the performance of all students, assuring them a seamless transition into higher education and the 21st century workforce.

The high school structure, as we currently know it, was originally designed to meet the needs of the industrial economy. Since that time, the economy has evolved into a technology-driven market, which requires students to have new and more advanced knowledge and skills to survive and compete in today's global economy. To meet the challenges of the 21st Century, our high schools must change in order to graduate students who are effective communicators, self-directed workers and thinkers, effective team members, proficient problem solvers, efficient technology users, responsible citizens, and knowledgeable of world-wide issues.

VISION AND
GUIDING
PRINCIPLES

The following principles, based on research and best practices in high school reform, should guide our 21st Century High School Learning Community initiative.

I - HIGH
EXPECTATIONS

High schools will set clear, fair, and high academic and conduct standards. An intellectual vision should be created, shared, and supported by all stakeholders in order to raise expectations for student achievement. There should be collective responsibility from adults and students for student outcomes. The District should provide students with a rigorous academic curriculum that challenges them to learn at high levels, and enables them to enter college or the workforce fully prepared to be successful, without the need for remediation.

II -
PERSONALIZATION

The most powerful use of the public school organizational structure is to set the size of the school learning environment to lower student/adult ratios, at the point where every adult can be expected to know each student personally. High schools should reorganize themselves into smaller units, with the ideal size being 300 students, and provide continuity of care for each student. Where appropriate, students should maintain instructional continuity to enhance mastery, and ideally each student should have a personal adult advocate who advises, supports, and assists the student with his or her academic and personal plans for success. A data management system is needed that provides structures and processes to allow teachers to easily identify and quickly intervene relative to students' individual needs, particularly the critical needs of 9th graders regarding literacy, class retention, and dropout issues. A mentoring system should be offered for students desiring peer support and relationships should be built with parents to engage them in their child's academic experience. College and career counseling programs should provide students with a variety of options to

pursue after high school. School leaders should ensure that facilities are clean, attractive, safe, and well equipped.

III - COHERENCY Teachers must redefine their roles and relationships to create more effective learning environments. They should use a variety of instructional strategies to accommodate individual learning styles to provide students enriched and diverse opportunities to learn, to perform, and to be recognized. They should engage students and help them make connections between what they are learning and real-world experiences. Students should demonstrate an understanding of core subjects through a variety of meaningful assessments, such as project-based learning, portfolios, and exhibitions. High schools should establish relationships with middle schools, higher education, and businesses to enhance student development. These relationships should help to align secondary and higher education curricula and help to ease the transition between high schools and the workforce.

IV - TIME AND RESOURCES The central office must turn the traditional management pyramid upside down and become an enabler rather than an enforcer. High schools should be empowered to institute flexible allocation of available resources including people, time, facilities, and money. A school schedule should be created that is supportive of the teaching and learning environment. Seat time should no longer be equated with learning; students should have the opportunity to demonstrate what they have learned, and advance to the next level. Time should be provided for students requiring tutorials in core subjects. The school day should allow teachers to have common planning times to collaborate with colleagues.

V - TECHNOLOGY Technology should be integrated into the teaching and learning process, including the curriculum, instructional process, and assessment. High schools should be equipped with the proper infrastructure needed for effective internal and external communication. The District should provide a web portal that displays its curriculum and student grade and attendance reports so that anyone, with appropriate authority, can have easy access to this important student data at anytime. The appropriate staff should develop and implement a strategic plan for the use of technology in the school. Continuous training should be provided for the staff so they can stay current on dynamic technological advances.

VI - PROFESSIONAL DEVELOPMENT All staff should be equipped, empowered, and expected to improve instruction. The District should provide ongoing professional development for principals, teachers, and support staff through on-line instruction and through in-service and workshops. Each teacher should develop a repertoire of instructional strategies to deploy as appropriate, to meet the individual and collective needs of students. Relationships with business and community organizations will provide principals, teachers, and students opportunities to have hands-on experience with real-world job requirements. Learning communities should be created to allow teachers and support staff to share information for the purpose of improving student achievement. Every year, educators should have a personal development plan that identifies goals and priorities to enhance their knowledge and skills for improving student achievement. High schools should build relationships with higher education to provide teachers and administrators with ideas and opportunities to enhance the education and performance of students.

VII - LEADERSHIP

Schools must be responsive to their communities, providing parents and members of the community (and where appropriate, teachers, support staff, and students) with formal, structured input into decision-making. High school principals will be evaluated on improvements on the measures listed below. They should also be the primary leaders in staff development by pursuing their own professional growth, including the knowledge required to lead and manage change. Principals should provide the school staff the appropriate tools needed to succeed on the job, as well as provide them opportunities to acquire the professional skills and knowledge needed for advancement. District administrators should exhibit leadership by supporting school principals in their efforts to plan, implement, and sustain long-term school improvement.

VIII - RESULTS OF THE 21ST CENTURY HIGH SCHOOL IMPLEMENTATION PROCESS

All high schools will report in benchmarks for each of the following areas and be evaluated in subsequent years on improvements in these measures:

- Lower 9th grade retention rates;
- Lower dropout rates;
- Higher student attendance rates;
- Higher literacy rates with students reading at or above grade level;
- Higher number of students taking the SAT and other college entrance exams;
- Increase in SAT/ACT scores;
- Increase in the number of Texas Scholars;
- Increase in the number of G/T students;
- Increase in the number of students taking AP courses;
- Increase in the number of students passing AP exams;
- Improvement in TAKS scores and pass rates;
- Improvement in end-of-course exam scores and pass rates;
- Higher number of students reporting satisfaction with high schools on student surveys;
- Higher number of students taking dual credit courses;
- Higher number of students attending college;
- Lower number of students requiring remediation as college freshman; and
- Higher number of graduates prepared to successfully enter the workforce.

CURRICULUM AND INSTRUCTION

The District shall provide a well-balanced curriculum and deliver effective instruction to all students enrolled. The District shall adhere to and comply with statutory mandates and Texas Education Agency guidelines and shall implement local policies in a manner that will enable all students to participate in the educational process and become productive members of society.

The District shall extend learning and ensure a challenging curriculum. In addition, the District shall provide for special populations the necessary modifications in methodologies, pacing, and resources to ensure that appropriate instruction on essential knowledge and skills is delivered and aligned to District expectations.

CURRICULUM

The District shall strive to provide all students with equal access and

PHILOSOPHY

opportunities to progress through a curriculum of objectives that set high learning expectations for students in the regular program in grades prekindergarten-12 and for students with disabilities from preschool to age 21. Curriculum shall be designed, developed, and implemented through the collaborative efforts of all District personnel.

Districtwide curriculum planning shall be coordinated to ensure that the needs of learners are met and that the goals and objectives shall be aimed at giving students the knowledge and skills needed to make informed and reasonable decisions.

The curriculum shall be articulated for prekindergarten through grade 12 and teaching of courses/grades shall be aligned to the curriculum in accordance with the best practices for instruction and for maximum effectiveness. The curriculum shall provide congruency among the written, the taught, and the assessed. The curriculum must reflect current research, best practices, and technological advancements across all content areas and all levels. Students with disabilities shall be afforded the same expectations when participating in an instructional program based on their Individualized Education Program (IEP).

CURRICULUM RESPONSIBILITY

The appropriate instructional departments and District office personnel shall work with schools to provide long-term training and ongoing monitoring to ensure implementation of the District's curriculum. It is the responsibility of the teacher, as a facilitator of learning, to plan instruction that ensures that curriculum objectives are taught and that student learning is assessed. The teacher shall use a variety of instructional and assessment strategies with multiple resources to teach and measure the acquisition of those objectives. The teacher may enhance instruction beyond those objectives. It will be the responsibility of the building principal, as instructional leader, to ensure that the required and enriched curriculum objectives are being planned for, taught, and assessed in all content areas at all levels.

CURRICULUM DEVELOPMENT PLAN

The District's curriculum development plan shall address the following aspects:

1. An aligned, written, taught, assessed, and Board-adopted curriculum;
2. A periodically reviewed curriculum for all subjects/courses;
3. Vertical prekindergarten-12 articulation and horizontal coordination;
4. A diversity of materials aligned to the curriculum;
5. Staff training and monitoring for delivery of all of the District curriculum; and
6. A multifaceted assessment system to make informed curriculum decisions.

It is the intent of the District that budget be linked to curriculum priorities and that data-driven decisions be made to provide learning environments supported by adequately trained personnel.

The plan will define roles and responsibilities for those involved in curriculum development, and a five-year plan for curriculum development will be implemented to ensure long-range planning. Annual reports on the

status of curriculum, curriculum development, implementation, and program effectiveness shall be made to the Board.

Curriculum frameworks/guides and assessment instruments shall be developed that meet the highest design standards and shall be made available to District personnel, parents, students, and the learning community to promote understanding of the educational scope and sequence of the curriculum.

The District shall establish a procedure for the addition of new courses so that they adhere to state guidelines and meet the needs of special populations.

COURSE
OFFERINGS, TIME
ALLOTMENTS

The District shall adhere to TEA guidelines regarding course offerings. All local credit courses, honors courses, innovative courses, and independent study courses shall be submitted for Board approval in accordance with appropriate Standard Practice Memoranda (SPM). A complete listing of all courses offered in the District shall be found in the *Master Catalog of Courses* for the current year.

SPECIAL
PROGRAMS

The District may operate magnet schools or programs to serve student populations with specialized interests and aptitudes. [See EGA(LOCAL)]

DATE ISSUED: 10/07/2002

LDU-40-02

EA(LOCAL)-X

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| SCHOOL START DATE | The District may not begin instruction for students for a school year before the week in which August 21 falls. Sunday is considered the first day of the week. |
| WAIVER | <p>A district that intends to apply under Education Code 7.056 for a waiver [see BF] must:</p> <ol style="list-style-type: none">1. At least 60 days before the date the District submits the application for a waiver, publish notice in a newspaper having general circulation in the District:<ol style="list-style-type: none">a. Stating that the District intends to apply for a waiver of the prohibition concerning the date of the first day of instruction for students; andb. Specifying the date on which the District intends to begin instruction for students; and2. Hold a public hearing concerning the date of the first day of instruction for students. <p>The application for a waiver must include a summary of the opinions expressed at the public hearing, including any consensus of opinion expressed concerning the date of the first day of instruction for students.</p> <p><i>Education Code 25.0811</i></p> |
| LENGTH OF SCHOOL YEAR | The District shall operate so that it provides for at least 180 days of instruction each school year. |
| EXCEPTIONS | <p>The Commissioner of Education may approve the operation of schools for less than the number of instructional days specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.</p> <p><i>Education Code 25.081</i></p> |
| OPTIONAL FLEXIBLE YEAR PROGRAM | <p>To enable the District to provide additional instructional days for an optional extended year program [see EHBC], the District may, with the approval of the Commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. <i>Education Code 29.0821 (b)(1)</i></p> |
| YEAR-ROUND SCHOOLS | <p>The District may operate its schools year-round on a single or a multi-track system. If it adopts a year-round system, it may modify:</p> <ol style="list-style-type: none">1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law. |

2. Testing dates, data reporting, and related matters.
3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000-01 school year.
4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

DATE ISSUED: 12/16/2003

UPDATE 72

EB(LEGAL)-P

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SCHOOL
CALENDAR

The Superintendent annually shall recommend a school calendar that complies with legal requirements for approval by the Board. Once approved, the calendar shall be made available to students, staff, and parents.

The calendar shall include, but not be limited to, dates for the following items:

1. Teacher service/preparation days,
2. Student registration,
3. Teachers' report for duty,
4. Opening and closing of school,
5. Grade reporting periods exam days,
6. Semester beginnings and endings,
7. Scheduled holidays, and
8. Scheduled staff development activities.

EMERGENCIES

The Superintendent is authorized to make decisions regarding variations from the school calendar in case of emergencies, subject to Board ratification of such changes.

DATE ISSUED: 05/01/2000
LDU-18-00
EB(LOCAL)-X

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| LENGTH AND SCHEDULE | A school day shall be at least seven hours each day, including intermissions and recesses. |
| PLEDGES OF ALLEGIANCE | The Board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags. On written request from a student's parent or guardian, the District shall excuse the student from reciting a pledge of allegiance. |
| MOMENT OF SILENCE | The Board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student. <i>Education Code 25.082</i> |
| PRE-K PROGRAM | Free prekindergarten classes shall be operated on a half-day basis with a minimum time of three hours. <i>Education Code 29.153(c)</i> Tuition-supported or District-financed prekindergarten may be operated on a half-day or full-day basis. <i>Education Code 29.1531</i> |
| <hr/> <p>Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs. [See FD]</p> <hr/> | |
| KINDERGARTEN PROGRAM | A public school kindergarten may be operated on a half-day or full-day basis as determined by the Board. <i>Education Code 29.152</i> |
| GRANT PROGRAMS | The District may use funds from grants administered by the Commissioner of Education to operate an existing half-day kindergarten or prekindergarten program on a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program. <i>Education Code 29.155</i> |
| INTERRUPTIONS | The Board shall limit interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. Announcements shall be made no more than once during the school day, except for emergency announcements. <i>Education Code 25.083</i> |

DATE ISSUED: 09/30/2003
UPDATE 71
EC(LLEGAL)-P

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Houston ISD
101912

SCHOOL DAY

EC
(LOCAL)

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| DAILY PROGRAM | The daily program shall be established in accordance with the needs of the individual school and District and TEA guidelines. |
| KINDERGARTEN PROGRAM | All kindergarten classes in the District shall operate on a full-day, full-year basis. [See EC(LEGAL) and FD(LEGAL)] |

DATE ISSUED: 05/01/2000
LDU-18-00
EC(LOCAL)-X

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INSTRUCTIONAL ARRANGEMENTS:
CLASS SIZE

EEB
(LEGAL)

TEACHER-STUDENT RATIO The District shall employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance. *Education Code 25.111*

KINDERGARTEN- GRADE 4 The District shall not enroll more than 22 students in a class, kindergarten through fourth grade, except as allowed by the Commissioner of Education. The limit on class size, kindergarten through grade 4, shall not apply during:

1. The last 12 weeks of the school year; or
2. Any 12-week period of the school year selected by the District, if the District's average daily attendance has been adjusted due to high migratory population under Education Code 42.005(c). A district claiming this exemption must notify the Commissioner in writing not later than the 30th day after the first day of the 12-week period.

A "migratory child" is a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker or migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany the parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work has moved from one school district to another.

Education Code 25.112(a), (b); No Child Left Behind Act of 2001 Sec. 1309, Pub. L. No. 107-110, 115 Stat. 1579-1580 (2002) (to be codified at 20 U.S.C. 6399)

EXCEPTION TO CLASS SIZE LIMITS The Commissioner may except the District, on application, from the class size limits above if the limit works an undue hardship on the District. An exception expires at the end of the semester for which it is granted, and the Commissioner may not grant an exception for more than one semester at a time. *Education Code 25.112(d)*

NOTICE TO PARENTS A campus or district that is granted an exception from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

1. Specify the class for which an exception was granted;
2. State the number of children in the class; and
3. Be included in a regular mailing or other communication from the campus or District, such as information sent home with students.

The notice must be provided not later than the 31st day after the first day of the school year or the date the exception is granted, if the exception is granted after

the beginning of the school year.

Education Code 25.113

DATE ISSUED: 12/02/2002

UPDATE 69

EEB(LLEGAL)-P

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Houston ISD
101912

INDIVIDUALIZED LEARNING:
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EEJA
(LEGAL)

GRADES 6-12 In accordance with local policy, a student in any of grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction, if the student scores 70 percent on a criterion-referenced test for the applicable course. *Education Code 28.023; 19 TAC 74.24(c)(3)*

DATE ISSUED: 02/05/2001
UPDATE 65
EEJA(LEGAL)-P

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INDIVIDUALIZED LEARNING:
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EEJA
(LOCAL)

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|----------------------------|---|
| CREDIT BY EXAMINATION | With the prior recommendation of the appropriate administrator, a student may use credit by examination to demonstrate mastery in any subject in elementary grades or to earn credit in any academic course at the secondary level. Such examinations shall assess the student's mastery of the essential knowledge and skills and shall be approved by the Superintendent or designee. |
| ELIGIBILITY | To be eligible to earn credit by examination, a student shall have had prior instruction in the subject or course, as determined by the District on the basis of a review of the student's educational records. |
| EXCESSIVE ABSENCES | With the approval of the attendance committee, a student who has excessive absences may be permitted to earn or regain course credit through credit by examination. [See FDD] |
| EXTRACURRICULAR ACTIVITIES | Credit by examination shall not be used to gain eligibility for participation in extracurricular activities. |
| PASSING SCORE | To receive credit, students shall score a grade of 70 or above on the examination. |
| PROCEDURES | Tests shall be administered according to procedures approved by the Superintendent or designee. |

DATE ISSUED: 05/01/2000
LDU-18-00
EEJA(LOCAL)-X

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With Board approval, the District shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

KINDERGARTEN-
GRADE 5

The District shall develop procedures for kindergarten acceleration that are approved by the Board.

The District shall accelerate a student in grades 1-5 one grade level if the student meets the following requirements:

1. The student scores 90 percent or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A District representative recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval of the acceleration.

GRADES 6-12

The District shall give a student in grades 6-12 credit for an academic subject in which the student has received no prior instruction if the student scores 90 percent or above on a criterion-referenced examination for acceleration for the applicable course. If such credit is given, the District shall enter the examination score on the student's transcript.

ANNUAL
ADMINISTRATION

The District shall provide at least three days between January 1 and June 30 and three days between July 1 and December 31 annually when examinations for acceleration shall be administered in grades 1 through 12. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community.

The District may allow a student to accelerate at a time other than those described above by developing a cost-free option approved by the Board that allows students to demonstrate academic achievement or proficiency in a subject or grade level.

FEES

The District shall not charge for examinations for acceleration. If a parent requests an alternative examination, the District may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin.

DATE ISSUED: 05/15/2003

UPDATE 70

EEJB(LEGAL)-P

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| TEST SELECTION | The Superintendent or designee shall be responsible for development or selection of tests to be used to grant credit to students without prior instruction in a subject area or grade level. Whether tests are developed by the District or purchased from a State Board-approved university or other appropriate source, each examination shall thoroughly test the essential knowledge and skills in the applicable grade level or subject area. |
| TEST DATES | The Superintendent or designee shall establish a schedule of dates when examinations for acceleration shall be administered and shall ensure that such dates are published in the student handbook and in other District publications, as appropriate. |
| REGISTRATION | A student planning to take an examination for acceleration shall be required to register with the principal or designee no later than 30 days prior to the scheduled testing date on which the student wishes to take the test. |
| FEES | No fee shall be charged for an examination for acceleration provided by the District. If a parent or student requests an alternate examination, the District may administer a test purchased by the parent or student from a State Board-approved university. |
| CREDIT APPROVAL | Approval of credit or advancement on the basis of an examination for acceleration shall be by the Superintendent or designee, in accordance with State Board rules. |
| KINDERGARTEN ACCELERATION | The Superintendent or designee shall develop procedures to allow a student not six years old at the beginning of the school year to be placed initially in first grade. Criteria for acceleration may include: <ol style="list-style-type: none">1. Scores on readiness test(s) and/or achievement test(s) that may be administered by appropriate District personnel.2. Recommendation of the kindergarten or preschool the student has attended.3. Chronological age and observed social and emotional development of the student.4. Other criteria deemed appropriate by the principal and Superintendent. |

manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Houston ISD
101912

INDIVIDUALIZED LEARNING:
CORRESPONDENCE COURSES

EEJC
(LEGAL)

Credit toward state graduation requirements may be granted for correspondence courses only under the following conditions:

1. The institution offering the course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. The correspondence course includes the state-required essential knowledge and skills for such a course.

19 TAC 74.23

DATE ISSUED: 02/22/1999
UPDATE 60
EEJC(LEGAL)-P

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| PRIOR APPROVAL | The Superintendent or designee shall establish and publish guidelines in the student handbook governing the use of correspondence courses as a means of earning graduation credit. Prior to enrollment in correspondence courses, a student shall make a written request to the principal or designee for approval to enroll in the course. If approval is not granted prior to enrollment, the student shall not be awarded credit toward graduation. |
| ELIGIBILITY | Students in grades 9-12 shall be eligible to take correspondence courses and earn credit toward graduation. |
| LIMITATIONS | <p>A student may earn a maximum of two state-required credits through correspondence courses and may be enrolled in only one correspondence course at a time.</p> <p>The Superintendent or designee may waive limitations on an individual basis for extenuating circumstances.</p> |

DATE ISSUED: 04/03/2000
LDU-18-00
EEJC(LOCAL)-A1

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| CAREER AND TECHNOLOGY EDUCATION | <p>The Board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for District students. <i>Education Code 29.184(a)</i> [See EHBFB]</p> <p>In addition, the Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. <i>Education Code 29.187</i> [See also CRB and EHBFB]</p> |
| STUDENTS WITH DISABILITIES | <p>The District may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. Each contract for residential placement must be approved by the Commissioner, who may approve a residential placement only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. The Commissioner may approve either the whole or a part of a facility or program. <i>Education Code 29.008(a)</i> [See EHBA]</p> |
| EDUCATIONAL SERVICES | <p>The Board may contract with a public or private entity for that entity to provide educational services for the District. <i>Education Code 11.157</i></p> |
| PRE-K LICENSING STANDARDS | <p>If the District contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Protective and Regulatory Services under Human Resources Code 42.042. <i>Education Code 29.1532(b)</i></p> |
| DRIVER TRAINING SCHOOLS | <p>A District school may enter into an agreement with a licensed driver training school to allow the driver training school to conduct a driver training course at the public school for public school students. <i>Education Code Title 5, Chapter 1001</i></p> |
| MILITARY INSTRUCTION | <p>The Board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. <i>Education Code 29.901</i></p> |

Note: This provision applies only to those districts in which military instruction is conducted under state or federal law requiring the District to give bond or otherwise indemnify this state, the United States, or any authorized agency for

the care, safekeeping, and return of property furnished.

DATE ISSUED: 12/16/2003
UPDATE 72
EEL(LLEGAL)-P

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Houston ISD
101912

INSTRUCTIONAL ARRANGEMENTS:
LESSON PLANS

EEP
(LOCAL)

Written lesson plans shall be required of every teacher to facilitate efficient and effective instruction of the District curriculum. The lesson plan will serve as a means of administrative monitoring of the instructional program. In the absence of the teacher, the lesson plan shall provide the substitute teacher a guide for presenting the daily activities.

For students with disabilities, a current Individualized Education Plan (IEP) shall be used as the basis for the development of lesson plans.

DATE ISSUED: 05/01/2000
LDU-18-00
EEP(LOCAL)-X

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PARENTAL
ACCESS

A parent is entitled to review all teaching materials, textbooks, and other teaching aids used in the classroom of the parent's child and to review each test administered to the child after the test is administered. The District shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

A student's parent is entitled to request that the District allow the student to take home any textbook used by the student. Subject to the availability of a textbook, the District or school shall honor the request. A student who takes home a textbook must return the textbook to school at the beginning of the next school day if requested to do so by the student's teacher.

Education Code 26.006

PARENTAL
INSPECTION

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

STUDENT
RIGHTS

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. Topics covered by this provision are:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b)

POLICIES

As a condition of receiving funds under any applicable program, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C.

1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student.
2. The District's arrangements to protect student privacy in the event a survey containing the items listed under STUDENT RIGHTS, above, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student.
4. The administration of physical examinations or screenings that the District may administer to the student;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered.

The District need not develop and adopt new policies if TEA or the District had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See FL, FNG, FFAA, and CRD]

PARENTAL NOTIFICATION

The District shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the District. At a minimum, the District shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies, and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

The District shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at STUDENT RIGHTS, above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

'PERSONAL INFORMATION'

The term "personal information" means individually identifiable information, including a student's:

DEFINED

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social Security identification number.

No Child Left Behind Act of 2001 Sec. 1061, Pub. L. No. 107-110, 115 Stat. 2083 (2002) (to be codified at 20 U.S.C. 1232h[c])

DATE ISSUED: 12/02/2002

UPDATE 69

EF(LEGAL)-P

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REMOVAL OF
LIBRARY
MATERIALS

The District possesses significant discretion to determine the content of its school libraries. The District must, however, exercise its discretion in a manner consistent with the First Amendment.

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. The District shall not remove materials from a library for the purpose of denying students access to ideas with which the District disagrees. The District may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Board of Education v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)

DATE ISSUED: 07/01/2002
UPDATE 68
EFA(LEGAL)-P

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INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

The Board shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, "instructional resources" refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District's educational program. [See EFAA for selection and adoption of state-adopted textbooks]

The Board generally shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.

CRITERIA

In the selection of instructional resources other than textbooks, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Are consistent with the general educational goals and objectives of the District and the aims and objectives of individual schools and specific courses.
2. Meet high standards of quality in format, content, and production.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.
4. Are designed to provide information that will motivate students to examine their own attitudes, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly.

Selection of materials is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of materials still of educational value.

CONTROVERSIAL ISSUES The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EHAA regarding human sexuality instruction.]

CHALLENGED MATERIALS A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness following established informal and formal reconsideration procedures. [See the Standard Practice Memoranda (SPM)]

DATE ISSUED: 12/22/2003

LDU-51-03

EFA(LOCAL)-X

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Houston ISD
101912

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(EXHIBIT)

See the following pages for forms relating to reconsideration of instructional resources:

Exhibit A: Request for Reconsideration of Instructional Materials - 1 page

Exhibit B: Checklist for Reconsideration of Instructional Materials - 2 pages

EXHIBIT A

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____

Do you represent yourself? _____ an organization? _____ (If an organization, please identify: _____)

Resource on which you are commenting:

_____ Book _____ Magazine _____ Audio Recording

_____ Textbook _____ Library Program _____ Newspaper

_____ Video/DVD _____ Electronic information/network (please specify)

___ Display ___ Other _____

Title _____

Author/Producer _____

1. Have you reviewed the materials in their entirety? If not, please do so before completing and submitting this form.

2. To what in the material do you object? (Please be specific; cite pages, etc.)

3. What do you believe might be the result of using this material?

4. For what age group would you recommend this material?

5. In its place, what material of equal quality would you recommend that could be used to teach similar subject matter?

6. What do you believe should be done with the material in question?

Remove it from the curriculum.

Do not allow my child to use this material.

Use it as resource material or a choice selection.

Complainant signature _____ Date _____

CHECKLIST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Type of resource _____

Title _____

Author/Producer _____

1. Purpose

a. What is the overall purpose of the material or resource?

b. Is the purpose accomplished? [] Yes [] No

2. Authenticity

a. Is the author or presenter competent and qualified in the field?
[] Yes [] No

b. What is the reputation and significance of the author or publisher/producer
in the field? _____

c. Is the material or resource up-to-date? [] Yes [] No

d. Are information sources well documented either in the resource or in
guides?
[] Yes [] No

e. Are translations and interpretations faithful to the original?
[] Yes [] No

3. Appropriateness

a. Does the resource promote the educational goals and objectives of the
curriculum of District schools? [] Yes [] No

b. Is it appropriate for the level of instruction intended? [] Yes []
No

c. Are the illustrations appropriate for the subjects and age levels?
[] Yes [] No

4. Content

- a. Is the content of this material or resource well presented by providing adequate scope, range, depth, and continuity? Yes No

- b. Does it present information not otherwise available? Yes No

- c. Does it give a dimension or direction that is new or different from others available for the subject? Yes No

5. Review/Evaluations

a. Source of review/evaluation _____

Favorably reviewed

Unfavorably reviewed

- b. Does this title or resource appear in one or more reputable selection aids?
 Yes No

If answer is "yes," please list titles of selection aids.

