



North East Independent School District

8961 Tesoro Drive, San Antonio, Texas 78217

NOTICE OF MEETING OF THE BOARD OF TRUSTEES

Notice is hereby given that a meeting of the Board of Trustees of the North East Independent School District will be held on February 14, 2022. The Board will convene in Open Session at 5:30 PM, then move into Executive Session and resume the public portion of the meeting no earlier than 6:15 PM. The Board will meet on the first floor of the Richard A. Middleton Education Center, 8961 Tesoro Drive, San Antonio, Texas 78217. Such meeting is a regular meeting.

The open session portion of the meeting is livestreamed, and members of the public may view the meeting by going to the North East Independent School District's YouTube channel. Click the link below or type it into your browser.

<https://www.youtube.com/c/NEISDtv>

Items will not necessarily be discussed or considered in the order they are printed. Anyone wishing exhibit information in accordance with Local Board Policy GBA, must contact the Public Information Officer.

MISSION STATEMENT

We challenge and encourage each student to achieve and demonstrate academic excellence, technical skills, and responsible citizenship.

I. ESTABLISHMENT OF QUORUM AND CALL TO ORDER

II. EXECUTIVE SESSION

A. Personnel, including but not limited to Administrative Appointments pursuant to Government Code Section 551.074

1. Routine Personnel including but not limited to Administrative Appointments

- a. Director of Risk Management and Safety
- b. Director of Web Application Development
- c. Assistant Principal of Churchill High School

2. Discussion Regarding Rescission of Proposed Termination of Term Contract Employee R.L.

3. Discussion Regarding Assignments and Duties of Personnel for Magnet Program

B. Consultation with Board's Attorney pursuant to Government Code Section 551.071

1. Pending and/or Possible Litigation

III. RECONVENE INTO OPEN SESSION

IV. WELCOME FROM THE BOARD PRESIDENT

V. INVOCATION AND PLEDGE OF ALLEGIANCE

Presenter: Bryan Norwood, Principal

VI. MATTERS FROM THE FLOOR

VII. MATTERS FROM EXECUTIVE SESSION

A. Personnel Including but not limited to Administrative Appointments pursuant to Government Code Section 551.074

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b. Director of Web Application Development	
c. Assistant Principal of Churchill High School	
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- A. Interim Financial and Management Reports
- B. Awarded Bid Report
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XII. DISCUSSION AND POSSIBLE ACTION REGARDING BOARD MEMBERS' REQUEST(S) FOR ITEM(S) TO BE PLACED ON A FUTURE AGENDA AND/OR REQUEST(S) FOR REPORT(S) FROM THE ADMINISTRATION

XIII. ADJOURNMENT

If, during the course of the meeting, discussion of any item on the agenda should be held in an Executive or Closed Session, the Board will convene in such Executive or Closed Session in accordance with the Open Meetings Act, Texas Government Code, Section 551.071, 551.072, and 551.074.

CERTIFICATE AS TO POSTING OR GIVING OF NOTICE

On this 11th day of February, no later than 5:30 PM, this notice was posted on a bulletin board located at a place readily accessible and convenient to the public at the Richard A. Middleton Education Center, 8961 Tesoro Drive, San Antonio, Texas.



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Rudy Jimenez
Chyla Whitton, Executive
Director for Human
Resources

Subject: Employment of Personnel
New Hires

Related Page(s): None

ACTION ITEM

BACKGROUND INFORMATION

Policy DC (LOCAL) states: “The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the following categories: central office administrator from the director level and above and campus administrator, including principals and assistant principals.” Final authority for employment of contractual personnel in these categories shall be retained by the Board.

ADMINISTRATIVE CONSIDERATION

Campus personnel are recommended for employment by campus principals in accordance with TEC § 11.202(b). All other personnel are recommended by appropriate supervisors. In both cases, the candidate deemed “best qualified” has been selected.

BUDGETARY CONSIDERATION

New hires associated with replacement of personnel have been budgeted prior to the hiring process. New hires associated with recently established positions are covered by a contingency fund established by the Board for this purpose. Should the cost of such positions exceed the funds so budgeted, then a separate budget amendment is brought before the Board prior to additional positions being filled.

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees of the North East Independent School District approve the hiring of new personnel as presented.

BOARD ACTION REQUIRED

Approval/Disapproval



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter:

Rudy Jimenez
Chyla Whitton,
Executive Director,
Human Resources

Subject: Possible Action Regarding
Rescission of Proposed Termination
of Term Contract Employee R.L.

Related Page(s):

None

ACTION ITEM

BACKGROUND INFORMATION

On November 8, 2021, the Board of Trustees approved the administration's proposed recommendation of termination of the Chapter 21 term contract of the Director of Engineering and Technologies Academy (ETA) at Roosevelt High School. The administration is now recommending rescission of that proposed termination as the Director has resigned for personal reasons.

ADMINISTRATIVE CONSIDERATION

Formal approval of the rescission of the proposed termination of this Chapter 21 term contract employee by the Board of Trustees is required.

BUDGETARY CONSIDERATION

The rescission of the proposed termination will eliminate the need for a termination hearing before an independent hearing examiner and the substantial fees associated with the hearing process.

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees of the North East Independent School District approve the rescission of proposed termination for the identified employee's Chapter 21 term contract as discussed in executive session.

BOARD ACTION REQUIRED

Approval/Disapproval



North East ISD Annual Report 2020-2021

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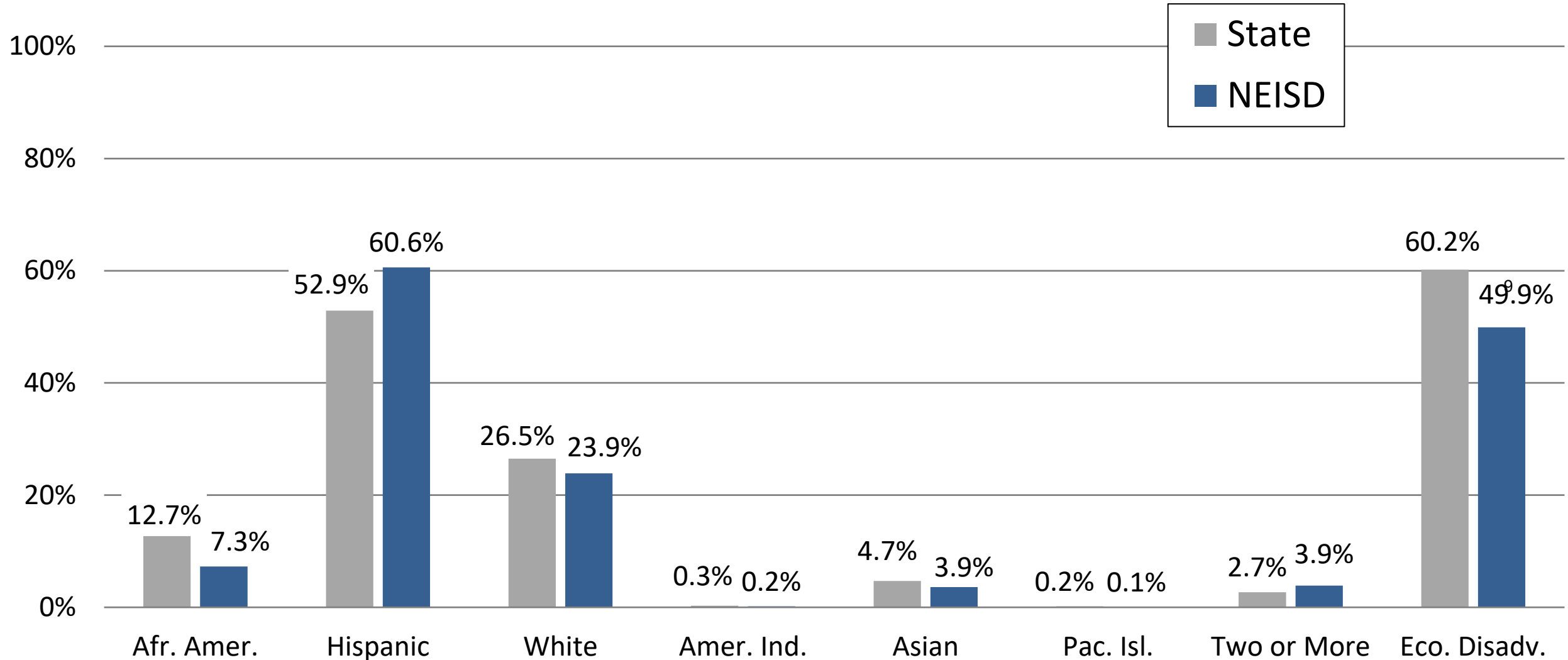
PRESENTATION TO BOARD OF TRUSTEES

FEBRUARY 14TH, 2022

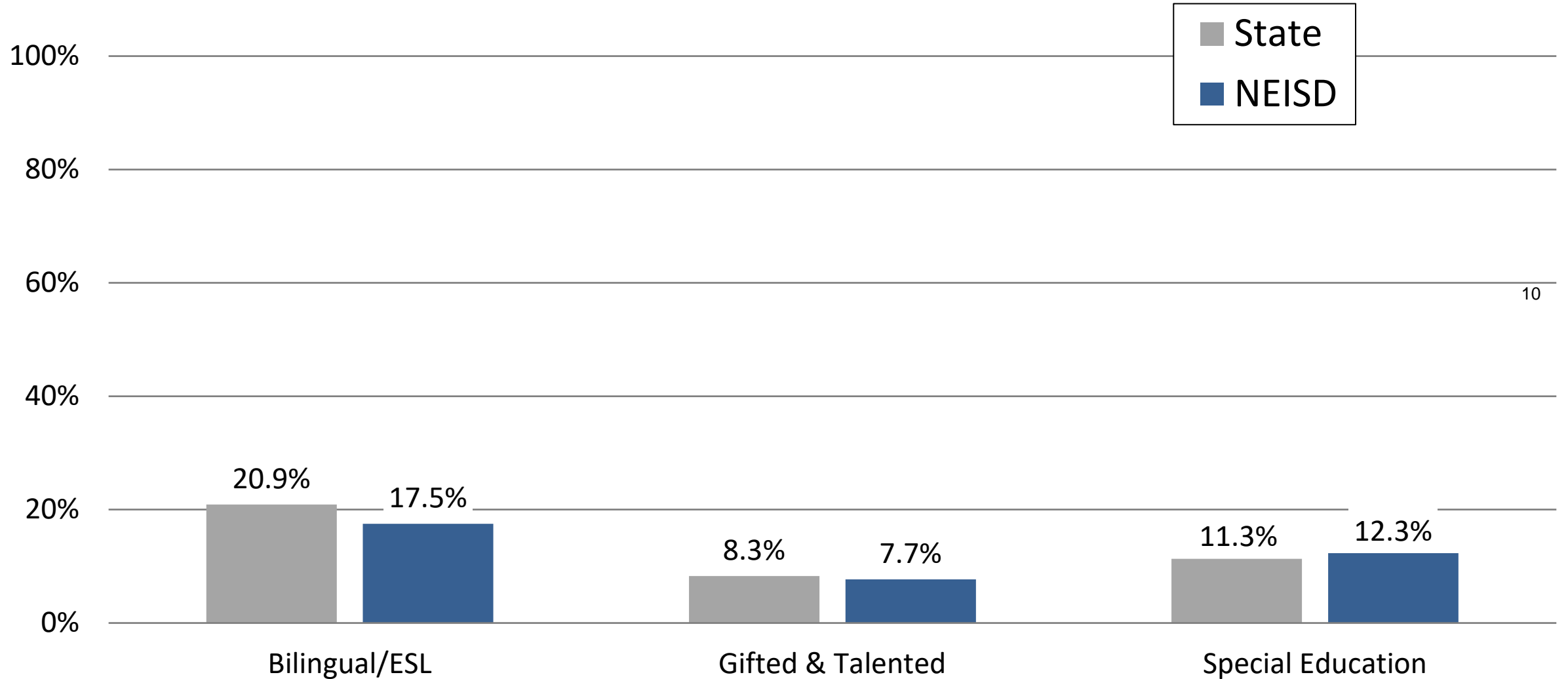
ANNUAL REPORT:

TEXAS ACADEMIC PERFORMANCE REPORT (TAPR)

2020-21 Student Enrollment Demographics

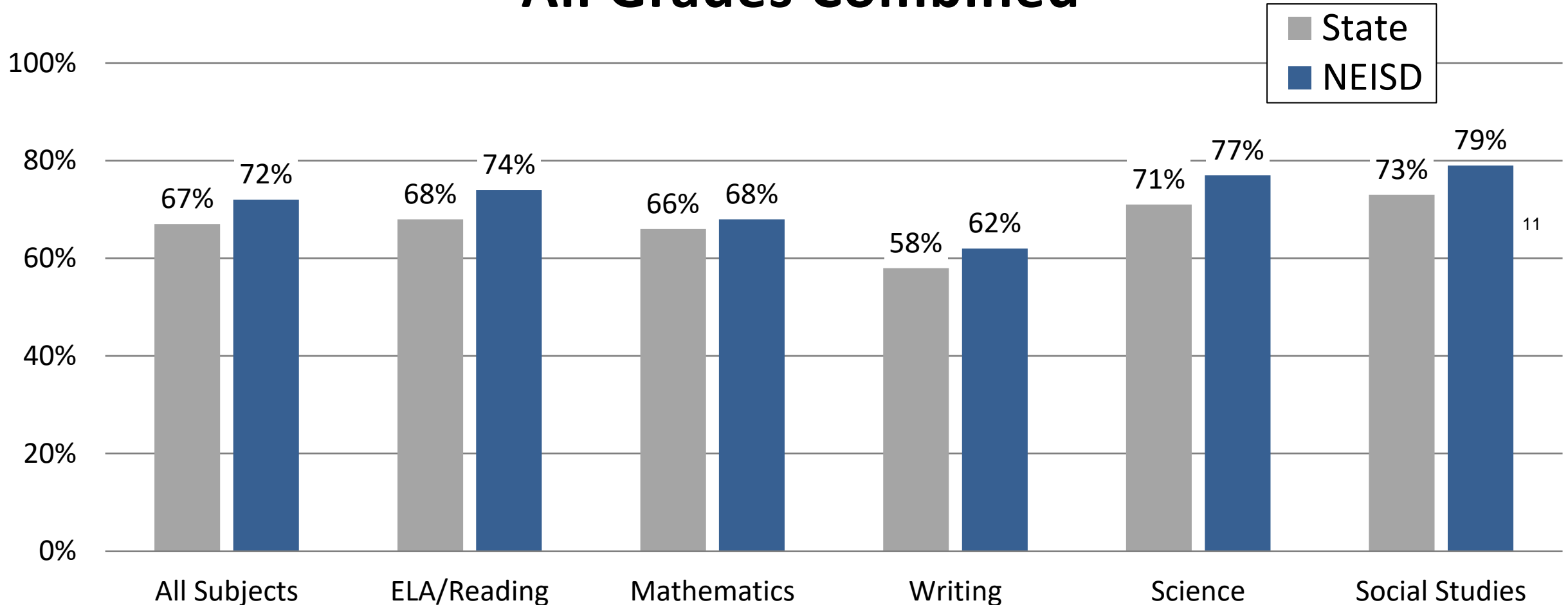


2020-21 Student Enrollment by Program



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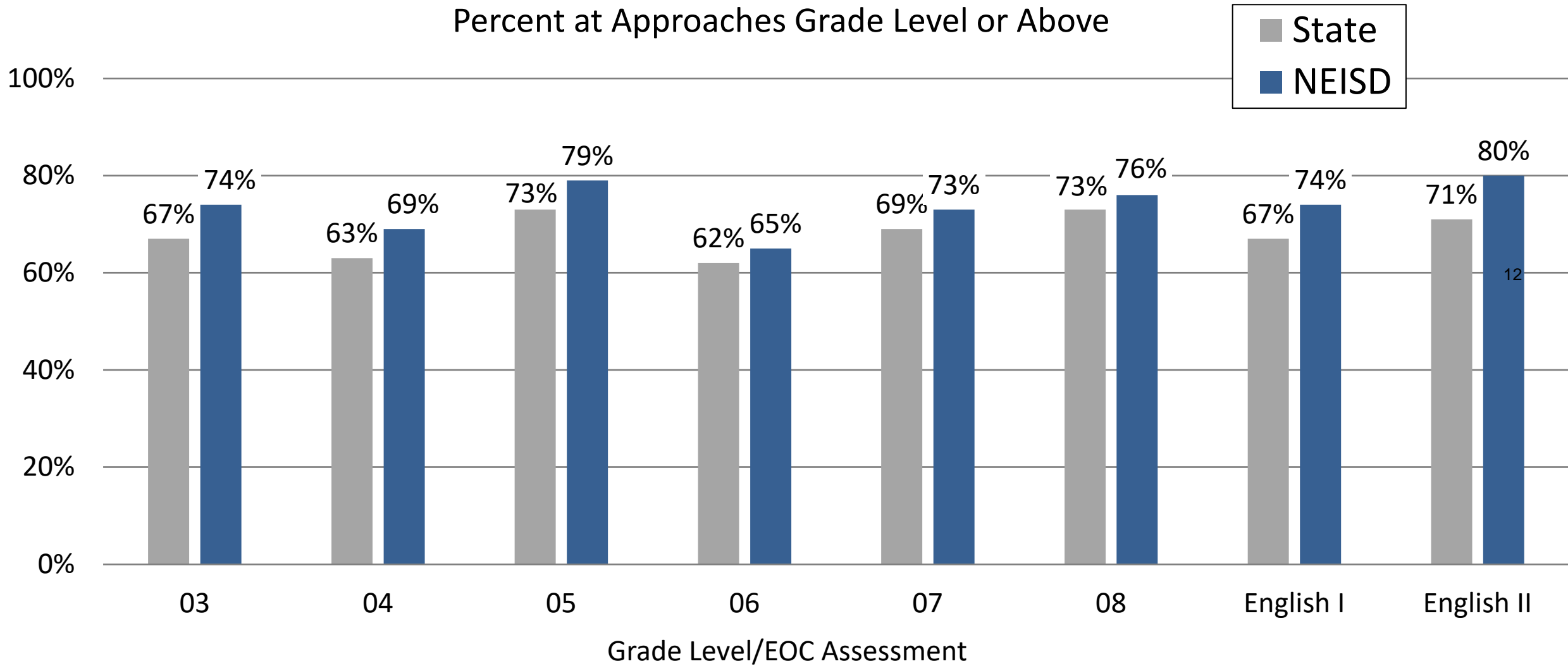
2020-21 STAAR Performance: Percent at Approaches Grade Level or Above All Grades Combined



11

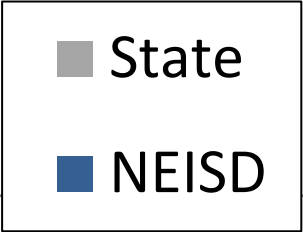
STAAR/EOC Performance by Grade Level ELA/Reading