Additional Comments

Recommendations by review committee for treatment of questioned resource

Signature of review committee:

Chairperson _____

Date _____

DATE ISSUED: 07/01/2002
UPDATE 68
EFA(EXHIBIT)-A

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| LOCAL ADOPTION POLICY | The Board shall adopt a policy for selecting instructional materials. Final selections must be recorded in Board minutes. No later than April 1 of each year, the District shall transmit a report to TEA listing the instructional materials used in the District. Selections certified to TEA shall be final and, therefore, shall not be subject to reconsideration during the original contract period or re-adoption contract periods covering the instructional materials selected. <i>19 TAC 66.104(a), (g), (h)</i> [See also CMD for provisions regarding inventory and requisition of textbooks] |
| FOUNDATION TEXTBOOKS | The Board shall select textbooks for a subject in the foundation curriculum from either the State Board's conforming list or the nonconforming list. <i>Education Code 31.101(a)</i> |
| MAXIMUM COST | If the District selects instructional materials priced above the maximum cost to the state established in the proclamation, the District is responsible for paying the publisher. <i>19 TAC 66.104(b)</i> |
| CREDITS | The Commissioner shall implement a program designed to allow a participating District to receive credit for textbooks purchased at a cost below the cost limit established under Section 31.025(a). The credit is an amount equal to the difference between the price paid for a textbook and the cost limit for that textbook multiplied by the number of copies purchased. Fifty percent of the total credit shall be credited to the state textbook fund and 50 percent to the District to apply toward the requisition of additional textbooks or electronic textbooks on the conforming or nonconforming list. <i>Education Code 31.1011</i> |
| ENRICHMENT TEXTBOOKS | The Board may select textbooks for courses in the enrichment curriculum from the conforming list or the nonconforming list, or it may select books for the enrichment curriculum that do not appear on either list. |
| MATERIALS NOT ON LIST | If the District selects a book for a course in the enrichment curriculum and grade level that is not on either of the State Board lists, the state shall pay the lesser of: |
| FUNDING | <ol style="list-style-type: none">1. Seventy percent of the total actual cost to the District of the books;2. Seventy percent of the maximum cost permitted under Education Code 31.025. The applicable quota for adopted materials in the subject shall be the basis for determining instructional materials needed by the District. Funds received from the state for the purchase of textbooks may be used only to purchase books ratified by the Board and for which those funds are received; the District bears the costs not covered by the state. The minutes of the Board meeting at which such a selection is ratified shall reflect the agreement of the District to bear responsibility for the portion of the costs not eligible for payment by the state. <i>19 TAC 66.104(c), (e)</i> <p>The District may use local funds to purchase any textbooks in addition to those</p> |

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| LOCAL FUNDS | selected under Education Code Chapter 31. <i>Education Code 31.106</i> |
| ANCILLARY MATERIALS | Selection and use of ancillary materials is at the discretion of the Board. <i>19 TAC 66.104(p)</i> |
| BRILLE / LARGE-TYPE | If the District selects nonadopted instructional materials for enrichment subjects, it is also responsible for providing Braille and/or large-type versions of the materials. <i>19 TAC 66.104(d)</i> |
| NONADOPTED INSTRUCTIONAL MATERIALS | The District shall use nonadopted instructional materials during the contract period for conforming and nonconforming instructional materials adopted by the State Board in the subject area. <i>19 TAC 66.104(f)</i> |
| HUMAN SEXUALITY MATERIALS | Any course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by the Board with the advice of the local school health education advisory council. <i>Education Code 28.004(e)</i> [See EHAA] |

DATE ISSUED: 05/15/2003
 UPDATE 70
 EFAA(LEGAL)-P

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| TEXTBOOKS | <p>The District shall recommend for adoption classroom textbooks or textbook alternatives for each subject from the official lists presented each year by the Official State Textbook Selection Committee. The local adoption process shall be conducted in accordance with TEA rules and regulations.</p> |
| COMMITTEE APPOINTED | <p>On or before November 1 of each year, the Superintendent shall appoint a textbook committee for each content area included in the current adoption. Each of these subject area committees will be composed of teachers selected from each administrative district affected by that adoption. The teachers will be selected for expertise in the particular subject area and/or grade level for which textbook or textbook alternatives are offered for selection. Teachers of students from special populations will be selected as appropriate.</p> <p>All members of the textbook committees shall be professional employees of the District and the majority shall be classroom teachers. The Superintendent or designee shall be a member and shall serve as chairman of the coordinating committee, composed of chairpersons of the individual subject area committees. [See also DBD(LEGAL) regarding TEXTBOOKS]</p> |
| COMMITTEE TASKS | <p>The textbook committees shall examine all books on the conforming and nonconforming lists adopted by the State Board, select the textbooks from these lists for use in the District, and recommend selections for ratification by the Board. Exemplary schools shall not be bound by the recommendations of the committee. A quorum, consisting of a majority of the textbook selection committee membership, shall be present for any meeting at which selections are made.</p> |
| BOARD ACTION | <p>In the event selections recommended by the committee are not ratified by the Board, the committee shall make other selections at a meeting held as soon as possible following the meeting of the Board at which any of the previous selections were not ratified.</p> <p>If the Board, by majority vote, fails to ratify any of the selections made by its textbook committee, the reasons for failure to ratify shall be placed in its official minutes. The Board shall then direct the textbook committee to recommend other selections from the multiple lists and report its selections to the Board for ratification. This procedure shall continue until the Board has ratified all selections of the local textbook committee. Final selections shall be recorded in the Board minutes. [See also BBFA(LEGAL), regarding TEXTBOOKS]</p> |
| TEXTBOOK COMMITTEE REPORT AND SELECTIONS | <p>After ratification by the Board and not later than March 31, two copies of the textbook committee's report, carrying the signatures of members of the committee who participated in the selection, the Board President, and the Board Secretary, shall be sent by the Superintendent to the TEA textbook division on forms provided by the textbook division. The selection certified to the textbook</p> |

division shall be final and shall not be subject to reconsideration during the contract period or periods covering the books selected.

Where selections have not been made from the multiple lists of prior adoptions, the current textbook committee may select textbooks if the subjects are to be taught in the District during the ensuing school term. Such selections shall be reported with other multiple list selections. New selections shall not be permitted from multiple lists of textbooks, which are re-adopted; the District shall continue to use the textbooks previously selected.

The textbook coordinating committee members shall be given sufficient release time to perform their responsibilities adequately. Their attendance at all committee meetings and hearings shall be mandatory. Substitutes shall be provided when released time from the school day is required.

Textbooks shall be continued in use for the entire period of the adoption.

TEXTBOOK
SAMPLES AND
PUBLISHER
CONTRACTS

Each publisher having a textbook on the state multiple-adoption list shall be given equal time and opportunity to present his or her textbooks to the textbook committee and to the appropriate subcommittee through an organized schedule arranged by the District administration.

After the state conforming and nonconforming lists are established, publishers' representatives will be allowed in the schools at the request of the principal only for the purpose of providing inservice training on textbooks and alternative materials not up for adoption in the current year. Publishers' representatives are not allowed individual contact with textbook committee members or subcommittee members during this period; however, a publisher's representative may provide sample copies of textbooks to individual schools.

Publishers who may be asked to conduct presentations at the feeder pattern or area level in addition to the Publishers' Hearing for District personnel shall register these presentations with the Superintendent's designated textbook committee chair.

Publishers who wish to field test instructional materials shall abide by research guidelines.

DATE ISSUED: 05/01/2000
LDU-18-00
EFAA(LOCAL)-X

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INSTRUCTIONAL RESOURCES:
LIBRARY MEDIA PROGRAMS

EFB
(LOCAL)

LIBRARY
SYSTEM

The District shall provide and maintain library media programs as integral parts of the District's instructional resources, in compliance with State Board standards. Materials shall be selected from all forms of media in accordance with EFA(LOCAL), taking into consideration the interests, vocabulary, maturity, and ability levels of all students within the school served.

The Superintendent may contract with the Regional Educational Service Center or other agencies offering similar services for the provision of media services and supplies.

The Superintendent or designee shall develop rules, regulations, and procedures to ensure the systematic maintenance of libraries as current resources for teachers and students. Principals shall ensure the effective use of the libraries within schools and shall establish library hours, staffing, and procedures that best serve the needs of the students.

INSTRUCTIONAL
MEDIA
SERVICES

The District shall establish a program designed to respond to school and community needs by providing media support through personnel, materials, inservice activities equipment, and other needed resources to enhance the total instructional program of the District and of each school.

Library media centers for each school shall be equipped with resources for reading, viewing, and listening to enhance the regular instructional program and shall be staffed with certified learning resources specialists in accordance with approved staffing guidelines.

BUDGET

Adequate funding for library media programs shall be made through the annual budget. Funds for the purchase of library materials shall be allocated on an equitable basis to the various schools.

DATE ISSUED: 05/01/2000
LDU-18-00
EFB(LOCAL)-X

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|---------------------------|---|
| EXCLUSIVE RIGHTS | Employees of the District shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, as stated below, the owner of a copyright has the exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others. <i>17 U.S.C. 106</i> |
| FAIR USE | <p>An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work for purposes of teaching, scholarship, or research is not an infringement of copyright. The following factors shall be considered in determining fair use:</p> <ol style="list-style-type: none">1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.2. The nature of the copyrighted work.3. The amount and importance of the portion used in relation to the copyrighted work as a whole.4. The effect of the use upon the potential market for or value of the copyrighted work. <p><i>17 U.S.C. 107</i></p> |
| PERFORMANCES AND DISPLAYS | A further exception shall be performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction. <i>17 U.S.C. 110</i> |
| GUIDELINES | Employees who wish to use copyrighted print material and sheet music shall follow the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Uses of Music." [See EFE (EXHIBIT)] Those guidelines establish a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use which exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law. |
| PROHIBITIONS | <p>Notwithstanding the fair use guidelines, the following shall be prohibited:</p> <ol style="list-style-type: none">1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.2. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized |

tests, test booklets, answer sheets, and like consumable material.

Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.

Additional prohibitions regarding the use of music are:

1. Copying for the purpose of performance, except as permitted under the "Guidelines for Educational Use of Music."
2. Copying for the purpose of substituting for the purchase of music, except as permitted under the "Guidelines for Educational Use of Music."
3. Copying without inclusion of the copyright notice that appears on the printed copy.

REFERENCE

"Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Use of Music" contained in the historical note following *17 U.S.C. 107*

BROADCAST PROGRAMS

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a District school for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period, off-air recordings shall be erased or destroyed.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. "School days" are actual days of instruction, excluding examination periods.
3. Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.
5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in the District for student exhibition or any other nonevaluative purpose without authorization.

6. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

REFERENCE *17 U.S.C. 107 historical note*

DATE ISSUED: 04/20/1988
UPDATE 32
EFE(LEGAL)-P

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RENTED VCR
FILMS

Films rented for use with a video cassette recorder shall be used in the classroom for education purposes only. No rented film that includes a notice that the film is intended for "home use only" shall be shown to a class for entertainment purposes.

COMPUTER
SOFTWARE

Unless otherwise provided in the purchase agreement, a purchased computer program shall not be used as a "master" to make copies. A computer program may be legally copied only if:

1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or
2. The new copy is a backup; backups cannot be used simultaneously with the original and must be erased if the original is resold.

District employees shall not use networking and booting (defined below) to accomplish multiple simultaneous use of a program without permission or unless the purchase agreement allows a specified multiple use of the single copy.

DEFINITIONS

"Networking" is the process of using a single program in a single terminal that is connected to other terminals, permitting the program to be used simultaneously in more than one computer.

"Booting" is the process of loading a program into a computer terminal. Multiple use can be accomplished by loading the same program into several different terminals.

DATE ISSUED: 04/20/1988
UPDATE 32
EFE(LOCAL)-A

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AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING

IN NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS

I. SINGLE COPYING FOR TEACHERS:

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- a. A chapter from a book.
- b. An article from a periodical or newspaper.
- c. A short story, short essay, or short poem, whether or not from a collective work.
- d. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

II. MULTIPLE COPIES FOR CLASSROOM USE:

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- a. The copying meets the tests of brevity and spontaneity as defined below.
- b. The copying meets the cumulative effect test as defined below.
- c. Each copy includes a notice of copyright.

DEFINITIONS:

Brevity:

(i) Poetry:

- (a) A complete poem if less than 250 words and if printed on not more than two pages, or
- (b) From a longer poem, an excerpt of not more than 250 words.

(ii) Prose:

- (a) Either a complete article, story, or essay of less than 2,500 words, or
- (b) An excerpt from any prose work of not more than 1,000 words or 10 percent of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in "i" and "ii" above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

(iii) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

- (iv) "Special" works: Certain works in poetry, prose, or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Paragraph "ii" above notwithstanding such "special works" may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

Spontaneity:

- (i) The copying is at the instance and inspiration of the individual teacher, and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect:

- (i) The copying of the material is for only one course in the school in which the copies are made.

(ii) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term.

(iii) There shall not be more than nine instances of such multiple copying for one course during one class term.

[The limitations stated in "ii" and "iii" above shall not apply to current news periodicals and newspapers and current news sections of other periodicals.]

GUIDELINES FOR EDUCATIONAL USES OF MUSIC

PERMISSIBLE USES:

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.

2. Multiple copies:

For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per student.

Single copies:

For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out of print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural

exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

17 U.S.C. 107 historical note

DATE ISSUED: 04/20/1988

UPDATE 32

EFE(EXHIBIT)-P

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INNOVATIVE
COURSES AND
PROGRAMS

The District may develop innovative and other locally developed courses designed to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

STATE BOARD
APPROVAL

The State Board of Education may approve proposed courses not described in the foundation and enrichment curricula when the District demonstrates that the course is academically rigorous and addresses documented student needs.

COMMISSIONER
APPROVAL

The commissioner may approve a course proposed for use as a discipline-based course in the foundation or enrichment curriculum when the District demonstrates that the proposed course is academically challenging and addresses documented student needs.

19 TAC 74.27(a)

MAGNET
SCHOOLS OR
PROGRAMS

The District may operate magnet schools or programs to serve student populations with specialized interests and aptitudes.

Magnet schools or programs that do not meet all of the applicable requirements of 19 TAC, Chapter 74, Curriculum Requirements, shall be submitted to the commissioner of education for approval by the State Board of Education.

19 TAC 74.27(b)

DATE ISSUED: 02/22/1999
UPDATE 60
EGA(LEGAL)-P

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MAGNET
PROGRAMS AND
SCHOOLS

The District's Magnet Program is a system of educational choices developed to serve students with specialized interests, talents, and needs.

DEFINITION

The following characteristics serve as the underlying framework of the Magnet Program:

1. Each magnet program offers an enriched curriculum designed around a specialized theme that meets students' interests, talents, and needs and has relevance in today's society;
 2. Each magnet program strives to provide an ethnically diverse student body so that students gain the experience needed to live in a multicultural society;
 3. Each magnet program accepts, within its enrollment goal, students who have a strong interest in its magnet theme and who have met the selection criteria appropriate to the program;
 4. Each magnet program strives to increase student access to the program through the District's awareness activities, transfer procedures, and transportation policies; and
 5. Each magnet program actively encourages parent, community, and business involvement.
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DATE ISSUED: 05/01/2000
LDU-18-00
EGA(LOCAL)-X

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REQUEST FOR
PROGRAM

If the parents or guardians of at least 22 students at a school request a transfer for the same school year to another school in the District for the purpose of enrolling in an educational program offered at that school, the District shall offer such a program, beginning with the following school year, at the school from which the transfers were requested. The program may be offered by teleconference.

"Educational program" means a course or series of courses in the required curriculum other than a fine arts course or a career and technology course.

Education Code 28.003

PARENTAL
REQUESTS

A parent is entitled to request, with the expectation that the request will not be unreasonably denied:

1. The addition of a specific academic class in the course of study of the parent's child in keeping with the required curriculum if sufficient interest is shown in the addition of the class to make it economically practical to offer the class.
2. That the parent's child be permitted to attend a class for credit above the child's grade level, whether in the child's school or another school, unless the Board or its designated representative expects that the child cannot perform satisfactorily in the class.

The decision of the Board concerning such a request is final and may not be appealed. [See FNG]

Education Code 26.003(a)(3)(A)(B), (b)

VIDEOTAPE OR
RECORDING

A District employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to regular classroom instruction. *Education Code 26.009(b)(3)*

PURPOSE

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. The District shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, the District shall provide instruction in the essential knowledge and skills at appropriate grade levels. *Education Code 28.002(c)*

The District shall ensure that all children in the District participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

REQUIRED
CURRICULUM

Each district that offers kindergarten through grade 12 shall offer, as a required curriculum, a foundation curriculum and an enrichment curriculum.

FOUNDATION
CURRICULUM

The District shall provide instruction in the essential knowledge and skills of the appropriate grade level in the foundation curriculum in all of the following:

1. English Language Arts and reading
2. Mathematics
3. Science
4. Social studies, which consists of history, government, and geography of Texas, the United States, and the world
5. Spanish language arts and English as a Second Language

The District may add elements at its discretion but must not delete or omit instruction in the foundation curriculum specified above.

Education Code 28.002; 19 TAC 74.1(b)

ENRICHMENT
CURRICULUM

The enrichment curriculum shall include all of the following:

1. Languages other than English, to the extent possible
2. Health
3. Physical education
4. Fine Arts

5. Economics, with emphasis on the free enterprise system and its benefits
6. Career and technology education
7. Technology applications

Education Code 28.002(a); 19 TAC 74.1(c)

EXTENSION

Until September 1, 2005, the District may apply for an extension to comply with the rules adopted by the State Board of Education implementing the enrichment curriculum. *Education Code 28.002(c-1)*

LOCAL
INSTRUCTIONAL
PLAN

The District's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. The District is encouraged to exceed minimum requirements of law and State Board rule. *Education Code 28.002(g)*

SCHOOL
HEALTH
ADVISORY
COUNCIL

The Board shall establish a local school health advisory council to assist the District in ensuring that local community values and health issues are reflected in the District's health education instruction.

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and Type II diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;
3. Appropriate grade levels and methods of instruction for human sexuality instruction; and
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
 - a. School health services;
 - b. Counseling and guidance services;
 - c. A safe and healthy school environment; and
 - d. School employee wellness.

CONTENT OF
HUMAN
SEXUALITY
INSTRUCTION

Any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by the Board with the advice of the local school health advisory council. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually

- transmitted diseases, infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

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|---------------------------|---|
| CONDOMS | The District may not distribute condoms in connection with instruction relating to human sexuality. |
| SEPARATE CLASSES | If the District provides human sexuality instruction, it may separate students according to sex for instructional purposes. |
| NOTICE TO PARENTS | The District shall notify a parent of each student enrolled in the District of the basic content of the District's human sexuality instruction and of the parent's right to remove the student from any part of that instruction. |
| AVAILABILITY OF MATERIALS | The District shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. <i>Education Code 28.004</i> |

DATE ISSUED: 12/16/2003
UPDATE 72
EHAA(LEGAL)-P

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ESSENTIAL
KNOWLEDGE
AND SKILLS

The District that offers kindergarten through grade 5 must provide instruction in the required curriculum as specified in 19 TAC 74.1 (relating to Essential Knowledge and Skills).

The District shall ensure that sufficient time is provided for teachers to teach and students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards.

19 TAC 74.2

COORDINATED
HEALTH
PROGRAMS FOR
ELEMENTARY
STUDENTS

TEA shall make available to the District one or more coordinated health programs designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary school students. Each program must provide for coordinating health education, physical education and physical activity, nutrition services, and parental involvement. *Education Code 38.013*

Not later than September 1, 2007, the District shall participate in appropriate training to implement TEA's coordinated health program and implement the program in each elementary school in the District. *Education Code 38.014*

DAILY
PHYSICAL
ACTIVITY

In accordance with Education Code 28.002, all students enrolled in full-day kindergarten or grades 1-6 in an elementary school setting are required to participate in physical activity for a minimum of either 30 minutes daily or 135 minutes weekly under the following conditions:

1. Participation must be in a Texas Essential Knowledge and Skills (TEKS)-based physical education class or a TEKS-based structured activity; and
2. Each school district shall establish procedures for providing the required physical activity that must consider the health-related education needs of the student and the recommendations of the local health advisory council.

A student who is unable to participate in daily physical activity because of illness or disability is exempt from this requirement.

Education Code 28.002(l); 19 TAC 74.32

UPDATE 72
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Houston ISD
101912

BASIC INSTRUCTIONAL PROGRAM:
REQUIRED INSTRUCTION (ELEMENTARY)

EHAB
(LOCAL)

READING INSTRUCTIONAL PROGRAM The District's Reading Instructional Program for students in prekindergarten through grade 12 shall provide a comprehensive, balanced approach to reading that combines skills development of phonological awareness and decoding with language and literature-rich activities for English, bilingual, and English as a Second Language (ESL) classrooms.

DAILY TIME
REQUIREMENTS

The Reading Instructional Program shall provide an appropriate period of time daily dedicated to reading instruction in grades K-5 and in grade 6 when located in an elementary school setting. The recommended time is 90 minutes per day.

DYSLEXIC
STUDENTS

For students in grades 6-12 who have disabilities in reading, the recommended time allotment shall be one period per day. [See EHB(LEGAL)]

DATE ISSUED: 05/01/2000
LDU-18-00
EHAB(LOCAL)-X

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- GRADES 6-8 A District that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. The District may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.3*
- HIGH SCHOOL COURSES AT EARLIER GRADES The District may offer courses designated for grades 9-12 in earlier grade levels. *19 TAC 74.26(b)*
- GRADES 9-12 COURSE OFFERINGS A District that offers grades 9-12 shall provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to the essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. The District may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. The District shall offer the courses listed below in grades 9-12 and shall maintain evidence that students have the opportunity to take these courses.
1. English language arts - English I, II, III, IV.
 2. Mathematics - Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
 3. Science - Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall be at least 40 percent hands-on laboratory investigations and fieldwork using appropriate scientific inquiry.
 4. Social studies - United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.
 5. Economics - Economics with Emphasis on the Free Enterprise System and Its Benefits.
 6. Physical education - Foundations of Personal Fitness and at least two of the following:
 - a. Adventure/Outdoor Education;
 - b. Aerobic Activities;
 - c. Individual Sports; or
 - d. Team Sports.

7. Health education - Health I.
8. Fine arts - courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
9. Career and technology education - courses selected from at least three of the eight career and technology areas (agricultural science and technology education, business education, career orientation, health science technology education, family and consumer sciences education/home economics education, technology education/industrial technology education, marketing education, and trade and industrial education) taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical. [See EEL]
10. Languages other than English - Levels I, II, and III of the same language.
11. Technology applications - at least four courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications.
12. Speech - Communications Applications.

Students shall be given the opportunity each year to select courses in which they intend to participate from a list that includes all courses listed above. If the District is not going to offer all required courses every year, but will offer particular courses only every other year, it shall give notice of that fact to all enrolled students.

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof.

19 TAC 74.3

DATE ISSUED: 02/05/2001
UPDATE 65
EHAC(LLEGAL)-P

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Houston ISD
101912

BASIC INSTRUCTIONAL PROGRAM:
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LOCAL)

SCIENCE
COURSES IN
GRADES 6-12

Science courses in grades 6-12 shall be at least 40 percent hands-on laboratory investigations and fieldwork using appropriate scientific inquiry.

DATE ISSUED: 05/01/2000
LDU-18-00
EHAC(LOCAL)-X

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DRIVER
EDUCATION

Driver education is limited to eligible students who are between the ages of 14 and 18 years of age, who are at least 14 years of age at the time the driver education classroom phase begins and who will be 15 years of age or older when the behind-the-wheel instruction begins. Students officially enrolled in school who are 18-21 years of age may attend a teenage driver education program. *Education Code 29.902; 19 TAC 75.1005(i)*

LIFE SKILLS
PROGRAMS

The District may provide an integrated program of educational and support services for students who are pregnant or who are parents. If the District provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day-care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day-care facility.
5. Transportation for students, as appropriate, to and from the campus or day-care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

The District shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

The District may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC(LEGAL), FNE(LEGAL)]

LOCAL CREDIT
COURSES

The District may offer one or more courses in addition to those in the required curriculum for local credit. The State Board of Education shall be flexible in approving such courses for credit for high school graduation. *Education Code 28.002(f) [See EIF]*

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Houston ISD
101912

BASIC INSTRUCTIONAL PROGRAM:
ELECTIVE INSTRUCTION

EHAD
(LOCAL)

DRIVER EDUCATION Driver education courses shall not be offered in the District.

LOCAL CREDIT COURSES All courses offered for credit in the District shall be listed in the *Master Catalog of Courses*, which is revised annually.

DATE ISSUED: 05/01/2000
LDU-18-00
EHAD(LOCAL)-X

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| DYSLEXIA AND RELATED DISORDERS | In accordance with a program approved by the State Board of Education, enrolled students shall be tested for dyslexia and related disorders at appropriate times and any student determined to have dyslexia or a related disorder shall be provided with treatment. |
| IDENTIFICATION | Screening should be done only by individuals who are trained to assess students for dyslexia and related disorders. The District shall have a program for early identification, intervention, and support for students with dyslexia and related disorders. Each school shall provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The District may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. The Board shall ensure that procedures for providing appropriate instructional services to such students are implemented in the District. |
| NOTICE TO PARENTS | Before an identification or assessment procedure is used selectively with an individual student, the District shall notify the student's parent or guardian or another person standing in parental relation to the student. The District shall inform parents and guardians of students eligible under the Rehabilitation Act of 1973, Section 504 [see FB] of all services and options available to the student under that statute. |
| PARENT EDUCATION | The District may provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modifications, especially modifications allowed on standardized testing. Before any identification or assessment procedures are used selectively with an individual student, the District shall notify the student's parent, guardian, or other person standing in parental relation to the student. |
| READING PROGRAM | The District may purchase a reading program or develop its own reading program. Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components in the State Board dyslexia guidelines and in the professional development activities specified by the District- and/or campus-level committees. |

DATE ISSUED: 08/20/1996
UPDATE 52
EHB(LEGAL)-P

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Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program or to substitute for individual programs or for policies concerning special education cooperatives.

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- NONDISCRIMINATION** No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794; 34 CFR 104.4(a)* [See also FB]
- PROVISION OF SPECIAL EDUCATION** Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*
- LEAST RESTRICTIVE ENVIRONMENT** The District shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(5), 1413(a); 34 CFR 300.550*
- DEFINITIONS**
- "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. *20 U.S.C. 1401(1); 34 CFR 300.5*
- "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device, as defined above. *20 U.S.C. 1401(2); 34 CFR 300.6*
- "Extended school year (ESY) services" are special education and related services that are provided to a child with a disability beyond the District's normal school year, in accordance with the child's individualized education program, and at no cost to the parents. The services shall meet TEA standards. *34 CFR 300.309(b); 19 TAC 89.1065*

"Free appropriate public education" means special education and related services that have been provided at public expense, under public supervision and direction, and without charge and that must meet standards set out by TEA and include an appropriate preschool, elementary, or secondary school education, and be provided in conformity with the student's individualized education program (IEP). *20 U.S.C. 1401(8); 34 CFR 300.13, 300.121(d)* [See EHBAB]

Four factors indicate whether an individualized education program is reasonably calculated to provide a meaningful educational benefit:

1. It is individualized on the basis of the student's assessment and performance;
2. It is administered in the least restrictive environment;
3. The services are provided in a coordinated and collaborative manner by the key "stakeholders"; and
4. Positive academic and nonacademic benefits are demonstrated.

Cypress-Fairbanks Indep. Sch. Dist. v. Michael F., 118 F.3d 245 (5th Cir. 1997)

"Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education. The term also includes school health services, social work services in schools, and parent counseling and training. It includes the early identification and assessment of disabling conditions in children. In addition to the specific related services defined in federal regulations, related services include interpreting services for students who are deaf. Interpreting services include interpreting/transliterating receptively and expressively for persons who are deaf or hard of hearing. *20 U.S.C. 1401(22); 34 CFR 300.24; 19 TAC 89.1060*

"Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education. *20 U.S.C. 1401(25); 34 CFR 300.26*

"Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation. These activities must be based on the

individual student's needs, taking into account the student's preferences and interests. They must also include instruction, related services, community experiences, development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. *20 U.S.C. 1401(30); 34 CFR 300.29*

DISCIPLINE

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 TAC 89.1053. *19 TAC 89.1050(g)* [See FOE]

ELIGIBILITY FOLDER

The District shall maintain an eligibility folder for each student in special education in addition to the student's cumulative record. The folder shall include, but need not be limited to, copies of referral data, documentation of notices and consents, evaluation reports and supporting data, ARD committee reports, and the student's IEP. *19 TAC 89.1075(a)*

PERSONNEL
ASSIGNED TO
VISUALLY IMPAIRED

If the District provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10). *19 TAC 89.1075(b)*

SHARED SERVICES
ARRANGEMENTS

The District may enter into a written contract to jointly operate its special education program. The contract must be approved by the Commissioner. *Education Code 29.007*

TRANSFER OF
ASSISTIVE
TECHNOLOGY
DEVICES

TEA shall develop and annually disseminate standards for the District's transfer of an assistive technology device when a student with a disability using the device changes the school of attendance in the District or ceases to attend school in the district that purchased the device, and the student's parents, or the student if the student has the legal capacity to enter into a contract, agrees to the transfer. The device may be transferred to:

1. The school or District in which the student enrolls;
2. A state agency; or
3. The student's parents, or the student, if the student has the legal capacity to enter into a contract.

A transfer of an assistive technology device (ATD) shall be in accordance with a transfer agreement which incorporates the standards described in Education Code 30.0015(c), and which includes, specifically, the following:

1. The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
2. The informed consent of the parent of the student with a disability for whom the ATD is being transferred must be obtained before the transfer of an ATD. The procedures employed by the District in obtaining such informed consent shall be consistent with the procedures employed by the District to obtain parental consent under 34 CFR 300.505. If the student has the legal capacity to enter into a contract, the informed consent may be obtained from the student. Consistent with 34 CFR 300.505(c), informed parental or adult student consent need not be obtained if the District can demonstrate

- that it has taken reasonable measures to obtain that consent, and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the District must use procedures consistent with those described in 34 CFR 300.345(d).
3. If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" (UTA) which includes the following:
 - a. The names of the transferor and the transferee (which may be any individual or entity identified in Education Code 30.0015 [b]);
 - b. The date of the transfer;
 - c. A description of the ATD being transferred;
 - d. The terms of the transfer (including the transfer of warranties, to the extent applicable); and
 - e. The signatures of authorized representatives of both the transferor and the transferee.
 4. TEA shall annually disseminate to school districts the standards for the District's transfer of an ATD.

Education Code 30.0015; 19 TAC 89.1056

DATE ISSUED: 12/02/2002
UPDATE 69
EHBA(LEGAL)-P

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| CHILD FIND | The District shall ensure that all children residing within the District who have disabilities, regardless of the severity of their disabilities, including those attending private schools, and who are in need of special education and related services are identified, located, and evaluated. The District shall have a practical method for determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services. This requirement applies to highly mobile children (including migrant and homeless children) and children who are suspected of being in need of special education but who are advancing from grade to grade. <i>20 U.S.C. 1412(a)(3), 1413(a); 34 CFR 300.125</i> |
| REFERRALS | Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the District's overall general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, District personnel must refer the student for a full and individual initial evaluation. This referral for a full and individual initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. The referral for a full and individual initial evaluation must be completed in accordance with Education Code 29.004, related to the 60 calendar day time line. <i>19 TAC 89.1011</i> |
| NOTICE OF RIGHTS | Before the District proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate education to a student, the District shall provide written notice to the student's parent or guardian. <i>20 U.S.C. 1415(b)(3); 34 CFR 300.503(a)</i> [See EHBAD] |
| TESTS AND EVALUATION MATERIALS | The District shall ensure that tests and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Any standardized tests given to the child shall have been validated for the specific purpose for which they are used, administered by trained and knowledgeable personnel, and administered in accordance with any instructions provided by the producer of the tests. In addition, the District shall ensure that the child is assessed in all areas of suspected disability and that assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided. |

20 U.S.C. 1414(b)(3); 34 CFR 300.532

INITIAL EVALUATION

Before initially providing special education and related services to a child with a disability, the District shall conduct a full and individual initial evaluation. Before the District conducts an initial assessment, it shall:

1. Give the child's parent prior written notice, which includes a full explanation of all procedural safeguards and describes any evaluation procedures the District proposes to conduct; and
2. Obtain parental consent for the evaluation.