Percent at Approaches Grade Level or Above

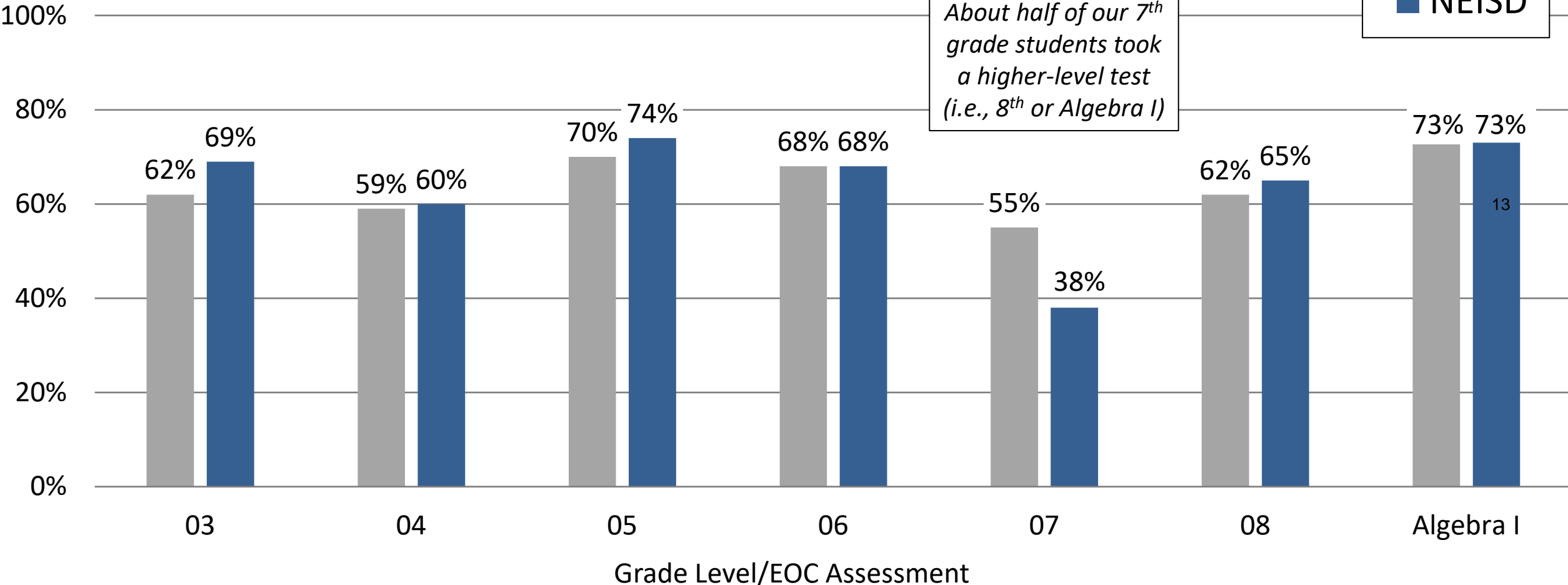


STAAR/EOC Performance by Grade Level MATHEMATICS

Percent at Approaches Grade Level or Above

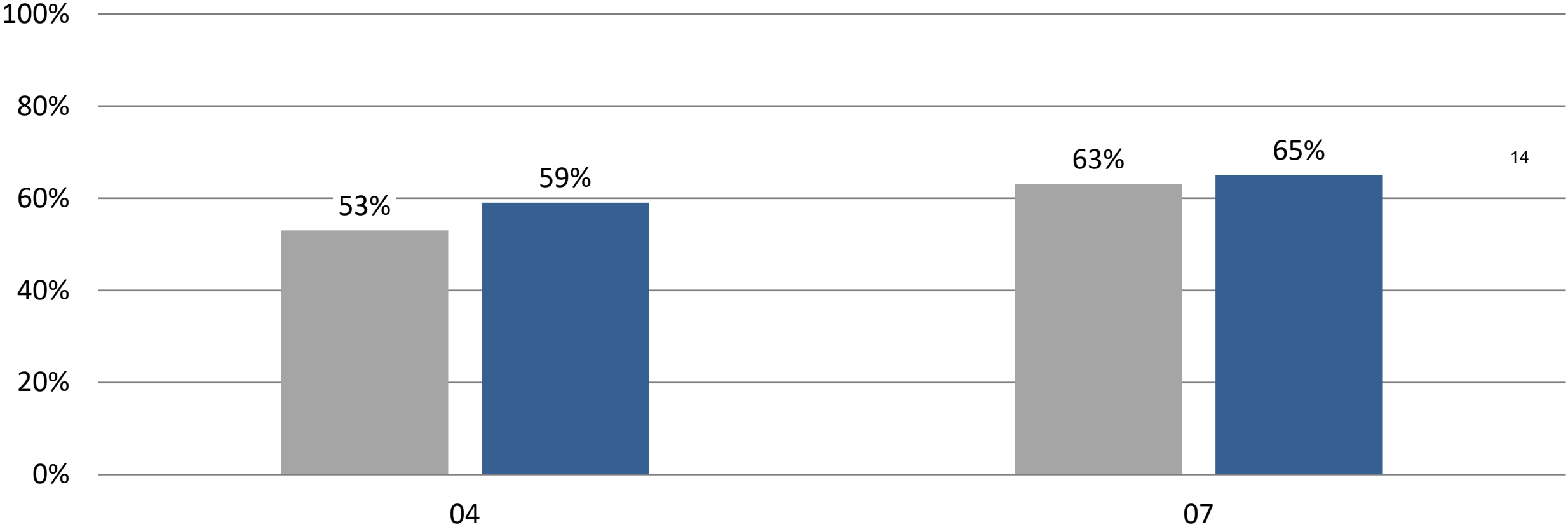
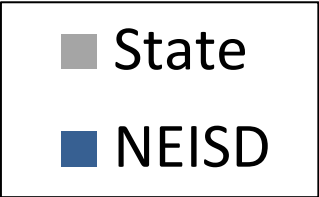


About half of our 7th grade students took a higher-level test (i.e., 8th or Algebra I)



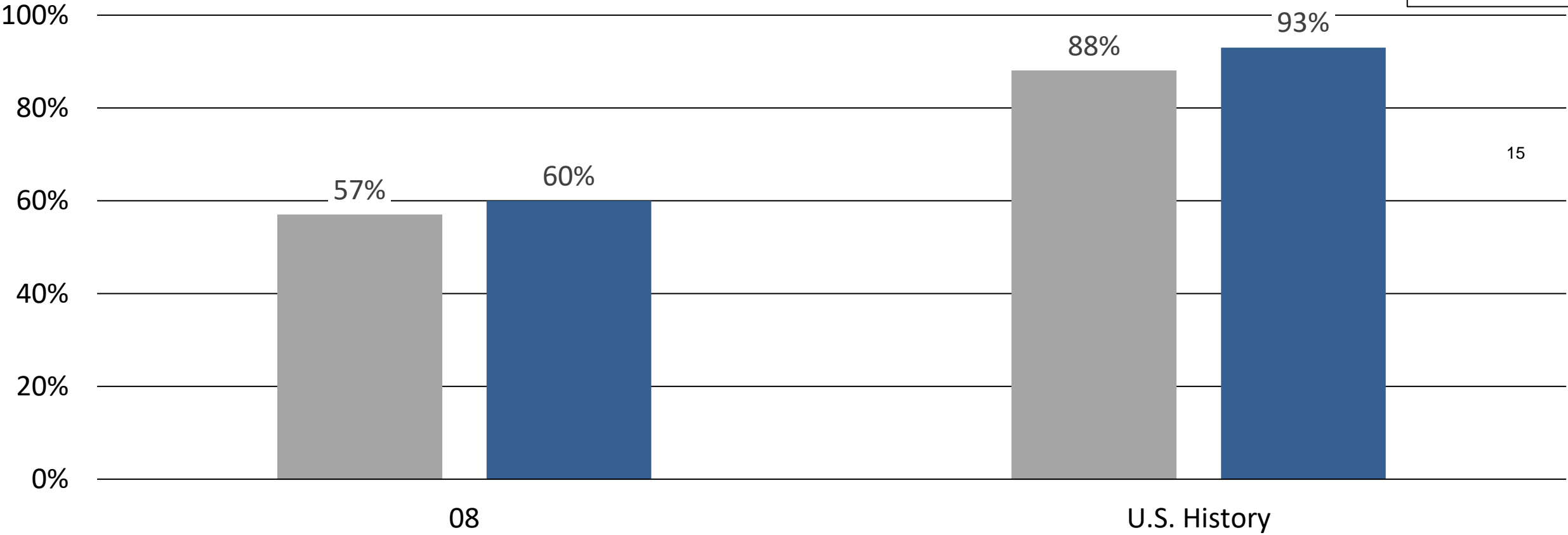
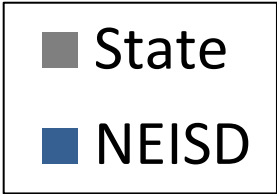
STAAR/EOC Performance by Grade Level WRITING

Percent at Approaches Grade Level or Above



STAAR/EOC Performance by Grade Level SOCIAL STUDIES/U.S. HISTORY

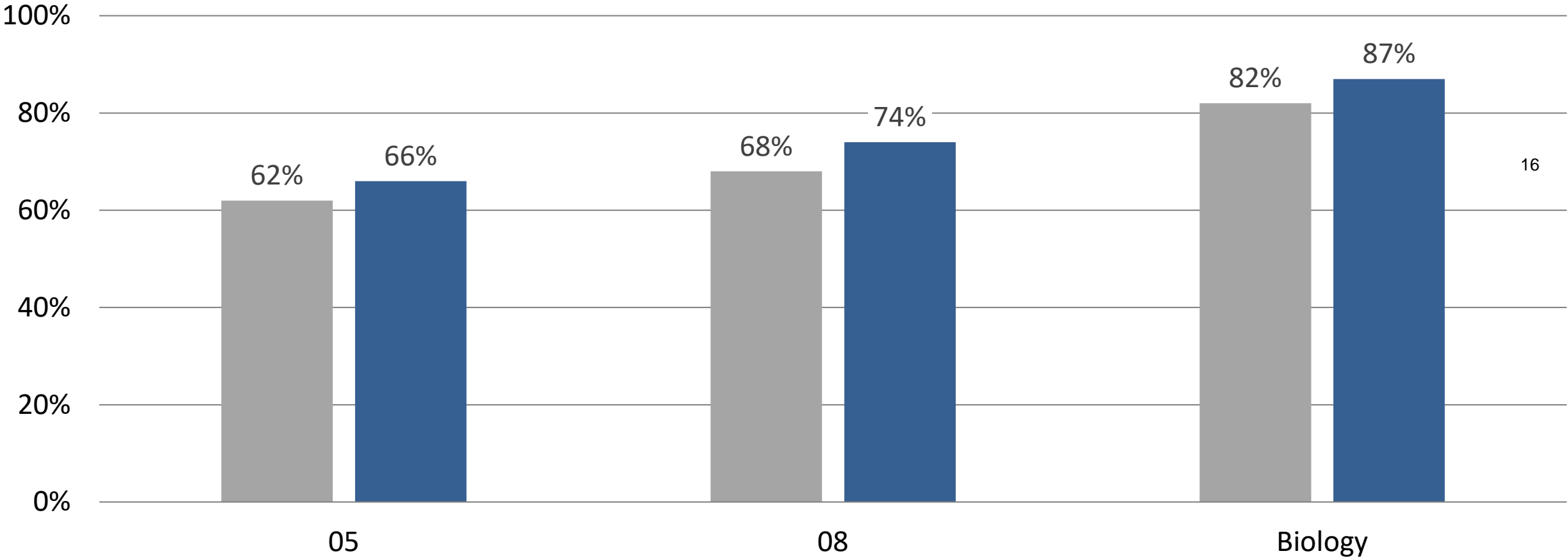
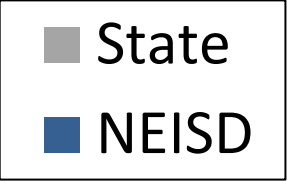
Percent at Approaches Grade Level or Above



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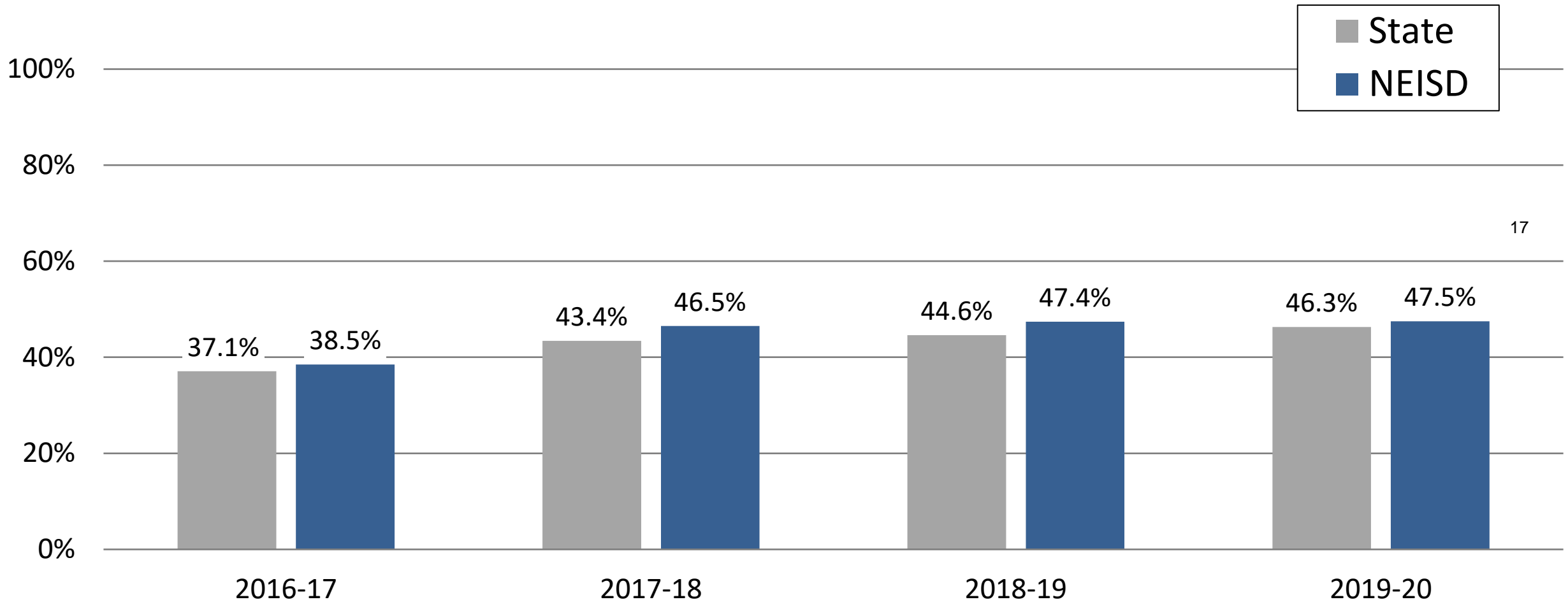
STAAR/EOC Performance by Grade Level SCIENCE/BIOLOGY

Percent at Approaches Grade Level or Above



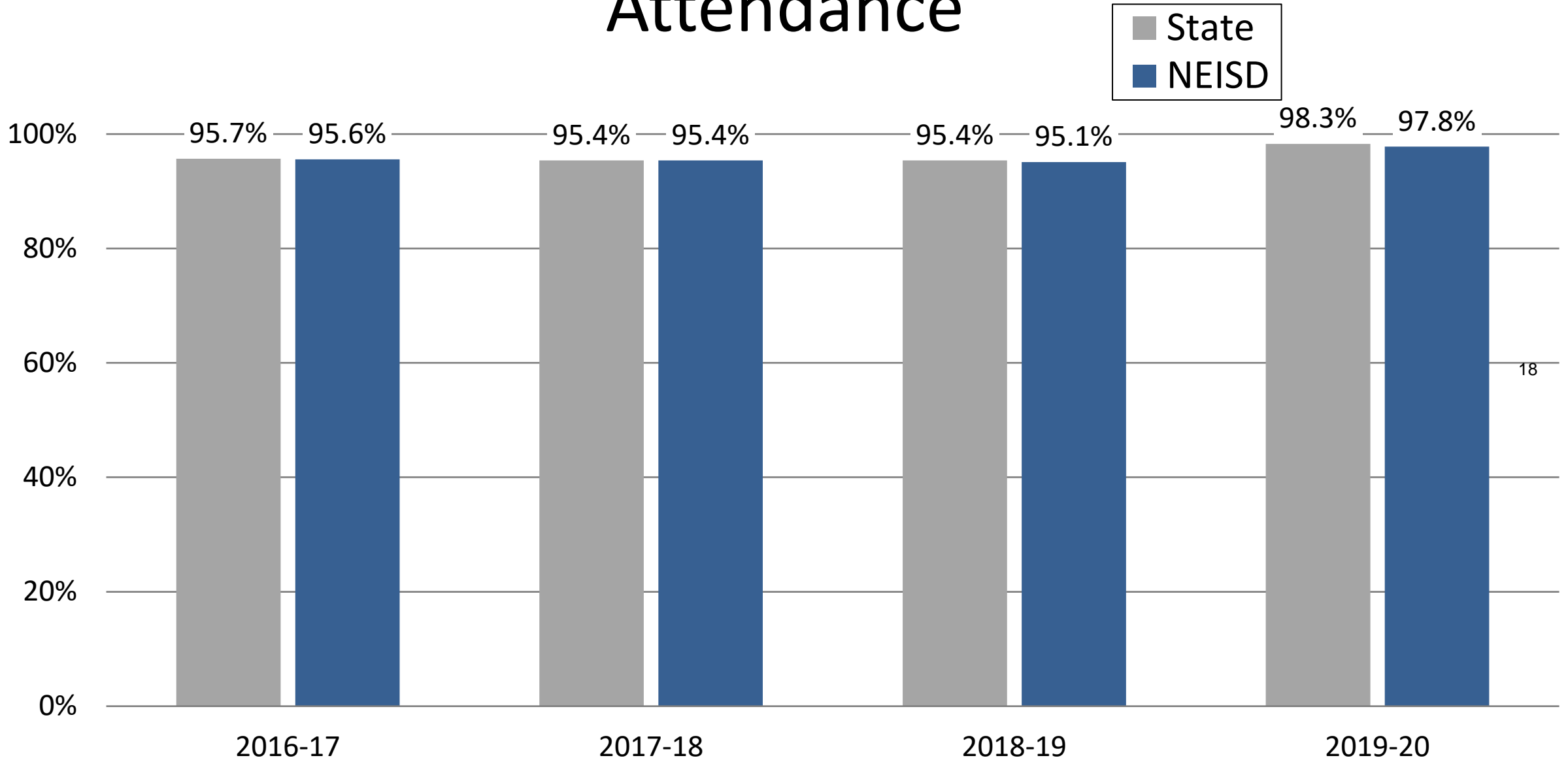
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Advanced Course/Dual Enrollment Completion Grades 9-12 ANY SUBJECT