Parental consent shall not be construed as consent for placement. If the parents refuse consent for the evaluation, the District may continue to pursue an evaluation by utilizing mediation and due process procedures. If a parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked). [See EHBD]

20 U.S.C. 1414(a)(1), (b); 34 CFR 300.500(b)(1); 300.505; 300.531

TESTING PROCEDURES

The initial evaluation shall consist of procedures to determine whether a child is a child with a disability, as defined below at ELIGIBILITY, and to determine the educational needs of the child. In conducting the evaluation, the District shall:

1. Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability, and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general curriculum;
2. Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

20 U.S.C. 1414(a)(1)(B); 34 CFR 300.320

4. Assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the child. *34 CFR 300.532*

TIME LINE

A written report of a full and individual initial evaluation shall be completed not later than the 60th calendar day following the date on which the District, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the child's parent or legal guardian. The evaluation shall be conducted in accordance with federal and state law and using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004*

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. 1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, the District shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate Individualized Education Program (IEP) for the child.

If the District determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, the District shall provide the information described above to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

The time required for the District to provide information and seek consent under Education Code 29.0041(b) may not be counted toward the 60 calendar days for completion of an evaluation under Education Code 29.004. If a parent does not give consent under Education Code 29.0041(b) within 20 calendar days after the date the District provided to the parent the information required, the parent's consent is considered denied.

Education Code 29.0041

REVIEW OF EVALUATION DATA

As part of an initial evaluation, and as part of any reevaluation, the ARD committee and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related service providers' observations. On the basis of this review, and input from the child's parents, the ARD committee shall identify what additional data, if any, are needed to determine:

1. Whether the child has a particular category of disability, or in the case of a reevaluation, whether the child continues to have such a disability;
2. The present levels of performance and educational needs of the child;
3. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's individualized education program and to participate, as appropriate, in the general curriculum.

The review may be conducted without a meeting. If the review determines that no additional data are needed, the District shall so notify the parents of that determination, the reasons for it, and the parents' right to request an assessment to determine whether, for the purposes of receiving special education services, the child continues to be a child with a disability.

20 U.S.C. 1414(c)(1); 34 CFR 300.533

ELIGIBILITY

To be eligible for special education services a student must have been

determined to have one or more of the disabilities listed in federal regulations or in state law or both. *19 TAC 89.1040*

A student is eligible to participate in the District's special education program if the student is between the ages of 3 and 21 inclusive with one or more disabilities (physical disability, mental retardation, emotional disturbance, learning disability, autism, speech or language impairment, traumatic brain injury, visual or auditory impairment, orthopedic impairments, a specific learning disability, deaf-blindness, multiple disabilities, or other health impairments) that prevent the student from being adequately or safely educated in the public schools without the provision of special services. A student with a visual or auditory impairment shall be eligible to participate in the District's special education program from birth. Graduation with a regular high school diploma pursuant to 19 TAC 89.1070(b)(1)-(2) terminates a student's eligibility to receive services. An eligible student receiving special education services who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first. *20 U.S.C. 1401(3); 34 CFR 300.7; Education Code 29.003(b), 30.002; 19 TAC 89.1035*

A child between the ages of three and five who is evaluated as having mental retardation, emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood. *20 U.S.C. 1401(3); 34 CFR 300.7; 19 TAC 89.1040*

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| DETERMINATION OF ELIGIBILITY | Upon completion of tests and other evaluation materials, the determination of whether the child is eligible for special education shall be made by the ARD committee and the parent. In making the determination, a child shall not be determined to be a child with a disability if the determinant factor for the determination is lack of instruction in reading or math or limited English proficiency. A copy of the evaluation report and the documentation of determination of eligibility must be given to the parent. <i>20 U.S.C. 1414(b)(4), (5); 34 CFR 300.534</i> |
| PUBLIC NOTICE | The District shall develop a system to notify District residents with children ages three to five who are eligible for enrollment in a special education program of the availability of the program. <i>Education Code 29.009</i> |
| REEVALUATIONS | The District shall ensure that each child with a disability is reevaluated if conditions warrant or if the child's parent or teacher requests a reevaluation, but at least once every three years. Before conducting a reevaluation, the District shall give the parent notice that describes any evaluation procedures the District proposes to conduct and shall obtain written parental consent, except that such informed parental consent need not be obtained if the District can demonstrate that it had taken reasonable measures to obtain consent and the parent has failed to respond. <i>20 U.S.C. 1414(a)(2), (b), (c); 34 CFR 300.505, 300.536</i> |
| CHANGE IN ELIGIBILITY | The District shall evaluate a child with a disability before determining that the child is no longer a child with a disability. <i>20 U.S.C. 1414(c)(5); 34 CFR 300.534(c)(1)</i> |
| INDEPENDENT EVALUATION | |

AT PUBLIC
EXPENSE

The parents of a child with a disability have a right to obtain an independent educational evaluation if they disagree with the District's evaluation. Upon request for an independent evaluation, the District shall provide parents with information regarding where one can be obtained. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation. If a parent requests an independent evaluation, the District shall either ensure that an evaluation is performed at public expense or initiate a due process hearing to establish that the District's evaluation is appropriate. If the District initiates a hearing, and the District's evaluation is found to be appropriate, the parent still has a right to an independent evaluation, but not at public expense.

AT PRIVATE
EXPENSE

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation shall be considered by the District, if it meets District criteria, in any decision made with respect to providing a free appropriate public education to the child.

34 CFR 300.502

DATE ISSUED: 12/16/2003
UPDATE 72
EHBAA(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

- ARD COMMITTEE** The District shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 CFR 300.344. The District shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law. *19 TAC 89.1050(a)*
- MEETINGS** The District shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. A meeting does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. *20 U.S.C. 1414(d); 34 CFR 300.501(b)(2), 300.343*
- NEW STUDENTS** For a student who is new to the District:
1. When a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent(s) indicate in writing that they are satisfied with the current IEP, and the District determines that the current IEP is appropriate and can be implemented as written; or
 2. If the conditions of item 1 above are not met, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in the previous school district, or the previous school district verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:
 - a. The ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. The ARD committee may determine that valid evaluation data and other information from the previous school district are insufficient or unavailable to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school district or the collection of new evaluation data by

the current school district. In this situation, a second ARD committee meeting must be held within 30 school days from the date of the first ARD committee meeting to finalize or develop an IEP based on current information.

In accordance with Education Code 25.002, the school district in which the student was previously enrolled shall furnish the new school district with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school district. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, does not require the student's current and previous school districts to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR 99.31(a)(2) and 99.34.

19 TAC 89.1050(f)

REPORT

The written report of the ARD committee shall document the decisions of the committee with respect to the issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting. The report shall also indicate each member's agreement or disagreement with the committee's decisions. In the event Education Code 29.005(d)(1) applies, the District shall provide a written or audiotaped copy of the student's IEP. In the event Education Code 29.005(d)(2) applies, the District shall make a good faith effort to provide a written or audiotaped copy of the student's IEP. *19 TAC 89.1050(e)*

MEMBERSHIP

The District shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. At least one special education teacher, or, if appropriate, at least one special education provider of the child;
4. A representative* of the District who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the District;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2-6);
6. The child, if appropriate; and
7. Other individuals who have knowledge or special expertise regarding the child at the discretion of the District or the parent.

* The District may designate another member of the ARD committee to also serve as a District representative, so long as the criteria in items 4a-c are satisfied.

TRANSITION
PLANNING

If the purpose of the meeting is to consider transition services for a student, the District shall invite:

1. The student. If the student does not attend, the District shall take steps to ensure that the student's preferences and interests are considered.
2. A representative of any other agency that is likely to be responsible for providing or paying for transition services. If such a representative is invited but does not attend, the District shall take other steps to obtain the participation of the other agency in the planning of any transition services.

34 CFR 300.344; 19 TAC 89.1050 [See EHBA]

COLLABORATIVE
PROCESS-TEN-
DAY RECESS

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by mutual agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

1. When mutual agreement about all required elements of the IEP is not achieved, the parent or adult student [see EHBAD for more information on rights of adult students] who disagrees shall be offered a single opportunity to have the committee recess for a period not to exceed ten school days. This recess is not required when:
 - a. The student's presence on campus represents a danger of physical harm to the student or others;
 - b. The student has committed an expellable offense; or
 - c. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]
 - d. These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and the District from reaching mutual agreement about all required elements of an IEP.
2. During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the committee to reach mutual agreement.
3. The date, time, and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
4. If after the ten-day recess, the ARD committee still cannot reach mutual agreement, the District shall implement the IEP it has determined to be appropriate for the student.
5. When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
6. When the District implements an IEP with which the parents or adult student disagree, it shall provide prior written notice in compliance with the notice provisions described at EHBAD.
7. Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions.

19 TAC 89.1050(h)

FIRST-TIME
REFERRALS

The ARD committee (see below) shall make its decisions regarding students referred for a full and individual initial evaluation within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the full and individual initial evaluation indicates the student will need extended school year (ESY) services during that summer. *19 TAC 89.1050(d)* [See EXTENDED SCHOOL YEAR SERVICES, below]

DISCIPLINE

For procedures involving discipline of students with disabilities, see FOF.

PARENTAL
PARTICIPATION
IN ARD
COMMITTEE

The District shall invite the parents and adult student to participate as members of the ARD committee by providing written notice, as described at EHBAD. The District shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notice of the purpose, time, and location of the meeting, who will be in attendance, and that persons with knowledge or special expertise may be invited by either the parent or the District;
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the District will invite the student, and identify any other agency that will be invited to send a representative.

20 U.S.C. 1414(d); 34 CFR 300.345 (a), (b); 19 TAC 89.1045(a)

If neither parent can attend an ARD meeting, the District shall use other methods to ensure parental participation, including individual or conference telephone calls. An ARD meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend, but the District shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 CFR 300.345(c), (d)*

MEETING AT
PARENT'S
REQUEST

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The District must respond to the request by holding the meeting or requesting TEA's assistance through the mediation process. The District shall inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate. *19 TAC 89.1045(b)*

TEACHER
INVOLVEMENT

The regular education teacher of a student with a disability, as a member of the ARD committee, shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies and supplementary aids and services, program modifications, or supports for school

personnel that will be provided for the student. *34 CFR 300.346(d)*

The District shall have procedures to ensure that each teacher involved in a student's instruction has the opportunity to provide input and request assistance regarding the implementation of the student's IEP. These procedures shall include a method for a student's regular or special education teachers to submit requests for further consideration of the student's IEP or its implementation. In response to this request, the District's procedures shall include a method for the District to determine whether further consideration is necessary and whether this consideration will be informal or will require an ARD committee meeting. If the District determines that an ARD committee meeting is necessary, the student's current regular and special education teachers shall have an opportunity to provide input.

The District shall also ensure that each teacher who provides instruction to a student with disabilities receives relevant sections of the student's current IEP and that each teacher be informed of specific responsibilities related to implementing the IEP, such as goals and benchmarks, and of needed accommodations, modifications, and supports for the child.

19 TAC 89.1075(c)

INDIVIDUALIZED
EDUCATION
PROGRAM (IEP)

The IEP developed by the ARD committee for each student with a disability shall include:

1. A statement of the child's present levels of educational performance;
2. A statement of measurable annual goals, including benchmarks or short-term objectives;
3. A statement of the specific special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports for school personnel that will be provided for the child;
4. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
5. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
6. A statement of how the child's progress toward the annual goals will be measured and how parents will be informed—at least as often as parents of nondisabled students receive such notice-of this progress;
7. A statement of any individual modifications in the administration of state or Districtwide assessments; and
8. Beginning at age 14 (or younger, if appropriate), and updated annually, a statement of the transition service needs of the student.

The ARD committee shall also consider:

1. In the case of a child whose behavior impedes his or her learning or that of others, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior.

2. In the case of a child with limited English proficiency, the language needs of the child as those needs relate to the child's IEP.
3. For students who are blind or visually impaired, instruction in Braille and the use of Braille unless the ARD committee determines, after an evaluation of the child's reading and writing skills, that instruction in Braille is not appropriate for the child. The IEP shall also include the elements required by Education Code 30.002(e).
4. The communication needs of the child, and in the case of a child who is deaf or hard of hearing, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode.
5. Whether the child requires assistive technology devices and services.
6. If the ARD committee determines that the student is in need of extended school year (ESY) services, goals and objectives for ESY services from the student's current IEP.

20 U.S.C. 1414(d); 34 CFR 300.346(a), 300.347(a), (b); 19 TAC 89.1055

**ACCELERATED
READING
INSTRUCTION
PROGRAM**

The admission, review, and dismissal committee of a kindergarten, first grade, or second grade student who participates in the District's special education program and who does not perform satisfactorily on a reading instrument [see EKC] shall determine the manner in which the student will participate in an accelerated reading program. However, the accelerated reading instruction program may be implemented only if the Commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program. *Education Code 28.006*

PROMOTION

The ARD committee of a student who does not perform satisfactorily on:

1. The third grade reading assessment instrument;
2. The fifth grade mathematics and reading assessment instrument; or
3. The eighth grade mathematics and reading assessment instrument

shall determine the manner in which the student will participate in an accelerated instructional program [see EIE] and whether the student will be promoted or retained. *Education Code 28.0211*

For students with autism/pervasive developmental disorders, information about the following shall be considered and when needed, shall be addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time;
3. In-home training or viable alternatives;
4. Prioritized behavioral objectives;
5. Prevocational and vocational needs of students 12 years of age or older;
6. Parent training; and
7. Suitable staff-to-students ratio.

If the ARD committee determines that the services are not needed in one or more of the items listed in 1-7 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

20 U.S.C. 1414(d); 34 CFR 300.346(a), 300.347(a), (b); 19 TAC 89.1055

IEP TO PARENT The District shall provide a copy of the IEP to the parent at no cost to the parent.
34 CFR 300.345(f)

If the child's parent is unable to speak English, the District shall:

1. Provide the parent with a written or audiotaped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. Make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language, if that language is other than Spanish.

Education Code 29.005(d)

PLACEMENT DECISIONS Before initial placement occurs, the District shall obtain written consent as defined in 34 CFR 300.500. *19 TAC 89.1050(d), (e)* [See EHBAA for details concerning parental consent]

EXTENDED SCHOOL YEAR (ESY) SERVICES The District shall ensure that extended school-year services are available as necessary to provide a student with a disability with a free appropriate public education.

The need for extended school year (ESY) services must be determined on an individual student basis by the ARD committee. In determining the need for and in providing ESY services, the District may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. The need for ESY services must be documented from formal and/or informal evaluations provided by the District or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current IEP objectives, the student has exhibited or may reasonably be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time. "Severe or substantial regression" means that the student has been or will be unable to maintain one or more acquired critical skills because of the absence of ESY services.

If the District does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services. If a student for whom ESY services was considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.

20 U.S.C. 1412(a)(1), 1413(a); 34 CFR 300.309; 19 TAC 89.1065

INDIVIDUAL TRANSITION PLANNING (ITP) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the ARD committee), and updated annually, the IEP shall include a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study. For each student beginning at age 16, the IEP shall include a statement of needed transition services, including, if appropriate, a statement of the

interagency responsibilities or any needed linkages. *34 CFR 300.347(b)*

Transition planning shall be initiated by the District, but transition services are the responsibility of other state agencies as well. Subject to revision by mutual agreement of the agencies, the following are participating agencies for purposes of transition services: Texas Education Agency, Texas Department of Human Services, Texas Commission for the Blind, Texas Department of Protective and Regulatory Services, Texas Department of Mental Health and Mental Retardation, Texas Employment Commission, and Texas Rehabilitation Commission.

The individual transition planning process shall be collaborative and based on long-range goals. It shall be based on current information regarding the student's knowledge, skills, capabilities, interests, and preferences.

19 TAC 89.1110

INSTRUCTIONAL DAY An instructional day commensurate with that of students who do not have disabilities shall be available to students with disabilities. The ARD committee shall determine the appropriate instructional setting and length of day for each student and specify these requirements in the student's IEP. *19 TAC 89.1075(d)*

PERSONNEL ASSIGNED TO VISUALLY IMPAIRED If the District provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10). *19 TAC 89.1075(b)*

GRADUATION Graduation with a regular high school diploma terminates a student's eligibility for special education services. In addition, as provided in Education Code 42.003(a), graduation with a regular high school diploma terminates a student's entitlement to the benefits of the Foundation School Program. For students who receive a diploma according to 19 TAC 89.1070(c), the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

20 U.S.C. 1412(a)(1), 1413(a); 34 CFR 300.122; 19 TAC 89.1070 [See EIF]

DATE ISSUED: 12/16/2003
UPDATE 72
EHBAB(LLEGAL)-P

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CHILDREN IN
PRIVATE SCHOOLS

CHILD FIND

The District shall ensure that all children residing in the District, including those attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. The activities undertaken to carry out this responsibility for private-school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools. *20 U.S.C. 1412(a)(3), 1413(a); 34 CFR 300.451*

SERVICES

No private-school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

The District shall consult in a timely and meaningful way with appropriate representatives of private-school children with disabilities to decide which children will receive services, what services will be provided, how and where the services will be provided, and how the services provided will be evaluated. If a child with a disability is enrolled in a private school and will receive special education or related services from the District, the District shall initiate and conduct ARD committee meetings to develop, review, and revise a services plan for the child and ensure that a representative of the private school attends that meeting.

The District shall make the final decisions with respect to eligible private-school children.

20 U.S.C. 1412(a), 1413(a); 34 CFR 300.454

PRIVATE
SCHOOL
PERSONNEL

The District shall give appropriate representatives of private-school children with disabilities a genuine opportunity to express their views regarding educational needs of private-school children with disabilities. However, the services provided to private-school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. *20 U.S.C. 1412(a), 1413(a); 34 CFR 300.454(b), 300.455(a)*

UNILATERALLY
ENROLLED
STUDENTS

When a student with disabilities who has been placed by his or her parents directly in a private school or facility is referred to the District, the District shall convene an ARD committee meeting to determine whether the District can offer to the student a free appropriate public education. If the District

determines that it can, the District is not responsible for providing educational services to that student until the parents enroll the child in the public school full-time or request services under the dual enrollment rule. The District is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the District made a free appropriate public education available to the child and the parents elected to place the child in the private school or facility.

EXTENT OF SERVICES

Amounts expended to provide special education services to private-school students shall be equal to a proportionate amount of federal funds made available for eligible special education students educated within the District. For children ages 3 through 21, this shall be an amount that is the same proportion of the District's federal special education funding as the number of private-school children with disabilities residing in the District is to the total number of children with disabilities in the District.

20 U.S.C. 1412(a)(10), 1413(a); 34 CFR 300.403, 300.453; 19 TAC 89.1096

Note: The provisions for dual enrollment expire June 30, 2004.

DUAL ENROLLMENT

Parents of an eligible student age three or four shall have the right to "dual enroll" their student in both the public school and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, subject to the following:

1. The student's ARD committee shall develop an individualized education program (IEP) designed to provide the student with a free appropriate public education (FAPE) in the least restrictive environment appropriate for the student.
2. From the IEP, the parent and the District shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR 300.550-300.553 and the policies and procedures of the District.
3. For students served under the provisions of dual enrollment, the District shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the District.

19 TAC 89.1096(d)

Children with disabilities who are enrolled by their parents in private elementary and secondary schools shall be provided special education and

related services in accordance with a services plan that describes the specific special education and related services that the District will provide. Such services may be provided on the premises of private, including parochial, schools to the extent consistent with law. *34 CFR 300.455(b), 300.456(a)*

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|--------------------------------------|---|
| TRANSPORTATION | The District shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. <i>19 TAC 89.1096(e)</i> |
| COMPLAINTS | Complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the District under the dual enrollment provisions may be filed with TEA under the procedures in 34 CFR 300.660-300.662. The procedures relating to due process hearings do not apply to complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the District. <i>19 TAC 89.1096(f)</i> |
| DISTRICT-PLACED STUDENTS | If the District places children with disabilities in a private school or facility in accordance with an IEP, those children shall be provided special education and related services at no cost to their parents. <i>20 U.S.C. 1412(a)(10), 1413(a); 34 CFR 300.401; 19 TAC 89.1090</i> |
| CHARTER SCHOOL STUDENTS | The District shall serve children with disabilities attending District charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. <i>20 U.S.C. 1413(a)(5); 34 CFR 300.312</i> |
| RESIDENTIAL FACILITIES | A District having a residential facility that is licensed by appropriate state agencies and located within the District's boundaries must provide special education and related services to eligible students residing in the facility. If, after contacting the facility to offer services to eligible students with disabilities, the District determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the District is not required to provide services. However, the District shall annually contact the facility to offer services to eligible students with disabilities. <i>19 TAC 89.1001(c), 89.1115</i> |
| CONTRACTS FOR RESIDENTIAL PLACEMENTS | The District may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for students with disabilities. The District may contract only with facilities that are approved by the Commissioner. Contracts for residential placement must be approved by the Commissioner, either in whole or in part, after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Residential contracts shall be negotiated on an individual student basis. |
| NOTICE TO TEA | The District shall notify TEA when it intends to contract for residential placement. Costs of approved contracts for residential placement may be paid from a combination of federal, state, and local funds, according to Education Code 29.008(b). |

RESPONSIBILITY If the District contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. An approved facility, institution, or agency with whom the District contracts shall periodically report to the District on the services the student has received or will receive, as well as diagnostic or other evaluative information the District requires in order to fulfill its obligations.

The District shall have the following responsibilities when making a residential placement:

1. Before placing a student with a disability in a residential facility, initiate and conduct a meeting to develop an IEP for the student in accordance with state and federal law.
2. List in each student's IEP the services the District is unable to provide and the facility is able to provide.
3. Make an annual on-site visit to verify that the facility can and will offer the services listed in the individual student's IEP and to ensure that the facility offers the student an appropriate educational program. The placement of more than one student may be considered in the same site-visit; however, the IEP of each student must be reviewed and a determination of appropriateness of placement and service must be made for each student.
4. Document in each student's IEP the appropriateness of the facility. General approval by TEA or a general screening by a regional education service center (RESC) is not sufficient.
5. For each student, the ARD committee shall establish written criteria and estimated time frames for returning the student to the District.
6. For all contract students, the District shall verify in the annual ARD review that:
 - a. The facility continues to meet minimum standards for health and safety.
 - b. Continued contracting is needed and the need is documented in the IEP.
 - c. The facility continues to offer an appropriate program for the student.

OUT-OF-STATE PLACEMENTS If the District contracts for out-of-state residential placements, it shall do so in accordance with the rules for in-state residential placement, except that the facility shall be approved by the appropriate agency in the state in which the facility is located rather than by the Texas Commissioner of Education.

IN-STATE TRANSFERS When a student on a residential contract in one district moves to another district in Texas and the student is to continue on the contract, the district that negotiated the contract shall be responsible for the residential contract for the remainder of the school year.

Education Code 29.008; 19 TAC 89.61

SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED AND For each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf, the District shall share the cost of the student's education (excluding the summer program) in accordance with Education Code 30.003. Prior to consideration of the student's

SCHOOL FOR THE DEAF

educational placement for special education services, the District shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. Student's rights to admission and to appeal admission decisions.

Education Code 30.003, 30.004; 19 TAC 89.62

The District may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 TAC 89.1085. *19 TAC 89.1085*

STUDENTS IN CONTRACT PLACEMENTS

For each student, the ARD committee shall establish written criteria and estimated time lines for returning contracted students to the District. *19 TAC 89.61*

CHILDREN WITH DISABILITIES IN ADULT PRISONS

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;
2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement and need not consider the least restrictive environment requirements if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

20 U.S.C. 1414(d)(6); 34 CFR 300.311

DATE ISSUED: 09/04/2001
UPDATE 66
EHBAC(LEGAL)-P

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The District shall establish and maintain procedures designed to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education. These procedures shall include:

OPPORTUNITIES
FOR PARENTS

1. An opportunity for the parents of a child with a disability:
 - a. To examine all records relating to the child;
 - b. To participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child; and
 - c. To obtain an independent educational evaluation of the child.

34 CFR 300.501, 300.502

ADULT
STUDENTS

2. Notification of the student and the parents of the transfer of rights, in accordance with 34 CFR 300.517. A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the District shall provide any notice required by Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 to both the student and the parents. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student. *Education Code 29.017*

In accordance with 34 CFR 300.347(c) and 300.517 and Education Code 29.017, beginning at least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, all rights granted to the parent under the IDEA, Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. After the student reaches the age of 18, except as provided below (incarcerated students), the District shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

In accordance with 34 CFR 300.517(a)(2) and Education Code 29.017, all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter

XIII.

In accordance with 34 CFR 3000.517(a)(3), the District must notify in writing the adult student and parent of the transfer of parental rights at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR 300.503, but must include a statement that parental rights have transferred to the adult student and provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR 300.344(a)(6), the adult student or the District may invite individuals who have knowledge or special expertise regarding the student, including the parent.

Nothing in 19 TAC 89.1049 prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

19 TAC 89.1049

SURROGATE PARENT

3. Procedures to protect the rights of the child whenever the parents of the child cannot be identified, the District cannot locate the parents after reasonable efforts to do so, or the child is a ward of the state. These procedures shall include assigning an individual to act as a surrogate for the parents. This individual shall not be an employee of TEA, the District, or any other agency that is involved in the education or care of the child. In addition, the individual chosen to act as a surrogate parent should have no interest that conflicts with the interest of the child he or she represents and should have knowledge and skills that ensure adequate representation of the child. *34 CFR 300.515*

TRAINING

An individual assigned to act as a surrogate parent must complete a training program in which the individual is provided with an explanation of the provisions of federal and state laws, rules, and regulations relating to:

- a. The identification of a student with a disability;
- b. The collection of evaluation and re-evaluation data relating to a student with a disability;
- c. The admission, review, and dismissal (ARD) committee process;
- d. The development of an individualized education program (IEP) and, for a student who is at least 16 years of age, an individual transition plan (ITP);
- e. The determination of least restrictive environment;
- f. The implementation of an IEP;
- g. The procedural rights and safeguards available under 34 CFR

- 300.403, 300.500-300.529, 300.560-300.577, and 300.660-300.662, relating to the issues described in 34 CFR 300.504(b); and
- h. The sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities.

The training program must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent.

The individual assigned to act as a surrogate parent must complete the training program within 90 calendar days after March 6, 2001, or the date of initial assignment as a surrogate parent, whichever comes later. Once an individual has completed a training program conducted or provided by or through the Texas Department of Protective and Regulatory Services (PRS), a school district, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the individual shall not be required by any school district to complete additional training in order to continue serving as the student's surrogate parent or to serve as the surrogate parent for other students with disabilities. School districts may provide ongoing or additional training to surrogate parents and/or parents; however, the District cannot deny an individual who has received the training from serving as a surrogate parent on the grounds that the individual has not been trained.

The District shall provide, or arrange for the provision of, the training program within 90 calendar days after March 6, 2001, for individuals serving as surrogate parents as of March 6, 2001. Thereafter, the District should provide or arrange for the provision of the training program prior to assigning an individual to act as a surrogate parent but no later than 90 calendar days after assignment.

19 TAC 89.1047(a)

FOSTER PARENT
AS SURROGATE

4. Preferential consideration to a foster parent of a child with a disability when assigning a surrogate parent for the child. A foster parent may act as a parent of a child with a disability if:
 - a. The Texas Department of Protective and Regulatory Services (PRS) is appointed as the temporary or permanent managing conservator of the child;
 - b. The child has been placed with the foster parent for at least 60 days;
 - c. The foster parent agrees to:
 1. Participate in making educational decisions on the child's behalf; and
 2. Complete a training program for surrogate parents that complies with minimum standards established by TEA rule.
 - d. The foster parent has no interest that conflicts with the child's interests.

A foster parent who is denied the right to act as a surrogate parent or a parent by the District may file a complaint with TEA in accordance with

federal law and regulations.

TRAINING

A foster parent may act as a parent of a child with a disability if he or she complies with the requirements of Education Code 29.015(b), including the completion of the training program described under SURROGATE PARENT above.

CONFLICT OF INTEREST

5. Procedures for conducting an analysis of whether a foster parent or potential surrogate parent has an interest that conflicts with the interests of his or her child. A foster parent in a home which is verified by the PRS or a child-placing agency shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in that home. These homes include, but are not limited to, basic, habilitative, primary medical, or therapeutic foster or foster group homes. In addition, issues concerning quality of care of the child do not constitute a conflict of interest. Concerns regarding quality of care of the child should be communicated, and may be statutorily required to be reported, to PRS.

If the District denies a foster parent the right to serve as a surrogate parent or parent, the District must provide the foster parent with written notice of such denial within seven calendar days after the date on which the decision is made. The written notice shall:

- a. Specify the reason(s) the foster parent is being denied the right to serve as the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of his or her child); and
- b. Inform the foster parent of his or her right to file a complaint with TEA in accordance with its complaint procedures.

Education Code 29.015; 19 TAC 89.1047(b), (c), (d)

PRIOR WRITTEN NOTICE

6. Prior written notice to the parents of the child whenever the District proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the free appropriate public education of the child. The written notice to parents shall be provided at least five school days before the proposed action is taken, unless the parents agree otherwise. *34 CFR 300.503(a); 19 TAC 89.1015*

The notice to parents must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. The notice must include:

CONTENTS

- a. A description of the action proposed or refused by the District, an explanation of why the District proposes or refuses to take the action, and a description of any options the District considered and the reasons why those options were rejected;
- b. A description of each evaluation procedure, test, record, or report the District uses as a basis for the proposal or refusal;
- c. A description of any factors that are relevant to the District's proposal or refusal;
- d. Sources for parents to contact to obtain assistance in understanding

the provisions of the IDEA; and

- e. A statement that the parents of a child with a disability have protection under the procedural safeguards of IDEA and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.

34 CFR 300.503(b)

7. An opportunity for mediation [see mediation process, below]. *34 CFR 300.506*

COMPLAINT PROCEDURES

8. An opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.
9. Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential) in a complaint that includes:
 - a. The name and address of the child, and the name of the school the child attends;
 - b. A description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to the problem; and
 - c. A proposed resolution of the problem to the extent known and available to the parents at the time. *20 U.S.C. 1415(a)-(c)*

PROCEDURAL SAFEGUARDS NOTICE

The District shall provide a copy of the procedural safeguards available to parents:

1. Upon initial referral for evaluation;
2. Upon each notification of an ARD committee meeting and upon reevaluation of the child; and
3. Upon receiving a request for a due process hearing.

CONTENTS

The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner. The notice shall include information relating to:

1. Independent educational evaluation;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present complaints to initiate due process hearings;
6. The child's placement during pendency of due process proceedings;
7. Procedures for students who are subject to placement in an interim alternative educational setting;
8. Requirements for unilateral placement by parents of children in private schools at public expense;
9. Mediation;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions;
12. Attorneys' fees; and

13. State complaint procedures, including how to file such a complaint.

20 U.S.C. 1415(d); 34 CFR 300.504

MEDIATION
PROCESS

The District shall ensure that procedures are established and implemented to allow parties to disputes arising from parental complaints relating to the identification, evaluation, placement or provision of a free appropriate public education to the child, to resolve those disputes through a mediation process which, at a minimum, shall be available whenever a parent requests an impartial due process hearing or a hearing concerning a child's placement in an alternative educational setting. [See FOE]

Mediation procedures shall ensure that the process:

1. Is voluntary on the part of the parties;
2. Is not used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under the Individuals with Disabilities Education Act; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

WHEN NO
MEDIATION
PROCESS IS
USED

The District may establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center, or an appropriate alternative dispute resolution entity. The impartial party would encourage the use, and explain the benefits, of the mediation process to parents.

20 U.S.C. 1415(e); 34 CFR 300.506

'STAY PUT'

During the pendency of any administrative or judicial proceeding regarding a complaint about the District's obligations to the student under federal and state special education laws, unless the District and the parent agree otherwise, the student involved in the complaint shall remain in the then-current educational placement, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed.

EXCEPTION

When a parent requests a hearing regarding a disciplinary action to challenge the child's placement in an interim alternative educational setting or the manifestation determination regarding a removal for weapons or drugs or a removal ordered by a hearing officer [see FOE], the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the term of placement, which may be for not more than 45 calendar days, in the alternative setting has expired, whichever occurs first, unless the parent and the District agree otherwise.

20 U.S.C. 1415 (j), (k)(7); 34 CFR 300.514, 300.526

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The District shall establish a process for identifying and serving gifted and talented students and shall establish a program for those students in each grade level. The District may establish a shared services arrangement with other districts. *Education Code 29.122*

DEFINITION "Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high performance capability in an intellectual, creative, or artistic area, possesses an unusual capacity for leadership, or excels in a specific academic field.
Education Code 29.121

IDENTIFICATION Students shall be identified as gifted/talented in accordance with a written policy that includes:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in the District have access to assessment and, if identified, to services provided for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local District educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of District decisions regarding program placement.

19 TAC 89.1

LEARNING OPPORTUNITIES The District shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.
2. A continuum of learning experiences that leads to the development of advanced-level products and performances.
3. In-school, and when possible, out-of-school options relevant to the

- student's area of strength that are available during the school year.
4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMB(LEGAL) for training requirements for teachers of GIFTED AND TALENTED EDUCATION.

DATE ISSUED: 02/05/2001
UPDATE 65
EHBB(LEGAL)-P

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ADVANCED
ACADEMICS
(GIFTED /
TALENTED)
PROGRAM

The District believes that every student deserves a stimulating curriculum and the opportunity to excel; therefore, a comprehensive advanced academics program shall be provided to any student in grades K-12 who meets the statutory definition of "gifted and talented student." [See EHBB(LEGAL)]

STUDENT
ASSESSMENT
AND
IDENTIFICATION

The District believes that application and assessment procedures should be consistent, credible, and uniformly applied to all students. Instruments and procedures used to assess students for program services shall measure diverse abilities and intelligences and provide students with an opportunity to demonstrate their talents and strengths. Written documentation shall be disseminated to all parents and shall include the following:

1. Procedures on student identification for gifted and talented programs; and
2. Additional provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of District decisions regarding program placement.

Written procedures include provisions regarding the appeals of District decisions on program placement, reassessment, furlough, exiting students from services, and transfer of students.

Appeals of District decisions regarding program placement shall be as follows:

1. The parent/guardian notifies campus Vanguard coordinator to request a conference regarding a program placement decision within 20 days of District dissemination of a student program placement decision.
2. If the aggrieved is not satisfied with the campus level conference decision, the parent/guardian obtains a District Appeals Request Form from the campus coordinator or Advanced Academics Department.
3. The parent/guardian must submit a District Appeals Form to the campus coordinator within 20 working days of the conference.
4. The aggrieved will be notified within 20 working days of scheduled appeals meeting.
5. The scheduled appeals meeting will be conducted with the following representatives:
 - a. At least two Vanguard coordinators
 - b. At least two central office administrators
 - c. Manager of Advanced Academics
6. After the appeals meeting, the committee decision will be rendered in writing to the parent/guardian within five working days.
7. If the aggrieved is not satisfied with the Appeals Committee's decision, he or she may file a written request to the Superintendent or designee for

review.

8. If the aggrieved is not satisfied with the disposition of the grievance or if no disposition has been made at prior step, the aggrieved may take additional action as provided within federal or state statutes.

REASSESSMENT The District shall reassess students at grade 5 to ensure placement in gifted-and-talented middle school programs based on District guidelines.

FURLOUGHS The following shall apply:

1. Furloughs may be granted on an "as needed" basis. Requests with a specific time line for furlough must be submitted in writing to the campus Vanguard coordinator;
2. If a furlough is granted, space will be reserved for the student with a one school year maximum;
3. The furloughs are considered on a case-by-case basis and may include, but are not limited to, the following: custody issues, divorce, parent/guardian sabbatical leave, foreign exchange programs, medical problems, and the like.

EXITING OF STUDENTS FROM PROGRAM SERVICES The following shall apply:

1. Conduct a conference with the parent/guardian regarding the student's performance in the Vanguard program.
2. Complete a District-approved growth plan during the conference to help the student meet program expectations.
3. Growth plan specifics include:
 - a. Student's responsibilities for improvement;
 - b. School personnel's responsibilities for helping the student to improve; and
 - c. Parent's/guardian's responsibilities for helping the student to improve.
4. The designated time for reevaluation should not be less than one grading period.

At the designated time, an evaluation of the student's progress will be made to determine one of the following recommendations for the student:

1. If the objectives and goals of the growth plan have been met, continuation in the Vanguard program will be recommended;
2. An extension or modification will be made to the recommended growth plan including a designated time for reevaluation; or
3. If attempts to achieve the goals of the growth plan have not been successful, a recommendation will be made to remove the student from the Vanguard program and return him or her to the regular educational program.

MAGNET / VANGUARD TRANSFERS See current provisions on transfers to Vanguard programs in policy FDB (LOCAL).

PROGRAM DESIGN The District believes that gifted/talented programs are important and necessary in order to meet the special educational needs of gifted/talented students. A flexible system of viable program options that provides a learning continuum and

reinforces the strengths, needs, and interests of gifted/talented students will be established to:

1. Provide an array of learning opportunities commensurate with the abilities of gifted/talented students and emphasize content in the four core academic areas;
2. Provide services during the school day as well as the entire school year; and
3. Provide program options enabling gifted/talented students to work together as a group, work with other students, and work independently during the school day.

CURRICULUM
AND
INSTRUCTION

Every student deserves a stimulating curriculum and the opportunity to excel; therefore, curriculum and instruction for gifted students shall be modified in the depth, complexity, and pacing from the general school program and shall provide:

1. An array of appropriately challenging learning experiences for gifted/talented students in grades K-12 that emphasize content from the four core academic areas; and
2. A continuum of learning experiences that lead to the development of advanced-level products and/or performances.

PROFESSIONAL
DEVELOPMENT

All personnel involved in the planning, development, and delivery of services to gifted students shall meet the statutorily mandated staff development requirements.

District teachers who provide instruction and services for gifted students must receive annually six hours of professional development in gifted education, as required by law. [See EHBB(LEGAL)]

FAMILY-
COMMUNITY
INVOLVEMENT

The District shall continue to encourage community and family participation in services designed for gifted/talented students through:

1. Written policies on student identification and curriculum that are disseminated to parents; and
2. Programs that are evaluated annually with the data used to modify and update District plans.

DATE ISSUED: 10/07/2002
LDU-40-02
EHBB(LOCAL)-X

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DEFINITION OF AT- "Student at risk of dropping out of school" includes each student who is under
RISK STUDENT 21 years of age and who:

1. If the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
2. If the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Was not advanced from one grade level to the next for one or more school years;
4. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
5. Is pregnant or is a parent;
6. Has been placed in an alternative education program under Education Code 37.006 during the preceding or current school year;
7. Has been expelled during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;
11. Is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in the District, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

LOCAL
ELIGIBILITY
CRITERIA

In addition to students described above, a student who satisfies local eligibility criteria adopted by the Board may receive instructional services under this policy. The number of students receiving services under local eligibility

criteria during a school year may not exceed ten percent of the number of students described above who received services from the District during the preceding school year.

Education Code 29.081(d), (g)

INTENSIVE
PROGRAM OF
INSTRUCTION

The District shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument. The program shall be designed to enable the student to perform at the student's grade level at the conclusion of the next regular school term, to the extent practicable, or to attain a standard of annual growth specified by the District and reported by the District to TEA and, if applicable, to carry out the purposes of Education Code 28.0211.

For a student in a special education program under Education Code Subchapter 29(A), who does not perform satisfactorily on a state assessment instrument, the student's admission, review, and dismissal committee shall design the program to enable the student to attain a standard of annual growth on the basis of the student's individualized education program and, if applicable, carry out the purposes of Education Code 28.0211.

The District's determination of the appropriateness of a program for a student is final and does not create a cause of action.

The District shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements. The Commissioner shall distribute funds to districts that implement the program based on the number of students identified by the District who do not perform satisfactorily on a state assessment instrument or are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the District.

Education Code 28.0213

COMPENSATORY,
INTENSIVE, AND
ACCELERATED
INSTRUCTION

The District shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the District's schools that enable the students to be performing at grade level at the conclusion of the next regular school term.

The District shall provide accelerated instruction to enrolled students who have not performed satisfactorily on each section of the secondary exit-level assessment instrument or who are at risk of dropping out of school.

EFFECTIVENESS

The District shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other District students. The evaluation shall include an analysis of the effectiveness of each program described in the campus and District improvement plans for reducing such disparities.

Education Code 29.081(a), (b), (c)

USE OF
COMPENSATORY
EDUCATION
ALLOTMENT

The District shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate any disparity in performance on state assessment instruments or disparity in the rates of high school completion between at-risk students and all other students. Specifically, the District may use the funds, other than an indirect cost allotment established by State Board rule, which may not exceed 15 percent, in providing a compensatory, intensive, or accelerated instruction program or an alternative education program established under Education Code 37.008 or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 and its subsequent amendments and implementing regulations, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program, the District's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction.

The District may also use allocated funds to fund the District's mentoring services program under Education Code 29.089.

AT RISK OF
DROPPING
OUT

The District may use its compensatory education allotment for a program specifically designed to serve students at risk of dropping out of school.

EDUCATIONALLY
DISADVANTAGED

The number of educationally disadvantaged students is determined:

1. By averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or
2. In the manner provided by Commissioner of Education rule, if no campus in the District participated in the national school lunch program of free or reduced-price lunches during the preceding school year.

LIMITATION ON
DAEP
EXPENDITURES

To ensure that a sufficient amount of compensatory education funds are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs. The Commissioner may waive the limitations upon an annual petition, by the District's Board and site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs, provided that the District reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system.

Notwithstanding Education Code 42.152(c), funds allocated may be used to fund in proportion to the percentage of students served by the program that meet the criteria in Education Code 29.081(d) or (g):

1. An accelerated reading instruction program under Education Code 28.006(g); or
2. A program for treatment of students who have dyslexia or a related disorder as required by Education Code 38.003.

Education Code 42.152

TUTORIAL SERVICES

The District may provide tutorial services at District schools. If the District provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than 70 to attend tutorials.

The District may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

ACCELERATED READING INSTRUCTION PROGRAM

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The District shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in the District's special education program and who does not perform satisfactorily on a reading instrument shall determine the manner in which the student will participate in an accelerated reading program.

LIMITATION

However, the accelerated reading instruction program may be implemented only if the Commissioner certifies, no later than July 1 of each year, that funds have been appropriated during a school year for administering the accelerated reading instruction program.

Education Code 28.006

READY-TO-READ GRANTS

The Commissioner shall make grants in support of prereading instruction. These grants shall be used to provide scientific, research-based prereading instruction for the purpose of directly improving prereading skills and for identifying cost-effective models for prereading intervention. As a condition to receiving a grant, public or private funds matching the grant must be pledged in a percentage set by the Commissioner. *Education Code 29.157*

AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS AND SCIENCE

The District may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the District.

Before providing a program, the Board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the District that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

The Commissioner by rule shall adopt guidelines and procedures related to funding and reporting.

Education Code 29.088, 29.089

OPTIONAL
EXTENDED-YEAR
PROGRAM

The District may set aside an amount from its compensatory education allotment, or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for:

1. Students in kindergarten through grade 11 who are identified as not meeting District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level; or
2. Students in grade 12 who are identified as likely not to graduate from high school before the beginning of the succeeding school year.

Each district seeking funding for an extended-year program must submit an application to the Commissioner of Education.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

The District may not enroll more than 16 students in a class provided in an optional extended-year program. Each class must be taught by a teacher who has completed a program that provides training to teach such a class. The training shall provide teachers with the knowledge and skills needed to help students in the program meet challenging state content and student performance standards. Training is to occur prior to the implementation of the program, and additional professional development may be provided throughout the implementation of the program.

DISTRICT
REQUIREMENTS

The District must:

1. Incorporate effective instructional strategies into the design of the program to ensure students are provided with the skills needed to be successful in the following school year. An extended day program must be implemented beyond the regular seven-hour day and may not include tutorials or extended in-school day care services. A tutorial program is

- not an acceptable instructional design for the program.
- 2. Include a parent/family awareness component in the extended-year program.
- 3. Submit to TEA an annual report evaluating the program. The report shall include a complete list of students who participated in the program for at least one day.
- 4. Maintain documentation of its compliance with the requirements of the optional extended-year provisions of this policy.

An extended-year program may extend the year, the week, or the day. The program shall be conducted beyond the required instructional days which may include intercessions for year-round programs.

The District may use optional extended-year program funds for follow-up activities so long as the optional extended-year program is provided for no less than 30 instructional days. These follow-up activities are restricted to participants of the program. All costs under the optional extended-year program must be necessary and reasonable for carrying out the objectives of the program and for the proper and efficient performance and administration of the program.

The District shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services. [See policies at EIE and FDC]

Education Code 29.082; 19 TAC 105.1001

**OPTIONAL
FLEXIBLE YEAR
PROGRAM**

The District may provide a flexible year program for students who did not or are likely not to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821* [See EB]

**MENTORING
SERVICES
PROGRAM**

The District may provide a mentoring services program to students at risk of dropping out of school. The Board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program. The Board may arrange for any public or nonprofit community-based organization to come to the District's schools and implement the program.

ACCOUNTABILITY

The Commissioner shall determine accountability standards for a district providing a mentoring services program using funds allocated under Education Code 42.152.

FUNDING

The District may use funds allocated under Education Code 42.152 to fund a mentoring services program.

Education Code 29.089; 42.152(c-1)

**BASIC SKILLS
PROGRAMS FOR
HIGH SCHOOL
STUDENTS**

The District may apply to the Commissioner for funding of special programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the Commissioner. With the consent of a student's parent or guardian, the District may assign a student to the basic skills program, which may not exceed 210 instructional days. *Education Code 29.086*

DROPOUT
RECOVERY
EDUCATION
PROGRAMS

The District may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:

1. Provide not less than four hours of instructional time per day;
2. Employ as faculty and administrators persons with baccalaureate or advanced degrees;
3. Provide at least one instructor for each 28 students;
4. Perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the Commissioner; and
5. Comply with the Education Code and rules adopted thereunder.

Education Code 29.081(e)

DATE ISSUED: 12/16/2003
UPDATE 72
EHBC(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

ACCELERATED
INSTRUCTION
PROGRAMS

The purpose of accelerated instruction programs and services shall be to ensure that all students are provided opportunities to meet performance standards of excellence, perform satisfactorily on state assessment instruments, and graduate from school. Accordingly, accelerated instruction programs and services shall aim at improving and enhancing the educational program of eligible students in prekindergarten through grade 12 who are at risk, as defined in state guidelines.

Accelerated instruction includes alternative programs and schools, student services, and extended day/extended year programs. A description of programs and services provided and a description of eligibility requirements are included in the District's *Accelerated Instruction Information Book*, which shall be updated annually.

MISCELLANEOUS
REQUIREMENTS
FOR SPECIFIC
SUBJECTS

Additional requirements pertaining to specified subjects and enhancements offered in conjunction with the regular instructional program may be imposed based on the following criteria:*

National Assessment of Educational Progress scores

Texas Assessment of Academic Skills (TAAS) scores

Stanford Achievement Test, Ninth Edition

*Settlement agreement C.A. No. 10444, *Delores Ross, et al., and United States of America*, and *Nick Estrada, et al. vs. Houston I.S.D.* regarding tutorial services, under authority of TEC 21.103 and 19 TAC Chapter 75, as they existed on 09/10/84.

PROVISION OF
HOSPITAL AND
HOMEBOUND
SERVICES FOR
GENERAL
EDUCATION
STUDENTS

A student to be confined for a minimum of four consecutive weeks to a hospital or homebound for medical reasons specifically documented by a physician licensed to practice in the U.S. may be eligible for general education homebound services. The parent's request for services shall be made through the principal in accordance with TEA's Student Attendance Accounting Handbook and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, when the student is able to return to the regular educational setting, the length of the transition period based on current medical information. Full documentation about students receiving homebound services

shall be maintained in accordance with administrative procedures.

DATE ISSUED: 10/03/2005
LDU-40-05
EHBC(LOCAL)-X

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Note: The following contains basic requirements for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

Each district receiving federal funds under Title I, Part A shall:

1. Use the state academic assessments and other indicators described in the state plan to review annually the progress of each school served under 20 U.S.C. Title I, Part A (federal school improvement programs) to determine whether the school is making adequate yearly progress.
2. At the District's discretion, use any academic assessments or any other academic indicators described in the District's plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making adequate yearly progress.
3. Publicize and disseminate the results of the local annual review to parents, teachers, principals, schools, and the community.
4. Review the effectiveness of the actions and activities the schools are carrying out under Title I, Part A with respect to parental involvement, professional development, and other activities assisted under Title I, Part A.

No Child Left Behind Act of 2001, 20 U.S.C. 6316

'ADEQUATE
YEARLY
PROGRESS'
DEFINED

The state shall define, based on academic assessments, what constitutes "adequate yearly progress" for the state, all public elementary schools, secondary schools, and districts in the state, toward enabling all public elementary school and secondary school students to meet the state's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the state, districts, and schools.

'ACADEMIC
ASSESSMENTS'
DEFINED

"Academic assessments" means a state-implemented set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the state and of each district and school in the state in enabling all children to meet the state's challenging student academic achievement standards, except that no state shall be required to meet the requirements of Title I, Part A relating to science assessments until the beginning of the 2007-08 school year.

No Child Left Behind Act of 2001, 20 U.S.C. 6311(b)

IDENTIFICATION
FOR SCHOOL
IMPROVEMENT

The District shall identify for school improvement any elementary school or secondary school served under Title I, Part A that fails, for two consecutive years, to make adequate yearly progress as defined in the state's plan. The identification shall take place before the beginning of the school year following such failure to make adequate yearly progress.

SCHOOL PLAN

Each school identified for school improvement shall, not later than three months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the District serving the school, and outside experts, for approval by the District.

The school plan shall cover a two-year period and shall, as detailed at 20 U.S.C. 6316(b)(3)(A), incorporate strategies; policies; practices; funding; professional development; parental notice; parental involvement; the specific academic issues that caused the school to be identified for school improvement; specific annual, measurable objectives for continuous and substantial progress; and other elements that have the greatest likelihood of ensuring that each group of students enrolled in the school will meet the state's proficient level of achievement on the state academic assessment not later than 12 years after the end of the 2001-02 school year.

The school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification. If a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

The District, within 45 days of receiving a school plan, shall establish a peer review process to assist with review of the school plan and promptly approve the school plan if the plan meets the requirements.

Note: See FDB for the option to transfer to a higher performing school, FDD for school safety transfers, and CNA for transportation of transfer students.

NOTICE TO
PARENTS

The District shall promptly provide to a parent or parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement, for corrective action, or for restructuring:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the District and TEA. [See GND]
2. The reasons for the identification.
3. An explanation of what the school identified for school improvement is doing to address the problem of low achievement.

4. An explanation of what the District or TEA is doing to help the school address the achievement problem.
5. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement.
6. An explanation of the parents' option to transfer their child to another public school, with transportation provided by the District when required or to obtain supplemental educational services for the child. [See CNA]

**SUPPLEMENTAL
EDUCATIONAL
SERVICES**

In the case of any school that fails to make adequate yearly progress after identification, or is under corrective action or restructuring, the District serving such school shall arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness that is selected by the parents and approved for that purpose by TEA in accordance with reasonable criteria that TEA shall adopt. Nothing contained in this provision shall permit the making of any payment for religious worship or instruction.

An "eligible child" means a child from a low-income family, as determined by the District for purposes of allocating funds to schools under 20 U.S.C. 6313(c).

The District shall continue to provide supplemental educational services to a child receiving such services until the end of the school year in which such services were first received.

**WAIVER FROM
TEA**

At the request of the District, TEA may waive, in whole or in part, the requirement to provide supplemental educational services. TEA shall notify the District, within 30 days of receiving the District's request for a waiver, whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

**TECHNICAL
ASSISTANCE**

For each school identified for school improvement, the District serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan throughout the plan's duration. Such technical assistance shall include assistance in analyzing data from the academic assessments; in identifying and implementing professional development, instructional strategies and methods that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement; and in analyzing and revising the school's budget.

Technical assistance may be provided by the District, TEA, a qualified institution of higher education, a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement. Technical assistance provided by the District or an entity approved by the District shall be based on scientifically based research.

**FAILURE TO
MAKE AYP AFTER
IDENTIFICATION**

ONE YEAR

In the case of any school served under Title I, Part A that fails to make adequate yearly progress by the end of the first full school year after identification, the

AFTER

District serving such school shall:

1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
2. Make supplemental educational services available.
3. Continue to provide technical assistance.

TWO YEARS
AFTER:
CORRECTIVE
ACTION

In the case of any school served by the District under Title I, Part A that fails to make adequate yearly progress by the end of the second full school year after the identification, the District shall implement a system of corrective action.

The term "corrective action" means action, consistent with state law, that substantially and directly responds to the consistent academic failure of a school that caused the District to take such action, and any underlying staffing, curriculum, or other problems in the school; and is designed to increase substantially the likelihood that each group of students enrolled in the school identified for corrective action will meet or exceed the state's proficient levels of achievement on the state academic assessments. To implement corrective action, the District shall:

1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
2. Continue to provide technical assistance while instituting any corrective action.
3. Continue to make supplemental educational services available to children who remain in the school.
4. Identify the school for corrective action and take at least one of the following corrective actions:
 - a. Replace the school staff who are relevant to the failure to make adequate yearly progress.
 - b. Institute and fully implement a new curriculum, including appropriate professional development, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.
 - c. Significantly decrease management authority at the school level.
 - d. Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan.
 - e. Extend the school year or school day for the school.
 - f. Restructure the internal organizational structure of the school.

NOTICE OF
CORRECTIVE
ACTION

The District shall publish and disseminate information regarding any corrective action the District takes at a school to the public and to the parents of each student enrolled in the school subject to corrective action, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and through such means as the Internet, the media, and public agencies.

THREE AND
FOUR YEARS
AFTER: SCHOOL

If, after one full school year of corrective action, a school subject to such corrective action continues to fail to make adequate yearly progress, then the District shall:

- RESTRUCTURING
1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
 2. Continue to make supplemental educational services available to children who remain in the school.
 3. Prepare a plan and make necessary arrangements to carry out alternate governance.

Not later than the beginning of the school year following the year in which the District implements restructuring, the District shall implement one of the following alternative governance arrangements for the school consistent with state law:

1. Reopen the school as a public charter school.
2. Replace all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.
3. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
4. Turn the operation of the school over to the TEA, if permitted under state law and agreed to by the state.
5. Execute any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.

NOTICE OF
SCHOOL
RESTRUCTURING

The District shall provide prompt notice to teachers and parents whenever restructuring provisions apply and provide them with an adequate opportunity to comment before taking any action for restructuring and to participate in developing any restructuring plan.

DURATION

If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the District shall no longer subject the school to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.

STATE
ASSISTANCE AND
INTERVENTION

TEA shall identify the District for improvement, provide technical assistance, and finally take corrective action in the manner prescribed by 20 U.S.C. 6316 (c). If the District is identified for corrective action, TEA shall take at least one of the following actions:

1. Defer programmatic funds or reduce administrative funds.
2. Institute and fully implement a new curriculum.
3. Replace the District personnel who are relevant to the failure to make adequate yearly progress.
4. Remove particular schools from the jurisdiction of the District and establish alternative arrangements for public governance and supervision of such schools.
5. Appoint a receiver or trustee to administer the affairs of the District in place of the Superintendent and school Board.
6. Abolish or restructure the District.
7. In conjunction with at least one of the actions listed above, authorize

students to transfer to a higher-performing public school operated by another district and provide the students transportation (or transportation costs). *No Child Left Behind Act of 2001, 20 U.S.C. 6316*

PARENTAL
INVOLVEMENT

The District's Title I, Part A program shall be planned and implemented with meaningful consultation with parents of participating students.

DISTRICT
POLICY

Each district that receives Title I, Part A funds shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be incorporated into the District's plan developed under 20 U.S.C. 6312, establish the District's expectations for parent involvement, and describe how the District will:

1. Involve parents in the joint development of the plan under 20 U.S.C. 6312, and the process of school review and improvement under 20 U.S.C. 6316;
2. Provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Build the schools' and parents' capacity for strong parental involvement as described at 20 U.S.C. 6318(e);
4. Coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;
5. Conduct, with the involvement of parents, an annual evaluation of the parental involvement policy as described at 20 U.S.C. 6318(a)(2)(E), and use the findings of the evaluation as described in that section; and
6. Involve parents in the activities of the schools served under this part.

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)-(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6318

COMPARABILITY
ASSURANCE

If the District has more than one attendance area for each grade span, as a condition of receiving any Title I funds, it shall file with TEA written assurance that it has established:

1. A Districtwide salary schedule.
2. A policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel.
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

20 U.S.C. Sec. 6332(c)(2)

PRIVATE
SCHOOLS

After timely and meaningful consultation with appropriate private school officials, the District shall provide eligible disadvantaged children attending private elementary and secondary schools with special education services or benefits under Title I, Part A that are comparable to those provided in public schools. *20 U.S.C. Sec. 6320*

Note: See DBA for qualifications of teachers in Title I programs.

HOMELESS
CHILDREN

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. *McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432* [See FD, FDC, and FFC]

DATE ISSUED: 09/30/2003
UPDATE 71
EHBD(LEGAL)-P

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Houston ISD
101912

SPECIAL PROGRAMS:
FEDERAL TITLE I PROGRAMS

EHBD
(LOCAL)

COMPARABILITY OF SERVICES The Board shall ensure equity in services among campus programs and shall maintain appropriate records reflecting equity.

As reflected in District records, equity shall be maintained Districtwide in one of the following areas:

1. Expenditures of money per student from state and local funds;
2. Instructional salaries per student from state and local funds; or
3. Instructional staff/student ratios.

In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements. [See DEA]

DATE ISSUED: 02/03/1997
UPDATE 54
EHBD(LOCAL)-B

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

PURPOSE AND
GOAL

Bilingual education and English as a second language (ESL) programs shall be taught to enable limited English proficient (LEP) students to become competent in the comprehension, speaking, reading, and composition of the English language. Programs shall emphasize mastery of English language skills as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable LEP students to participate equitably in school. Bilingual education and ESL programs shall be integral parts of the total school program. These programs shall use instructional approaches designed to meet the special needs of LEP students and the basic curriculum content of the programs shall be based on the state essential knowledge and skills. *19 TAC 89.1201(b)-(d)*

REQUIRED
BILINGUAL
PROGRAM

If the District has an enrollment of 20 or more limited English proficient students in any language classification in the same grade level, it shall offer a bilingual education program for the LEP students in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through grade 5; sixth grade shall be included when clustered with elementary grades. The District is authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required.

The District shall offer LEP students the following:

1. Bilingual education in kindergarten through the elementary grades.
2. Bilingual education, instruction in ESL, or other transitional language instruction approved by TEA in post-elementary grades through grade 8.
3. Instruction in ESL in grades 9-12.