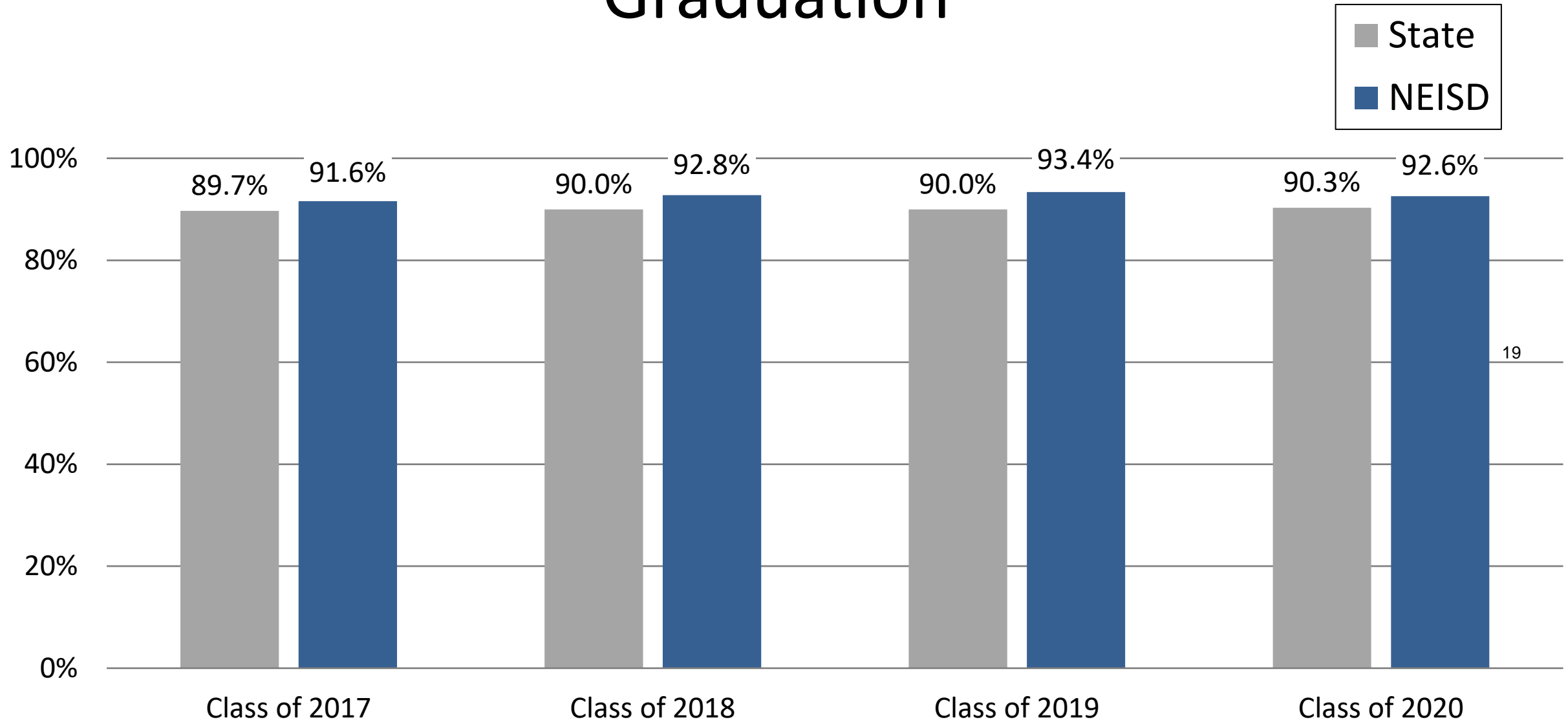


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Attendance



Graduation



College, Career, and Military Ready (CCMR) Graduates Class of 2020

College, Career, and Military Ready Indicators	State	NEISD
College Ready Graduates	53.4%	52.1%
• TSI (SAT/ACT) Criteria	43.2%	46.1%
• Dual Credit Criteria	24.6%	14.2%
• AP/IB Criteria	21.1%	31.8%
• OnRamps Credit Criteria	4.0%	17.2% ²⁰
Career/Military Ready Graduates	18.7%	9.2%
• Industry-Based Certification	13.2%	3.9%
• Graduate with Completed IEP and Workforce Readiness	2.4%	3.5%
• CTE Coherent Sequence	58.5%	53.0%
• U.S. Armed Forces Enlistment	N/A	N/A
College, Career, and Military Ready Graduates	63.0%	58.3%

ANNUAL REPORT:
THECB REPORT ON HIGHER EDUCATION

THECB Report on Higher Education

This table shows NEISD graduates who attend Higher Education institutions in Texas.

**Not found includes students enrolled in higher education institutions outside the state of Texas as well as students for whom no record was found.*

Texas Higher Education Institutions	HS Graduates attending Higher Ed in Texas			
	2018-19 Graduates Entering Fall 2019		2019-20 Graduates Entering Fall 2020	
	Total Stu.	Percent	Total Stu.	Percent
San Antonio College	496	19.04%	450	18.88%
University of Texas - San Antonio	444	17.04%	382	16.03%
Texas A&M University - College Station	141	5.41%	188	7.89%
Northeast Lakeview College	274	10.52%	184	7.72%
Texas Tech University	121	4.64%	138	5.79%
University of Texas - Austin	130	4.99%	131	5.50%
Texas State University - San Marcos	148	5.68%	119	4.99%
University of The Incarnate Word	134	5.14%	106	4.45%
Northwest Vista College	105	4.03%	104	4.36%
Blinn College	53	2.03%	55	2.31%
St. Philips College	53	2.03%	49	2.06%
Texas A&M University - Corpus Christi	34	1.31%	39	1.64%
Palo Alto College	14	0.54%	32	1.34%
Baylor University	33	1.27%	31	1.30%
University of North Texas	34	1.31%	30	1.26%
Other 4-Yr Institution	352	13.51%	316	13.26%
Other 2-Yr Institution	39	1.50%	29	1.22%
Not trackable	194		296	
<i>Not found*</i>	2227		2241	
Total high school graduates	5026	53.9%	4920	51.5%

ANNUAL REPORT: MISCONDUCT INCIDENT REPORT

Misconduct Incident Report

Description of Misconduct	18-19	19-20**	20-21***
Aggravated assault under Penal Code 22.01(a) against someone other than a school district employee	5	*	0
Arson	*	5	0
Assault under Penal Code 22.01(a) against a school district employee or volunteer	80	61	23
Assault under Penal Code 22.01(a) against anyone other than a school district employee or volunteer	186	159	51 24
Brought a firearm to school or Unlawful carrying of a handgun	*	*	*
Conduct containing the elements of offense relating to prohibited weapons	*	*	0
False alarm / false report	26	19	12
Felony controlled substance violation	24	92	53

*** - Due to COVID-19, students began 2020-2021 virtually and throughout the school year had the option to transition back to in-person instruction

** - Due to COVID-19 school closures in 2019-2020, there were fewer months for incidents to be reported

* - Represents any number of incidents under 5 to prevent the release of confidential information under FERPA

Description of Misconduct	18-19	19-20**	20-21***
Fighting / mutual combat	25	6	2
Possessed, sold, used or was under the influence of an alcoholic beverage	38	27	11
Possessed, sold, used or was under the influence of marijuana or other controlled substance	387	199	59
Public Lewdness or Indecent Exposure	6	9	4
Serious misbehavior, as defined by TEC 37.007 (c), while placed in a DAEP	23	8	0 <small>25</small>
Sexual assault under Penal Code section 22.011 or aggravated sexual assault under 22.021 against someone other than a school district employee or volunteer	*	0	0
Terroristic threat	33	22	14
Unlawful carrying of a club	*	0	0
Unlawful carrying of a located-restricted knife	*	*	*

*** - Due to COVID-19, students began 2020-2021 virtually and throughout the school year had the option to transition back to in-person instruction

** - Due to COVID-19 school closures in 2019-2020, there were fewer months for incidents to be reported

* - Represents any number of incidents under 5 to prevent the release of confidential information under FERPA

For more information

Contact:

Alex Vardell, Director of Performance and Planning
210-407-0560 or avarde@neisd.net

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TAPR District and Campus Reports are located online at

<https://www.neisd.net/Page/31064>

and the Annual Report and District PDF TAPR is available at the
information desk in the Lobby of the Richard A. Middleton
Education Center





NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Sean A. Maika
Deb Caldwell
Executive Director
External Relations

Subject: Order of Election for
May 7, 2022 General Election

Related Page(s): Attachments

ACTION ITEM

BACKGROUND INFORMATION

An Order of Election to hold a Board of Trustees General Election must be approved and notice be provided in accordance with applicable law to legally conduct an election. The District will hold a General Election on Saturday, May 7, 2022 for the purpose of electing three Trustees to the Board of Trustees from Single Member District 2, Single Member District 3, and Single Member District 7 to serve a term of four years.

ADMINISTRATIVE CONSIDERATION

The District will hold this election as a joint election with Bexar County and other political subdivisions as required under Texas Education Code Section 11.0581. Early Voting will take place April 25, 2022 – May 3, 2022. Election Day is May 7, 2022. The Bexar County Election Administrator will determine polling locations for both election day and the early voting period.

Election law requires that an approved Election Order be formally amended if there is a change in early voting locations.

BUDGETARY CONSIDERATION

The election budget will be funded from account number 199-41-702-99-702-6439-0000

ADMINISTRATIVE RECOMMENDATION

It is recommended that the attached Order of Election for the May 7, 2022 trustee elections be approved.

BOARD ACTION REQUIRED

Approval/Disapproval

**Order of Election
North East Independent School District
May 7, 2022**

BE IT ORDERED by the Board of Trustees for North East Independent School District of Bexar County, Texas:

1. That a General Election be held in the North East Independent School District on May 7, 2022 for the purpose of electing three Trustees to the Board of Trustees from Single Member District 2, Single Member District 3, and Single Member District 7. The term of office for such trustees shall be a term of four years.
2. That applications for a place on the ballot shall be filed in writing on or before 5 p.m. on February 18, 2022, and not earlier than January 19, 2022, at 8961 Tesoro Drive, 6th floor. The duly appointed agents for the Secretary of the Board of Trustees for receiving candidate applications for said election are Deborah Caldwell and Yvonne Lussier. By approving this Order, the Board hereby ratifies any acts taken by Ms. Caldwell and/or Ms. Lussier in fulfillment of this duty as agents for the Secretary of the Board of Trustees prior to the express approval of this Order.
3. That the manner of holding said election shall be governed by the applicable sections of the Texas Election Code and the Texas Education Code. All necessary ballots and other election supplies for said election will be furnished in both English and Spanish.
4. That the election shall be held jointly with Bexar County and other political subdivisions as required under Texas Education Code Section 11.0581. The Bexar County Election Administrator will determine election day polling locations for said election. The Board hereby appoints election officers, consisting of a Presiding Judge and Alternate Presiding Judge, to be those election officers selected by the Bexar County Election Administrator for the proper conduct of the election.
5. That immediately after said election has been held, the officer holding the election shall return the ballot tabulations to Jacquelyn Callanen, the Bexar County Election Administrator, for safekeeping. The Board of Trustees will conduct the local canvass of election results not later than the 11th day after election day and not earlier than:
 - a. the third day after election day;
 - b. the date on which the ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; and
 - c. the date on which the ballot board has verified and counted all timely received mailed domestic ballots cast from addresses within the United States, and all timely received mailed ballots cast from addresses outside the United States.
6. That the Board of Trustees shall forthwith issue a notice of said election and post copies of this notice, in both English and in Spanish, as required by law on a bulletin board used for posting notices of the governing body at 8961 Tesoro Drive, the North East Independent School District web site, as well as publication in an appropriate newspaper. Notice of the election will be delivered to the Bexar County Election Administrator and posted at each polling location. Such posting and publication shall be done within the time(s) provided by the Texas Education Code and the Texas Election Code.
7. That Deborah Caldwell, the NEISD Executive Director of External Relations, and Yvonne Lussier, Executive Administrative Assistant to the Chief Financial Officer, are hereby appointed the agents of the Secretary of the Board of Trustees pursuant to Section 31.123 of the Election Code. They shall, individually or together, fulfill the duties required under Sections 31.122-31.123 of the Election Code. Their offices at the Richard A.

Middleton Education Center, 8961 Tesoro Drive, shall be open 8 a.m. to 5 p.m. on regular business days (Monday through Friday excluding holidays) of the District. Deborah Caldwell shall be the agent who will place the names of each candidate for each available trustee position on the ballot in order as drawn by lot.

8. That early voting by personal appearance shall be conducted at the Bexar County Elections Department, 1103 S. Frio, Early Voting Room 17, San Antonio, Texas, 78207 (main early voting location) and at early voting locations established for the purpose of early voting by personal appearance. The additional locations of the early voting locations are listed in Exhibit A, but changes to the early voting locations may occur as determined by the Bexar County Election Administrator, and if so, this Order shall be amended. Early voting in person at the main early voting polling place must be conducted for at least nine (9) hours each weekday that is not a legal state holiday beginning on the twelfth day before election day, April 25, 2020, and continuing through the fourth day before election day, May 3, 2022. From Monday, April 25, 2022, through Friday, April 29, 2022, early voting locations will be open between the hours of 8 a.m. and 6 p.m. Saturday, April 30, 2022, early voting locations will be open between the hours of 8 a.m. and 8 p.m. Early voting locations on Sunday, May 1, 2022 will be open between the hours of 12 p.m. (noon) and 6 p.m. On Monday, May 2, 2022, and Tuesday, May 3, 2022, early voting locations will be open between the hours of 8 a.m. and 8 p.m. Jacquelyn Callanen, Bexar County Election Administrator, is named the Early Voting Clerk and authorized and charged to perform the functions provided by law in the casting of early voting ballots. The Early Voting Clerk is hereby authorized to designate, at a later date, Deputy Early Voting Clerks as may be required to conduct early voting for the election. Jacquelyn Callanen and her designees are hereby appointed election officers to constitute a special canvassing board charged with the duty of casting, counting, canvassing, and recording the early ballots in said election and reporting the status of such canvass in returns of all early voting ballots in said election.
9. That the office of the Bexar County Election Administrator, Jacquelyn Callanen, at 1103 S. Frio, Suite 200, San Antonio, Texas, 78207, is the early voting clerk's mailing address to which ballot applications and ballots by mail shall be sent. The early voting clerk's phone number is (210) 335-VOTE (8683), the email address is BexarCountyElections@bexar.org, and the website is www.bexar.org/elections. The last day for the early voting clerk to receive applications for a ballot to be voted by mail is Monday, April 26, 2022.

PASSED AND APPROVED this 14th day of February, 2022.

North East Independent School District

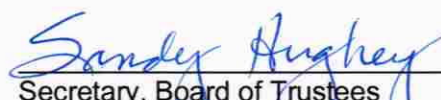
(DISTRICT SEAL)





President, Board of Trustees

ATTEST:



Secretary, Board of Trustees

**JOINT AMENDMENT, GENERAL, SPECIAL AND BOND ELECTION
Bexar County
Political Subdivisions
MAY 7, 2022
7 de mayo de 2022**

THE HOURS OF EARLY VOTING WILL BE: (LAS HORAS Y FECHAS DE VOTACIÓN ADELANTADA SERAN:)

Monday, April 25 thru Friday, April 29, 2022.....8:00 a.m. to 6:00 p.m.
 Lunes 25 de abril de 2022 hasta viernes 29 de abril de 2022.....8:00 a.m. a 6:00 p.m.
 Saturday, April 30, 2022 8:00 a.m. to 8:00 p.m.
 Sábado 30 de abril de 2022 8:00 a.m. a 8:00 p.m.
 Sunday, May 1, 2022..... noon to 6:00 p.m.
 Domingo 1de mayo de 2022..... noon to 6:00 p.m.
 Monday, May 2 thru Tuesday, May 3, 2022.....8:00 a.m. to 8:00 p.m.
 Lunes 2 de mayo de 2022 hasta martes 3 de mayo de 2022.....8:00 a.m. a 8:00 p.m.

April 25, 2022 – May 3, 2022

SUN	MON	TUES	WED	THURS	FRI	SAT
	25 *****	26 *****	27 *****	28 *****	29 *****	30 *****
1 *****	2 *****	3 *****	4	5	6	7 Election Day

Legend: ***** Indicates dates open for early voting

Main Early Voting Location: (Localidad Principal de Votación Adelantada:)

**BEXAR COUNTY ELECTIONS DEPARTMENT..... 1103 S. Frio
DEAFLINK available for the hearing impaired**

**In addition to the main early polling place, early voting will be conducted at the following locations:
(Ademas de la localidad principal, votacion adelantada se llevara a cabo en las siguiente localidades:)**

**BROOKHOLLOW LIBRARY.....530 Heimer Road
 CASTLE HILLS CITY HALL... (SE CORNER OF COUNCIL CHAMBERS).....209 Lemonwood Dr.
 CLAUDE BLACK CENTER 2805 East Commerce
 CODY LIBRARY 11441 Vance Jackson
 OLD CONVERSE CITY HALL..... 405 S. Seguin Rd
 COPERNICUS COMMUNITY CENTER..... 5003 Lord Rd
 CORTEZ LIBRARY.....2803 Hunter Blvd**

EXHIBIT A

ELMENDORF ADMIN BLDG.....	8304 FM 327
ENCINO BRANCH LIBRARY.....	2515 East Evans Rd.
GREAT NORTHWEST LIBRARY.....	9050 Wellwood
HENRY A. GUERRA, JR. LIBRARY.....	7978 W Military Drive
JOHN IGO LIBRARY.....	13330 Kyle Seale Parkway
JOHNSTON LIBRARY	6307 Sun Valley Drive
JULIA YATES SEMMES LIBRARY @ Comanche Lookout Park.....	15060 Judson Road
LAS PALMAS LIBRARY	515 Castroville Road
LEON VALLEY CONFERENCE CENTER.....	6421 Evers Rd.
LION'S FIELD	2809 Broadway
MAURY MAVERICK, JR. LIBRARY	8700 Mystic Park
MISSION LIBRARY.....	3134 Roosevelt Ave
NORTHSIDE ACTIVITY CENTER	7001 Culebra
NORTHWEST VISTA COLLEGE.....	3535 N. Ellison Dr.
OLMOS PARK CITY HALL.....	120 El Prado W
PARMAN LIBRARY@Stone Oak.....	20735 Wilderness Oak
PRECINCT 1 SATELLITE OFFICE.....	3505 Pleasanton
SCHAEFER LIBRARY.....	6322 US Hwy 87 E
SHAVANO PARK CITY HALL... (LOBBY).....	900 Saddletree Ct
SOMERSET CITY HALL	4730 W Loop 1604, Somerset
SOUTHSIDE ISD ADMIN. BLDG.....	1460 Martinez-Losoya Rd.
TOBIN LIBRARY @OAKWELL.....	4134 Harry Wurzbach
UNIVERSAL CITY LIBRARY.....	100 Northview Dr
UTSA (Bexar Room).....	1 UTSA Circle
WONDERLAND MALL OF THE AMERICAS @ CROSSROADS	4522 Fredericksburg
WOODLAWN POINTE CENTER (Board Room).....	702 Donaldson

subject to change
(sujeto a cambio)

For more information contact the office of the Bexar County Elections Administrator, Jacquelyn F. Callanen, at (210) 335-VOTE (8683)
(Para mas informacion comuniquese con oficina del Condado de Bexar Administrador de Elecciones, Jacquelyn F. Callanen, al telefono (210) 335-VOTE (8683))



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Sean Maika
Superintendent

Subject: Board Policy Update 118,
First Reading

Related Page(s): Attachments

ACTION ITEM

BACKGROUND INFORMATION

Update 118 encompasses changes in law from the 87th Legislative Session that have an immediate effect on the governance and management of the district. Recommended changes to local policies addresses the following topics:

- | | |
|---|---|
| <ul style="list-style-type: none"> Activity Funds Cybersecurity Resignations by Contract Employees School Counselor Duties Human Sexuality Instruction | <ul style="list-style-type: none"> Accelerated Instruction, Retention & Promotion School Safety Transfers Optional Excused Absences for Students & Attendance for Credit Child Abuse & Neglect Reporting Student Records |
|---|---|

Please note that (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should not be adopted, but rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action is needed to adopt, revise, or repeal (LOCAL) policy.