The bilingual education program shall be provided by offering either a dual language program that meets the requirements for program content and design, as established in 19 TAC 89.1210, or a dual language program designed by the District and approved by the commissioner, as provided by 19 TAC 89.1255. The District-designed program shall address the affective, linguistic, and cognitive needs of the LEP students and shall incorporate the cultural aspects of the students' backgrounds.

Education Code 29.053(c)(d); 19 TAC 89.1205(a)-(c)

REQUIRED ESL
PROGRAM

All LEP students for whom the District is not required to offer a bilingual education program shall be provided an English as a second language program, regardless of the students' grade levels and home language and regardless of the number of such students. *19 TAC 89.1205(d)*

The ESL program shall be provided by offering either an ESL program that

meets State Board requirements for program content and design, as established in 19 TAC 89.1210, or an ESL program designed by the District and approved by the commissioner of education, as provided by 19 TAC 89.1255. The District-designed program shall address the affective, linguistic, and cognitive needs of the LEP students. *19 TAC 89.1205(d)*

EXCEPTIONS

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

If the District is unable to hire a sufficient number of teachers with bilingual teaching certificates to staff the required program, the District may file an application for exception with TEA. The application must be accompanied by all of the following:

1. Documentation showing that the District has taken all reasonable affirmative steps to secure teachers with bilingual teaching certificates and has failed.
2. Documentation showing that the District has affirmative hiring policies and procedures consistent with the need to serve LEP students.
3. Documentation showing that, on the basis of District records, no teacher having bilingual credentials has been unjustifiably denied employment by the District within the past 12 months.
4. A plan detailing specific measures to be used by the District to eliminate the conditions that created the need for the exception.
5. Information required by 19 TAC 89.1205(g).

Exceptions shall be granted on an individual district basis and are valid for one year. Applications for second or subsequent years must be accompanied by the documentation listed above. During the period for which the District is granted an exception, the District must use alternative methods approved by TEA to meet the needs of its LEP students, including hiring teaching personnel under bilingual emergency permits.

Education Code 29.054; 19 TAC 89.1205(g)

EXCEPTIONS TO THE ESL PROGRAM

If the District is unable to provide an ESL program as described above, it shall request the commissioner's approval for a one-year exception and an alternative program. The request shall include all the information required by 19 TAC 89.1205(h). *19 TAC 89.1205(h)*

HOME LANGUAGE SURVEY

The home language survey shall be administered only one time to each student. Administration shall be to students new to the District and to students previously enrolled who were not surveyed in the past. The survey shall be signed by the parent or guardian for students in prekindergarten-grade 8 and by the student in grades 9-12. The original copy of the survey shall be retained in the student's permanent record. If the home language survey indicates a language other than English is used, the student shall be tested in accordance with 19 TAC 89.1225 (see IDENTIFICATION AND ASSESSMENT below). *Education Code 29.056 (a); 19 TAC 89.1215*

LANGUAGE PROFICIENCY ASSESSMENT

If the District is required to offer bilingual and special language programs, it shall establish one or more language proficiency assessment committees (LPACs) according to locally established procedures for the selection, appointment, and

COMMITTEES

training of members. The LPAC shall include at least:

1. A professional bilingual educator.
2. A professional transitional language educator.
3. A parent of a limited English proficient student who is not an employee of the District.
4. A campus administrator.

If the District does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC. In grade levels at which the District is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel and a District-designated parent of an LEP student.

Education Code 29.063(a)(b); 19 TAC 89.1220(a)-(d)

DUTIES

The LPAC shall perform all the following duties:

1. Review all pertinent information on all LEP students.
2. Make recommendations concerning the most appropriate placement for the educational advancement of the LEP student after the elementary grades.
3. Review each LEP student's progress at the end of the school year in order to determine future appropriate placement.
4. Monitor the progress of students formerly classified as LEP who have transferred out of the bilingual or ESL program within the past two years.
5. Determine the appropriateness of a program that extends beyond the regular school year based on the needs of each LEP student.
6. Make the determinations required regarding placement in and exit from bilingual and ESL programs.
7. Before the annual administration of the TAAS and according to criteria set forth in 19 TAC 89.1220(i), determine the eligibility of LEP students in grades 3-8 for:
 - a. Exemption from the test;
 - b. Administration of the Spanish version of the test; or
 - c. Administration of the English version of the TAAS. [See EIF (LEGAL)]
8. Perform additional duties described in 19 TAC 89.1220 as well as those prescribed by TEA.

Education Code 29.063(c); 19 TAC 89.1220(g)-(i), (m)

STUDENT COUNTS

Within four weeks of the beginning of school, the LPAC shall determine and report to the Board the number of LEP students on each campus and shall classify each student according to the the language(s) in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

IDENTIFICATION AND ASSESSMENT

Within four weeks of their initial enrollment in the District, students shall be identified, assessed, and classified for bilingual education or ESL programs according to the criteria and procedures established in rules adopted by the commissioner. *Education Code 29.056(a); 19 TAC 89.1225(a)-(g)*

PARENTAL

Within ten days after classification, the LPAC shall give written notice to parents

NOTICE AND APPROVAL

advising that a student has been classified as limited English proficient and requesting approval to place the student in the required bilingual or ESL program. The notice shall be in English and the primary language and shall include information about the benefits of the program for which the student is recommended and that it is an integral part of the school program. Pending parent approval, the District shall place the student in the recommended program, but may receive its bilingual allotment only for those students in the bilingual program with parent approval. *Education Code 29.056(a)(d); 19 TAC 89.1220(l)*

The entry or placement of a student in the bilingual or ESL program must be approved in writing by the student's parent. Approval shall be considered valid for the student's continued participation in the program until the student meets the established exit criteria, graduates from high school, or the parent requests a change in program placement. *19 TAC 89.1240(a)*

PROGRAM EXIT

A student may not be exited from the bilingual or ESL program in prekindergarten through grade one.

For exit from a bilingual education or English as a second language program, a student:

1. May be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program as determined by:
 - a. Meeting state performance standards for the English language criterion-referenced assessment instrument for reading and writing (when available) required in Texas Education Code 39.023, at grade level; and
 - b. Tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language and English;
2. May be classified as English proficient when he or she scores at or above the 40th percentile on both the English reading and the English language arts sections of a TEA-approved norm-referenced assessment instrument; or
3. May be classified as English proficient as determined by criteria that meet the requirements outlined in Texas Education Code 29.055 and 19 TAC 89.155, detailing requirements for a local plan.

A student exited from the program may be re-enrolled if later evidence indicates that the student has inadequate English proficiency and achievement.

Education Code 29.056(g)(h); 19 TAC 89.1225(h)-(j)

The District shall notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program. *19 TAC 89.1240(b)*

PROGRAM CONTENT

The District's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and

sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. *Education Code 29.055(a)*

PROGRAM DESIGN

The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds. *Education Code 29.055(b)*

PARTICIPATION

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The District shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. *Education Code 29.055(c)(e)*

Elective courses may be taught in a language other than English. *Education Code 29.055(d)*

FACILITIES

Bilingual education and special language programs shall be located in the District's regular schools rather than in separate facilities. Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The District shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program. In order to provide the required program, the District may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent limited English proficient students. *Education Code 29.057; 19 TAC 89.1235*

REQUIRED PROGRAMS

If the District is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year. A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The District shall comply with the requirements of 19 TAC 89.1250 in providing such a program.

Education Code 29.060(a)-(c); 19 TAC 89.1250

OTHER PROGRAMS

The District may establish other summer school, extended day, or extended week bilingual or ESL programs for limited English proficient students; however, neither these programs nor the required voluntary program may substitute for the program to be provided during the regular school year. *Education Code 29.060(d)(e)*

DATE ISSUED: 11/05/1999

UPDATE 62

EHBE(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

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| LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES | The professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. |
| TRAINING | The District shall provide orientation and training for all members of the LPAC (s), which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for the District and shall observe requirements regarding confidentiality of student records. [See FL] |
| MULTILINGUAL PROGRAMS | The Multilingual Department shall establish guidelines to consistently implement and monitor bilingual and ESL programs in every school. The programs shall be properly staffed and shall conform with statutory and other requirements. |
| MISSION STATEMENT | It is the mission of the District's multilingual programs to strengthen the social and economic foundations of the community by assuring that District students achieve their full academic potential and by providing opportunities for all students to graduate as proficient in multiple languages. Limited-English-Proficient (LEP) children also shall learn to read, write, and speak English as rapidly as individually possible. |
| CORE BELIEFS | Multilingual education programs exist to reaffirm and support the District's core beliefs: Safety above all else, student learning is the main thing, focus on results and excellence, parents are partners, common decency. Academic achievement is the key to a prosperous future. The community and the region are best served if students with limited English proficiency are fluent in English, educated beyond high school, encouraged to develop bilingual skills, and prepared to be effective citizens. Educational attainment is the key for economic success. Bilingual education must work. The District's multilingual education program should maximize student achievement, English language fluency, and bilingual skills. English language proficiency is an imperative. The District's students must learn to read, write, and speak English as |

rapidly as individually possible, without sacrificing long-term academic success.

Fluency in two languages is encouraged.

The District should encourage its LEP students to retain and improve their non-English language skills, without sacrificing rapid English language acquisition. The District should offer students native-language courses upon transition out of bilingual programs into English language instruction, even in elementary school as is individually appropriate. Increasingly, the District should offer opportunities for all students to acquire two languages to excel in a competitive global marketplace.

MULTILINGUAL PROGRAM GOALS

The goals of the District's multilingual program shall be as follows:

GOAL 1

Comply with all federal and state multilingual mandates.

Per federal and state mandates, LEP children will be assigned to a multilingual program.

LEP students will receive core content instruction in their native language until they demonstrate English reading proficiency.

In order to make informed choices, parents of LEP children will be provided full and unbiased information regarding bilingual program offerings.

Parents of LEP children may choose to waive bilingual education for their children.

Non-LEP students will have opportunities to participate in dual-language programs and develop literacy in two languages.

GOAL 2

Increase student achievement.

The performance gap between LEP and non-LEP students will narrow as demonstrated on appropriate grade-level tests.

The District will work to increase the participation of LEP students in gifted and talented programs.

GOAL 3

Establish English reading proficiency as the standard for transition.

The District will transition students with limited English proficiency into English as soon as they are able to demonstrate proficiency in English reading. Thereafter, all academic instruction will be provided in English. After transition, the District will continue to monitor student performance and provide support as needed for academic achievement.

English reading proficiency will be a primary goal for all students with limited English proficiency upon entering a District school, no matter what the grade level. Reading, writing, and comprehension in other languages is

encouraged as long as English reading is a primary goal.

Reading program offerings will engage parents in student learning activities in the home.

The District will report to the Board on the proposed standards for the definition of "English reading proficiency" including but not limited to the use of a criterion-referenced test. Within legal and administrative considerations, a criterion-referenced test is strongly preferred over a percentile measurement.

The District will report to the Board on the feasibility of hiring a bilingual education reading specialist knowledgeable in Spanish reading instruction and provide reading instruction to students with limited English proficiency.

GOAL 4

Implement standardized curricula and assessment programs for all multilingual programs.

The District will have in place standardized, grade-level curricula and accompanying assessment programs throughout the District.

The curricula should encourage students to achieve their full academic potential through (a) English language reading acquisition and (b) grade-level and content-area proficiency standards for learning to read, write, and speak English to ensure English language acquisition, and (c) appropriate multilingual programs. Instruction in a native and/or second language is encouraged as long as English reading is a primary goal.

The curricula will employ the best practices for providing instruction to students who are limited English proficient.

The curricula will engage parents in student learning activities in the home.

The assessment program should provide program accountability and serve to improve public support and confidence.

The District will report to the Board on the feasibility of limiting the number of years a student may spend in a bilingual program. The report will also address possible solutions in the event that a student is not progressing at expected levels in language proficiency or academic achievement.

GOAL 5

Increase parental choice and involvement.

The District multilingual program offerings will contain options in multilingual instruction including options for accelerated English language acquisition.

All multilingual education programs will emphasize English reading as a primary goal and be research-based as well as provide for best-practices instruction.

All multilingual education programs will engage parents in student learning activities in the home.

The decision regarding which multilingual program to offer at individual schools will be made in accordance with the District's decentralized management structure and established legal requirements, goals, standards,

and resources.

Within legal and administrative considerations, the decision on which multilingual program will be attended by the student will be made by the parent.

The District will increase parental awareness of multilingual program offerings.

GOAL 6 Increase the number of multilingual teachers in the District.

The District will develop and implement a strategic plan to recruit, hire, and retain certified or qualified multilingual teachers and provide them with the necessary training and instructional and resource materials.

The District will encourage and/or provide professional development opportunities for multilingual teachers.

GOAL 7 Encourage fluency in two languages as a goal for all students.

The District will provide program offerings and opportunities that encourage all students to acquire two languages to compete in a global marketplace.

The District will seek to expand dual-language programs.

The District will provide an International High School Magnet that utilizes a whole-school concept, meets student's needs, allows for choice in curricula, and provides academic links to national and international universities.

The District will report to the Board on the feasibility of making available dual-language or second-language instruction from first grade through high school for all children.

The District will report to the Board on the feasibility establishing dual-language magnets at the elementary and middle school levels at convenient locations throughout the city.

DATE ISSUED: 05/01/2000
LDU-18-00
EHBE(LOCAL)-X

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Each public school student shall master the basic skills and knowledge necessary for managing the dual roles of family member and wage earner and for gaining entry-level employment in a high-skill, high-wage job or continuing the student's education at the post-secondary level. *Education Code 29.181.*

The Board may conduct and supervise career and technology classes and other educational programs for students and for other persons of all ages and spend local maintenance funds for the cost of those classes and programs. *Education Code 29.183* [See EEL]

DISTINGUISHED
ACHIEVEMENT IN
CAREER AND
TECHNOLOGY
EDUCATION

The Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum [see EHAA] and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards;
2. Obtain from the District an award for distinguished achievement in career and technology education and a stamp or other notation on the student's transcript that indicates receipt of the award.

An award granted under this section is not in lieu of a diploma or certificate of coursework completion. [See EI]

In developing the program, the Board shall consider the state plan for career and technology education. The Board must submit the proposed program to the Commissioner of Education in accordance with criteria established by the Commissioner.

CONTRACTS
WITH OTHER
ENTITIES

The Board may contract with an entity listed in Education Code 29.184(a) [see EEL] for assistance in developing the program or providing instruction to District students participating in the program. The Board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area.

INSURANCE

The Board may provide insurance to protect a business that contracts with the District under this provision. [See CRB]

Education Code 29.187

APPLICABILITY

The following provisions apply only to districts receiving federal career and technology education funds. *19 TAC 75.1021*

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| PROGRAM EVALUATION | The District shall annually evaluate its career and technology education programs. <i>19 TAC 75.1025</i> |
| SPECIAL POPULATIONS | Members of special populations shall be provided career and technology services in accordance with all applicable federal and state laws, regulations, and rules. |
| DEFINITION | <p>In this policy, a "member of a special population" includes:</p> <ol style="list-style-type: none"> 1. An individual with a disability; 2. An individual from an economically disadvantaged family, including a foster child; 3. An individual preparing for nontraditional training and employment; 4. A single parent, including single pregnant women; 5. A displaced homemaker; and 6. An individual with other barriers to educational achievement, including an individual with limited English proficiency. <p><i>20 U.S.C. 2302(23)</i></p> |
| STUDENTS WITH DISABILITIES | <p>A student with a disability shall be provided career and technology services in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, state statutes, and rules of the SBOE and the Commissioner.</p> <p>A student with a disability shall be instructed in accordance with the student's individualized education program (IEP), in the least restrictive environment, as determined by the admission, review, and dismissal (ARD) committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technology education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technology education for students with disabilities (CTED). [See EHBA]</p> <p>A student with a disability identified in accordance with IDEA is an eligible participant in career and technology education when the following requirements are met:</p> <ol style="list-style-type: none"> 1. The ARD committee shall include a representative from career and technology education, preferably the teacher, when considering initial or continued placement of a student in career and technology education; 2. Planning for the student shall be coordinated among career and technology education, special education, and state rehabilitation agencies and should include a coherent sequence of courses; 3. The District shall monitor to determine if the instruction being provided students with disabilities in career and technology education classes is consistent with those students' IEPs; 4. The District shall provide supplementary services that each student with a disability needs to successfully complete career and technology education, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and |

- devices;
5. The District shall help fulfill the transitional service requirements of the IDEA Amendments of 1997 and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technology education courses.

When determining placement in a career and technology classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA Amendments of 1997 and its implementing regulations.

19 TAC 75.1023

STUDENT
ORGANIZATIONS

The District may use federal career and technology education funds to provide opportunities for student participation in approved student leadership organizations and assist vocational student organizations in accordance with all applicable federal and state laws, rules, and regulations. A student shall not, however, be required to join such an organization. Student participation in vocational student organizations shall be governed in accordance with 19 TAC Chapter 76 (relating to extracurricular activities). *19 TAC 75.1024* [See FM]

DATE ISSUED: 12/16/2003
UPDATE 72
EHB(LLEGAL)-P

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Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. *Education Code 29.303*

PERSONNEL

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of deaf or hard-of-hearing students either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

The District shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the District and shall make positive efforts to employ qualified individuals with disabilities.

Education Code 29.304

INVOLVEMENT
OF OTHERS

Students who are deaf or hard of hearing must have an education in which parents or legal guardians and advocates for parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals may be involved at the discretion of parents or legal guardians or the District. *Education Code 29.306*

Students who are deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models. *Education Code 29.307*

ADVISORY
COMMITTEE

If the District has students who are deaf or hard of hearing, it shall include in its local special education advisory committee persons who are deaf or hard of hearing and parents or students who are deaf or hard of hearing, if practicable. *Education Code 29.309*

ASSESSMENT

The District shall not discriminate on the basis of race, culture, or sex when selecting and administering procedures and materials for assessment and placement of students who are deaf or hard of hearing. *Education Code 29.310(a)*

PLACEMENT

A single assessment instrument may not be the sole criterion for determining the placement of a student who is deaf or hard of hearing. *Education Code 29.310(b)*

Procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of

communication. All other procedures and materials used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication. *Education Code 29.210(c)*

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| DEAF OR HARD-OF-HEARING PROGRAMS | Programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including agencies operating early childhood intervention programs, preschools, agencies operating child development programs, nonpublic nonsectarian schools, agencies operating regional occupational centers and programs, and the Texas School for the Deaf. The programs must also be coordinated with post-secondary and adult programs for persons who are deaf or hard of hearing. <i>Education Code 29.311</i> |
| COUNSELING | Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. Appropriate auditory systems shall be used with students who are hard of hearing, if required by the ARD committee. <i>Education Code 29.312</i> |
| EVALUATION | The District must provide continuous evaluation of the effectiveness of programs for students who are deaf or hard of hearing. If practicable, the evaluations shall follow program excellence indicators established by TEA. <i>Education Code 29.313</i> |
| TRANSITION TO REGULAR CLASS | In addition to satisfying requirements under state and federal law for vocational training, the District shall develop and implement a transition plan for transition of students who are deaf or hard of hearing into a regular class program if the student is to be transferred from a special class or center or from a nonpublic, nonsectarian school into a regular class for any part of the school day. The transition plan must provide for activities to integrate the students into the regular education program and to support the transition of the student from the special education program into the regular education program. <i>Education Code 29.314</i> |

DATE ISSUED: 10/23/1995
UPDATE 50
EHBH(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

ADULT
EDUCATION

The District shall provide, to the extent possible within available public and private resources, adult education programs designed to meet the education and training needs of adults. Bilingual education may be the method of instruction for students who do not function satisfactorily in English whenever it is appropriate for their optimum development. *Education Code 29.253*

REIMBURSEMENT
FOR COMMUNITY
EDUCATION

If the Board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.

CONDITIONS

The District will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year.

Education Code 29.256

ESSENTIAL
PROGRAM
COMPONENTS

The following essential program components shall be provided:

1. Adult basic education;
2. Programs for adults of Limited English proficiency;
3. Adult secondary education, including programs leading to the achievement of a high school equivalency certificate and/or high school diploma;
4. Instructional services to improve student proficiencies necessary to function effectively in adult life, including accessing further education, employment-related training, or employment; and
5. Assessment and guidance services related to 1-4, above.

19 TAC 89.23

DIPLOMA
REQUIREMENTS

The standards for awarding diplomas to adults shall be those established in 19 TAC Chapter 75, except:

1. There shall be no limit to the number of secondary credits adults may earn by demonstrating competence.
2. Adults may earn the required physical education credits by one or more of the following:
 - a. satisfactory completion of approved secondary physical education courses; or
 - b. substitution of state-approved secondary elective courses.
3. Adults must meet the requirements for successful performance on a secondary level test designated by the commissioner.

19 TAC 89.24

STAFF
DEVELOPMENT

All adult education staff hired after September 1, 1996, shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. Aides shall have at least a high school diploma or a high school equivalency certificate.

Directors, teachers, counselors, and supervisors must have a bachelor's degree. Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of inservice professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience.

The requirements for inservice professional development may be reduced by local programs in individual cases upon documented demonstration of exceptional circumstances that prevent employees from completing the required hours.

These requirements (above) apply to volunteers who generate contact time that is part of the adult education program and is reported to TEA for funding purposes. [See DMB]

19 TAC 89.25

STAFF
ASSIGNMENTS

Teachers and aides shall be assigned to instruction, counseling, and/or assessment for a minimum of 75 percent of the hours for which they are employed. *19 TAC 89.26*

TUITION AND
FEES

No student tuition or fees shall be charged for adult basic education as a condition for membership and participation in a class. Tuition for adult secondary education may be charged and established by local policy. Funds generated by such tuition and fees shall be used for the adult education instructional program. *19 TAC 89.30*

DATE ISSUED: 08/20/1996
UPDATE 52
EHBI(LEGAL)-P

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Houston ISD
101912

SPECIAL PROGRAMS:
DUAL LANGUAGE PROGRAM

EHB
(LEGAL)

DUAL
LANGUAGE
IMMERSION
PROGRAM

Consistent with rules adopted by the Commissioner, the District may adopt a dual language immersion program for students enrolled in elementary school grades. *Education Code 28.005(c), 28.0051(c)*

A dual language immersion program should be designed to produce students with a demonstrated mastery, in both English and one other language, of the required curriculum under Education Code 28.002(a). The Commissioner by rule shall adopt minimum requirements for a dual language immersion program, standards for evaluating the success of a program and the performance of schools that implement a program, and standards for recognizing schools that offer an exceptional program and students who successfully complete a program.
Education Code 28.0051

DATE ISSUED: 09/04/2001
UPDATE 66
EHB(LLEGAL)-P

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CHARACTER
EDUCATION

The District may provide a character education program, which must:

1. Stress positive character traits, such as:
 - a. Courage;
 - b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
 - c. Integrity;
 - d. Respect and courtesy;
 - e. Responsibility, including accountability, diligence, perseverance, and self-control;
 - f. Fairness, including justice and freedom from prejudice;
 - g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
 - h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
 - i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

In developing or selecting a character education program under this section, the District shall consult with a committee selected by the District that consists of parents of District students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

TEXAS FIRST
RESPONDERS
DAY

School districts shall regularly observe Texas First Responders Day, September 11, by appropriate ceremonies. Each district may determine the appropriate ceremonies for observation of Texas First Responders Day. *Gov't Code 662.050*

CELEBRATE
FREEDOM WEEK

The week in which November 11 falls is designated as Celebrate Freedom Week in public schools. For purposes of this section, Sunday is considered the first day of the week. *Education Code 29.907*

During Celebrate Freedom Week, or during another full school week as determined by the Board, the District shall include, in each social studies class, appropriate instruction as determined by the State Board of Education. *Acts of the 78th Legislative Session, House Bill 1776, Sec. 2*

HATE CRIMES
LAW PROGRAM

The attorney general, in cooperation with TEA, shall develop a program that provides instruction about state hate crimes laws to students at appropriate grade

levels. TEA shall make the program available on request of the Board. *Education Code 29.905*

CPR
INSTRUCTION

TEA may accept donations, including equipment, for use in providing cardiopulmonary resuscitation (CPR) instruction to students and shall distribute the donations to school districts that provide CPR instruction. *Education Code 7.026*

The District must use those donations in providing instruction to students in the principles and techniques of CPR. The District may accept other donations, including donations of equipment, for use in providing CPR instruction. To the extent that donations are available, through TEA or otherwise, the district shall provide CPR instruction to students. The District may use resources other than donations to provide CPR instruction to students. *Education Code 29.903*

DATE ISSUED: 12/16/2003
UPDATE 72
EHBK(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Houston ISD
101912

EXTENDED INSTRUCTIONAL PROGRAMS:
SUMMER SCHOOL

EHDA
(LOCAL)

A summer school program shall be offered that meets the educational needs of students in grades preschool through secondary. Classes may be offered on a tuition or tuition-free basis, depending upon the type of class, state requirements, and budgetary constraints, and in compliance with any applicable state or federal guidelines.

DATE ISSUED: 05/01/2000
LDU-18-00
EHDA(LOCAL)-X

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

CERTAIN
ACADEMIES

The District shall grant a maximum of two years' credit toward the academic course requirements for high school graduation for courses a student successfully completes at the Texas Academy of Leadership in the Humanities or the Texas Academy of Mathematics and Science. *Education Code 28.024*

JOINT HIGH
SCHOOL /
COLLEGE
CREDIT

CONCURRENT
CREDIT:
JUNIOR
COLLEGE

The District may enter into an agreement with a public junior college that allows the junior college to offer a course in which a student attending a District high school may enroll and for which the student may receive both course credit toward high school graduation requirements and course credit as a junior college student. Such a student will receive junior college credit if the student has been admitted to the junior college or subsequently is admitted to the junior college. *Education Code 130.008; 19 TAC 9.145*

DUAL
CREDIT:
UNIVERSITY

In accordance with rules established by the Texas Higher Education Coordinating Board, the District may enter into an agreement with a public university that allows a high school student to enroll in a college or university course and receive simultaneous academic credit for the course from both the college and the high school. *19 TAC 5.260-.263*

COLLEGE-LEVEL
COURSES

The Board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools
2. Middle States Association of Colleges and Schools
3. New England Association of Colleges and Schools
4. North Central Association of Colleges and Schools
5. Western Association of Colleges and Schools
6. Northwest Association of Colleges and Schools

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by the District. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

DATE ISSUED: 02/05/2001
UPDATE 65
EHDD(LLEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

EXTENDED INSTRUCTIONAL PROGRAMS:
COLLEGE COURSE WORK/DUAL CREDIT PROGRAM

EHDD
(LOCAL)

PARTNERSHIP
PROGRAMS

Eligible students may enroll in partnership programs with Texas colleges or universities in accordance with the agreement between the District and the college or university. These partnership programs may include:

1. Award of high school credit only.
2. Award of concurrent course credit at community colleges.
3. Award of dual credit at universities.
4. Tech-prep programs.
5. Remedial or developmental instruction to pass TAAS or TASP.

Credit toward high school graduation for completed courses shall be earned in accordance with District regulations and guidelines.

OTHER
COLLEGE-LEVEL
COURSES

According to District criteria and guidelines, students may be awarded credit toward high school graduation for completing a college-level course in an accredited college or university that is not in a partnership program with the District.

DATE ISSUED: 02/05/2001
UPDATE 65
EHDD(LOCAL)-A

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DISTANCE
LEARNING

Credit toward state graduation requirements may be granted for distance learning courses only as follows:

1. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, and instructional television.
2. The distance learning courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

ELECTRONIC
COURSES

"Electronic course" means an educational program or course:

1. That includes use of the Internet or other electronic media; and
2. In which a student and a teacher are in different locations for a majority of the student's instructional period.

The Commissioner shall implement a program under which the District may offer electronic courses to students enrolled in the District or in another district, as provided by an agreement between the districts.

The Commissioner may determine the number of districts permitted to participate, but may not require the District to participate. To the extent possible, the Commissioner shall permit the participation of rural and urban districts with a higher than average number of at-risk students, dropout rate, or population of underserved gifted and talented students.

The District may offer electronic courses through a designated campus or through a full-time program serving students throughout the District. The District may not require a student to enroll in an electronic course.

APPLICATION

To participate in the electronic course program, the District must submit a written application to the Commissioner not later than July 1 preceding the school year the District proposes to begin participation, or an earlier date set by the Commissioner. The District's application must include:

1. A proposed budget for the program;
2. A method to verify student attendance;
3. Any requested waiver of a requirement, restriction, or prohibition imposed by the Education Code or by rule and the period for which any requested waiver is proposed to be in effect; and
4. The information required for the Informed Choice Report.

Not later than a date determined by the Commissioner, a district participating in

INFORMED
CHOICE
REPORT

the electronic course program shall create and maintain on the District's Internet Web site an "informed choice" report in a format determined by the Commissioner. Each report must include a description of:

1. Each course of instruction offered to students in the program, including the number of lessons, the expected duration of each lesson, and a description of each lesson that requires use of a computer.
2. All materials required for each course offered in the program.
3. The process used to ensure that each course meets the essential knowledge and skills requirements, including any consultation with the District curriculum specialist.
4. The process used to place students in the appropriate academic levels of the program, including:
 - a. Sample placement evaluations;
 - b. Information related to each person responsible for placement of a student;
 - c. The circumstances in which a student may be placed in different academic levels for different course subjects during a school year; and
 - d. The circumstances in which a student may complete more than one course level during a school year.
5. Any technology provided to each student enrolled in the program, including any computer, computer software, or Internet access.
6. The method used to report attendance in the program.
7. The method used to authenticate student coursework and attendance.
8. The location and content of each scheduled meeting between parents or guardians of students enrolled in the program and teachers or other school officials, and the method used to notify parents and guardians of the time and location of each meeting.
9. The program policies relating to:
 - a. Computer security and privacy; and
 - b. Truancy, absences, discipline, withdrawal, and expulsion of students.
10. Any extracurricular activities provided by the program, including activities held on a campus in the District.
11. The teaching model used by the program, including:
 - a. Each teacher's responsibilities;
 - b. Minimum teacher qualifications;
 - c. Minimum hours of training provided to teachers;
 - d. Average and maximum student/teacher ratios;
 - e. Hours of teacher availability; and
 - f. For each grade level, minimum and expected amounts of contact between teachers and parents and between teachers and students.
12. Any academic services that the program expects a student's parent or guardian to provide to the student.
13. Each standardized assessment instrument, in addition to any assessment instrument required under Chapter 39, that the student is required to complete during the school year and, if available, the location for administration of the instrument.
14. A summary of the results of each assessment instrument administered to students in the program during the school year preceding the year the

report is submitted.