ADMINISTRATIVE RECOMMENDATION

While most of the policies included in this update are (LEGAL) policies, the update recommends the Board add, revise, or delete three (12) (LOCAL) policies. The following (LOCAL) policies are presented to the Board for consideration.

CFD (LOCAL)	Accounting-Activity Funds Management	EIE (LOCAL)	Academic Achievement-Retention and Promotion
CQB (LOCAL)	Technology Resources-Cybersecurity	FDE (LOCAL)	Admissions-School Safety Transfers
DFE (LOCAL)	Termination of Employment	FEA (LOCAL)	Attendance-Compulsory Attendance
DP (LOCAL)	Personnel Positions	FEC (LOCAL)	Attendance-Attendance for Credit
EHAA (LOCAL)	Basic Instructional Program-Required Instruction (All Levels)	FFG (LOCAL)	Student Welfare-Child Abuse and Neglect
EHBC (LOCAL)	Specimen Programs-Compensatory/Accelerated Services	FL (LOCAL)	Student Records

RECOMMENDATION

It is recommended that the Board approve the first reading of the above listed local policies included in Update 118.

BOARD ACTION REQUIRED

Approval/Disapproval



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

**Fiduciary
Responsibility**

The Superintendent, principal, and sponsor, as applicable, shall be responsible for the proper administration of District and campus activity funds and student activity funds, including the depositing and withdrawing of such funds, in accordance with state law and local policy, District-~~approved~~ accounting practices and procedures, and the [Texas Education Agency \(TEA\) Financial Accountability System Resource Guide](#).

Excess funds available for investing shall be placed in District-approved investment alternatives, as established at CDA(LOCAL).

**Student Activity
Funds**

The Superintendent ~~or designee~~ shall ensure that student activity accounts are maintained to manage all class funds, ~~organization funds~~, and ~~any~~ other funds [raised and collected by student clubs or organizations from students](#) for a school-related purpose. The principal or designee shall issue receipts for all funds prior to their deposit into the appropriate District account at the District depository on the same day if possible.

Student activity funds shall be included in the annual audit of the District's fiscal accounts. [See CFC]

Use and
Expenditure

Funds collected by student groups shall be used only for purposes authorized by the [student club or organization](#). ~~or upon approval of the sponsor~~. The principal ~~and sponsor or designee~~ shall [manage and](#) approve all disbursements. All funds raised by student organizations must be expended for the benefit of the students.

**District and Campus
Activity Funds**

The Superintendent shall [ensure District accounting practices and procedures address](#) ~~establish regulations governing~~ the expenditure of District and campus activity funds generated from vending machines, rentals, gate receipts, concessions, and other local sources of revenue over which the District has direct control. Funds generated from such sources shall be expended for the benefit of the District or its students and shall be related to the District's educational purpose.

Approval

Approval from the immediate supervisor or designee shall be obtained prior to a disbursement being made to any employee, including the principal.

Carryover Funds

All funds shall be left in the appropriate account and each sponsoring group shall retain the carryover funds for the next fiscal year. If [a club or an](#) organization ceases to function or exist, the unexpended funds ~~of the organization~~ shall be credited to the appropriate administrative activity account.

- Plan** The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
- Coordinator** The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters ~~and as required by law report to TEA breaches of system security.~~
- Training** The Board delegates to the Superintendent ~~or designee~~ the authority to:
1. Determine the cybersecurity training program to be used in the District; ~~annually completed by each employee and Board member; and~~
 2. Verify and report compliance with ~~staff~~ training requirements in accordance with guidance from the Department of Information Resources; ~~and~~
 - ~~2.3.~~ Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate.
- The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.
- Security Breach Notifications** Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:
1. Written notice.
 2. Email, if the District has email addresses for the affected persons.
 3. Conspicuous posting on the District's websites.
 4. Publication through broadcast media.
- The ~~District~~ ~~District's cybersecurity coordinator~~ shall disclose a breach involving sensitive, protected, or confidential student information ~~as required by TEA and parents in accordance with~~ law.

General Requirements

All resignations shall be submitted in writing to the Superintendent or ~~other person designated by Board action in accordance with this policy~~ ~~designee~~. 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.

At-Will Employees

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

Contract Employees

The Superintendent or ~~other person designated by Board action~~ ~~designee~~ shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. ~~If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or other person designated by Board action.~~ The resignation requires no further action by the District and is accepted upon receipt ~~by the Superintendent or other person designated by Board action.~~

The Superintendent or other person designated by Board action shall be authorized to accept a contract employee's resignation submitted or effective at any other time. ~~If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or other person designated by Board action.~~ ~~The Superintendent or other person designated by Board action~~ ~~The Superintendent or other Board designee~~ shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

Withdrawal of Resignation

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.

**Principal
Qualifications**

In addition to the minimal certification requirement, ~~athe~~ principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage ~~budgets~~ budget and personnel and to 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;~~
- ~~7.6.~~ Prior experience in instructional leadership roles; and
1. Other qualifications deemed necessary by the Board and included in the job description.

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

- ~~8.7.~~ If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision. ▸

**Human Sexuality
Instruction**

**School Health
Advisory Council**

The following process shall apply regarding the adoption of curriculum materials for the district's human sexuality instruction:

1. The Board shall adopt a resolution convening the District's school health advisory council (SHAC) to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.

The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject ~~regularly to receive new information, to review~~ and grade level for which the ~~evaluate~~ materials are intended, and be reviewed by academic experts in the subject ~~to establish goals~~ and grade level ~~objectives~~ for which the materials are intended. ~~District's health education program.~~

**The SHAC Board
Responsibility**

3. ~~All proposed changes in the goals and objectives~~ shall present its recommendations ~~be brought~~ to the Board at a public meeting.

After the Board ensures ~~for approval prior to~~ the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting. ~~change being implemented.~~

**Instructor and
Materials**

~~Human sexuality and abstinence instruction shall be taught by the school nurse and/or the health-certified teachers in grades 3–12. Only those instructional materials, such as booklets, handouts, and audio/visual materials, as approved by the school health advisory council and the Board, shall be used in instruction.~~

~~All questions relating to human sexuality and abstinence education should be directed to the school nurse, the health-certified teacher, or the Principles of Health Science instructor. All questions shall be answered with factual, scientific information. Students asking questions regarding a religious or moral issue shall be directed by the instructor to discuss the issue with their parents.~~

~~Any issue relating to human sexuality that falls outside of the curriculum as approved by the SHAC and Board shall be left to the student's parent and/or guardian.~~

Notice to Parents

~~The District shall make all curriculum materials used in human sexuality and abstinence education available for parent and/or guardian review in accordance with applicable law.~~

~~Each student~~ ~~Students at all grade levels~~ who ~~has~~~~have~~ been identified as being at risk of dropping out of school, who ~~is~~~~are~~ not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment, shall be provided accelerated and/or compensatory educational services.

Accelerated Instruction

The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily ~~based~~ on a state-mandated ~~needs~~ assessment. ~~The principal shall ensure that each identified student is receiving services.~~

Accelerated Learning Committee

When a student fails to perform satisfactorily on a math or reading state-mandated assessment in grades 3, 5, or 8, an accelerated learning committee shall develop a written educational plan in accordance with law. If a parent requests that the student be assigned to a particular teacher the following school year, the request shall be addressed in accordance with the District's administrative procedures.

A parent complaint about the content or implementation of the educational plan shall be filed in accordance with FNG. ~~The services provided each student shall be consistent with the goals and strategies established in the District and campus improvement plans and shall be reviewed for effectiveness at the close of each grading period. Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child's progress toward educational goals.~~

~~Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.~~

~~{See EIE}~~

Curriculum Mastery	Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory, intensive, and/or accelerated services. [See EHBC]- The District shall comply with applicable state and federal requirements when determining methods for students with disabilities [see FB] or students who are English language learners [see EHBE and EKBA] to demonstrate mastery of the curriculum.
Students Receiving Special Education Services	Any modified promotion standards for a student receiving special education services shall be determined by the student's admission, review, and dismissal (ARD) committee and documented in the student's individualized education program (IEP). [See EHBA series and EKB]
Standards for Mastery	In addition to the factors in law that must be considered for promotion, mastery shall be determined as follows: <ol style="list-style-type: none">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 assessments 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.
Kindergarten	In kindergarten, the District may grant promotions using assessment methods other than numerical scores including, but not limited to, skills checklists.
Grades 1–5	In grades 1–5, promotion to the next grade level shall be based on an overall average of 70 on a scale of zero to 100 based on course-level, grade-level standards (essential knowledge and skills) for language arts, mathematics, social studies, and science, and a grade of 70 or above in language arts and mathematics.
Grades 6–8	In grades 6–8, beginning with the 2007–08 school year, promotion to the next grade level shall be based on an overall average of 70 or above on a scale of zero to 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts, mathematics, social studies, and science.
Grades 9–12	Grade-level advancement for students in grades 9–12 shall be earned by course credits. [See EI]

<i>Determining Course Credits</i>	If required by state law that the EOC assessments count as 15 percent of the final course grade, EOC assessments shall be used to determine course credits. [See EIA(LOCAL) and EIE(REGULATION)]
Accelerated Instruction	Acceleration of student learning shall begin in the classroom with the implementation of effective instructional strategies and structures as recommended by the Response to Intervention (RtI) Team or grade placement committee (GPC), based on the individual student's learning needs. If a student fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. Additionally, students in grades 5 and 8 shall be subject to all provisions of GRADE ADVANCEMENT TESTING, below.
Grade Advancement Testing	Except when a student will be assessed in reading or mathematics above his or her enrolled grade level, students in grades 5 and 8 must meet the passing standard on the applicable state-mandated assessments in reading and mathematics to be promoted to the next grade level, in addition to the District's local standards for mastery and promotion.
Definition of 'Parent'	For purposes of this policy and decisions related to grade advancement requirements, 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 or an authorization agreement as provided in Chapter 34 of the Family Code, 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)]
No Alternate Assessment Instrument	The District shall use only the statewide assessment instrument for the third testing opportunity.
Standards for Promotion Upon Appeal	If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law. The student shall not be promoted unless: 1. 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 in accordance with the educational plan developed by the GPC; and~~

- ~~2.—The student has completed required accelerated instruction in the subject area for which the student failed to demonstrate proficiency.~~

~~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.~~

~~Transfer Students~~

~~When a student 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 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.~~

~~Procedures to Reduce Retention~~

~~A campus review committee, the RtI designated by the building administrator, shall determine acceleration strategies to be used for a student at risk of failing on the basis of the individual student's strengths and weaknesses.~~

~~Assignment of Retained Students~~

~~In the event a student is not promoted to the next grade level, the District shall nevertheless assign the student to an age appropriate campus, unless:~~

- ~~1.—The student's parent requests that the student be assigned to the same or a similar campus setting; or~~
- ~~2.—The student's GPC determines that it would be in the student's best interest to be assigned to the same or a similar campus setting. Criteria to be considered for this decision may include:
 - ~~a.—Recommendations from the student's teachers.~~~~

~~b. Observed social and emotional development of the student.~~

Reducing Student Retention

~~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]~~

Safe Schools Data

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:
 - a. Attempted murder;
 - b. Indecency with a child;
 - c. Aggravated kidnapping;
 - d. Aggravated assault on someone other than a District employee or volunteer;
 - e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;
 - f. Aggravated robbery; or
 - g. Continuous sexual abuse of a young child or [disabled individual children](#).

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a
Violent Criminal
Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

**Additional Transfer
Options**

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes. [A student shall be required to submit verification of these absences in accordance with administrative regulations.](#)

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. ~~A student shall be required to submit verification of such visits in accordance with administrative regulations.~~

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. ~~A student shall be required to submit verification of such activities in accordance with administrative regulations.~~

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. ~~A student shall be required to submit verification of service in accordance with administrative regulations.~~

Learner or Driver's License

The District shall excuse a student 15 years of age or older for one day during his or her enrollment in high school for each of the following:

- Visiting a driver's license office to obtain a learner license; or
- Visiting a driver's license office to obtain a driver's license.

[For extracurricular activity absences, see FM.]

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

Students Attending Homeschools

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing
Compulsory
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

Consideration of All Absences Considered

Except as otherwise provided by law, all absences incurred while enrolled in the District ~~All absences~~ shall be considered in determining whether a student has attended the required percentage of days under this policy.

Attendance Committees

The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092.

The Superintendent ~~or designee~~ shall make the specific appointments in accordance with legal requirements.

Parental Notice of Excessive Absences

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

Methods for Regaining Credit or Awarding a Final Grade

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class or a final grade by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee.

Petitions for credit or a final grade may be filed at any time the student receives notice but, in any event, no later than 15 days after the last day of classes.

The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. The attendance committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered.

~~A student~~ ~~Students~~ who ~~has~~ ~~have~~ lost credit or ~~has~~ ~~have~~ not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

Personal Illness

~~The~~ When a student's absence for personal illness exceeds five consecutive days, the principal or attendance committee may require verification that the student present a statement from a physician or health-care provider in accordance with administrative regulations clinic verifying the illness or condition that caused the student's extended absence from school as a condition of classifying ~~an~~ the absence for personal illness as one for which there are extenuating circumstances.

Best Interest Standard

In reaching consensus regarding ~~if~~ a student's ~~student has established a questionable pattern of~~ absences and how, the student can be awarded credit ~~principal~~ or a final grade, the attendance committee shall attempt to ensure ~~may require~~ that its decision is in the best interest of the ~~a~~ student. The Superintendent shall develop administrative regulations to document the attendance committee's decision ~~present a physician's or clinic's statement of illness after a single day's absence as a condition of classifying the absence as one for which there are extenuating circumstances.~~

Guidelines on Extenuating Circumstances

The attendance committee shall consider whether a student has mastered the essential knowledge and skills and maintained passing grades in the course or subject. ~~adhere to the following guidelines to determine attendance for award of credit or a final grade:~~

~~When~~ Days of Attendance

1. ~~If~~ makeup work is completed satisfactorily, the attendance committee shall consider extracurricular absences and other excused absences ~~as that are allowed under compulsory attendance requirements shall be considered~~ days of attendance for award of credit or a final grade. [See FEA(LEGAL) at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS]

Transfers / Migrant Students

2. ~~A transfer or migrant student incurs absences only after his or her enrollment in the District.~~

Documentation

3. ~~The attendance committee shall consider the acceptability and authenticity of documented reasons for the student's absences.~~

Consideration of Control

4. ~~The~~ committee shall consider whether the reasons for the absences were ~~for reasons~~ out of the ~~student's or parent's or~~ student's control and.

Student's Academic Record

5.2. ~~The committee shall consider~~ whether documentation for ~~or not the absence is acceptable~~ student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.

~~Information from
Student or Parent~~

~~6.3.~~ The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

~~Best Interest
Standard~~

~~In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.~~

**Imposing Conditions
for Awarding Credit
or a Final Grade**

The attendance committee shall consider the student's unique circumstances and, if necessary, shall ~~may~~ impose ~~any of the following~~ conditions for ~~awarding students with excessive absences to regain~~ credit or ~~be awarded~~ a final grade that permit the student to meet the instructional requirements of the class rather than assigning a student to attend a specified program for an amount of time equivalent to the student's absences. Conditions may include:

1. Maintaining attendance standards for the rest of the semester.
1. Completing additional assignments, as specified by the committee or teacher.
2. Attending tutorial sessions as scheduled, ~~which may include Saturday classes or before and after school programs.~~
2. Completing other instructional programs, as specified by the committee.
- ~~3. Maintaining the attendance standards for the rest of the semester.~~
- 4.3. Taking an examination to earn credit. [See EHDB]
- ~~5. Attending a flexible school day program.~~
- ~~6. Attending summer school.~~

In all cases, the student must ~~also~~ earn a passing grade in order to receive credit.

**Attendance Appeal
Process**

Level I

If a student is in attendance less than the required percentage of days and has been notified by the District that credit will be denied, the parent or guardian may appeal in writing to the campus attendance committee composed of an assistant principal, a counselor, and at least three teachers. The committee shall provide a written response to the appeal to the parent or guardian within ten days.

Level II

If the decision of the campus attendance committee is unsatisfactory to the parent or guardian or the time for a response has expired, he or she may appeal in writing to the principal of the school

the student attends. This appeal shall be filed within ten days following the receipt of a response, or if no response is received, within ten days of the response deadline.

Level III

Parents or guardians may appeal the decision of the principal to the District attendance review committee that shall be composed of an administrator from pupil personnel services, an administrator, a counselor, and at least four teachers from either the elementary or secondary level based on the enrollment of the student in question. This appeal shall be made in writing to the executive director of pupil personnel services who shall provide the student's parent(s) or guardian(s) with written notice of the date, time, and place of the attendance review committee meeting within ten days of the receipt of the appeal request. This appeal shall be filed within ten days following receipt of a response, or if no response is received, within ten days of the response deadline.

The District attendance review committee shall have the authority to uphold, overturn, or alter the decision of the principal. The recommendation of the attendance review committee shall be rendered and sent in writing to the parent(s) or guardian(s) within ten days after the review of the appeal.

Level IV

A request for a Board review of the District attendance review committee's decision shall be made in writing to the Superintendent under FNG(LOCAL). This appeal shall be filed within ten days following receipt of a response, or if no response is received, within ten days of the response deadline.

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has **reasonable** cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. **As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers.** [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus princi-

pal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

¹ Texas Abuse Hotline Website: <http://www.txabusehotline.org>

Comprehensive System

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

Cumulative Record

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

Custodian of Records

The principal is custodian of all records for currently enrolled students. The guidance counselor is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

Types of Education Records

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by [an accelerated learning](#)~~a-grade placement~~ committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

- c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, school counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

Access by Parents

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requester's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or school counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or

reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

Access by School Officials

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
5. A person appointed to serve on a team to support the District's safe and supportive school program.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or

5. Investigating or evaluating programs.

**Transcripts and
Transfers of Records**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), Required Documentation] The District may return an education record to the school identified as the source of the record.