15. The school year calendar for the program, including any options for continued participation outside of the standard District calendar.

FUNDING

The District is entitled to receive federal, state, and local funding for a student enrolled in an electronic course in an amount equal to the funding the District is otherwise entitled to receive for a student enrolled in the District. The District may calculate the average daily attendance of a student enrolled in an electronic course based on:

1. Hours of contact with the student;
2. The student's successful completion of a course; or
3. A method approved by the Commissioner.

Education Code 29.909

DATE ISSUED: 12/16/2003

UPDATE 72

EHDE(LEGAL)-P

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| AWARD OF CREDIT | The award of credit for a course affirms that a student has satisfactorily met state and local requirements. <i>19 TAC 74.26(a)</i> |
| EARLY AWARD OF CREDIT | The District may offer courses designated for grades 9-12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9-12 and have been awarded state graduation credits. <i>19 TAC 74.26(b)</i> |
| PARTIAL AWARD | In accordance with District local policy, a student who is able to successfully complete only one semester of a two-semester course can be awarded credit proportionately. <i>19 TAC 74.26(d)</i> |
| ATTENDANCE | Unless credit is awarded by the attendance committee or regained in accordance with District policy, a student may not be given credit for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092 [See FDD]</i> |
| GRADUATION REQUIREMENTS | Credit for courses for high school graduation may be earned only if the student received a grade of 70 on a scale of 100, based upon course-level, grade-level standards of the essential knowledge and skills curriculum. Credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and accepted by any other school district in the state. <i>19 TAC 74.26 (a)(1), (c)</i> |
| ACADEMIC ACHIEVEMENT RECORD | <p>The District shall use the academic achievement record (transcript) form designated by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the District. Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.</p> <p>If a student is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable at the appropriate times as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the District shall indicate that fact on the student's transcript. This provision applies to students entering grade nine during or after the 2003-04 school year and expires January 1, 2004.</p> <p>Copies of the record shall be made available to students transferring to another district. The District shall respond promptly to all requests for student records from receiving districts. [See also FDA and FL]</p> |

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|--------------------------------------|---|
| TRANSCRIPT SEALS | Students who complete high school graduation requirements shall have attached to the academic achievement record the State Board-approved seal. |
| CERTIFICATE OF COURSEWORK COMPLETION | A student who completes all graduation requirements except for required exit-level examinations may be issued a certificate of coursework completion. The academic achievement record shall include a notation of the date a certificate of completion was issued to the student. |

Education Code 28.025(d), (e), (g), (g-1); 19 TAC 74.14

DATE ISSUED: 12/16/2003
UPDATE 72
EI(LEGAL)-P

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CERTIFICATES
OF
COURSEWORK
COMPLETION

Certificates of coursework completion shall be issued to senior students who successfully complete state and local credit requirements for graduation but who fail to perform satisfactorily on the exit-level or end-of-course assessment instruments. The student's academic achievement record shall indicate the date on which the certificate was issued. [See EIF, EIG]

FOREIGN
EXCHANGE
STUDENT
PROGRAM

Foreign exchange students enrolled under a J-1 visa in an officially approved exchange program shall be subject to the following provisions:

1. A student who completes the District's graduation requirements shall be granted an official diploma and shall be eligible to participate in all senior activities.
2. A student who does not meet graduation requirements shall be granted a certificate of achievement and shall be eligible to participate in all senior activities.

District students who study overseas as exchange students in their senior year may transfer their credits back to the District and receive a diploma from their school.

DATE ISSUED: 05/01/2000
LDU-18-00
EI(LOCAL)-X

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NOTICE TO
PARENTS

The Board shall adopt a policy that:

1. Provides for a conference between parents and teachers;
2. Requires the District, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and
3. Requires the District, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent if a student's performance in a foundation curriculum subject [see EHAA] is consistently unsatisfactory, as determined by the District.

The notice required by items 2 and 3 must provide for the signature of the student's parent and must be returned to the District.

"Parent" includes a guardian, conservator, or other person having lawful control of a student.

EXCEPTIONS

These requirements do not apply to a student who:

1. Is 18 or older and living in a different residence than the student's parents;
2. Is married; or
3. Has had the disabilities of minority removed for general purposes.

Education Code 28.022(a)

Note: See DGBA and FNG for provisions regarding finality of grades.

DATE ISSUED: 09/30/2003
UPDATE 71
EIA(LEGAL)-P

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RELATION TO
TEXAS
ESSENTIAL
KNOWLEDGE
AND SKILLS
(TEKS)

The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.

Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student's performance indicates the level of mastery of the designated District objectives. The student's mastery level shall be a major factor in determining the grade for a subject or course.

GUIDELINES
FOR GRADING

The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects student achievement and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.

WRITTEN
NOTICE TO
PARENTS

Teachers shall send out written notice to parents of a student's performance in each class or subject as specified in the *Elementary School Guidelines* and *Secondary School Guidelines* for the current year.

Teachers shall have conferences with parents as appropriate. Conferences may be scheduled at the request of a teacher or parent.

ACADEMIC
DISHONESTY

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.

RECORDING
FAILING
GRADES

The District shall record a 50 in the cycle grade for any average numerical grade that is lower than 50. [See additional information in the *Elementary School Guidelines* and *Secondary School Guidelines*]

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| | <p>Students shall be expected to make up assignments and tests after absences. Students shall receive a zero for any assignment or test not made up within the allotted time.</p> |
| TESTS | <p>Students shall be permitted to take tests administered in any class missed because of absence.</p> <p>For any class missed, the teacher may assign the student make-up work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.</p> <p>A student shall be responsible for obtaining and completing the make-up work in a satisfactory manner and within the time specified by the teacher.</p> |
| LATE PROJECTS | <p>Teachers may assign a late penalty to any project turned in after the due date in accordance with previously established guidelines approved by the principal and disseminated to students.</p> |
| UNEXCUSED ABSENCES | <p>The District shall not impose a grade penalty for make-up work after an unexcused absence.</p> |
| SUSPENSION | <p>The District shall not impose a grade penalty for make-up work after an absence because of suspension.</p> |

DATE ISSUED: 12/02/2002
UPDATE 69
EIAB(LOCAL)-A

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SIGNS TO BE
POSTED

The Board shall require each high school in the District to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating that applicants for admission to any general academic teaching institution as listed in Education Code 61.003 will be automatically admitted to the institution if the applicant:

1. Is a first-time freshman;
2. Graduated in one of the two school years preceding the academic year for which the applicant is applying for admission from a public or private high school in Texas that is accredited by a generally recognized accrediting organization; and
3. Graduated with a grade point average in the top ten percent of the student's high school graduating class. [See CLASS RANK, below]

ADMISSION
INFORMATION

The signs shall also explain that:

1. To qualify for automatic admission, an applicant must submit an application before any application filing deadline established by the institution;
2. After admission, an institution shall review the applicant's record and any other factor the institution considers appropriate to determine whether the applicant may require additional preparation for college-level work or would benefit from inclusion in a retention program;
3. The institution may require a student who has been identified as needing additional instruction to enroll during the summer immediately after the student is admitted to participate in appropriate enrichment courses and orientation programs;
4. A student who has not been identified as needing additional preparation for college-level work may enroll, if the student chooses, during the summer immediately after the student is admitted.

DISSEMINATION To assist in dissemination of this information, the District shall:

1. Require that each high school counselor and class advisor be provided a detailed explanation of the information detailed above, which contains the substance of Education Code 51.803;
2. Require that each high school counselor and senior class advisor explain to eligible students the information above, which contains the substance of Education Code 51.803; and
3. Provide each eligible student, at the commencement of the student's senior year, with a written notification of the student's eligibility with a detailed explanation of the information above, which contains the substance of Education Code 51.803.

CLASS RANK High school rank for students seeking automatic admission to a general teaching institution on the basis of their class rank is determined and reported as follows:

1. Class rank shall be based on the end of the eleventh grade, middle of the twelfth grade, or at high school graduation, whichever is most recent at the application deadline.
2. The top ten percent of a high school class shall not contain more than ten percent of the total class size.
3. The student's rank shall be reported by the applicant's high school or school district as a specific number out of a specific number total class size.
4. Class rank shall be determined by the Texas school or school district from which the student graduated or is expected to graduate.

19 TAC 5.9(d)

DATE ISSUED: 06/22/2000
UPDATE 63
EIC(LEGAL)-P

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Each year, class ranking of graduating senior students shall be calculated on the basis of their grade point average (GPA) at the end of the first semester preceding graduation. The GPA shall include semester averages of all courses taken for credit except for some special education courses that may not be used in calculating class ranking. [See the *Secondary School Guidelines*]

WEIGHTS

Grades received in courses shall be weighted as follows:

| Grade | Regular Classes | Honors Classes |
|------------|-----------------|----------------|
| A (90-100) | 4 | 5 |
| B (80-89) | 3 | 4 |
| C (75-79) | 2 | 3 |
| D (70-74) | 1 | 2 |
| F (to 69) | 0 | 0 |

Percentile rankings shall be established for each school by dividing the total number of students in the regular graduating class by the appropriate percentile.

**REGULAR AND
MAGNET
PROGRAMS**

The regular school graduates and the magnet school graduates shall be ranked separately in schools where the magnet program includes special accelerated academic classes that are not available to all students in the school; in those schools the graduating seniors in the regular program will be ranked and percentiles determined separately from the graduating seniors in the magnet program. However, schools whose magnet programs consist of specialized electives but where all students have access to all honors or other types of accelerated classes shall rank magnet and regular students together.

**VALEDICTORIAN
AND
SALUTATORIAN**

The student with the highest grade point average, whether in the regular or magnet program, shall receive valedictorian honors; the student with the second highest grade point average shall be salutatorian. To be eligible for these honors, the student shall have been enrolled in the school from which he or she is graduating from the first day of that academic year.

**HONOR
STUDENTS**

To be eligible for academic honors, a student shall have maintained an average of at least "B" and earned his or her last five credits at the school in which the awards are presented.

The top five percent of the graduating class shall be designated as graduating with "Highest Honors."

The next highest ten percent of the graduating class shall be designated as graduating with "Honors."

DATE ISSUED: 05/01/2000
LDU-18-00
EIC(LOCAL)-X

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PROMOTION

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. *Education Code 28.021(a)*

An award of credit for a course affirms that a student has satisfactorily met all state and local requirements. Course credit shall be awarded according to this policy. *19 TAC 74.26(a)*

A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student has received instruction in the course or the grade level at which proficiency is attained. The academic record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels than grades 9-12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

In addition to local policy relating to grade advancement, students in grades 3, 5, and 8 must meet the passing standard on the appropriate assessment instrument listed at GRADE ADVANCEMENT TESTING REQUIREMENTS. *19 TAC 101.2001(b)*

A student does not have a property interest in promotion. *Education Code 28.0211(e)*

The District is not precluded from retaining, in accordance with state law or Board policy, a student who performs satisfactorily on an assessment instrument listed at GRADE ADVANCEMENT TESTING REQUIREMENTS. *Education Code 28.0211(g)*

HIGH SCHOOL
GRADUATION

Credit for courses for high school graduation may be earned only if the student received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for each course. *19 TAC 74.26(c)*

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained. *19 TAC 101.2019(a)*

GRADE
ADVANCEMENT
TESTING

A student may not be promoted to:

1. The fourth grade program to which the student would otherwise be

REQUIREMENTS

- assigned if the student does not perform satisfactorily on the third grade reading assessment instrument;
2. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
 3. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments.

Education Code 28.0211(a)

The District shall provide to a student who initially fails to perform satisfactorily on an assessment instrument listed above at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

The Superintendent shall establish procedures to ensure:

1. That each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and
2. That each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including an alternate assessment, so that the grade placement committee (GPC) has sufficient evidence for its review upon appeal by a parent or guardian.

19 TAC 101.2005(c)

These requirements apply to any eligible student who is enrolled in the District at the time of testing, as established by the Commissioner in the assessment calendar. *19 TAC 101.2003(b)*

IMPLEMENTATION SCHEDULE

The assessments and accelerated instruction described in this policy apply to the assessment instrument administered to students in:

1. The third grade beginning with the 2002-03 school year;
2. The fifth grade beginning with the 2004-05 school year; and
3. The eighth grade beginning with the 2007-08 school year.

Education Code 28.0211(n); 19 TAC 101.9

GENERAL NOTICE OF GRADE ADVANCEMENT TESTING REQUIREMENTS

In order to provide timely and full notification of testing requirements for advancement at certain grades, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement;
2. Notifying each student in grades 1-8 who is new to the District and the

student's parent or guardian in writing of the testing requirements for grade advancement; and

3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

ACCELERATED
INSTRUCTION

Each time a student fails to perform satisfactorily on an assessment instrument listed at GRADE ADVANCEMENT TESTING REQUIREMENTS, the District shall provide the student with accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. Accelerated instruction should be consistent with previous diagnostic testing and intervention activities, if any, the student has received. A group-administered accelerated instruction may not have a ratio of more than ten students for each teacher.

Accelerated instruction required after the first and second testing opportunities should be designed to address student needs to the greatest extent possible before the next respective testing opportunity.

Accelerated instruction shall be based on, but not limited to, the following:

1. Assessment of specific student needs, which may include, as appropriate, the following: teacher observations and evaluations; academic progress reports; previous identification of student needs and corresponding interventions; and performance on previous assessment instruments in the applicable subject.
2. Best instructional practices identified through research.

Education Code 28.0211(c); 19 TAC 101.2013(a), (b), (d)

The District shall provide accelerated instruction to a student who, after three attempts, has failed to perform satisfactorily on an assessment listed at GRADE ADVANCEMENT TESTING REQUIREMENTS. The accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The District shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The District shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the District regularly administers the assessment instrument for that school year. *Education Code 28.0211(f)*

NOTICE TO
PARENTS OF
PERFORMANCE
AND
ACCELERATED
INSTRUCTION

In addition to providing the accelerated instruction, the District shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade

level for the next school year.

Whenever the District is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the District shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

UPON EARLY
IDENTIFICATION
OF AT-RISK
STUDENTS

NOTICE

The District shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the test required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination; however, in the case of students in grade 2, it must include the results of the reading inventory required by Education Code 28.006. This notice shall be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

UPON FIRST
TESTING
OPPORTUNITY

NOTICE

The District shall notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement test. This notification should be made within five working days of the District's receipt of student test results from this administration. This notice shall include the student's test results, a description of the District's grade advancement policy, the accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*

UPON SECOND
TESTING
OPPORTUNITY

NOTICE

Within five working days of the District's receipt of student test results for the second administration of the test required for grade advancement, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the test results. This notice shall include a description of the purpose and responsibilities of a grade placement committee (GPC) for the student, as well as the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*

GRADE
PLACEMENT
COMMITTEE

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time. Decisions by the GPC shall be made on an individual student basis to ensure the most effective way to support the student's academic achievement on grade level.

The GPC shall be composed of the principal or the principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement test on which the student failed to perform satisfactorily. If this teacher is unavailable, the principal shall designate to serve on the committee a certified professional educator who is most familiar with the student in the subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student (if the remaining members of the GPC also agree to the promotion). The District may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The District may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the District may use other methods to ensure parent participation, including individual or conference telephone calls. The District may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take any actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a), (b)

ALTERNATE
ASSESSMENT

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument. If the Board adopts such a policy, the District shall select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment. *19 TAC 101.2011(a)-(b)*

PARENTAL
WAIVER

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015*

UPON THIRD
TESTING
OPPORTUNITY

NOTICE

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of a test required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student test results for this administration, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The District shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*

RETENTION
AND APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the assessment instruments listed at GRADE ADVANCEMENT TESTING REQUIREMENTS shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous. The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board. *19 TAC 101.2007(f)*

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*

The committee's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*

TRANSFER
STUDENTS

The District shall determine a student's previous testing history and, if applicable, the accelerated instructional program he or she has received. *19 TAC 101.2003(g)*

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed an assessment specified at GRADE ADVANCEMENT TESTING REQUIREMENTS. This does not limit the District's ability to appropriately place such a student. *19 TAC 101.2007(h)* [See FDA]

LIMITED ENGLISH

The language proficiency assessment committee (LPAC) shall determine

| | |
|--|---|
| PROFICIENT (LEP) STUDENTS | appropriate assessment and acceleration options for a limited English proficient (LEP) student who is administered an assessment in English and Spanish for a grade and subject specified at GRADE ADVANCEMENT TESTING REQUIREMENTS. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. <i>19 TAC 101.2003(d)</i> |
| SPECIAL EDUCATION STUDENTS | The admission, review, and dismissal (ARD) committee of a student who participates in the District's special education program, including a LEP student, and who does not perform satisfactorily on an assessment instrument listed at GRADE ADVANCEMENT TESTING REQUIREMENTS shall determine the manner in which the student will participate in an accelerated reading instruction program and whether the student will be promoted or retained. <i>Education Code 28.0211(i); 19 TAC 101.2003(c), (e)</i> |
| DYSLEXIC STUDENTS | In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered. <i>Education Code 28.021(b); 19 TAC 101.2003(f)</i> [See policies at EHB, EKB, and FB] |
| AGE-APPROPRIATE ASSIGNMENT | The Board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, the Board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. <i>19 TAC 101.2019(b)</i> |
| TRANSPORTATION TO ACCELERATED INSTRUCTION PROGRAMS | The District shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. <i>Education Code 28.0211(j); 19 TAC 101.2013(c)</i> |
| OPTIONAL EXTENDED-YEAR PROGRAM | <p>A student who does not meet District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. <i>19 TAC 105.1001</i> [See EHBC]</p> <p>A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the District shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.</p> <p>If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.</p> |

DATE ISSUED: 12/02/2002
UPDATE 69
EIE(LEGAL)-P

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GENERAL
GUIDELINES

Promotion, grade-level advancement, and course credit shall be based on mastery of the curriculum and compliance with attendance requirements adopted by the Board. [See also FEC (LOCAL)] Expectations and standards for promotion shall be established for each grade level, content area, and course, and shall be coordinated with compensatory/accelerated services. Decisions on promotion shall be based on grades, performances on state-administered assessment instruments, and performances on norm-referenced assessments. [See EHBC(LEGAL), (LOCAL), the Elementary School Guidelines, and the Secondary School Guidelines]

PROMOTION
STANDARDS

Promotion shall be determined as follows:

1. Course assignments and unit evaluation shall be used to determine student grades in a subject. An average of 70 or higher shall be considered a passing grade.
2. Mastery of the skills necessary for success at the next level shall be validated by assignments that may either be incorporated into unit or final exams or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.
3. Students shall achieve a passing score on the state-administered criterion-referenced test.
4. Students must perform at designated grade level standards on a District-administered norm-referenced assessment.

CLASSIFICATION-
HIGH SCHOOL
STUDENTS

Grade-level advancement for students in grades 9-12 shall be earned by course credits. Changes in grade-level classification shall be made at the beginning of the fall semester and may be made again at the beginning of the spring semester. [See EI]

High school students shall be classified annually on the basis of earned credits and course completion, as follows:

| | Grade Level | Credits earned (for 1997 forward) |
|--|-------------|-----------------------------------|
| | 9 | 0 - 5.5 |
| | 10 | 6 - 11.5 |
| | 11 | 12 - 17.5 |
| | 12 | 18 and over |

STUDENTS WITH
DISABILITIES

Promotion standards and appropriate assessment and acceleration options, as established by the individual education plan (IEP), or grade-level classification of students eligible for special education shall be determined by the ARD committee.

| | |
|--|--|
| LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS | For each eligible limited English proficient (LEP) student, the student's language proficiency assessment committee (LPAC) shall determine appropriate assessment and acceleration options. The grade placement committee (GPC) shall make its decision on promotion in consultation with a member of the student's LPAC. Assessment decisions must be made on an individual basis and in accordance with administrative procedures established by TEA. [See EHBE] |
| STUDENT SUCCESS INITIATIVE | In addition to local standards for mastery and promotion, students in grades 3, 5, and 8 must meet the passing standard established by the State Board on an applicable assessment instrument in the subjects required under state law in order to be promoted to the next grade. |
| DEFINITION OF 'PARENT' | For purposes of this policy and decisions related to the Student Success Initiative (SSI), a student's "parent" shall be defined to include either of the student's parents or guardians; a person designated by the parent, by means of a Power of Attorney, to have responsibility for the student in all school-related matters [see FD]; a surrogate parent acting on behalf of a student with a disability; a person designated by the parent or guardian to serve on the grade placement committee (GPC) for all purposes; or in the event that a parent, guardian, or designee cannot be located, a person designated by the Superintendent or designee to act on behalf of the student. [See EIE(LEGAL)] |
| ALTERNATE ASSESSMENT INSTRUMENT | The District shall use only the statewide assessment instrument for the third testing opportunity for students in grades 3, 5, and 8 for the 2002-03 school year. Alternative assessment instruments may be used in future years. |
| STANDARDS FOR PROMOTION UPON APPEAL | <p>If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the final testing opportunity, the GPC shall review all facts and circumstances in accordance with law and shall apply the following standards in deciding to promote or retain the student:</p> <ol style="list-style-type: none"> 1. Evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, or individual reading or mathematics diagnostic tests or inventories, and satisfactory performance on the District-approved norm-referenced assessment, as appropriate; 2. Improvement in student test performance over the three testing opportunities on the state-approved test; and 3. Extenuating circumstances that may have adversely affected the student's participation in either the required assessments or accelerated instruction. <p>If all members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction during the following school year, the student shall be promoted.</p> <p>Whether the GPC decides to promote or to retain a student in this manner, the committee shall determine an accelerated instruction plan for the student for the following school year, providing for interim reports to the student's parent and opportunities for the parent to consult with the teacher or principal as needed. The principal or designee shall monitor the student's progress during the following school year to ensure that he or she is progressing in accordance with the plan.</p> |
| TRANSFER STUDENTS | When a student in grades 3, 5, or 8 transfers into the District having failed to demonstrate proficiency on applicable assessment instruments after one testing |

opportunity, the District will provide appropriate accelerated instruction prior to the next state designated testing date. This provision will apply to students who missed a testing opportunity, were absent, or otherwise do not have valid test results.

When a student in grades 3, 5, or 8 transfers into the District having failed to demonstrate proficiency on applicable assessment instruments after two testing opportunities, a GPC shall convene for that student. The GPC shall review any available records of decisions regarding testing and accelerated instruction from the previous district and determine an accelerated instruction plan for the student.

If a parent initiates an appeal for promotion when a student in grades 3, 5, or 8 transfers into the District having failed to demonstrate proficiency after three testing opportunities, the GPC shall review any available records of decisions regarding testing, accelerated instruction, retention, or promotion from the previous district and issue a decision in accordance with the District's standards for promotion.

RETAINING OF STUDENTS

The District shall establish procedures designed to reduce retaining students at a grade level, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

DATE ISSUED: 05/24/2004
LDU-21-04
EIE(LOCAL)-X

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A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit-level assessment instruments identified in Education Code 39.025; or
2. Completes an individualized education program.

Education Code 28.025(c)

DIPLOMA /
TRANSCRIPT /
CERTIFICATE OF
COURSEWORK
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record (transcript), rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.11(a), 74.41(a)* [See EI for provisions regarding certificate of coursework completion]

EXIT-LEVEL
ASSESSMENT

A student may not receive a high school diploma until the student has performed satisfactorily on the secondary exit-level assessment instruments for English language arts and mathematics, or on:

1. End-of-course assessment instruments in Algebra I and English II; and
2. End-of-course assessment instruments in either Biology I or United States History.

Education Code 39.023 and 39.025, as they existed prior to Tex. S.B. 103, 76th Leg., R.S. (1999), are continued in effect until the State Board of Education introduces the assessment instruments required by Education Code 39.023(c) as amended by Tex. S.B. 103, Section 9, 76th Leg., R.S. (1999)

2003-04 AND
THEREAFTER

Beginning with the 2003-04 school year, students who were enrolled in grade 8 or a lower grade on January 1, 2001, must fulfill testing requirements for graduation with the grade 11 exit-level tests, as specified in Education Code 39.023(c). *19 TAC 101.7*

A student may not receive a high school diploma until the student has performed satisfactorily on the secondary exit-level instruments for English language arts, mathematics, social studies, and science. A student is not required to demonstrate readiness to enroll in an institution of higher education. *Education Code 39.023(c), 39.025(a); 19 TAC 101.7(a)*

A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test.

To fulfill the testing requirements for graduation, a student must be tested by either a Texas school district, Texas education service center, open-enrollment charter school, the Texas Education Agency (TEA), or other individual or organization designated by the Commissioner of Education.

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner.

19 TAC 101.7

SPECIAL
EDUCATION
STUDENTS

A student receiving special education services who successfully completes the requirements of his or her IEP shall receive a high school diploma. *19 TAC 101.7(c)*

LEP STUDENTS

Limited English proficiency (LEP) students are not eligible for an exemption from the exit-level assessment of academic skills or the end-of-course tests on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone only one time the initial administration of the exit-level test and end-of-course test. The term "recent immigrant" is defined as an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005* [See EKB]

NOTICE OF
GRADUATION
REQUIREMENTS

In order to provide timely and full notification of graduation requirements, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7-12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and the student's parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.13

PERSONAL
GRADUATION
PLAN (PGP)

A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in a junior high, middle, or high school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the District.

A PGP must:

1. Identify educational goals for the student;

2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

A student's individualized education program developed under Education Code 29.005 [see EHBAB] may be used as the student's PGP.

Education Code 28.0212

EARLY
GRADUATION

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. *Education Code 26.003(a)(3)(C)* [See EIG, FNG]

STATE
GRADUATION
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.11 (b); 74.41(b)*

NINTH
GRADERS IN
1997-98 OR
BEFORE

The requirements for high school graduation for students who enrolled in a high school program during or before the 1997-98 school year shall remain in effect as adopted by the State Board of Education. *19 TAC 74.11(g)*

NINTH
GRADERS IN
1998-99
THROUGH
2000-01

To receive a high school diploma, a student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years must pass the exit-level test and complete the requirements for graduation in the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.11(c)*

NINTH
GRADERS IN
2001-02 AND
THEREAFTER

To receive a high school diploma, a student entering grade 9 in the 2001-02 school year or thereafter must pass the exit-level test and complete the requirements for graduation, as specified in 19 TAC 74, Subchapter D, in the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.11(h), 74.41(c)*

NINTH
GRADERS IN
2004-05 AND
THEREAFTER

The District shall ensure that each student entering the ninth grade in the 2004-05 school year and thereafter enrolls in the courses necessary to complete the curriculum requirements identified by the State Board for the Recommended or Advanced High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree that the student should be permitted to take courses under the Minimum High School Program. *Education Code 28.025(b)*

A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years

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|-----------------------------------|--|
| MINIMUM HIGH SCHOOL PROGRAM | <p>must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at EIF (EXHIBIT A). <i>19 TAC 74.11(c), (d)</i></p> <p>A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT D). <i>19 TAC 74.42</i></p> |
| RECOMMENDED HIGH SCHOOL PROGRAM | <p>A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years who wishes to complete the Recommended High School Program and have the accomplishment recognized on the academic achievement record must complete the requirements listed at EIF(EXHIBIT B). <i>19 TAC 74.12</i></p> <p>A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at EIF (EXHIBIT E). <i>19 TAC 74.43</i></p> |
| DISTINGUISHED ACHIEVEMENT PROGRAM | <p>A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years who wishes to complete an advanced high school program, called the Distinguished Achievement Program, and to have that accomplishment recognized and distinguished on the academic achievement record (transcript) shall complete the requirements listed at EIF(EXHIBIT C). <i>19 TAC 74.13(a)</i></p> <p>A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 24 credits to complete the Distinguished Achievement Program. A student must demonstrate proficiency in the program requirements listed at EIF (EXHIBIT F). <i>19 TAC 74.44</i></p> |
| SUBSTITUTIONS | <p>No substitutions are allowed for high school graduation requirements, except as provided by State Board rule. <i>19 TAC 74.43(d), 74.44(e)</i></p> |
| CREDIT BY EXAMINATION | <p>Credit may be awarded with or without prior instruction if the student has earned credit by examination [see EEJA, EEJB]. <i>19 TAC 74.11(d), 74.24(c)</i></p> |
| AP OR IB COURSES | <p>College Board Advanced Placement and International Baccalaureate courses may be substituted for requirements in appropriate areas. Students entering grade 9 in the 2001-02 school year may substitute these courses for either required or elective courses in all three high school graduation programs. <i>19 TAC 74.11(d), 74.41(g)</i></p> |
| READING | <p>The District may offer a maximum of 3 credits of reading for state graduation elective credit if the District:</p> <ol style="list-style-type: none"> 1. Adopts a policy to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and 3. Monitors instructional activities to ensure that student needs are addressed. |

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.11(e), 74.41(d)

PRIVATE OR
COMMERCIALY
SPONSORED
PHYSICAL
ACTIVITY
PROGRAMS

The Board may award up to 2 credits, which may be substituted for state graduation credit in physical education, for physical education in appropriate private or commercially sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education. *19 TAC 74.11(d)(7)*

TRANSFERS
FROM OUT-OF-
STATE OR
NONPUBLIC
SCHOOLS

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive a Texas diploma but shall complete all high school graduation requirements under 19 TAC 74.11 or 74.41, as applicable, to satisfy state graduation requirements. Any course credits required for graduation that are not completed prior to enrolling in the District may be satisfied by credit by examination, correspondence courses, distance learning, or completing the course. *19 TAC 74.11(f), 74.41(e)* [See text at codes EEJA, EEJB, EEJC, EHDE, and EI]

CLASSIFICATION
FOR PHYSICAL
EDUCATION

The District shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted-not limited in activities.
2. Restricted-excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent-A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
 - b. Temporary-Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial-specific activities prescribed or prohibited for students so classified as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

GRADUATION OF
SPECIAL
EDUCATION
STUDENTS

COMPLETION
OF GENERAL
EDUCATION
REQUIREMENTS

A student receiving special education services may graduate and be awarded a high school diploma if:

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or

2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument under Education Code 39.027(a)(2)(B).

COMPLETION OF IEP

A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:

1. The student's IEP and met one of the following conditions:
 - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - b. Demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the District; employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment; or
 - c. Access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program;
2. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and
3. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

When considering a student's graduation under this provision, the student shall be evaluated prior to graduation as required by 34 CFR 300.534(c), and the ARD committee shall consider the evaluation, the views of the parent and/or student as appropriate, and, when appropriate, seek in writing and consider written recommendations from adult service agencies.

Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated.

In addition, the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

AGING OUT

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

DATE ISSUED: 12/16/2003
UPDATE 72
EIF(LEGAL)-P

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FOUR-YEAR
GRADUATION
PLAN

A four-year plan of study shall be developed for all students in the spring of the eighth grade. Parental involvement shall be substantiated with parental signatures on the four-year plan of study. Each year the student changes his or her course of study, parental signatures shall again be required on either the four-year plan or the course selection sheet. The plan and the course selection sheet shall be kept on file by the school counselor.

DIPLOMA AND
ACADEMIC
ACHIEVEMENT
RECORD

All graduates, including special education students, shall be awarded the same type of diploma. The academic achievement record (transcript) shall include the individual accomplishments, achievements, and courses completed. Also, the appropriate seal representing the student's academic program shall be affixed to the academic achievement record.

GRADUATION
REQUIREMENTS

Graduation requirements for a particular student are those in effect when the student enters the ninth grade or as otherwise adopted by the Board. Students may graduate under the programs listed below. Details regarding the number of credits and specific courses for each of the programs are found in EIF (EXHIBIT).

9TH GRADERS
IN THE 1998-
99, 1999-2000,
2000-01
SCHOOL
YEAR

If entering the ninth grade in the 1998-99, 1999-2000, 2000-01 school year:

District Core Program (Regular High School Program);

District Advanced Program (Recommended High School Program); or

Distinguished Achievement Program.

A seal on each student's transcript shall identify the program under which the student graduated. For specific course and other requirements of each program, see EIF(LEGAL) and the *Secondary School Guidelines* for the current year. [See also EI(LEGAL) and (LOCAL) and EIG(LOCAL)]

9TH GRADERS
IN THE 2001-02
SCHOOL
YEAR OR
THEREAFTER

All students entering the ninth grade in school year 2001-02 or thereafter will be automatically enrolled in the Recommended Program with parental approval required to leave the program.

If entering the ninth grade in the 2001-02 school year:

District Core Program (Regular High School Program);

District Advanced Program (Recommended High School Program); or

Distinguished Achievement Program.

MATHEMATICS AND SCIENCE REQUIREMENTS

Three credits in mathematics must be taken in grades 9-12. Three credits of science must be taken in grades 9-12.

The Superintendent has the authority to waive this requirement for rare and unique circumstances where an individual student may be unable to satisfy this requirement.

SPECIAL EDUCATION

A student receiving special education services shall be eligible to graduate upon completion of the requirements specified in his or her individualized education plan (IEP) as determined by the student's ARD committee. [See options for graduation in the Special Education Program in the *Secondary School Guidelines* for the current year]

The secondary program of a student receiving special education services shall terminate either with graduation or when the student no longer meets the age requirement.

PHYSICAL EDUCATION WAIVER

The District has chosen to allow students to substitute certain physical activities for the 1.5 required units of physical education. Such substitutions shall be based on the physical activity involved in:

1. Drill team, marching band, and cheerleading during the fall semester
2. Junior Reserve Officer Training Corps (JROTC)
3. Athletics
4. Dance I-IV
5. Two- or three-hour block career and technology gainful employment units

OLYMPIC- CALIBER PHYSICAL ACTIVITY PROGRAMS

The District has chosen to award state credit for physical education for appropriate private or commercially-sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education.

READING CREDITS

The District has chosen to offer up to 3 credits of reading improvement for state graduation credit. The Superintendent or designee shall be responsible for establishing procedures to assess individual student needs and evaluate student progress, and shall monitor instructional activities to ensure that student needs are met. Students shall be identified as eligible to earn reading improvement credit based on:

1. Recommendation by teacher or counselor.
2. Scores on assessment instruments and/or achievement tests.

TRANSFER OF CREDITS DURING SENIOR YEAR

Students leaving the District in the last semester of the senior year shall be allowed to transfer credits back from any accredited high school where they complete graduation requirements and receive a high school diploma from the District.

In order to receive a diploma from a District high school, a senior transfer student shall have enrolled in that high school, at the latest, during the first 15 days of the last semester of the senior year, must have earned at least 2 credits from the District high school, and must have completed state graduation requirements

including satisfactory performance on the state-mandated assessment. A student who does not meet these qualifications may have his or her complete coursework transferred back to the previous district and receive a diploma from the school he or she previously attended.

To be eligible for honors based on academic achievement, a transfer senior student must earn his or her last 5 credits at the school in which the awards are presented, at least 2 credits of which must be completed before class ranking time.

DATE ISSUED: 09/12/2005

LDU-37-05

EIF(LOCAL)-X

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GRADUATION REQUIREMENTS
FOR NINTH GRADE STUDENTS BEGINNING 2001-02

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|------------------------|---|---|---|
| English Language Arts* | Four Credits | Four Credits | Four Credits |
| Proficiency | English I, II, III, and IV | English I, II, III, and IV | English I, II, III, and IV |
| | The fourth credit of English may be satisfied by English IV, Research/ Technical Writing, Creative/Imaginative Writing, Practical Writing Skills, Literary Genres, Business Communication, Journalism, dual credit college English, AP English Literature and Composition, or IB English. | AP, IB, or college courses may substitute. | AP, IB, or college courses may substitute. |
| | These substitutions also apply to LEP students. | LEP immigrants may substitute English I SOL and English II SOL for English I and II. | LEP immigrants may substitute English I SOL and English II SOL for English I and II. |
| | LEP immigrants may substitute English I SOL and English II SOL for English I and II. | All nonimmigrant LEP students may substitute English I, II, III, IV (Beginning, Intermediate, Advanced, Transitional) for English I, II, III, IV. | All nonimmigrant LEP students may substitute English I, II, III, IV (Beginning, Intermediate, Advanced, Transitional) for English I, II, III, IV. |
| | All nonimmigrant LEP students may | | |

| | | | |
|--------|---|----------------------------|----------------------------|
| | substitute English I, II, III, IV (Beginning, Intermediate, Advanced, Transitional) for English I, II, III, IV. | | |
| Speech | One-half credit | One-half credit | One-half credit |
| | Communication Applications | Communication Applications | Communication Applications |

* College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate areas.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

GRADUATION REQUIREMENTS
FOR NINTH GRADE STUDENTS BEGINNING 2001-02

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|--------------------------|--|---|---|
| Mathematics* Proficiency | Three Credits to include Algebra I and Geometry | Three Credits must consist of Algebra I, Geometry, and Algebra II | Three Credits must consist of Algebra I, Geometry, and Algebra II |
| | Three credits in mathematics must be completed in grades | Three credits in mathematics must be completed in grades | Three credits in mathematics must be completed in grades |

| | 9-12 ** | 9-12 ** | 9-12 ** |
|--------------------------|--|--|--|
| Science * Proficiency | Three credits to include: | Three credits | Three credits |
| | S Integrated Physics and Chemistry; (Both Chemistry and Physics must be taken to substitute for IPC.) | One credit must be a Biology credit (Biology, AP Biology, or IB Biology). Must choose the remaining credits from the following areas. Not more than one credit can be chosen from each of the areas to satisfy this requirement. | S One credit must be a Biology credit (Biology, AP Biology, or IB Biology). Must choose the remaining credits from the following areas. Not more than one credit can be chosen from each of the areas to satisfy this requirement. |
| | S Biology. | | |
| | If Biology and IPC are taken, the third credit must be selected from the list of SBOE approved courses, grades 9-12. | S Integrated Physics and Chemistry; (Both Chemistry and Physics must be taken to substitute for IPC.) | S Integrated Physics and Chemistry; (Both Chemistry and Physics must be taken to substitute for IPC.) |
| | Three credits in science must be completed in grades 9-12. ** | S Chemistry, AP Chemistry, or IB Chemistry; | S Chemistry, AP Chemistry, or IB Chemistry; |
| | | S or Physics, Principles of Technology I, AP Physics, or IB Physics | S or Physics, Principles of Technology I, AP Physics, or IB Physics |
| | | Students are encouraged to take courses in Biology, Chemistry, And Physics. | Students are encouraged to take courses in Biology, Chemistry, And Physics. |
| | | Three credits in science must be completed in grades 9-12. ** | Three credits in science must be completed in grades 9-12. ** |

* College Board advanced placement and International Baccalaureate courses may be

substituted for requirements in appropriate areas.

** Campuses may appeal to the chief academic officer and the Superintendent for a waiver to this requirement for students with rare and unique extenuating circumstances.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

GRADUATION REQUIREMENTS
FOR NINTH GRADE STUDENTS BEGINNING 2001-02

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|--|---|---|---|
| Social Studies* Proficiency | Three credits taken in prescribed sequence | Three credits taken in prescribed sequence | Three credits taken in prescribed sequence |
| | World Geography Studies - one credit (Grade 9) | World Geography Studies - one credit (Grade 9) | World Geography Studies - one credit (Grade 9) |
| | World History Studies - one credit (Grade 10) | World History Studies - one credit (Grade 10) | World History Studies - one credit (Grade 10) |
| | U.S. History Since Reconstruction - one credit (Grade 11) | U.S. History Since Reconstruction - one credit (Grade 11) | U.S. History Since Reconstruction - one credit (Grade 11) |
| | U.S. Government - one-half credit (Grade 12) | U.S. Government - one-half credit (Grade 12) | U.S. Government - one-half credit (Grade 12) |
| Economics * with emphasis on the free enterprise system and its benefits | One-half credit (Grade 12) | One-half credit (Grade 12) | One-half credit (Grade 12) |
| Languages Other Than English * | One credit | Two credits | Three credits |

| | | | |
|--|----------------------|--|--|
| | in the same language | in the same language | in the same language |
| | | AP, IB, or dual credit college courses may substitute. | AP, IB, or dual credit college courses may substitute. |

* College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate areas.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

GRADUATION REQUIREMENTS
FOR NINTH GRADE STUDENTS BEGINNING 2001-02

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|--------------------|--|--|--|
| Physical Education | One and one-half credits | One and one-half credits | One and one-half credits |
| | to include Foundations of Personal Fitness (one-half credit) | to include Foundations of Personal Fitness (one-half credit) | to include Foundations of Personal Fitness (one-half credit) |
| | (Limit of two credits.) | (Limit of two credits.) | (Limit of two credits.) |
| | Can substitute drill team, marching band, and cheerleading | Can substitute drill team, marching band, and cheerleading | Can substitute drill team, marching band, and cheerleading |

| | | | |
|------------------|--|--|--|
| | during the fall semester only. Can substitute JROTC, athletics, Dance I-IV, and designated career and technology courses both semesters. | during the fall semester only. Can substitute JROTC, athletics, Dance I-IV, and designated career and technology courses both semesters. | during the fall semester only. Can substitute JROTC, athletics, Dance I-IV, and designated career and technology courses both semesters. |
| Health Education | One-half credit | One-half credit | One-half credit |
| | or Health Science Technology (one credit) | or Health Science Technology (one credit) | or Health Science Technology (one credit) |

* College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate areas.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

GRADUATION REQUIREMENTS
FOR NINTH GRADE STUDENTS BEGINNING 2001-02

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|---------------------------------------|--|--|--|
| Technology Applications * Proficiency | One credit | One credit | One credit |
| | which may be satisfied by Computer Science I, Computer Science II, | which may be satisfied by Computer Science I, Computer Science II, | which may be satisfied by Computer Science I, Computer Science II, |

| | | |
|--|--|--|
| Desktop Publishing, Digital Graphics and Animation, Multimedia, Video Technology, Web Mastering, Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, Business Image Management and Multimedia; Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), Computer Multimedia and Animation Technology. | Desktop Publishing, Digital Graphics and Animation, Multimedia, Video Technology, Web Mastering, Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, Business Image Management and Multimedia; Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), Computer Multimedia and Animation Technology. | Desktop Publishing, Digital Graphics and Animation, Multimedia, Video Technology, Web Mastering, Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, Business Image Management and Multimedia; Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), Computer Multimedia and Animation Technology. |
| | ** Additional options described on VII-20. | ** Additional options described on VII-20. |

* College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate areas.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

| DISCIPLINE | CORE PROGRAM (Minimum High School Program) | RECOMMENDED PROGRAM (24 Credits) | DISTINGUISHED ACHIEVEMENT *** PROGRAM (24 Credits) |
|------------|---|--|--|
| Fine Arts | None | One credit | One credit |
| | | which may be satisfied by any course found in 19 TAC Chapter 117 | which may be satisfied by any course found in 19 TAC Chapter 117 |
| | | (Speech and Debate may not substitute.) | (Speech and Debate may not substitute.) |
| | | AP, IB, or dual credit college courses may substitute. | AP, IB, or dual credit college courses may substitute. |
| Electives | Five and one-half credits | Three and one-half credits | Two and one-half credits |
| | These are elective credits to be selected from: | These are elective credits to be selected from: | These are elective credits to be selected from: |
| | S the list of courses approved by the SBOE for rgrades 9-12 as specified in TAC § 74.1; | S the list of courses approved by the SBOE for grades 9-12 as specified in TAC § 74.1; | S the list of courses approved by the SBOE for grades 9-12 as specified in TAC § 74.1; |
| | S state-approved innovative courses, | S state-approved innovative courses, | S state-approved innovative courses, |
| | S Junior Reserve Office Training Corps (JROTC) (one to four credits); or | S Junior Reserve Office Training Corps (JROTC) (one to four credits); or | S Junior Reserve Office Training Corps (JROTC) (one to four credits); or |
| | S Driver Education (one-half credit) - transferred from another school district . | S Driver Education (one-half credit) - transferred from another school district . | S Driver Education (one-half credit) - transferred from another school district . |
| | (Two credits can be earned through "local credit" courses.) | | |

* College Board advanced placement and International Baccalaureate courses may be

substituted for requirements in appropriate areas.

*** Distinguished Achievement Program requirements also include student achievement of any combination of four advanced measures from the following categories:

- Original research/project (no more than two measures of the required four)
- Test data
- College courses

DATE ISSUED: 09/12/2005
LDU-37-05
EIF(EXHIBIT)-X

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HIGHER
EDUCATION
COUNSELING

Each counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of higher education;
2. The advantages of completing the recommended or advanced high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
8. The eligibility and academic performance requirements for the TEXAS Grant.

Education Code 33.007; 19 TAC 61.1071

NOTICE OF
GRANT
PROGRAMS

The District shall notify students in middle school, junior high school, and high school and those students' teachers, counselors, and parents of:

1. The Toward Excellence, Access, and Success (TEXAS) program and the Teach for Texas program;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid in a manner that assists the District in implementing its strategies, contained in the District improvement plan, for resources needed to implement identified strategies.

NOTATION ON
TRANSCRIPT
OR DIPLOMA

In addition, the District shall ensure that each student's official transcript or diploma indicates:

1. Whether the student has completed or is on schedule to complete the recommended or the advanced high school curriculum required for grant eligibility.
2. That the District has certified to the Commissioner of Education that the high school did not offer all the necessary courses for a student to complete all parts of the recommended or advanced high school curriculum, but that the student completed all courses offered at the District's high school that would apply toward the completion of the recommended or advanced high school curriculum.

Education Code 56.308

DATE ISSUED: 12/02/2002
UPDATE 69
EJ(LLEGAL)-P

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PROGRAM The District's counseling and guidance program shall provide a comprehensive guidance and counseling program for all students from prekindergarten through grade 12. The guidance program shall be staffed with certified counselors who shall help individual students understand and use wisely the educational, career/technology, and personal opportunities they have and can develop.

These programs shall be designed and developed to offer systematic assistance to aid all students in achieving satisfactory adjustment to school and to life. The goal of the guidance and counseling process shall be to provide whatever help students need in developing interests and aptitudes, setting goals and plans, and addressing personal, social, and educational issues and concerns.
[See FFE]

SERVICES Counseling/guidance services shall be coordinated with the regular instructional program so that they contribute to a unified educational program. The guidance program shall operate with central coordination and shall be a cooperative project of the entire professional staff. Teachers shall utilize opportunities in the classroom, in extracurricular activities, and in contacts with parent(s)/guardian(s) to achieve guidance objectives. Certified counselors shall be employed to supervise the standardized testing program and to provide personal, academic, and career/technology guidance to students who need such services.

IMPLEMENTATION The Superintendent shall implement the counseling and guidance program. Staff, facilities, and materials shall be provided that ensure an adequate program for student appraisal and diagnosis, as well as for consultation with teachers in developing teaching strategies.

DATE ISSUED: 05/01/2000
LDU-18-00
EJ(LOCAL)-X

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TESTING PROGRAMS

EK
(LEGAL)

LOCAL
ACHIEVEMENT
TESTING

In addition to the state-administered assessment instruments, the District may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level, but shall not use the same form of an assessment instrument for more than three years. A locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved. *Education Code 39.026, 39.032; 19 TAC 101.101*

To maintain security and confidential integrity of group-administered achievement tests, the District shall follow the procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. [See EKB (LEGAL) at SECURITY and CONFIDENTIALITY]

HIGH SCHOOL
EQUIVALENCY
PROGRAM

The District or an open-enrollment charter school may apply for authorization to operate a High School Equivalency Program (HSEP) if the District or charter school was operating a TEA-authorized General Educational Development (GED) in-school pilot program on May 1, 2001, and had at least one student enrolled in that pilot program during the 2000-01 school year. *19 TAC 89.1405*

DATE ISSUED: 12/02/2002
UPDATE 69
EK(LEGAL)-P

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LOCAL
ACHIEVEMENT
TESTING

All students in grades 1-11, except students exempted in accordance with state or federal guidelines, shall be assessed annually on norm-referenced and/or criterion-referenced achievement tests.

The tests will measure performance in one or more of the following subject areas: language arts (including reading), mathematics, science, and social studies and shall be used to:

1. Inform students and parents of the students' academic progress and mastery of the curriculum;
2. Make decisions about promotion/retention and educational programs for students;
3. Plan instruction in the classroom;
4. Set and evaluate campus-level achievement objectives;
5. Evaluate performance of administrators and teachers; and
6. Assess secondary students in course content and include performance in the grade reporting system for all courses in which the state has end-of-course tests and for other courses identified by the District.

Certain instructional programs may require additional achievement, ability, or language testing. Special testing shall meet one or more of the following criteria:

1. Be required by state or federal law or guidelines;
 2. Be required as part of a District-approved evaluation plan;
 3. Be approved by the District's research committee;
 4. Be required for admission into special instructional programs; or
 5. Be required as part of the District- or campus-approved activities of a program.
-

DATE ISSUED: 05/01/2000

LDU-18-00

EK(LOCAL)-X

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STATE ASSESSMENT
OF ACADEMIC
SKILLS

The statewide assessment program shall be primarily knowledge and skills based to ensure accountability for student achievement that achieves the state goals for public education. The state-adopted criterion-referenced assessment program shall be designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Assessment instruments shall include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.

The state-adopted exit-level assessment instrument shall be designed to be administered to students in grade 11 to assess essential knowledge and skills in mathematics, English language arts, social studies, and science.

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced tests, as required by Education Code 39.023(a), (b), (c), (l) and 39.027(e).

Education Code 39.022, 39.023(a), (c), (f); 19 TAC 101.1, 101.5(a)

To be eligible to receive a high school diploma, a nonexempt student must demonstrate satisfactory performance on the exit-level test. *Education Code 39.025(b); 19 TAC 101.7(a)* [See EIF]

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for:

1. Maintaining the integrity of the test administration process; and
2. Ensuring that every test administrator receives at least annual training in these procedures as provided by TEA through the education service centers.

19 TAC 101.27

SCHEDULE

The Commissioner shall specify the schedule for testing. The Superintendent shall be responsible for administering tests. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state. *19 TAC 101.25*

All students, except students who are exempted, who are in special education programs, and whose ARD committees determine the assessment instrument would not provide an appropriate measure of achievement [see ALTERNATIVE ASSESSMENT, below], shall be assessed in:

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grades 8 through 11 with the aid of technology on any assessment instruments that include algebra;
2. Reading, annually in grades 3-9;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. English language arts in grade 10;
5. Social studies in grades 8 and 10; and
6. Science in grades 5 and 10.

Education Code 39.023(a)

NOTICE TO PARENTS
AND STUDENTS

In order to provide timely and full notification of graduation requirements and of testing requirements for advancement at certain grades, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7-12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation;
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing;
4. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement as specified in Education Code 28.0211 [see EIE];
5. Notifying each student in grades 1-8 who is new to the District and his or her parent or guardian in writing of the testing requirements for grade advancement; and
6. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

RETAKES

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner. A student who has been denied a diploma because the student failed to meet standards of performance on any sections of the instrument may retake the sections each time the instrument is administered. A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test. *Education Code 39.025(b); 19 TAC 101.7(a)(2), (d)*

STUDENTS WITH
DISABILITIES

A student receiving special education services enrolled in grades 3-8 and who is receiving instruction in the essential knowledge and skills shall take the assessment of academic skills unless the student's ARD committee determines that it is an inappropriate measure of the student's academic progress as outlined in the student's IEP. If the ARD committee determines

that the assessment is an inappropriate measure of the student's academic progress in whole or part, the student shall take the alternative assessment of academic skills in whole or part. Each testing accommodation shall be documented in the student's IEP in accordance with federal law. Beginning with the 2004-05 school year when alternative assessment of academic skills is available for grades 9-10, this provision also applies to students enrolled in these grades. *19 TAC 101.5(b)*

The ARD committee shall determine the level of performance considered to be satisfactory on the assessment instruments administered to that student in accordance with TEA rules. *Education Code 39.024(a)*

ALTERNATIVE ASSESSMENT

TEA shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program who receives modified instruction in the essential knowledge and skills identified under Education Code 28.002 for the assessed subject but for whom an assessment instrument, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.

The alternative assessment instrument must assess essential knowledge and skills and growth in the subjects of reading, mathematics, and writing and shall be administered on the same schedule as the assessment instruments administered to all other students.

Education Code 39.023(b)

The alternative assessment of academic skills will measure annual growth based on appropriate expectations for each special education student, as determined by the student's ARD committee in accordance with criteria established by the Commissioner. *19 TAC 101.23(b)*

PERMISSIBLE ACCOMMODATIONS

Testing accommodations on the assessments administered are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations necessary for the student to take the assessments and shall document them in the student's IEP. Permissible testing accommodations shall be described in the appropriate test administration materials.

19 TAC 101.29

EXEMPTIONS - SPECIAL EDUCATION

A student may be exempted from the administration of:

1. The state assessment instrument or an alternate assessment if the student is eligible for special education and the student's IEP does not include instruction in the essential knowledge and skills at any grade level;

2. Exit-level exams if the student is eligible for special education, and:
 - a. The student's IEP does not include instruction in the essential knowledge and skills at any grade level; or
 - b. The assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's ARD committee.

Education Code 39.027(a)(1), (2)

A student receiving special education services enrolled in grades 3-10, according to the grade implementation schedule stated at STUDENTS WITH DISABILITIES, and who is not receiving any instruction in the essential knowledge and skills, shall be considered exempt. Each exemption shall be documented in the student's IEP in accordance with federal law. Each exempted student shall take an appropriate locally selected assessment, as determined by the student's ARD committee, in accordance with procedures developed by TEA. Student performance results on these alternate assessments must be reported to TEA. *19 TAC 101.5(c)*

LEP STUDENTS
IN SPECIAL
EDUCATION

Decisions regarding the selection of assessments for LEP students who receive special education services shall be made by the ARD committee, which includes an LPAC member to ensure that issues related to the student's language proficiency are duly considered.

An LEP student who receives special education services may be exempted from the reading proficiency tests in English only if the ARD committee determines that these tests cannot provide a meaningful measure of the student's annual growth in English reading proficiency for reasons associated with the student's disability.

The provisions at LEP STUDENTS AT OTHER GRADES apply to the alternative assessment of academic skills, which is a measure of annual progress rather than grade-level mastery.

An LEP student who receives special education services and whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], is not eligible for an exemption on the basis of limited English proficiency.

19 TAC 101.1009, 101.1011

STUDENTS
WITH
DYSLEXIA

TEA shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. 705(20), for whom the assessment instruments, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the Board to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this provision. *Education Code 39.023(n)*

LIMITED ENGLISH
PROFICIENCY (LEP)
STUDENTS

In grades 3-12, an LEP student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the assessments in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA. In grades 3-6, the language proficiency assessment committee (LPAC) shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. The decision as to the language of the assessment shall be based on the assessment that will provide the most appropriate measure of the student's academic progress. *19 TAC 101.5(d)*

ACADEMIC
PROGRESS
EVALUATION

The Commissioner shall develop an assessment system that shall be used for evaluating the academic progress, including reading proficiency in English, of all students of limited English proficiency. An LEP student who is exempt from the administration of an assessment instrument who achieves reading proficiency in English as determined by the assessment system shall be administered the appropriate assessment instrument. *Education Code 39.027(e)*

TESTING IN
SPANISH

The SBOE shall adopt rules for the administration of assessment instruments in Spanish to students in grades 3 through 6 who are of limited English proficiency, whose primary language is Spanish, and who are not otherwise exempt from the administration of an assessment instrument. Each LEP student whose primary language is Spanish, other than a student eligible for special education services, may be assessed using assessment instruments in Spanish for up to three years or assessment instruments in English. The LPAC shall determine which students are to be administered assessment instruments in Spanish.

The Commissioner by rule shall develop procedures under which the LPAC shall determine which LEP students are exempt from the administration of the assessment instruments. The rules shall ensure that the LPAC provides that the exempted students are administered the assessment instruments at the earliest possible date.

Education Code 39.023(l), (m)

READING
PROFICIENCY
TESTS

In grades 3-12, an LEP student shall take the reading proficiency tests in English annually until the student has achieved a rating of advanced. An LEP student who has achieved a rating of advanced is not eligible for an LEP exemption from the assessment of academic skills or the alternative assessment of academic skills in subsequent years. *19 TAC 101.1001*

LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEE

In accordance with Education Code 39.023(a), (l), and (m), the LPAC shall select the appropriate assessment option for each LEP student in accordance with this policy at LEP STUDENTS AT THE EXIT LEVEL and LEP STUDENTS AT OTHER GRADES. Assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA. The LPAC must document the reason for the postponement or exemption in the student's permanent record file. The District shall make a reasonable effort to determine a student's previous testing history. *19 TAC 101.1003*

EXEMPTIONS

A student may be exempted from the administration of an assessment instrument:

1. Under Education Code 39.023(a) or (l) for a period of up to one year if the student is of limited English proficiency and has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an LEP student; or
2. Under Education Code 39.023(a) or (l) for an additional two years if the student received the one year exemption and is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available.

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment instrument under Education Code 39.023(a) or (l) and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. [See EHBE] To the extent authorized by federal law, a child's prior enrollment in a school in the United States shall be determined on the basis of documents and records required for enrollment. [See FD]

Education Code 39.027(a)(3), (4), (g)

LEP STUDENTS
AT THE EXIT
LEVEL

LEP students are not eligible for an exemption from the exit level assessment of academic skills or the end-of-course tests on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone only one time the initial administration of the exit level test and end-of-course test. "Recent immigrant" means an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005*

LEP STUDENTS
AT OTHER
GRADES

In grades 3-6, the LPAC shall determine whether an LEP student is administered the assessment of academic skills in English or in Spanish. An LEP student may be administered a Spanish version of the assessment of academic skills for a maximum of three years. If the LEP student is an immigrant, the number of LEP exemptions and administrations of the assessment in Spanish must not exceed three.

IMMIGRANT
STUDENTS

Certain immigrant LEP students who have not yet achieved a rating of advanced on the reading proficiency tests in English may be eligible for an exemption from the assessment of academic skills during a period not to exceed their first three school years of enrollment in U.S. schools. "Immigrant" is defined as a student who has resided outside the 50 United States for at least two consecutive years.

1. During the first school year of enrollment in a U.S. school, the immigrant student may be granted an LEP exemption if the LPAC determines that the student has not had the prior schooling necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the

subjects assessed.

2. During the second and third school year of enrollment in a U.S. school, the immigrant student for whom a primary language assessment is not available may be granted an exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner.
3. During the second and third school year of enrollment in a U.S. school, the immigrant student for whom a Spanish-version assessment is available must take the assessment in either English or Spanish unless:
 - a. The student is in an English as a second language program that does not call for instruction in Spanish and the LPAC determines that the student lacks the language proficiency in English and the academic instruction and/or literacy in Spanish for the assessment in either English or Spanish to measure the student's academic progress in a valid, reliable manner; or
 - b. The student is in a bilingual education program and the LPAC has documentation, including signed verification by the parent or guardian whenever possible, that there was an extensive period of time outside the U.S. in which the student did not attend school and that this absence of schooling resulted in such limited academic achievement and/or literacy that assessment in either English or Spanish is inappropriate as a measure for school accountability.