**Records
Responsibility for
Students in Special
Education**

The executive director of special education shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the campus special education office or a designated secure location.

**Procedure to Amend
Records**

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**Directory
Information**

Directory information for District students has been classified into two separate categories:

1. Items for use for the District's school-sponsored purposes; and
2. Items for military recruiters and institutions of higher education for secondary students.

School-Sponsored
Purposes

For the following school-sponsored purposes—all District publications and announcements—directory information shall include student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

Military Recruiters
and Institutions of
Higher Education
for Secondary
Students

For military recruiters and institutions of higher education for secondary students, directory information shall include student name, address, and telephone listing.

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ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Changes at Update 118 are based almost exclusively on legislation from the 87th Regular Legislative Session.

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 87th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted.

For more information about the bills mentioned below and other changes from the 87th Legislative Session, download the free *2021 Legislative Summary for TASB Members* PDF at <https://store.tasb.org/legislative-summary-for-tasb-members-pdf/>.

The *Local Policy Overview* for Update 118, available in the myTASB Policy Service Resource Library at <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>, provides a general, high-level overview of the changes to the (LOCAL) policies included in the update. **(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.**

Changes to the policy manual based on bills from the special called sessions will be included in Update 119.

A(LEGAL)

BASIC DISTRICT FOUNDATIONS

The A Section table of contents has been updated to include the new codes AIE, Investigations, and AEA, Educational Equity.

In Update 119, Policy Service will be reviewing districts' AE(LOCAL) and recoding any equity provisions to the new AEA(LOCAL).

AE(LEGAL)

EDUCATIONAL PHILOSOPHY

The objectives of public education have been updated to reflect HB 4509 revisions regarding instruction on American patriotism.

AG(LEGAL)

HOME-RULE DISTRICTS

Provisions on home rule districts have been updated to reflect the applicability of Education Code Chapter 39 and special investigations (SB 1365) and parental options to retain students (SB 1697) for these districts.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Details regarding accountability performance ratings have been added from SB 1365, including the effects of "Not Rated" and D ratings.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

Revisions to the quality of learning indicators are from HB 4545.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Significant changes from the 87th Legislature, Regular Session address:

- The authority of conservators, management teams, and boards of managers;

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- Interventions and consequences for D ratings;
- Revisions regarding campus turnaround plans;
- Appeals of interventions and sanctions; and
- New intervention programs, including designation as a resource campus and required compliance with the strong foundations grant program requirements.

We have also added an existing prohibition on student trustees participating in a closed board meeting when a personnel matter is being considered.

Provisions on monitoring reviews and on-site investigations have been moved to AIE, Investigations.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Provisions on special investigations (formerly *special accreditation investigations*) and monitoring reviews and activities have been revised as a result of SB 1365 and moved to this new code on investigations.

BA(LEGAL) BOARD LEGAL STATUS

The provision regarding the board's governance authority has been moved to BAA(LEGAL), which addresses the board's powers and duties.

BAA(LEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES

The provision regarding the board's governance authority has been moved from BA(LEGAL) and revised to better reflect statutory wording.

SB 1365 adds exceptions to the board's exclusive power to govern and oversee the management of the district to address the appointment of a board of managers.

Provisions on the board's authority related to district property have been deleted, as they are included at other codes.

BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

Changes to this legally referenced policy include:

- Clarification regarding felony convictions for eligibility and service as a board member (HB 1540 and Attorney General Opinion KP-0251); and
- Revisions to the definition of "residence" (SB 1111).

BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Provisions updated in accordance with HB 3107 include those related to election orders, election notices, filing information, delivery or submission of election documents, drawings to determine the order of names on the ballot, and temporary branch polling places.

SB 1116 requires a new internet posting 21 days before election day with information about the upcoming election.

Requirements regarding early voting rosters have been updated in accordance with HBs 1382 and 1622.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 3107 clarifies processes for tied votes and runoff elections.

SB 1116 includes a new requirement to post online detailed information on election results.

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BBBD(LLEGAL) ELECTIONS: CAMPAIGN ETHICS

Amended Ethics Commission rules change the definition of "political advertising" to address text messages.

BBD(LLEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

The State Board of Education must require school safety training for trustees per HB 690 and work with the Texas School Safety Center to develop curriculum and materials by January 1, 2022.

BBFA(LLEGAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES

A definition of "contract" has been added to assist with application of conflicts disclosure provisions. Other provisions have been reordered, reworded, and removed for readability.

BDF(LLEGAL) BOARD INTERNAL ORGANIZATION: CITIZEN ADVISORY COMMITTEES

HB 1525 imposes new meeting requirements for school health advisory councils, including posting of meeting details in advance of meetings and preparing and posting meeting minutes and recordings.

CBA(LLEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE

An existing provision regarding the purpose of the Foundation School Program has been added.

CBB(LLEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

We have referenced an existing provision that prohibits the use of federal loan or grant funds to procure or obtain foreign telecommunications equipment.

CCG(LLEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions on ad valorem taxes were affected by several bills.

- HB 1525 includes exceptions to the prohibition on levying a maintenance tax at a rate with the intent to create a surplus in maintenance tax revenue to pay the district's debt service. We have also added a reference to the consequences of violating the prohibition without an applicable exception.
- SB 1438 addresses the calculation and adoption of tax rates in a disaster area.

Because provisions permitting a district to adopt a tax rate before adopting a budget no longer align with current statutes and TEA processes for calculating the maximum compressed rate, they have been deleted from the policy.

CCGA(LLEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Legislation affected several provisions on tax exemptions and payments:

- SB 1427 clarifies that the temporary exemption for qualified property damaged by disaster applies only to physical damage.
- SB 1438 repeals the provisions permitting a governing body to adopt a temporary exemption for qualified property damaged by disaster, making the exemption automatic.
- HB 988 addresses exemptions for goods-in-transit when the district is in a disaster area.
- SB 742 expands the existing provision regarding installment payments in a disaster area to include property in an *emergency* area.

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CCH(LEGAL)

LOCAL REVENUE SOURCES: APPRAISAL DISTRICT

A recent attorney general opinion clarifies that an employee of an appraisal district may not serve as a trustee in a school district that is a participating entity in the appraisal district.

HB 988 creates a criminal offense for a board member, officer, or employee of a participating taxing unit, such as a school district, who communicates with the appraisal district to influence a property's appraisal value unless the person owns or leases the property.

The circumstances under which a person is ineligible to serve on the board of directors of an appraisal district were revised by SB 63, and additional detail on eligibility restrictions have been added from existing law.

Provisions on adjusting the number of appraisal board members in special circumstances have been removed.

CDC(LEGAL)

OTHER REVENUES: GIFTS AND SOLICITATIONS

HB 1525 requires a district to accept donations from a parent-teacher organization or association to fund supplemental educational staff positions and spend the donation for the designated purpose.

Under HB 3979, a district is prohibited from accepting private funding for curriculum or professional development for a course as described by Education Code 28.002(h-3)(3), which pertains to certain social studies course content and requirements.

CE(LEGAL)

ANNUAL OPERATING BUDGET

SB 1365 prohibits use of local funds to initiate or maintain an action against the state or officer of the state arising out of a decision, order, or determination that is final and unappealable under the Texas Education Code, unless specifically authorized.

The bill also creates a criminal offense for a board member who votes to approve an expenditure in violation of an Education Code provision for a purpose for which the funds may not be spent.

CFA(LEGAL)

ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

A reference to the updated *Financial Accountability System Resource Guide*, adopted June 2021, has been added.

CFC(LEGAL)

ACCOUNTING: AUDITS

A reference to the updated *Financial Accountability System Resource Guide*, adopted June 2021, has been added.

CFD(LOCAL)

ACCOUNTING: ACTIVITY FUNDS MANAGEMENT

Recommended revisions to this local policy are to align with the recently adopted amendments to the *Financial Accountability System Resource Guide (FASRG)*, Module 1, Appendix H, on activity funds. (See the *FASRG Financial Accounting and Reporting Appendices* at <https://tea.texas.gov/sites/default/files/fasrg17-module1-farappendices-final-accessible.pdf>.)

Substantive changes include clarification that student activity funds are those funds raised and collected by student clubs and organizations. Approval to spend those funds rests solely with the student organization or club, with disbursement management and approvals by the principal and sponsor.

A more specific reference to the district's accounting practices and procedures was added regarding management of expenditures.

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CH(LEGAL) PURCHASING AND ACQUISITION

The Professional Services Procurement Act was revised to address procurement of services by forensic analysts and science experts (HB 3774) and physicians, optometrists, and registered nurses under certain circumstances (SB 799).

A definition of a "contingent fee contract" for legal services has been added from SB 1821, and other revisions on this topic are from HB 1428.

SB 799 also amends provisions on management fees under cooperative purchasing contracts.

CHE(LEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

Districts are prohibited from entering into certain contracts with a company for goods and services unless the contract contains written verification that the company:

- Does not boycott energy companies, as described (SB 13); and
- Does not discriminate against a firearm entity or firearm trade association, as described (SB 19).

Existing statutory provisions on vendor conflict of interest questionnaires have been added for completeness.

CHF(LEGAL) PURCHASING AND ACQUISITION: PAYMENT PROCEDURES

HB 1476 imposes additional requirements on districts regarding disputed invoices with vendors.

CHG(LEGAL) PURCHASING AND ACQUISITION: REAL PROPERTY AND IMPROVEMENTS

Revisions to the annual eminent domain reporting requirements have been added from SB 157.

CHH(LEGAL) PURCHASING AND ACQUISITION: FINANCING PERSONAL PROPERTY PURCHASES

SB 58 adds cloud computing services to the definition of personal property under the Public Property Finance Act.

Existing legal sources related to the Public Property Finance Act have been added for completeness and address lease-purchase contracts and fair processes for competitive bidding.

CK(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT

Changes from HB 3597 include the following:

- A district will have three, not six, months to respond to a notification from the Texas School Safety Center (TxSSC) that the district failed to report the results of its safety audit.
- A copy of a memorandum of understanding or mutual aid agreement between a district and another entity addressing school safety and security issues provided to the TxSSC is confidential and not subject to disclosure under the Public Information Act.

CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: INSPECTIONS

Extensive revisions to this legally referenced policy on asbestos are a result of amended Texas Asbestos Health Protection rules effective July 8, 2021.

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CKB(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

HB 3597 requires the commissioner of education in consultation with other relevant entities to adopt rules on emergency drills and exercises. The previous Administrative Code provisions have been removed pending development of the new rules.

Before a district may conduct an active threat exercise, the district must comply with new notice provisions and other requirements in accordance with SB 168. The [Regulations Resource Manual](#) includes a sample notification form.

CKC(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Legislative cleanup resulted in several revisions to this legally referenced policy on emergency plans:

- HB 3607 removes a reference to an expired statute;
- HB 3597 clarifies that a multihazard emergency operations plan must include responding to a train derailment if a district *facility*, rather than a *school*, is within 1000 yards of a railroad track; and
- HB 3597 corrects a reference to the *five*, not *four*, phases of emergency management to be addressed in a multihazard emergency operations plan.

CKD(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY MEDICAL EQUIPMENT AND PROCEDURES

Although still required, the annually provided instruction on cardiopulmonary resuscitation and the use of automated external defibrillators no longer has to meet guidelines under the Health and Safety Code. (SB 199)

CKE(LLEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

HB 1788 addresses a school district's immunity from liability for damages resulting from a reasonable action by security personnel to maintain safety at a school campus, including actions relating to possession or use of a firearm. The district also has immunity from liability for any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

We have revised the provisions on authorizing handguns from Attorney General Opinion GA-1051 in light of the repeal of Penal Code 46.035 by HB 1927.

CKEA(LLEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

SB 24 adds new pre-employment procedures that law enforcement agencies must follow before hiring a licensed peace officer.

If the Texas Commission on Law Enforcement (TCOLE) provides model policies on the topics required in law, a law enforcement agency must, within 180 days of TCOLE providing the policies, adopt a policy on the required topics and may adopt the model policies. (HB 3712)

A law enforcement agency that intends to use a drone for law enforcement purposes must, no later than January 1, 2022, adopt a policy regarding the use of force by means of a drone. (HB 1758)

HB 929 amends existing provisions on body-worn cameras and requires an officer to keep the camera activated during an investigation in which the officer is participating.

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KKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

SB 741 permits a school marshal to carry a concealed handgun and eliminates the previous requirement for the firearm to be locked in a secure safe within the marshal's immediate reach if the marshal has direct, regular contact with students.

KKEC(LEGAL) SECURITY PERSONNEL: SCHOOL RESOURCE OFFICERS

SB 1191 amends the definition of a school resource officer to exclude a peace officer who only provides services at extracurricular activities.

CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY

A new requirement to post human trafficking warning signs has been added from SB 1831.

CLE(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: FLAG DISPLAYS

Pursuant to SB 797, schools must display in each building a poster or framed copy of the national motto that also includes representations of the U.S. and state flags if donated or purchased from private donations.

CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

HB 3261 expands the items and services on which a district can use its technology and instructional materials allotment (TIMA).

The bill also eliminates the provision requiring a district to purchase items in a specified order.

CNA(LEGAL) TRANSPORTATION MANAGEMENT: STUDENT TRANSPORTATION

SB 204 permits a district to operate a transportation system for interdistrict transfer students outside district boundaries and without having an interlocal agreement with the transferring district if the district meets applicable certification requirements and has a policy that prohibits the screening of transfer requests using academic performance, disciplinary history, or attendance records.

Please contact your policy consultant if your district will use this approach and you need changes to FDA(LOCAL). The [Regulations Resource Manual](#) includes a sample certification statement.

A district in a disaster area is eligible for transportation funding for the cost of transporting a meal or instructional materials in accordance with SB 462.

Other revisions are to better match legal sources.

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

SB 1267 repeals provisions on school bus emergency evacuation training.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

SB 1351 revises provisions permitting a campus to donate surplus food. Links have also been updated.

CQ(LEGAL) TECHNOLOGY RESOURCES

SB 475 adds "robotic process automation" to the examples of next generation technology.

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CQA(LEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

The list of required internet postings has been updated to include:

- Election information and election results (SB 1116);
- Notice of school health advisory council (SHAC) meetings, minutes, and recordings (HB 1525);
- A link to the comptroller website to find information on the district's agreements to limit appraised property values (existing requirement);
- Information regarding compliance with requirements for a district that will operate a transportation system outside district boundaries without an interlocal agreement (SB 204); and
- The district's employment policy and any referenced regulations (HB 750).

The optional posting pertaining to annual notice of programs for college credit has been updated as a result of SB 1095.

CQB(LEGAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

Reporting of a breach of system security to TEA now includes a requirement to also report to an entity with which TEA contracts and may be made by district employees other than the cybersecurity coordinator per SB 1696.

Cybersecurity training requirements were amended by HB 1118 and SB 1267.

Security breach notifications under the Business and Commerce Code were amended by HB 3746.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

Based on HB 1118 and SB 1267, the provision addressing board delegation to the superintendent regarding cybersecurity training has been revised to:

- Reflect the elimination of the annual training requirement (except for the cybersecurity coordinator); and
- Give the superintendent the authority to impose consequences for failure to complete required training.

Recommended revisions regarding reports of breaches involving student information are based on SB 1696, which permits the district, rather than the cybersecurity coordinator, to report breaches to TEA and others as required by law.

Sample procedures in the [Regulations Resource Manual](#) have also been updated based on these changes.

Please note that BJA(LOCAL) permits the superintendent to delegate responsibilities to other employees as permitted by law; therefore, references to the superintendent's designee have been removed at Training.

CRD(LEGAL)

INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

SB 1444 permits a district participating in TRS ActiveCare to opt out of participation as described and prohibits a district participating in TRS ActiveCare from offering health coverage that is not provided under TRS ActiveCare.

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Other revisions are to reorder provisions for better flow, remove unnecessary provisions, and better reflect legal sources.

CV(LLEGAL) FACILITIES CONSTRUCTION

HB 2581 amends provisions on contracting procedures for construction projects, including evaluation of submissions and criteria for awarding construction contracts.

SB 338 permits a district to adopt and incorporate into relevant contracts the Texas Facilities Commission's uniform general conditions.

CVB(LLEGAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

HB 2581 requires a district using competitive sealed proposals for construction projects to make the evaluations public within 7 business days of the contract award and provide the evaluations to all offerors. A reference to provisions on weighting the value assigned to price has also been added.

DBA(LLEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

New provisions from HB 1525 and SB 1356 permit members of teacher organizations and other eligible individuals to participate in a tutoring program to provide supplemental instruction to students as overseen by the superintendent.

DC(LLEGAL) EMPLOYMENT PRACTICES

A new posting requirement from HB 750 requires a district to post on its website the employment policy required by Education Code 11.1513(a) and any regulations referenced in the policy. Any form referenced in the policy must be posted on the district's intranet or at a district administrative office.

HB 1525 requires a district to accept donations from a parent-teacher organization or association to fund supplemental educational staff positions and spend the donation for the designated purpose.

DEA(LLEGAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

With limited exceptions, HB 1525 requires a district to maintain salaries provided for the 2019–20 school year under HB 3, 86th Legislative Session, as long as the employee remains employed by the district.

Revisions regarding TRS surcharges for rehired retirees include:

- A prohibition against a district passing on to a retiree the cost of TRS surcharges (SB 202); and
- A temporary exemption from TRS surcharges through February 1, 2025, when a retiree is employed to mitigate student learning loss (SB 288).

DEAA(LLEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

HB 1525 eliminates the requirement that a teacher be certified to be designated a master, exemplary, or recognized teacher under a local optional teacher designation system.

Changes to provisions on mentor teachers and achievement academy stipends are from SB 1267.

DEC(LLEGAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

Districts that employ peace officers must implement two new leave provisions.

- SB 1359 requires a policy allowing the use of paid mental health leave by officers who experience a traumatic event in the scope of employment.

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- HB 2073 requires the board to develop and implement a paid quarantine leave policy for district peace officers who are ordered to isolate or quarantine because of possible or known exposure to a communicable disease while on duty.

In July, Policy Service sent an email with information on local policy changes to districts which our records show employ peace officers. If your district employs peace officers and has not yet contacted the district's policy consultant for policy revisions, please do so.

DECB(LLEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

HB 1589 adds new disaster leave provisions for employees in the military who are called to state active duty in response to a disaster.

DFE(LLEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

HB 2519 requires notice to employees whom the district reports to SBEC for contract abandonment and limits SBEC's authority to sanction a teacher who files a resignation after the 45th day but no later than the 30th day before the first day of instruction.

DFE(LOCAL) TERMINATION OF EMPLOYMENT: RESIGNATION

Revisions to this local policy on resignations are guided by a recent commissioner of education proposal for decision. Based on the relevant statutory wording, a contract employee's resignation effective at the end of the school year must be filed with the board of trustees or the board's designee, and the board's designee, typically the superintendent, may not further delegate the ability to receive these resignations. As a result, we recommend revising the policy language to give the superintendent *or other person designated by board action* the authority to accept these resignations.

New recommended text states that if a contract employee provides a resignation to a supervisor who has not been designated by the board to accept such resignations, the supervisor shall instruct the employee to submit the resignation to the superintendent or other person designated by board action.

We have also clarified that a superintendent may delegate authority to accept at-will resignations to other administrators.

The [Regulations Resource Manual](#) includes sample resolutions if the board chooses to designate a district employee, in addition to the superintendent, to accept contract employee resignations.

DG(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

As a result of HB 3979, a teacher in a required social studies course may not be compelled to discuss a current event or widely debated and currently controversial issue of public policy or social affairs.

DGC(LLEGAL) EMPLOYEE RIGHTS AND PRIVILEGES: IMMUNITY

SB 6 provides that a person is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency except as provided by law.

DH(LLEGAL) EMPLOYEE STANDARDS OF CONDUCT

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

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DIA(LLEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

SB 45 clarifies that an employer commits an unlawful employment practice for failing to take immediate and appropriate corrective action regarding sexual harassment that the employer or employer's agents knew or should have known was occurring.

SB 282 prohibits a district from using public money to settle or pay a sexual harassment claim against a board member or an officer or employee of the district.

DMA(LLEGAL)

PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Numerous revisions throughout this legally referenced policy on staff development are a result of SB 1267, which amends current requirements and requires SBEC, by June 1, 2022, to create a clearinghouse on continuing education and training requirements that includes recommendations for the frequency of training.

Boards must develop a professional development policy by August 1, 2022, that includes a schedule of training based on the clearinghouse or notes any differences between the board policy and the clearinghouse recommendations. Policy Service will provide local policy recommendations following publication of the clearinghouse.

Other legislation affecting this policy includes:

- HB 159, requiring certain elements be included in educator staff development;
- HB 1525, delaying requirements for teacher literacy achievement academies;
- HB 2681, requiring teachers of elective Bible courses to be certified in one of three areas and complete commissioner-developed training; and
- SB 199, eliminating the requirement for instruction on cardiopulmonary resuscitation and the use of automated external defibrillators to meet guidelines under the Health and Safety Code.

DP(LLEGAL)

PERSONNEL POSITIONS

SB 179 mandates that the board adopt a policy requiring a school counselor to spend at least 80 percent of the school counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). See DP(LOCAL), below, for more information.

Provisions in relevant employment contracts cannot conflict with the policy, and a district must annually assess the policy.

DP(LOCAL)

PERSONNEL POSITIONS

Revisions regarding school counselors are based on SB 179, which mandates that the board adopt a policy requiring a school counselor to spend at least 80 percent of total work time on duties that are components of a comprehensive school counseling program (CSCP). If the board determines that, because of staffing needs in the district or at a campus, a school counselor cannot spend 80 percent of work time on CSCP components, the policy must address further details regarding the counselor's duties.

The recommended policy text is structured for the administration, rather than the board, to make the initial administrative determination about a counselor's job duties. If the board approves that determination, the board shall direct the superintendent to develop a revised job description for that counselor that will address the requirements in law.

To streamline the list of principal qualifications, we recommend referencing the job description for the number of years of experience as a classroom teacher and deleting this detail from policy. **Please ensure the district's job description for principals reflects the board's requirements.**

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In accordance with these revisions, TASB HR Services has revised its model job descriptions available to subscribers in the HR Library at <https://www.tasb.org/services/hr-services/mytasb/model-job-descriptions/campus-instruction.aspx>.

E(LEGAL) INSTRUCTION

The E Section table of contents has been revised to change the subtitle of EKBA to English Learners/Emergent Bilingual Students to align with changes from SB 2066.

EB(LEGAL) SCHOOL YEAR

A district may receive full ADA if it provides at least 43,200 minutes of instructional time to students enrolled in a school operating an adult high school charter school program in accordance with SB 1615.

EEB(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CLASS SIZE

Class size limits have been extended to prekindergarten by SB 2081.

EEL(LEGAL) INSTRUCTIONAL ARRANGEMENTS: CONTRACTS WITH OUTSIDE AGENCIES

Driver training *schools* are renamed driver training *providers* by HB 1560.

EF(LEGAL) INSTRUCTIONAL RESOURCES

SB 348 clarifies that a parent is entitled to review teaching and instructional materials while a child is participating in virtual or remote learning and to observe virtual instruction.

EHA(LEGAL) CURRICULUM DESIGN: BASIC INSTRUCTIONAL PROGRAM

As provided by SB 6, a district is not liable for damages or monetary relief from a cancellation or modification of a course, program, or activity if the action is due to a pandemic emergency.

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

Provisions on required instruction have been added to reflect HB 4509 revisions regarding instruction on American patriotism, Texas history, and the free enterprise system.

HB 1525 imposes several requirements regarding human sexuality curriculum materials, including:

- Revised parental notification and new parental consent provisions;
- Posting of proposed and adopted curriculum materials and options for a parent to purchase copyrighted materials from the publisher; and
- New board policy on adopting curriculum materials [see EHAA(LOCAL), below].

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

SB 123 revises the list of topics that must be addressed in character education programs.

EHAA(LOCAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

New provisions are recommended to replace the district's current policy text. The new provisions are based on HB 1525, which imposes several requirements regarding human sexuality curriculum materials,

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including a board policy on adopting curriculum materials. The new policy language follows the steps required by law, including board adoption of a resolution to convene the school health advisory council (SHAC) to hold meetings and make recommendations to the board at a public meeting, as well as board confirmation that the recommendations meet the requirements in law before taking action by a record vote.

The [Regulations Resource Manual](#) includes a sample board resolution for convening the SHAC and a sample parental consent form.

Please note: After reviewing the recommended revisions, if the district would like to further revise this policy, please contact your policy consultant for assistance.

EHAD(LEGAL) BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

Driver training *schools* are renamed driver training *providers* by HB 1560.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

SB 89 requires districts to add supplemental information to the individualized education program (IEP) of any child who was enrolled in special education during the 2019–20 or 2020–21 school years.

The admission, review, and dismissal committee of a student who is participating in the new supplemental special education services and instructional materials program created by SB 1716 must provide certain information to parents and cannot consider the supplemental services when developing the IEP.

HB 785 imposes new requirements when a student has a behavioral improvement or intervention plan.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

HB 1525 eliminates the statutory requirement for a district to annually certify its gifted and talented program to the commissioner.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Numerous legislative changes affect this legally referenced policy on compensatory and accelerated services.

- The compensatory education allotment may be used for services of an instructional coach (HB 1525).
- The list of students at risk of dropping out of school excludes students who are retained in prekindergarten (SB 1697) and includes students enrolled in a dropout recovery school (HB 572) and students participating in an adult high school charter school program (SB 1615).
- The term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).
- New provisions have been added on required services after an unsatisfactory performance on state assessments, including accelerated instruction, accelerated learning committees, and parent requests for specific teachers (HB 4545).

EHBC(LOCAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Recommended revisions to this local policy include references to accelerated instruction and accelerated learning committees as revised by HB 4545 and direct parents to FNG, the district's existing grievance policy, for complaints about educational plans.

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The text also explains that parental requests for a student to be assigned to a particular teacher following a student's unsatisfactory performance on a grade 3, 5, or 8 math or reading assessment shall be handled in accordance with the district's administrative procedures. The [Regulations Resource Manual](#) includes sample procedures and a form for these parental requests.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to [this policy topic](#).

EHBE(LLEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

SB 2066 revises the term "limited English proficient" to "emergent bilingual" in several instances and adds a definition of the new term.

EHBF(LLEGAL) SPECIAL PROGRAMS: CAREER AND TECHNICAL EDUCATION

In addition to existing career and technology education program notification requirements, SB 1095 adds a requirement for the district to provide parents notification of certain work-based education programs offered by the district.

EHBG(LLEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Eligibility for free prekindergarten enrollment for three-year-olds has been extended by HB 725 to children who were in foster care in another state.

Subject to certain requirements, a parent may elect for a student to repeat prekindergarten or enroll in prekindergarten for the first time if the student would have been eligible the previous year and has not yet enrolled in kindergarten (SB 1697).

To obtain an exemption from requirements regarding prekindergarten classes for four-year-olds, a district must first solicit proposals for partnerships (HB 1525).

A prekindergarten program provided by a private entity must comply with class size limits (SB 2081).

EHBK(LLEGAL) SPECIAL PROGRAMS: OTHER INSTRUCTIONAL INITIATIVES

As revised by HB 3257, instruction required during Holocaust Remembrance Week must include materials developed or approved by the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

EHDD(LLEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

In addition to existing career and technology program notification requirements, SB 1095 adds a requirement for the district to provide notice of work-based education programs offered by the district, such as internships, externships, apprenticeships, or a Pathways in Technology Early College High School (P-TECH) program, and to notify parents of the qualifications for enrolling in these programs. A district must also provide notice regarding subsidies to take college advanced placement tests or international baccalaureate examinations.

An agreement with an institution of higher education must designate an employee of the district or the higher education institution as responsible for providing academic advising to students who will enroll in a dual credit course, as specified by SB 1277.

EI(LLEGAL) ACADEMIC ACHIEVEMENT

Revised Administrative Code rules require the academic achievement record to reflect compliance with the requirement to complete a free application for federal student aid (FAFSA) or Texas application for state financial aid (TASFA).

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SB 1888 eliminates the Early High School Graduation Scholarship Program.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

HB 4545 eliminates grade advancement provisions for students in grades 5 and 8.

SB 1697 creates parental options to retain students in prekindergarten through grade 8 or retake a high school credit course, even if the student has met the promotion standards or passed the course. In addition, a parent may enroll a student in prekindergarten or kindergarten as specified if the student was eligible the previous year. The bill includes a process to be followed if the district disagrees with the request. However, if the parent participates in that process, the parent may make the final decision whether the student will be retained. The retention provisions for grades 4–8 and for high school courses expire September 1, 2022.

EIE(LOCAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

Outdated provisions on grade advancement testing have been removed as a result of HB 4545, including provisions on assignment of retained students, which were based on Administrative Code provisions addressing grade advancement requirements. The statement about eliminating the practice of retaining students is recommended for deletion, as it is only needed if a district operates an optional extended year program (OEYP) under Education Code 29.082.

Accelerated instruction is now addressed at EHBC.

Please review your policy and contact your policy consultant if the district's grade level promotion standards need revision. The article "Level-Up? Promotion to the Next Grade Depends on Board Policy" (available in the TASB Member Center at <https://www.tasb.org/members/enhance-district/local-promotion-standards/>) provides additional information on grade level promotion standards.

Please note: We have removed your locally developed text regarding promotion guidelines for kindergarten in light of SB 1697. We have also removed the district's policy text regarding the establishment of a response to intervention committee as a result of HB 4545. Deletion of the Determining Course Credits provision is recommended to comply with new laws when effective. Please contact your policy consultant if you have any questions.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to [this policy topic](#).

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

SB 369 adds details regarding how a school counselor reports compliance with the requirement for a student to complete a free application for federal student aid (FAFSA) or Texas application for state financial aid (TASFA).

The statutory expiration date for individual graduation committees was repealed by HB 1603.

Provisions on the Texas First Early High School Completion Program are from SB 1888.

Revised Administrative Code rules clarify that the requirement to demonstrate proficiency in specific communication skills for graduation may be satisfied beginning in grade 8.

EK(LEGAL) TESTING PROGRAMS

We have removed TEA obligations regarding reimbursement procedures for college preparation assessments.

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EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

The statutory term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).

SB 1267 permits the district employee who oversees test administration to require other district employees who administer assessments to repeat test administration training.

References to the Texas Success Initiative Assessment, Version 2.0 (TSIA2) have been added as a result of revised Administrative Code rules.

Revisions regarding accelerated instruction are based on HB 4545.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS

The statutory term "limited English proficient" has been changed to "emergent bilingual" (SB 2066).

EL(LEGAL) CAMPUS OR PROGRAM CHARTERS

HB 3607 revises funding provisions applicable when a district contracts with an open-enrollment charter school to jointly operate a campus.

SBs 1365 and 1697 revise the list of laws applicable to charter campuses or programs.

EMB(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: TEACHING ABOUT CONTROVERSIAL ISSUES

HB 3979 adds numerous restrictions for a social studies course in the required curriculum.

EMI(LEGAL) MISCELLANEOUS INSTRUCTIONAL POLICIES: STUDY OF RELIGION

HB 2681 permits a district to offer an elective course on the Bible beginning in grade 6, rather than grade 9.

FD(LEGAL) ADMISSIONS

A statement has been added for new provisions from HB 4545 regarding enrollment in prekindergarten and kindergarten under certain circumstances. A cross-reference has also been added to EIE(LEGAL).

SB 746 requires a parent to provide to the district in writing the parent's contact information.

In accordance with SB 1615, a student enrolled in an adult high school charter school program is entitled to the benefits of the available school fund if the student is under 50 years of age.

FDA(LEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS

SB 481 allows a student to transfer to another district if the student's current district will offer only virtual instruction for more than one grading period during the school year.

A cross-reference to CNA has been added for provisions on operating a transportation system outside the district to transport interdistrict transfer students.

FDAA(LEGAL) INTERDISTRICT TRANSFERS: PUBLIC EDUCATION GRANTS

SB 1365 revises public education grants to make a student eligible if the student is assigned to a campus with any unacceptable performance rating.

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FDB(LEGAL)

ADMISSIONS: INTRADISTRICT TRANSFERS AND CLASSROOM ASSIGNMENTS

SB 1365 revises public education grants to make a student eligible if the student is assigned to a campus with any unacceptable performance rating.

FDE(LEGAL)

ADMISSIONS: SCHOOL SAFETY TRANSFERS

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of “a disabled individual.”

FDE(LOCAL)

ADMISSIONS: SCHOOL SAFETY TRANSFERS

Recommended revisions are to reflect a change from HB 375, which amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of “a disabled individual.”

FEA(LEGAL)

ATTENDANCE: COMPULSORY ATTENDANCE

HB 699 requires a school district to excuse a student's absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if proper documentation is provided.

SB 289 creates an optional excused absence for a student who is at least 15 years old to be absent for one day to obtain a learner license and for one day to obtain a driver's license.

HB 3165 provides an affirmative defense to truant conduct if absences were due to a child's voluntary absence from home because of abuse.

FEA(LOCAL)

ATTENDANCE: COMPULSORY ATTENDANCE

We have added text to address SB 289, which creates an optional excused absence for a student who is at least 15 years old to be absent for one day to obtain a learner license and for one day to obtain a driver's license. **Contact the district's policy consultant if your district will not permit these excused absences.** The [Regulations Resource Manual](#) includes at FEA a sample form for students to verify an absence to visit a driver's license office and, at FEB, a chart listing acceptable documentation for absences, including for learner permits and driver's licenses.

Various references about providing verification of the absences addressed in the policy have been consolidated into a single statement.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to [this policy topic](#).

FEC(LEGAL)

ATTENDANCE: ATTENDANCE FOR CREDIT

HB 699 prohibits a district from considering excused absences resulting from a serious or life-threatening illness or related treatment in determining whether a student has satisfied attendance requirements for a final grade or credit.

FEC(LOCAL)

ATTENDANCE: ATTENDANCE FOR CREDIT

Numerous revisions are recommended to this local policy on attendance for credit.

- As reflected in the revision at Absences Considered, in calculating whether a student has met the 90 percent attendance requirement, HB 699 creates an exception for absences resulting from a serious or life-threatening illness or related treatment. The [Regulations Resource Manual](#) includes sample letters to notify parents of student absences, which have been updated to reflect this exception.

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- Administrative details on documentation of student illnesses have been included in the *Model Student Handbook* and are recommended for deletion.
- Provisions on the attendance committee's consideration of the best interest of the student, extenuating circumstances, and conditions for awarding credit or a final grade have been revised and re-ordered to emphasize a student's mastery of the essential knowledge and skills and maintaining a passing grade rather than assigning a student to attend programs for an amount of time equivalent to the student's absences.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to [this policy topic](#).

FED(LEGAL)

ATTENDANCE: ATTENDANCE ENFORCEMENT

HB 699 prohibits a district from referring a student to truancy court and requires a district to provide counseling to a student who is absent due to a severe or life-threatening illness or related treatment.

The sample Truancy Prevention Measures Checklist in the [Regulations Resource Manual](#) has been updated to reflect this change.

FFAC(LEGAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

SB 1267 requires that training on unassigned epinephrine auto-injectors be in accordance with the district's professional development policy, which must be adopted by August 1, 2022, following publication of the SBEC clearinghouse on continuing education and training requirements. See DMA(LEGAL) above for information.

SB 6 addresses immunity of certain medical professionals for injury or death caused by care, treatment, or failure to provide care or treatment relating to a pandemic disease.

FFB(LEGAL)

STUDENT WELFARE: CRISIS INTERVENTION

HB 3597 provides flexibility regarding the requirement for a district's threat assessment team to include a variety of members with extensive expertise and now requires the superintendent to ensure, *to the greatest extent practicable*, that the members have the required expertise.

FFBA(LEGAL)

CRISIS INTERVENTION: TRAUMA-INFORMED CARE

SB 1267 requires that training on trauma-informed care be in accordance with the district's professional development policy, which must be adopted by August 1, 2022, following publication of the SBEC clearinghouse on continuing education and training requirements. See DMA(LEGAL) above for information.

The bill also repeals the requirement to report on training compliance to TEA.

FFEB(LEGAL)

COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

As required by SB 279, student identification cards must include the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line and may include a local suicide prevention hotline, if available.

FFG(LEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

HB 3379 changes the standard of reporting child abuse and neglect from "cause to believe" to "*reasonable* cause to believe."

In addition, we have reordered provisions to better align with the structure of FFG(LOCAL) and have added an existing definition for completeness.

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FFG(Local)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Recommended revisions to this local policy incorporate HB 3379 changes to the standard of reporting child abuse and neglect from "cause to believe" to "*reasonable* cause to believe."

A reference to the definition of a person responsible for the care, custody, or welfare of a child has been added for clarification.

We have also clarified that training will be as required by law and district policy in anticipation of the new district professional development policy that must be in place by August 2022. See DMA above for more information.

FFH(Legal)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

Dating violence training is now only required on campuses that instruct students in grade six or higher in accordance with SB 1267.

An adjustment to the Note on Title IX explains that the Office for Civil Rights (OCR) has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

FFI(Legal)

STUDENT WELFARE: FREEDOM FROM BULLYING

In accordance with SB 2050, district bullying policies must address prevention and mediation of bullying incidents and comply with minimum standards adopted by TEA. Policy Service will recommend local policy revisions following publication of the TEA minimum standards.

FL(Legal)

STUDENT RECORDS

Changes in federal law prompted revisions regarding access to student information by military recruiters, who may have access to a student's district-provided email address unless a parent has advised the district not to release this information.