An LEP student whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], shall take the assessment of academic skills in English. The student shall also take the reading proficiency tests in English until the student has achieved a rating of advanced.

Districts may administer the assessment of academic skills in Spanish to a student who is not identified as LEP but who participates in a two-way bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. However, the student may not be administered the Spanish-version assessment for longer than three years.

19 TAC 101.1007

FOREIGN
EXCHANGE
STUDENTS
REPORTING
RESULTS

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level assessment requirement. *19 TAC 101.7(a)(3)*

TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of

individual students or teachers. *Education Code 39.030(b)*

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| TO THE BOARD | The Superintendent shall accurately report all test results with appropriate interpretations to the Board according to the schedule in the applicable test administration materials. |
| TO PARENTS AND STUDENTS | The District shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL] |
| | <i>19 TAC 101.81</i> |
| PARENTAL ACCESS | A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. <i>Education Code 26.005, 26.006(a)(2)</i> |
| SECURITY | The statewide assessment program is a secure testing program. Procedures for maintaining security shall be specified in the appropriate test administration materials. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials. <i>19 TAC 101.61</i> |
| CONFIDENTIALITY | The contents of each test booklet and answer document are confidential in accordance with state and federal law. Individual student performance results are confidential and may be released only in accordance with the Family Education Rights and Privacy Act of 1974. <i>Education Code 39.030 (b); 19 TAC 101.63</i> [See FL and GBA] |
| PENALTIES | <p>Violation of security or confidential integrity of any test shall be prohibited. A person who engages in prohibited conduct may be subject to sanction of credentials.</p> <p>Procedures for maintaining the security and confidential integrity of a test shall be specified in the appropriate test administration materials. Conduct that violates the security and confidential integrity of a test is defined as any departure from the test administration procedures established by the Commissioner. Conduct of this nature may include the following acts and omissions:</p> <ol style="list-style-type: none">1. Duplicating secure examination materials;2. Disclosing the contents of any portion of a secure test;3. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;4. Changing or altering a response or answer of an examinee to a secure test item or prompt;5. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;6. Encouraging or assisting an individual to engage in the conduct described in 1-5 above; or7. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in 1-6 above. |

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

The Superintendent and campus principal shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying TEA in writing of conduct that violates the security or confidential integrity of a test. Failure to report can subject the person responsible to the applicable penalties specified above.

19 TAC 101.65

DATE ISSUED: 12/16/2003
UPDATE 72
EKB(LEGAL)-P

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ADOPTION OF
READING
INSTRUMENTS

The Commissioner shall adopt a list of reading instruments that the school District may use to diagnose student reading development and comprehension. The District-level committee may adopt a list of reading instruments for use in the District in addition to the reading instruments on the Commissioner's list. Each reading instrument adopted by the Commissioner or the District-level committee shall be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments shall provide for diagnosing the reading development and comprehension of students participating in a bilingual or special language program.

The District shall administer, at the kindergarten and first- and second-grade levels, a reading instrument on the list adopted by the Commissioner or by the District-level committee. The District shall administer the reading instrument in accordance with the Commissioner's recommendations.

REPORTS

The Superintendent shall report to the Commissioner and the Board the results of the reading instruments and shall report, in writing, to a student's parent or guardian the student's results on the reading instrument.

The results of reading instruments may not be used for purposes of appraisals, incentives, or accountability.

The reading instruments specified in this policy are required only if funds are appropriated for administering them. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the Commissioner.

NOTICE TO
PARENTS

The District shall notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The District shall make a good-faith effort to ensure that this notice is provided in person or by regular mail, is clear and easy to understand, and is written in English and in the parent or guardian's native language.

ACCELERATED
READING
INSTRUCTION
PROGRAM

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. [See ACCELERATED READING INSTRUCTION PROGRAM at EHBC(LEGAL)]

Education Code 28.006

DATE ISSUED: 11/12/2001
UPDATE 67
EKC(LLEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

**MATHEMATICS
DIAGNOSIS** The Commissioner shall develop and make available or contract for the development and dissemination of assessment instruments that the District may use to diagnose student mathematics skills.

The results of such assessment instruments may not be used for purposes of appraisals and incentives under Education Code Chapter 21 or accountability under Chapter 39.

Education Code 28.007

**END-OF-COURSE
ASSESSMENT-
ALGEBRA I** The Commissioner shall develop a standardized end-of-course assessment instrument in Algebra I.

**SPECIAL
EDUCATION
STUDENTS** The ARD committee of a student in a special education program shall determine whether any allowable modification is necessary in administering the student an end-of-course assessment or whether the student should be exempted.

Education Code 39.023(j)

DATE ISSUED: 11/12/2001
UPDATE 67
EKD(LEGAL)-P

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| DEFINITION | For the purpose of this policy, "parent" is the person who is indicated on the student registration form at the campus. The signature of only one parent is required on each of the petitions described below. <i>Education Code 12.051(1), 12.052(b)</i> |
| POLICY | <p>The District shall adopt a campus charter and program charter policy, which shall specify the:</p> <ol style="list-style-type: none">1. Process for approval of a campus charter or program charter;2. Statutory requirements with which a campus charter or program charter must comply; and3. Items that must be included in a charter application. <p><i>Education Code 12.058</i></p> |
| CREATION BY PETITION | <p>The Board may grant a charter to parents and teachers for a campus or a program on a campus if the Board is presented with a petition signed by:</p> <ol style="list-style-type: none">1. The parents of a majority of the students at that campus; and2. A majority of the classroom teachers at that campus. <p>The Board may not arbitrarily deny a charter.</p> <p><i>Education Code 12.052</i></p> |
| CREATION WITHOUT PETITION | <p>The Board may grant a charter for:</p> <ol style="list-style-type: none">1. A new District campus; or2. A program that is operated:<ol style="list-style-type: none">a. By an entity that has entered into a contract with the District under Education Code 11.157 [see EEL] to provide educational services to the District through the campus or program; andb. At a facility located in the boundaries of the District. |
| ENROLLMENT | The District may not assign a student to the charter campus or program unless the student's parent or guardian has voluntarily enrolled the student. |
| REMOVAL | A student's parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned. |
| TEACHER ASSIGNMENT | The District may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment. |

COOPERATIVE
CHARTER
PROGRAM

The Board may grant a charter to parents and teachers at two or more campuses in the District for a cooperative charter program if the Board is presented with a petition signed by:

1. The parents of a majority of the students at each school; and
2. A majority of the classroom teachers at each school.

Education Code 12.053

EXEMPTION

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the Board from which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

CHARTER
CONTRACT

A charter shall be in the form and substance of a written contract signed by the Board President and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs;
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification the Board requires.

Education Code 12.061

CONTENT OF
CHARTER

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to any legal basis, on which the charter may be placed on probation or revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify additional procedures or requirements to ensure the health and safety of students and employees;
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the District to meet PEIMS requirements.

Education Code 12.059

APPLICABILITY
OF LAWS

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code

or rule specifically provides. *Education Code 12.055*

EDUCATION
CODE

A charter campus or program is subject to:

1. Provisions of the Education Code establishing a criminal offense;
2. Prohibitions, restrictions, or requirements of the Education Code relating to:
 - a. PEIMS, to the extent necessary to monitor compliance, as determined by the Commissioner;
 - b. Criminal history records under Subchapter C, Chapter 22;
 - c. High school graduation, high school diploma, and certificate of completion under Section 28.025;
 - d. Special education programs under Subchapter A, Chapter 29;
 - e. Bilingual education under Subchapter B, Chapter 29;
 - f. Prekindergarten programs under Subchapter E, Chapter 29;
 - g. Extracurricular activities under Section 33.081 (i.e., "no pass-no play");
 - h. Health and safety under Chapter 38, including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors; and
 - i. Public school accountability under Subchapter B, C, D, and G, Chapter 39.

Education Code 12.056

OPEN
MEETINGS
ACT

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is subject to the Open Meetings Act.

TEACHER
RETIREMENT
SYSTEM

An employee of a charter campus or program who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee employed on a regularly operating campus or in a regularly operating program. This provision does not apply to an employee of a charter campus or program that is operated by an entity that has entered into a contract with the District to provide educational services through the charter campus or program.

LIABILITY

The charter campus or program, and its employees and volunteers, are immune from liability to the same extent as the District, its employees, and volunteers.

Education Code 12.057

STUDENT
ELIGIBILITY

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

REVISION

A charter created by petition or a cooperative charter program may be revised with Board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the Board that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

PLACEMENT ON PROBATION OR REVOCATION

A Board may place on probation or revoke a charter it grants if the Board determines that the campus or program:

1. Committed a material violation of the charter;
2. Failed to satisfy generally accepted accounting standards of fiscal management;
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action the Board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

PROCEDURE

Each Board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

DATE ISSUED: 12/16/2003
UPDATE 72
EL(LLEGAL)-P

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The Board shall consider an application for a campus charter or campus program charter if the applicant:

1. Follows the application process established by the District.
2. Supplies evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter or campus program charter.
3. Supplies the Board with a petition signed by the parents of more than 50 percent of the students and by more than 50 percent of the teachers at a campus.

An external entity may propose a charter to the Board to be established under a charter contract with the District.

A campus or program for which a charter is granted is exempt from the instructional and academic rules and Board policies as specified in the charter and retains the authority to operate under this charter only if the students at the campus or in the program perform satisfactorily as provided by the charter.

COMPLIANCE
WITH LAW

Campus charters and campus program charters shall comply with all federal law and with state law governing such charters and shall be secular. [See EL (LEGAL)]

APPLICATION
PROCESS

When a Request for Proposals (RFP) is issued, the Superintendent or designee shall schedule an informational meeting for anyone expressing interest in establishing a charter campus or charter program. Applications and petition forms for charter campuses and charter programs shall be available in the Superintendent's or designee's office, in accordance with the time lines established by the RFP.

Applicants shall present a draft of the application to the Superintendent or designee in accordance with a time line established in the RFP. The Superintendent or designee shall work with the applicants in completing the application process.

A public forum shall be held to allow the applicants an opportunity to present their proposals to the Board and to the community prior to formal consideration by the Board.

Final applications and petitions for campus charters or campus charter programs shall be submitted to the District prior to the deadline established in the RFP for a charter to be considered by the Board to begin the following school year.

CONTENT OF
FINAL
APPLICATION

A final application for a campus charter or campus program charter shall include the following:

1. The purpose and need for such a campus or program;
2. The unique distinction between the proposed program and the District's current program;
3. A mission and goals statement;
4. The curriculum to be offered;
5. A plan for measuring student achievement;
6. A governance and decision-making plan, including a list of local Board policies which shall apply, as well as a list of local policies the applicant is requesting the Board to waive;
7. An enrollment and withdrawal process;
8. A plan for maintaining and reporting PEIMS data in accordance with state requirements;
9. Discipline procedures;
10. A safety and security plan;
11. A plan for providing facilities and student transportation;
12. A facility and maintenance plan that includes routine maintenance as well as emergency procedures for managing potential danger to the health and safety of students and employees;
13. An employment plan consistent with federal and applicable state guidelines, due process requirements, and contract nonrenewal and termination procedures; and
14. The role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and other areas of management.

Applicants shall submit with the application the required petitions indicating evidence of support for the approval of a campus charter or campus program charter.

CONTENT OF
CHARTER

A charter shall be a written contract signed by the Board President, the Superintendent, and the chief operating officer of the campus charter or campus charter program.

Each charter shall:

1. Satisfy the requirements of the law governing campus charters or campus charter programs.
2. Include the items listed in the application, with any modifications required by the Board.
3. Stipulate a term length for the charter.
4. Establish a date for review or renewal of the charter.

PROVISIONS
FOR
REVOCATION

The Board may revoke a charter if it finds that the charter campus or charter program:

1. Violates a provision of applicable state or federal law.
2. Violates a provision of the charter.
3. Fails to meet generally accepted accounting standards for fiscal management.

REVOCAION The Superintendent shall investigate any allegation that a charter campus or
PROCEDURE program has violated federal or applicable state law or provisions of the charter
 or fails to meet generally accepted accounting standards for fiscal management.
 The Superintendent shall hold a conference with the chief operating officer and
 governing body of the charter campus or program to discuss any such allegation.

If the Superintendent determines that a violation or mismanagement has occurred, the chief operating officer of the charter campus or program shall respond to the allegation at the next regularly scheduled Board meeting. The Superintendent shall ensure that the issue is on the agenda.

The Board shall hear the presentation and take action, if necessary, to place the charter campus or program on probation.

If the Board decides to consider revocation of the charter, it shall schedule a public hearing to be held on the campus where the program is located.

DATE ISSUED: 05/21/2001
LDU-21-01
EL(LOCAL)-X

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It is the policy of the Board to educate young people in the democratic tradition, to foster a recognition of individual freedom and social responsibility, and inspire meaningful awareness of and respect for the Constitution and the Bill of Rights. It is recognized that these democratic values can best be transmitted in an atmosphere free from censorship and artificial restraints upon free inquiry and learning, in which academic freedom for teacher and student is encouraged.

Academic freedom shall be granted to teachers in the study, investigation, presentation and interpretation of facts and ideas, insofar as such facts and ideas reflect state- and District-prescribed courses of study. Further, such academic freedom shall be subject to reasonable standards of professional responsibility with due regard for the maturity level of the student.

DATE ISSUED: 04/30/2001
LDU-18-01
EMA(LOCAL)-X

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MISCELLANEOUS INSTRUCTIONAL POLICIES:
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

EXEMPTION
FROM
INSTRUCTION

A parent or person standing in parental relation may remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

LIMITATIONS

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This policy does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the District and TEA.

Education Code 26.002, 26.010

DATE ISSUED: 07/01/2002
UPDATE 68
EMB(LEGAL)-P

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SECULAR
PROGRAM

The District may instruct students in the study of comparative religion or the history of religion and its relationship to the advancement of civilization; the study of the Bible or of religion for its literary and historic qualities, when presented objectively as part of a secular program of education, is consistent with the First Amendment. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963).

ACADEMIC
FREEDOM

The District shall not require teaching and learning to be tailored to the principles or prohibitions of any religious sect or dogma. The District shall not adopt programs or practices that aid or oppose any religion. *Epperson v. Arkansas*, 393 U.S. 97, 89 S. Ct. 266 (1968) (holding unconstitutional a prohibition against teaching evolution); *Edwards v. Aguillard*, 482 U.S. 578, 107 S. Ct. 2573 (1987) (holding unconstitutional a requirement that creationism be taught with evolution)

RELIGIOUS
EXERCISES

The District shall not prescribe a religious exercise as part of the curricular activities of students even if the religious exercise is denominationally neutral or its observance on the part of the students is voluntary. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963) (holding unconstitutional a requirement of daily Bible readings and recitation of the Lord's Prayer); *Engel v. Vitale*, 370 U.S. 421, 82 S. Ct. 1261 (1962) (holding unconstitutional required recitation of state-adopted prayer)

DATE ISSUED: 07/01/2002

UPDATE 68

EMI(LEGAL)-P

This online presentation of your district's policy is an electronic representation of TASB's record of the district's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

Appendix A-1 – Teacher Salary Schedule - 2005 – 2006

An employee who does not earn a credited year of service and/or who remains on the same pay step for any other reason (such as being at the maximum pay step) is not eligible for a pay increase beyond any increase made to the pay step to which the employee is assigned. Note: teachers who work less than half time are not eligible to earn experience credit and will not advance on the step scale.

10 Month Teacher – 2005 – 2006 School Year

| 10-M Bachelors | | | 10-M Masters | | | 10-M Doctorate | | |
|----------------|------------|----------|--------------|------------|----------|----------------|------------|----------|
| Step | Experience | Base Pay | Step | Experience | Base Pay | Step | Experience | Base Pay |
| 1 | 0-1 | \$36,050 | 1 | 0-1 | \$37,080 | 1 | 0-1 | \$38,110 |
| 2 | 2 | \$36,882 | 2 | 2 | \$37,975 | 2 | 2 | \$39,068 |
| 3 | 3 | \$37,620 | 3 | 3 | \$38,734 | 3 | 3 | \$39,850 |
| 4 | 4 | \$38,177 | 4 | 4 | \$39,308 | 4 | 4 | \$40,439 |
| 5 | 5 | \$38,742 | 5 | 5 | \$39,890 | 5 | 5 | \$41,038 |
| 6 | 6-8 | \$40,402 | 6 | 6-8 | \$41,528 | 6 | 6-8 | \$42,652 |
| 7 | 9-10 | \$41,210 | 7 | 9-10 | \$42,358 | 7 | 9-10 | \$43,587 |
| 8 | 11 | \$41,525 | 8 | 11 | \$42,688 | 8 | 11 | \$43,843 |
| 9 | 12 | \$41,989 | 9 | 12 | \$43,019 | 9 | 12 | \$45,135 |
| 10 | 13-14 | \$45,878 | 10 | 13 | \$46,908 | 10 | 13 | \$47,524 |
| 11 | 15-17 | \$47,524 | 11 | 14 | \$47,524 | 11 | 14 | \$48,958 |
| 12 | 18-19 | \$48,958 | 12 | 15-16 | \$48,958 | 12 | 15-16 | \$50,501 |
| 13 | 20-22 | \$50,501 | 13 | 17-19 | \$50,501 | 13 | 17 | \$52,044 |
| 14 | 23-25 | \$52,044 | 14 | 20-21 | \$52,044 | 14 | 18-19 | \$53,581 |
| 15 | 26-27 | \$53,581 | 15 | 22-23 | \$53,581 | 15 | 20-21 | \$55,121 |
| 16 | 28-29 | \$55,121 | 16 | 24-25 | \$55,121 | 16 | 22-23 | \$56,664 |
| 17 | 30+ | \$58,369 | 17 | 26-27 | \$56,664 | 17 | 24-25 | \$58,204 |
| | | | 18 | 28 | \$57,313 | 18 | 26 | \$58,857 |
| | | | 19 | 29+ | \$61,512 | 19 | 27+ | \$64,657 |

Appendix A-2 – Teacher Salary Schedule - 2005 - 2006

An employee who does not earn a credited year of service and/or who remains on the same pay step for any other reason (such as being at the maximum pay step) is not eligible for a pay increase beyond any increase made to the pay step to which the employee is assigned. Note: teachers who work less than half time are not eligible to earn experience credit and will not advance on the step scale

10.5 Month Teacher - 2005 – 2006 School Year

10.5-M Bachelors

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$37,853 |
| 2 | 2 | \$38,726 |
| 3 | 3 | \$39,501 |
| 4 | 4 | \$40,086 |
| 5 | 5 | \$40,679 |
| 6 | 6-8 | \$42,422 |
| 7 | 9-10 | \$43,271 |
| 8 | 11 | \$43,601 |
| 9 | 12 | \$44,088 |
| 10 | 13-14 | \$48,172 |
| 11 | 15-17 | \$49,900 |
| 12 | 18-19 | \$51,406 |
| 13 | 20-22 | \$53,026 |
| 14 | 23-25 | \$54,646 |
| 15 | 26-27 | \$56,260 |
| 16 | 28-29 | \$57,877 |
| 17 | 30+ | \$61,287 |

10.5-M Masters

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$38,934 |
| 2 | 2 | \$39,874 |
| 3 | 3 | \$40,671 |
| 4 | 4 | \$41,273 |
| 5 | 5 | \$41,885 |
| 6 | 6-8 | \$43,604 |
| 7 | 9-10 | \$44,476 |
| 8 | 11 | \$44,822 |
| 9 | 12 | \$45,170 |
| 10 | 13 | \$49,253 |
| 11 | 14 | \$49,900 |
| 12 | 15-16 | \$51,406 |
| 13 | 17-19 | \$53,026 |
| 14 | 20-21 | \$54,646 |
| 15 | 22-23 | \$56,260 |
| 16 | 24-25 | \$57,877 |
| 17 | 26-27 | \$59,497 |
| 18 | 28 | \$60,179 |
| 19 | 29+ | \$64,588 |

10.5-M Doctorate

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$40,016 |
| 2 | 2 | \$41,021 |
| 3 | 3 | \$41,843 |
| 4 | 4 | \$42,461 |
| 5 | 5 | \$43,090 |
| 6 | 6-8 | \$44,785 |
| 7 | 9-10 | \$45,766 |
| 8 | 11 | \$46,035 |
| 9 | 12 | \$47,392 |
| 10 | 13 | \$49,900 |
| 11 | 14 | \$51,406 |
| 12 | 15-16 | \$53,026 |
| 13 | 17 | \$54,646 |
| 14 | 18-19 | \$56,260 |
| 15 | 20-21 | \$57,877 |
| 16 | 22-23 | \$59,497 |
| 17 | 24-25 | \$61,114 |
| 18 | 26 | \$61,800 |
| 19 | 27+ | \$67,890 |

Appendix A-3 – Teacher Salary Schedule – 2005 - 2006

An employee who does not earn a credited year of service and/or who remains on the same pay step for any other reason (such as being at the maximum pay step) is not eligible for a pay increase beyond any increase made to the pay step to which the employee is assigned. Note: teachers who work less than half time are not eligible to earn experience credit and will not advance on the step scale

11 Month Teacher - 2005 – 2006 School Year

11-M Bachelors

| Step | Experience | Base Pay |
|------|------------|----------|
| 1 | 0-1 | \$39,655 |
| 2 | 2 | \$40,570 |
| 3 | 3 | \$41,382 |
| 4 | 4 | \$41,995 |
| 5 | 5 | \$42,616 |
| 6 | 6-8 | \$44,442 |
| 7 | 9-10 | \$45,331 |
| 8 | 11 | \$45,678 |
| 9 | 12 | \$46,188 |
| 10 | 13-14 | \$50,466 |
| 11 | 15-17 | \$52,276 |
| 12 | 18-19 | \$53,854 |
| 13 | 20-22 | \$55,551 |
| 14 | 23-25 | \$57,248 |
| 15 | 26-27 | \$58,939 |
| 16 | 28-29 | \$60,633 |
| 17 | 30+ | \$64,206 |

11-M Masters

| Step | Experience | Base Pay |
|------|------------|----------|
| 1 | 0-1 | \$40,788 |
| 2 | 2 | \$41,773 |
| 3 | 3 | \$42,607 |
| 4 | 4 | \$43,239 |
| 5 | 5 | \$43,879 |
| 6 | 6-8 | \$45,681 |
| 7 | 9-10 | \$46,594 |
| 8 | 11 | \$46,957 |
| 9 | 12 | \$47,321 |
| 10 | 13 | \$51,599 |
| 11 | 14 | \$52,276 |
| 12 | 15-16 | \$53,854 |
| 13 | 17-19 | \$55,551 |
| 14 | 20-21 | \$57,248 |
| 15 | 22-23 | \$58,939 |
| 16 | 24-25 | \$60,633 |
| 17 | 26-27 | \$62,330 |
| 18 | 28 | \$63,044 |
| 19 | 29+ | \$67,663 |

11-M Doctorate

| Step | Experience | Base Pay |
|------|------------|----------|
| 1 | 0-1 | \$41,921 |
| 2 | 2 | \$42,975 |
| 3 | 3 | \$43,835 |
| 4 | 4 | \$44,483 |
| 5 | 5 | \$45,142 |
| 6 | 6-8 | \$46,917 |
| 7 | 9-10 | \$47,946 |
| 8 | 11 | \$48,227 |
| 9 | 12 | \$49,649 |
| 10 | 13 | \$52,276 |
| 11 | 14 | \$53,854 |
| 12 | 15-16 | \$55,551 |
| 13 | 17 | \$57,248 |
| 14 | 18-19 | \$58,939 |
| 15 | 20-21 | \$60,633 |
| 16 | 22-23 | \$62,330 |
| 17 | 24-25 | \$64,024 |
| 18 | 26 | \$64,743 |
| 19 | 27+ | \$71,123 |

Appendix A-4 – Teacher Salary Schedule – 2005 - 2006

An employee who does not earn a credited year of service and/or who remains on the same pay step for any other reason (such as being at the maximum pay step) is not eligible for a pay increase beyond any increase made to the pay step to which the employee is assigned. Note: teachers who work less than half time are not eligible to earn experience credit and will not advance on the step scale

11.5 Month Teacher - 2005 – 2006 School Year

11.5-M Bachelors

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$41,458 |
| 2 | 2 | \$42,414 |
| 3 | 3 | \$43,263 |
| 4 | 4 | \$43,904 |
| 5 | 5 | \$44,553 |
| 6 | 6-8 | \$46,462 |
| 7 | 9-10 | \$47,392 |
| 8 | 11 | \$47,754 |
| 9 | 12 | \$48,287 |
| 10 | 13-14 | \$52,760 |
| 11 | 15-17 | \$54,653 |
| 12 | 18-19 | \$56,302 |
| 13 | 20-22 | \$58,076 |
| 14 | 23-25 | \$59,851 |
| 15 | 26-27 | \$61,618 |
| 16 | 28-29 | \$63,389 |
| 17 | 30+ | \$67,124 |

11.5-M Masters

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$42,642 |
| 2 | 2 | \$43,671 |
| 3 | 3 | \$44,544 |
| 4 | 4 | \$45,204 |
| 5 | 5 | \$45,874 |
| 6 | 6-8 | \$47,757 |
| 7 | 9-10 | \$48,712 |
| 8 | 11 | \$49,091 |
| 9 | 12 | \$49,472 |
| 10 | 13 | \$53,944 |
| 11 | 14 | \$54,653 |
| 12 | 15-16 | \$56,302 |
| 13 | 17-19 | \$58,076 |
| 14 | 20-21 | \$59,851 |
| 15 | 22-23 | \$61,618 |
| 16 | 24-25 | \$63,389 |
| 17 | 26-27 | \$65,164 |
| 18 | 28 | \$65,910 |
| 19 | 29+ | \$70,739 |

11.5-M Doctorate

| Step | Experience | Base Pay |
|-------------|-------------------|-----------------|
| 1 | 0-1 | \$43,827 |
| 2 | 2 | \$44,928 |
| 3 | 3 | \$45,828 |
| 4 | 4 | \$46,505 |
| 5 | 5 | \$47,194 |
| 6 | 6-8 | \$49,050 |
| 7 | 9-10 | \$50,125 |
| 8 | 11 | \$50,419 |
| 9 | 12 | \$51,905 |
| 10 | 13 | \$54,653 |
| 11 | 14 | \$56,302 |
| 12 | 15-16 | \$58,076 |
| 13 | 17 | \$59,851 |
| 14 | 18-19 | \$61,618 |
| 15 | 20-21 | \$63,389 |
| 16 | 22-23 | \$65,164 |
| 17 | 24-25 | \$66,935 |
| 18 | 26 | \$67,686 |
| 19 | 27+ | \$74,356 |

Appendix A-5 – Teacher Salary Schedule – 2005 - 2006

An employee who does not earn a credited year of service and/or who remains on the same pay step for any other reason (such as being at the maximum pay step) is not eligible for a pay increase beyond any increase made to the pay step to which the employee is assigned. Note: teachers who work less than half time are not eligible to earn experience credit and will not advance on the step scale

12 Month Teacher – 2005 – 2006 School Year

12-M Bachelors

| Step | Experience | Base |
|------|------------|----------|
| 1 | 0-1 | \$43,260 |
| 2 | 2 | \$44,258 |
| 3 | 3 | \$45,144 |
| 4 | 4 | \$45,812 |
| 5 | 5 | \$46,490 |
| 6 | 6-8 | \$48,482 |
| 7 | 9-10 | \$49,452 |
| 8 | 11 | \$49,830 |
| 9 | 12 | \$50,387 |
| 10 | 13-14 | \$55,054 |
| 11 | 15-17 | \$57,029 |
| 12 | 18-19 | \$58,750 |
| 13 | 20-22 | \$60,601 |
| 14 | 23-25 | \$62,453 |
| 15 | 26-27 | \$64,297 |
| 16 | 28-29 | \$66,145 |
| 17 | 30+ | \$70,043 |

12-M Masters

| Step | Experience | Base |
|------|------------|----------|
| 1 | 0-1 | \$44,496 |
| 2 | 2 | \$45,570 |
| 3 | 3 | \$46,481 |
| 4 | 4 | \$47,170 |
| 5 | 5 | \$47,868 |
| 6 | 6-8 | \$49,834 |
| 7 | 9-10 | \$50,830 |
| 8 | 11 | \$51,226 |
| 9 | 12 | \$51,623 |
| 10 | 13 | \$56,290 |
| 11 | 14 | \$57,029 |
| 12 | 15-16 | \$58,750 |
| 13 | 17-19 | \$60,601 |
| 14 | 20-21 | \$62,453 |
| 15 | 22-23 | \$64,297 |
| 16 | 24-25 | \$66,145 |
| 17 | 26-27 | \$67,997 |
| 18 | 28 | \$68,776 |
| 19 | 29+ | \$73,814 |

12-M Doctorate

| Step | Experience | Base |
|------|------------|----------|
| 1 | 0-1 | \$45,732 |
| 2 | 2 | \$46,882 |
| 3 | 3 | \$47,820 |
| 4 | 4 | \$48,527 |
| 5 | 5 | \$49,246 |
| 6 | 6-8 | \$51,182 |
| 7 | 9-10 | \$52,304 |
| 8 | 11 | \$52,612 |
| 9 | 12 | \$54,162 |
| 10 | 13 | \$57,029 |
| 11 | 14 | \$58,750 |
| 12 | 15-16 | \$60,601 |
| 13 | 17 | \$62,453 |
| 14 | 18-19 | \$64,297 |
| 15 | 20-21 | \$66,145 |
| 16 | 22-23 | \$67,997 |
| 17 | 24-25 | \$69,845 |
| 18 | 26 | \$70,628 |
| 19 | 27+ | \$77,588 |