FL(Local)

STUDENT RECORDS

At Types of Education Records, we have replaced an outdated reference to the "grade placement committee" with a reference to the "accelerated learning committee" in accordance with HB 4545.

The *Legal Issues in Update 118* memo describes common legal concerns and best practices specific to [this policy topic](#).

FM(Legal)

STUDENT ACTIVITIES

The requirement for the UIL to provide training to extracurricular students in recognizing the symptoms of catastrophic injuries and the risks of using dietary supplements has been removed by SB 1267.

HB 1080 provides that a district may not exclude a student from participating in a UIL activity solely because the student receives outpatient mental health services from a mental health facility or is absent for this purpose.

A district may permit homeschool students to represent the school in UIL activities as provided by HB 547. **If your district will permit homeschool students to participate in UIL activities and you currently have a provision in FD(Local) prohibiting nonenrolled students from participating in curricular or extracurricular activities, please contact your policy consultant for an adjustment to that policy.**

Explanatory Notes

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North East ISD

HB 2721 prohibits a student from participating in any future extracurricular activity sponsored by the district or the UIL if the UIL determines that the student caused bodily injury to an extracurricular official in retaliation for the official's performance of duties.

Other provisions have been reordered for better flow.

FNCD(LLEGAL) STUDENT CONDUCT: TOBACCO USE AND POSSESSION

SB 248 amends the definition of "e-cigarette" to include the liquid solution or other material used in the device.

FNCG(LLEGAL) STUDENT CONDUCT: WEAPONS

HB 1927 prompted revisions regarding the Penal Code offense of unlawful carrying of weapons and a reference to the appropriate legal source for handgun offenses.

HB 957 removes firearm silencer from the list of prohibited weapons in Texas Penal Code 46.05.

FNG(LLEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

SB 348 clarifies that a parent is entitled to review teaching and instructional materials while a child is participating in virtual or remote learning and to observe virtual instruction.

FOC(LLEGAL) STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FOD(LLEGAL) STUDENT DISCIPLINE: EXPULSION

HB 375 amends the offense of continuous sexual abuse of a young child or children to include continuous sexual abuse of "a disabled individual."

FOF(LLEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

When a district takes disciplinary action that constitutes a change of placement for a student who receives special education services, HB 785 requires the district to take certain actions relating to functional behavior assessments and behavioral intervention plans.

GBA(LLEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

The name of an employee accused of an improper relationship between an educator and student is confidential until the employee is indicted for the offense, except as specified by HB 246. The [Regulations Resource Manual](#) includes sample procedures to address release of this information by a campus.

Provisions on the release of personal information have been revised for:

- Board members (HB 1082); and
- Current or honorably retired peace officers and commissioned security officers (SB 841).

Confidentiality of crime victim information has been revised based on HB 2357.

The sample election of confidentiality forms in the [Regulations Resource Manual](#) have been updated to reflect these changes.

Explanatory Notes
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North East ISD

GBAA(LLEGAL) INFORMATION ACCESS: REQUESTS FOR INFORMATION

Changes to this policy on requests for information are from SB 1225.

- If a district's physical offices are closed, but staff is working remotely, the district must make a good faith effort to continue responding to Public Information Act (PIA) requests for information.
- Provisions on temporary suspension of the PIA due to a catastrophe apply only when a district is *significantly* impacted and limit extensions of a suspension to only once per catastrophe.

GKA(LLEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

HB 1927 revises the Penal Code's list of places where the possession of weapons is prohibited.

Changes in federal law prompted revisions regarding the use of unmanned aircraft systems.

GKD(LLEGAL) COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES

HB 525 protects religious organizations from closure by a governmental entity during a disaster.

HB 1239 amends the Texas Religious Freedom Restoration Act to prohibit a government agency or public official from ordering the closure of a place of worship and clarifies that the Act cannot be suspended by the governor during a disaster.

GKE(LLEGAL) COMMUNITY RELATIONS: BUSINESS, CIVIC, AND YOUTH GROUPS

Districts may not regulate learning pods in accordance with SB 1955.

GNB(LLEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: REGIONAL EDUCATION SERVICE CENTERS

Changes to the provisions on core services provided by education service centers reflect that the gifted and talented allotment was reinstated by HB 1525.

GNC(LLEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Provisions requiring certain districts to develop a plan to increase enrollment in higher education were deleted by SB 1677.

GRB(LLEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

Provisions on entering into intergovernmental support agreements with a branch of the armed forces have been added as a result of SB 780.

**Fiduciary
Responsibility**

The Superintendent, principal, and sponsor, as applicable, shall be responsible for the proper administration of District and campus activity funds and student activity funds, including the depositing and withdrawing of such funds, in accordance with state law and local policy, District-~~approved~~ accounting practices and procedures, and the [Texas Education Agency \(TEA\) Financial Accountability System Resource Guide](#).

Excess funds available for investing shall be placed in District-approved investment alternatives, as established at CDA(LOCAL).

**Student Activity
Funds**

The Superintendent ~~or designee~~ shall ensure that student activity accounts are maintained to manage all class funds, ~~organization funds~~, and ~~any~~ other funds [raised and collected by student clubs or organizations](#) ~~from students~~ for a school-related purpose. The principal or designee shall issue receipts for all funds prior to their deposit into the appropriate District account at the District depository on the same day if possible.

Student activity funds shall be included in the annual audit of the District's fiscal accounts. [See CFC]

**Use and
Expenditure**

Funds collected by student groups shall be used only for purposes authorized by the [student club or organization](#), ~~or upon approval of the sponsor~~. The principal ~~and sponsor or designee~~ shall [manage and](#) approve all disbursements. All funds raised by student organizations must be expended for the benefit of the students.

**District and Campus
Activity Funds**

The Superintendent shall [ensure District accounting practices and procedures address](#) ~~establish regulations governing~~ the expenditure of District and campus activity funds generated from vending machines, rentals, gate receipts, concessions, and other local sources of revenue over which the District has direct control. Funds generated from such sources shall be expended for the benefit of the District or its students and shall be related to the District's educational purpose.

Approval

Approval from the immediate supervisor or designee shall be obtained prior to a disbursement being made to any employee, including the principal.

Carryover Funds

All funds shall be left in the appropriate account and each sponsoring group shall retain the carryover funds for the next fiscal year. If [a club or an](#) organization ceases to function or exist, the unexpended funds ~~of the organization~~ shall be credited to the appropriate administrative activity account.

Plan	The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
Coordinator	The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.
Training	<p>The Board delegates to the Superintendent or designee the authority to:</p> <ol style="list-style-type: none">1. Determine the cybersecurity training program to be <u>used in the District</u>; annually completed by each employee and Board member; and2. <u>Verify and report compliance with staff training requirements in accordance with guidance from the Department of Information Resources; and</u>2-3. <u>Remove access to the District's computer systems and databases for noncompliance with training requirements as appropriate.</u> <p>The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.</p>
Security Breach Notifications	<p>Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">1. Written notice.2. Email, if the District has email addresses for the affected persons.3. Conspicuous posting on the District's websites.4. Publication through broadcast media. <p>The <u>District</u> District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information <u>as required by</u> to TEA and parents in accordance with law.</p>

TERMINATION OF EMPLOYMENT
RESIGNATION

DFE
(LOCAL)

General Requirements

All resignations shall be submitted in writing to the Superintendent or other person designated by Board action in accordance with this policy~~designee~~. 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.

At-Will Employees

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

Contract Employees

The Superintendent or other person designated by Board action~~designee~~ shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or other person designated by Board action. The resignation requires no further action by the District and is accepted upon receipt by the Superintendent or other person designated by Board action.

The Superintendent or other person designated by Board action shall be authorized to accept a contract employee's resignation submitted or effective at any other time. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or other person designated by Board action. The Superintendent or other person designated by Board action~~The Superintendent or other Board designee~~ shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

Withdrawal of Resignation

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without consent of the Board.

PERSONNEL POSITIONS

DP
(LOCAL)

**Principal
Qualifications**

In addition to the minimal certification requirement, ~~athe~~ principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage ~~budgets~~budget and personnel and to 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;~~

~~7.6.~~ Prior experience in instructional leadership roles; and

1. Other qualifications deemed necessary by the Board and included in the job description.

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

~~8.7.~~ If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision. -

Human Sexuality
Instruction

~~School Health
Advisory Council~~

The following process shall apply regarding the adoption of curriculum materials for the district's human sexuality instruction:

1. The Board shall adopt a resolution convening the District's school health advisory council (SHAC) to recommend curriculum materials for the instruction.
2. The SHAC shall hold at least two public meetings on the curriculum materials before adopting recommendations to present to the Board.

~~The SHAC recommendations must comply with the instructional content requirements in law, be suitable for the subject~~shall meet regularly to receive new information, to review and grade level for which the~~evaluate~~ materials are intended, and be reviewed by academic experts in the subject~~to establish goals and grade level objectives for which the materials are intended. District's health education program.~~

The SHAC Board
Responsibility

- ~~3. All proposed changes in the goals and objectives~~ shall present its recommendations~~be brought~~ to the Board at a public meeting.

~~After the Board ensures for approval prior to the recommendations from the SHAC meet the standards in law, the Board shall take action on the recommendations by a record vote at a public meeting. change being implemented.~~

~~Instructor and
Materials~~

~~Human sexuality and abstinence instruction shall be taught by the school nurse and/or the health-certified teachers in grades 3–12. Only those instructional materials, such as booklets, handouts, and audio/visual materials, as approved by the school health advisory council and the Board, shall be used in instruction.~~

~~All questions relating to human sexuality and abstinence education should be directed to the school nurse, the health-certified teacher, or the Principles of Health Science instructor. All questions shall be answered with factual, scientific information. Students asking questions regarding a religious or moral issue shall be directed by the instructor to discuss the issue with their parents.~~

~~Any issue relating to human sexuality that falls outside of the curriculum as approved by the SHAC and Board shall be left to the student's parent and/or guardian.~~

~~Notice to Parents~~

~~The District shall make all curriculum materials used in human sexuality and abstinence education available for parent and/or guardian review in accordance with applicable law.~~

Accelerated
Instruction

~~Each student~~ ~~Students at all grade levels~~ who ~~has~~have been identified as being at risk of dropping out of school, who ~~is~~are not performing at grade level, or who did not perform satisfactorily on a state-mandated assessment, shall be provided accelerated and/or compensatory educational services.

The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily~~based on a state-mandated~~needs assessment.~~The principal shall ensure that each identified student is receiving services.~~

Accelerated
Learning Committee

When a student fails to perform satisfactorily on a math or reading state-mandated assessment in grades 3, 5, or 8, an accelerated learning committee shall develop a written educational plan in accordance with law. If a parent requests that the student be assigned to a particular teacher the following school year, the request shall be addressed in accordance with the District's administrative procedures.

A parent complaint about the content or implementation of the educational plan shall be filed in accordance with FNG.~~The services provided each student shall be consistent with the goals and strategies established in the District and campus improvement plans and shall be reviewed for effectiveness at the close of each grading period. Parents shall be encouraged to participate in the planning of educational services for their child and shall be kept informed regarding the child's progress toward educational goals.~~

~~Parents of students who are not successful in meeting requirements for promotion shall be informed of any available options, such as an extended year program or summer school.~~

~~{See EIE}~~

Curriculum Mastery

Promotion and course credit shall be based on mastery of the curriculum. Expectations and standards for promotion shall be established for each grade level, content area, and course and shall be coordinated with compensatory, intensive, and/or accelerated services. [See EHBC]- The District shall comply with applicable state and federal requirements when determining methods for students with disabilities [see FB] or students who are English language learners [see EHBE and EKBA] to demonstrate mastery of the curriculum.

Students Receiving
Special Education
Services

Any modified promotion standards for a student receiving special education services shall be determined by the student's admission, review, and dismissal (ARD) committee and documented in the student's individualized education program (IEP). [See EHBA series and EKB]

**Standards for
Mastery**

In addition to the factors in law that must be considered for promotion, mastery 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 assessments 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.

Kindergarten

~~In kindergarten, the District may grant promotions using assessment methods other than numerical scores including, but not limited to, skills checklists.~~

Grades 1–5

In grades 1–5, promotion to the next grade level shall be based on an overall average of 70 on a scale of ~~zero to~~ 100 based on course-level, grade-level standards (essential knowledge and skills) for language arts, mathematics, social studies, and science, and a grade of 70 or above in language arts and mathematics.

Grades 6–8

In grades 6–8, ~~beginning with the 2007–08 school year,~~ promotion to the next grade level shall be based on an overall average of 70 or above on a scale of ~~zero to~~ 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in language arts, mathematics, social studies, and science.

Grades 9–12

Grade-level advancement for students in grades 9–12 shall be earned by course credits. [See EI]

Determining Course Credits	If required by state law that the EOC assessments count as 15 percent of the final course grade, EOC assessments shall be used to determine course credits. [See EIA(LOCAL) and EIE(REGULATION)]
Accelerated Instruction	Acceleration of student learning shall begin in the classroom with the implementation of effective instructional strategies and structures as recommended by the Response to Intervention (Rtl) Team or grade placement committee (GPC), based on the individual student's learning needs. If a student fails to demonstrate proficiency on a state-mandated assessment, the student shall be provided accelerated instruction in accordance with state law. Additionally, students in grades 5 and 8 shall be subject to all provisions of GRADE ADVANCEMENT TESTING, below.
Grade Advancement Testing	Except when a student will be assessed in reading or mathematics above his or her enrolled grade level, students in grades 5 and 8 must meet the passing standard on the applicable state-mandated assessments in reading and mathematics to be promoted to the next grade level, in addition to the District's local standards for mastery and promotion.
Definition of 'Parent'	For purposes of this policy and decisions related to grade advancement requirements, 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 or an authorization agreement as provided in Chapter 34 of the Family Code, 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)]
No Alternate Assessment Instrument	The District shall use only the statewide assessment instrument for the third testing opportunity.
Standards for Promotion Upon Appeal	If a parent initiates an appeal of his or her child's retention following the student's failure to demonstrate proficiency after the third testing opportunity, the GPC shall review all facts and circumstances in accordance with law. The student shall not be promoted unless: 1. All members of the GPC agree that the student is likely to perform on grade level if given additional accelerated instruction

	<p>during the following school year in accordance with the educational plan developed by the GPC; and</p> <p>2.—The student has completed required accelerated instruction in the subject area for which the student failed to demonstrate proficiency.</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>
<p>Transfer Students</p>	<p>When a student 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.</p> <p>If a parent initiates an appeal for promotion when a student 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.</p>
<p>Procedures to Reduce Retention</p>	<p>A campus review committee, the RtI designated by the building administrator, shall determine acceleration strategies to be used for a student at risk of failing on the basis of the individual student's strengths and weaknesses.</p>
<p>Assignment of Retained Students</p>	<p>In the event a student is not promoted to the next grade level, the District shall nevertheless assign the student to an age appropriate campus, unless:</p> <p>1.—The student's parent requests that the student be assigned to the same or a similar campus setting; or</p> <p>2.—The student's GPC determines that it would be in the student's best interest to be assigned to the same or a similar campus setting. Criteria to be considered for this decision may include:</p> <p>a.—Recommendations from the student's teachers.</p>

**Reducing Student
Retention**

b. ~~Observed social and emotional development of the student.~~

~~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]~~

Safe Schools Data

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and
2. Any student who becomes a victim of one of the following violent criminal offenses, as defined by the Penal Code, while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:
 - a. Attempted murder;
 - b. Indecency with a child;
 - c. Aggravated kidnapping;
 - d. Aggravated assault on someone other than a District employee or volunteer;
 - e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;
 - f. Aggravated robbery; or
 - g. Continuous sexual abuse of a young child or [disabled individual children](#).

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a
Violent Criminal
Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

**Additional Transfer
Options**

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

Students in violation of the compulsory attendance law shall be reported to the District attendance officer, who may institute court action as provided by law.

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes. [A student shall be required to submit verification of these absences in accordance with administrative regulations.](#)

Higher Education Visits

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit an accredited institution of higher education. ~~A student shall be required to submit verification of such visits in accordance with administrative regulations.~~

Armed Services Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard. ~~A student shall be required to submit verification of such activities in accordance with administrative regulations.~~

Early Voting or Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk. ~~A student shall be required to submit verification of service in accordance with administrative regulations.~~

[Learner or Driver's License](#)

[The District shall excuse a student 15 years of age or older for one day during his or her enrollment in high school for each of the following:](#)

- [• Visiting a driver's license office to obtain a learner license; or](#)
- [• Visiting a driver's license office to obtain a driver's license.](#)

[For extracurricular activity absences, see FM.]

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent ten consecutive school days; and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

Students Attending Homeschools

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing
Compulsory
Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.

Consideration of All Absences Considered

Except as otherwise provided by law, all absences incurred while enrolled in the District~~All absences~~ shall be considered in determining whether a student has attended the required percentage of days under this policy.

Attendance Committees

The Board shall establish an attendance committee or as many committees as necessary for efficient implementation of Education Code 25.092.

The Superintendent ~~or designee~~ shall make the specific appointments in accordance with legal requirements.

Parental Notice of Excessive Absences

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

Methods for Regaining Credit or Awarding a Final Grade

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class or a final grade by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee.

Petitions for credit or a final grade may be filed at any time the student receives notice but, in any event, no later than 15 days after the last day of classes.

The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. The attendance committee may also, whether a petition is filed or not, review the records of all students whose attendance drops below 90 percent of the days the class is offered.

A student~~Students~~ who has~~have~~ lost credit or has~~have~~ not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

Personal Illness

~~The~~ When a student's absence for personal illness exceeds five consecutive days, the principal or attendance committee may require verification ~~that the student present a statement~~ from a physician or health-care provider in accordance with administrative regulations ~~clinic verifying the illness or condition that caused the student's extended absence from school~~ as a condition of classifying an ~~the~~ absence for personal illness as one for which there are extenuating circumstances.

Best Interest Standard

In reaching consensus regarding ~~If a student's~~ ~~student has established a questionable pattern of~~ absences and how, the student can be awarded credit ~~principal or a final grade, the~~ attendance committee shall attempt to ensure ~~may require~~ that its decision is in the best interest of the ~~a~~ student. The Superintendent shall develop administrative regulations to document the attendance committee's decision ~~present a physician's or clinic's statement of illness after a single day's absence as a condition of classifying the absence as one for which there are extenuating circumstances.~~

Guidelines on Extenuating Circumstances

The attendance committee shall consider whether a student has mastered the essential knowledge and skills and maintained passing grades in the course or subject. ~~adhere to the following guidelines to determine attendance for award of credit or a final grade:~~

When ~~Days of Attendance~~

1. ~~If~~ makeup work is completed satisfactorily, the attendance committee shall consider extracurricular absences and other excused absences ~~as~~ ~~that are allowed under compulsory attendance requirements shall be considered~~ days of attendance for award of credit or a final grade. [See FEA(LEGAL) at EXCUSED ABSENCES FOR COMPULSORY ATTENDANCE DETERMINATIONS]

Transfers / Migrant Students

2. ~~A transfer or migrant student incurs absences only after his or her enrollment in the District.~~

Documentation

3. ~~The~~ attendance committee shall consider the acceptability and authenticity of documented reasons for the student's absences.

Consideration of Control

4. ~~The~~ committee shall consider whether the reasons for the absences were ~~for reasons~~ out of the student's or parent's or student's control and.

Student's Academic Record

5. ~~2.~~ ~~The~~ committee shall consider whether documentation for ~~or not the~~ absence is acceptable ~~student has completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.~~

~~Information from
Student or Parent~~

~~7.3.~~ The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

~~Best Interest
Standard~~

~~In reaching consensus regarding a student's absences, the committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent or designee shall develop administrative regulations addressing the committee's documentation of the decision.~~

**Imposing Conditions
for Awarding Credit
or a Final Grade**

The attendance committee shall consider the student's unique circumstances and, if necessary, shall ~~may~~ impose any of the following conditions for awarding ~~students with excessive absences to regain~~ credit or ~~be awarded~~ a final grade that permit the student to meet the instructional requirements of the class rather than assigning a student to attend a specified program for an amount of time equivalent to the student's absences. Conditions may include:

1. Maintaining attendance standards for the rest of the semester.

1. Completing additional assignments, as specified by the committee or teacher.

2. Attending tutorial sessions as scheduled, ~~which may include Saturday classes or before and after school programs.~~

2. Completing other instructional programs, as specified by the committee.

~~3. Maintaining the attendance standards for the rest of the semester.~~

~~4.3.~~ Taking an examination to earn credit. [See EHDB]

~~5. Attending a flexible school day program.~~

~~6. Attending summer school.~~

In all cases, the student must ~~also~~ earn a passing grade in order to receive credit.

**Attendance Appeal
Process**

Level I

If a student is in attendance less than the required percentage of days and has been notified by the District that credit will be denied, the parent or guardian may appeal in writing to the campus attendance committee composed of an assistant principal, a counselor, and at least three teachers. The committee shall provide a written response to the appeal to the parent or guardian within ten days.

Level II

If the decision of the campus attendance committee is unsatisfactory to the parent or guardian or the time for a response has expired, he or she may appeal in writing to the principal of the school

the student attends. This appeal shall be filed within ten days following the receipt of a response, or if no response is received, within ten days of the response deadline.

Level III

Parents or guardians may appeal the decision of the principal to the District attendance review committee that shall be composed of an administrator from pupil personnel services, an administrator, a counselor, and at least four teachers from either the elementary or secondary level based on the enrollment of the student in question. This appeal shall be made in writing to the executive director of pupil personnel services who shall provide the student's parent(s) or guardian(s) with written notice of the date, time, and place of the attendance review committee meeting within ten days of the receipt of the appeal request. This appeal shall be filed within ten days following receipt of a response, or if no response is received, within ten days of the response deadline.

The District attendance review committee shall have the authority to uphold, overturn, or alter the decision of the principal. The recommendation of the attendance review committee shall be rendered and sent in writing to the parent(s) or guardian(s) within ten days after the review of the appeal.

Level IV

A request for a Board review of the District attendance review committee's decision shall be made in writing to the Superintendent under FNG(LOCAL). This appeal shall be filed within ten days following receipt of a response, or if no response is received, within ten days of the response deadline.

**Program to Address
Child Sexual Abuse,
Trafficking, and
Maltreatment**

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law [and District policy](#). Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

**Reporting Child
Abuse and Neglect**

Any person who has [reasonable](#) cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has [reasonable](#) cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has [reasonable](#) cause to believe that an adult was a victim of abuse or neglect as a child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of the Texas Department of Family and Protective Services (DFPS) at (800) 252-5400 or the [Texas Abuse Hotline Website](#)¹;
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. [As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers.](#) [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus princi-

pal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

Confidentiality

In accordance with state law, the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

¹ Texas Abuse Hotline Website: <http://www.txabusehotline.org>

Comprehensive System

The Superintendent shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program operation and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

Cumulative Record

A cumulative record shall be maintained for each student from entrance into District schools until withdrawal or graduation from the District.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent. [See CPC]

Custodian of Records

The principal is custodian of all records for currently enrolled students. The guidance counselor is the custodian of records for students who have withdrawn or graduated. The student handbook made available to all students and parents shall contain a listing of the addresses of District schools, as well as the Superintendent's business address.

Types of Education Records

The record custodian shall be responsible for the education records of the District. These records may include:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student's testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by [an accelerated learning-a-grade-placement](#) committee convened for the student.
5. Health services record, including:
 - a. The results of any tuberculin tests required by the District.
 - b. The findings of screening or health appraisal programs the District conducts or provides. [See FFAA]

- c. Immunization records. [See FFAB]
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, school counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

Access by Parents

The District shall make a student's records available to the student's parents, as permitted by law. The records custodian or designee shall use reasonable procedures to verify the requester's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or designee shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or school counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

Copies of records are available at a per copy cost, payable in advance. Copies of records must be requested in writing. Parents may be denied copies of records if they fail to follow proper procedures or pay the copying charge. If the student qualifies for free or

reduced-price lunches and the parents are unable to view the records during regular school hours, upon written request of a parent, one copy of the record shall be provided at no charge.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education. [See FL(LEGAL)]

Access by School Officials

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, Board member, or agent of the District, including an attorney, a consultant, a contractor, a volunteer, a school resource officer, and any outside service provider used by the District to perform institutional services.
2. An employee of a cooperative of which the District is a member or of a facility with which the District contracts for placement of students with disabilities.
3. A contractor retained by a cooperative of which the District is a member or by a facility with which the District contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
5. A person appointed to serve on a team to support the District's safe and supportive school program.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a "legitimate educational interest" in a student's records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official's professional responsibility; or

5. Investigating or evaluating programs.

**Transcripts and
Transfers of Records**

The District may request transcripts from previously attended schools for students transferring into District schools; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student's enrollment or transfer, the District shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. [See FD(LEGAL), Required Documentation] The District may return an education record to the school identified as the source of the record.

**Records
Responsibility for
Students in Special
Education**

The executive director of special education shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the campus special education office or a designated secure location.

**Procedure to Amend
Records**

Within 15 District business days of the record custodian's receipt of a request to amend records, the District shall notify the parents in writing of its decision on the request and, if the request is denied, of their right to a hearing. If a hearing is requested, it shall be held within ten District business days after the request is received.

Parents shall be notified in advance of the date, time, and place of the hearing. An administrator who is not responsible for the contested records and who does not have a direct interest in the outcome of the hearing shall conduct the hearing. The parents shall be given a full and fair opportunity to present evidence and, at their own expense, may be assisted or represented at the hearing.

The parents shall be notified of the decision in writing within ten District business days of the hearing. The decision shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision. If the decision is to deny the request, the parents shall be informed that they have 30 District business days within which to exercise their right to place in the record a statement commenting on the contested information and/or stating any reason for disagreeing with the District's decision.

**Directory
Information**

Directory information for District students has been classified into two separate categories:

STUDENT RECORDS

FL
(LOCAL)

1. Items for use for the District's school-sponsored purposes; and
2. Items for military recruiters and institutions of higher education for secondary students.

School-Sponsored
Purposes

For the following school-sponsored purposes—all District publications and announcements—directory information shall include student name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent educational institution attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

Military Recruiters
and Institutions of
Higher Education
for Secondary
Students

For military recruiters and institutions of higher education for secondary students, directory information shall include student name, address, and telephone listing.



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Jarrett
Justin Missildine, Senior
Director for Career &
Technical Education

Subject: Career & Technical
Education Month

Related Page(s): Attached

ACTION ITEM

BACKGROUND INFORMATION

February 1 – 28, 2022, has been designated Career and Technical Education Month by the National Association for Career and Technical Education.

Career and Technical Education prepares students for a wide range of careers, from automotive technicians to engineers, culinary chefs to nursing, veterinarians to electricians to cybersecurity analysts and many other fields. These careers may require varying levels of education – from high school to two and four-year college degrees and/or career specific certifications or licensures. Career and Technical Education students are prepared to be part of a well-educated workforce. Through cooperative efforts between the Career and Technical Program and business and industry, students seeking lifelong skills are being prepared for career fields to stimulate the growth and vitality of our local workforce and economy.

ADMINISTRATIVE RECOMMENDATION

Administrative staff recommends that the Board of Trustees approve the resolution recognizing the month of February 1 – 28, 2022 as Career and Technical Education Month.

BOARD ACTION REQUIRED

Approval/Disapproval

RESOLUTION

RECOGNITION OF NORTH EAST INDEPENDENT SCHOOL DISTRICT

“Career and Technical Education Month”

WHEREAS, February 1 – 28, 2022 has been designated Career and Technical Education Month by the National Association for Career and Technical Education; and

WHEREAS, Career and Technical Education serves over fourteen thousand North East ISD students in high school and middle school through fifteen career clusters and all twelve secondary magnet programs; and

WHEREAS, Career and Technical Education provides students with school-to-career connections helping to build a strong, well-educated workforce which fosters productivity in business and industry and contributes to America’s leadership in the international marketplace; and

WHEREAS, Career and Technical Education students experience practical, meaningful applications of skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts, and providing students leadership opportunities in their fields and communities; and

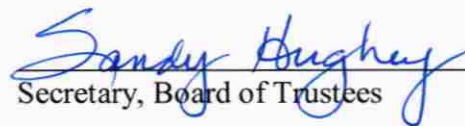
WHEREAS, Career and Technical Education offers students lifelong opportunities to learn new skills preparing them for post-secondary opportunities in high-skill, high-wage, and high-demand careers; and

WHEREAS, the ever-increasing cooperative efforts of Career and Technical educators and business and industry partners stimulating the growth and vitality of our local economy by preparing students for career fields forecasted to experience the fastest growth in the next decade; and

NOW, THEREFORE BE IT RESOLVED, we the members of the Board of Trustees of North East Independent School District, do hereby proclaim February 1 - 28, 2022 as Career and Technical Education Month.



President, Board of Trustees



Secretary, Board of Trustees



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Rudy Jimenez
Chyla Whitton,
Executive Director,
Human Resources

Subject: Board Resolution
Wage Payments During School Closure

Related Page(s): Attachments

ACTION ITEM

BACKGROUND INFORMATION

The North East Independent School District was closed to students and staff on the following dates due to a forecast of inclement weather: January 20, 2022, February 3, 2022 and February 4, 2022. In addition to closing for the safety of students and staff, weather conditions would have further exacerbated current staffing shortages resulting from COVID-19.

ADMINISTRATIVE CONSIDERATION

Policy DEA (LOCAL) states "If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure." Therefore, the District is requesting approval of the Board of Trustees to provide wage payments to contractual and noncontractual, salaried and non-salaried employees who were idle and/or instructed not to report for work on January 20, 2022, February 3, 2022 and February 4, 2022.

BUDGETARY CONSIDERATION

The District is awaiting guidance from the Texas Education Agency (TEA) regarding any possible waivers that may address the days missed. If the TEA grants the waiver, the District may be exempt from making up the dates indicated above. Since this action is pending there is no budgetary consideration at this time.

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees approve the Resolution of the Board Regarding Wage Payments During Emergency School Closures for the 2021-2022 school year.

BOARD ACTION REQUIRED

Approval/Disapproval

RESOLUTION

**NORTH EAST INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES**

**WAGE PAYMENTS DURING EMERGENCY SCHOOL CLOSURE
DUE TO INCLEMENT WEATHER**

WHEREAS, the Board of Trustees of the North East Independent School District is authorized by Texas Education Code section 45.105 to expend funds for purposes necessary in the conduct of the public schools as determined by the Board;

WHEREAS, the Board acknowledges that a need exists to address wage payments for its employees during the recent emergency school closure that occurred on January 20, 2022, February 3, 2022 and February 4, 2022 due to a forecast of inclement weather. In addition to closing for the safety of students and staff, weather conditions would have further exacerbated current staffing shortages resulting from COVID-19;

WHEREAS, employees who were instructed not to report to work may suffer a loss of pay unless the workdays are made up at a later date. The Board concludes that providing wage payments to all employees, contractual and noncontractual, salaried and non-salaried, who may suffer a loss in pay due to an emergency closure, serves the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopened;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of North East Independent School District authorizes continued wage payments to all employees, contractual and noncontractual, salaried and non-salaried, who were instructed not to report to work during the emergency closure due to the forecast of inclement weather, unless the workdays are scheduled to be made up at a later date.

The authority granted by this resolution to continue wage payments to employees covers the closure caused by a forecast of inclement weather that occurred on January 20, 2022, February 3, 2022 and February 4, 2022.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE NORTH EAST INDEPENDENT SCHOOL DISTRICT, this 14th day of February, 2022.

CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of the North East Independent School District during a properly noticed and scheduled meeting held on February 14, 2022. A quorum of the Board of Trustees being then present, it was duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: 6

Nays: 0

Abstentions: _____

To certify which, witness my hand and the official seal of the District this 14th day of February 2022.

President, Board of Trustees

NORTH EAST INDEPENDENT SCHOOL DISTRICT

By: Shannon Grona



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter:

Rudy Jimenez
Chyla Whitton,
Executive Director,
Human Resources

Subject: Retention Supplement
for 2021-2022 School Year

Related Page(s):

Resolution

ACTION ITEM

BACKGROUND INFORMATION

The North East Independent School District is committed to the recruitment and retention of quality personnel. The District further recognizes our support staff is critical in supporting the students, staff and community.

ADMINISTRATIVE CONSIDERATION

The administration of NEISD has determined funding is available through the American Rescue Plan's Elementary and Secondary School Emergency Relief (ARP ESSER) federal grant to grant a one-time retention supplement for the second semester of the 2021-2022 school year.

In order to qualify, employees must have a hire date on or before February 1, 2022. If implemented, qualified employees will receive a supplement in accordance with the terms outlined in the attached resolution. The implemented supplement will be paid in March and will be conditioned upon the qualified employee's completion of their 2021-2022 work schedule in good standing.

The Kid's Involvement Network (KIN) assistants are regularly scheduled to work on all instructional school days and are eligible to earn retirement benefits through the Teacher Retirement System of Texas; therefore, they are deemed eligible for the supplement. However, all other temporary and substitute employees are ineligible for the supplement.

This supplement, if provided, is outside any employment contract and only applies for the 2021-2022 school year.

BUDGETARY CONSIDERATION

The proposed Retention Supplement serves to promote employee morale and retention and will be funded by the ARP ESSER federal grant. Such expenditure was included in the approved grant application and is included in the ARP ESSER Use of Funds Plan on the District website.

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees approve the Retention Supplement for the second semester of the 2021-2022 school year.

BOARD ACTION REQUIRED

Approval/Disapproval

RESOLUTION

**NORTH EAST INDEPENDENT
SCHOOL DISTRICT**

February 14, 2022

WHEREAS, the North East Independent School District has always been and will remain committed to recruit and retain quality personnel,

WHEREAS, on June 24, 2021, the Board of Trustees adopted a compensation plan that authorized the Superintendent to explore means to provide a retention supplement for employees during the 2021-2022 school year should the NEISD administration determine funding is available;

WHEREAS, the administration of NEISD has determined the American Rescue Plan's Elementary and Secondary School Emergency Relief (ARP ESSER) Funds have been approved to provide NEISD employees with a one-time retention supplement for the second semester of the 2021-2022 school year to further the educational purpose of helping retain its valued employees who ultimately provide students with quality educational services; and

WHEREAS, the Board of Trustees finds that retention of employees throughout the course of the 2021-2022 school year is an important benefit to the District and that a retention supplement will promote employee morale and retention;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby declares that each full-time District teacher and librarian with a hire date on or before February 1, 2022 shall receive a one-time retention supplement of \$575, such amount to be payable in the month of March expressly conditioned upon the qualified employee's completion of their 2021-2022 work schedule in good standing;

BE IT FURTHER RESOLVED that all other employees and Kids' Involvement Network (KIN) Assistants of the North East Independent School District would be eligible for a retention supplement of one percent (1%) of the annualized pay grade midpoint under the employee's applicable 2021-2022 salary range with a minimum supplement payment of \$250. To qualify for the supplement, the employee must have a hire date on or before February 1, 2022. The supplement amount shall be paid in one payment in March based upon the qualified employee's completion of their 2021-2022 work schedule in good standing. All other temporary and substitute employees are ineligible for the supplement.

BE IT FURTHER RESOLVED that any employee who receives the retention supplement and separates from employment prior to the last day of their 2021-2022 work

schedule will not have met the requirement to earn the retention supplement, and such employee will have then received an overpayment. For any employee who received the retention supplement and then fails to meet the requirements, the amount of the retention supplement will be deducted from their final paycheck or from their leave payout, or will otherwise be expected to reimburse the District the amount of the retention supplement.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE NORTH EAST INDEPENDENT SCHOOL DISTRICT, this 14th day of February, 2022.

CERTIFICATE FOR RESOLUTION

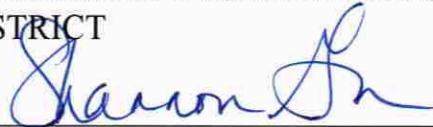
I hereby certify that the foregoing resolution was presented to the Board of Trustees of the North East Independent School District during a properly noticed and scheduled meeting held on February 14, 2022. A quorum of the Board of Trustees being then present, it was duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: 6
Nays: 0
Abstentions: _____

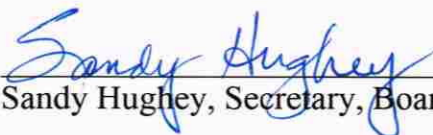
To certify which, witness my hand and the official seal of the District this 14th day of February, 2022.

President, Board of Trustees

NORTH EAST INDEPENDENT SCHOOL DISTRICT

By: 
Shannon Grona, President, Board of Trustees

ATTEST:

By: 
Sandy Hughey, Secretary, Board of Trustees



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Jarrett
Esmeralda Munoz,
Executive Director,
Learning Support
Services

Subject: 2021-2022 Modified Schedule for
State Assessment Testing Days Waiver

Related Page(s): None

ACTION ITEM

BACKGROUND INFORMATION

The Modified Schedule for State Assessment Testing Days Waiver allows the district to modify the schedule of classes for students who are not being tested to report and attend school after the state assessment testing period has ended, therefore, reducing the interruptions during the testing day (i.e. PSAT, SAT). Students who are not being tested will still have to meet the 2-hour or 4-hour requirement for funding according to the Student Attendance Accounting Handbook, 3.2.1.2 and 3.2.1.3.

If approved, this waiver would allow for the implementation of an adjusted schedule for state assessments for the following school years:

- 2021-2022
- 2022-2023
- 2023-2024

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees approve the 2021-2024 Modified Schedule for State Assessment Testing Days Waiver.

BOARD ACTION REQUIRED

Approval/Disapproval



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Jarrett
Jennifer Gutierrez, Executive Director, Elementary Curriculum & Instruction; April Muzquiz, Assistant Director, Early Childhood; Paul Kienlen, Principal, Pre-K Academy at West Ave.

Subject: Pre-K Expansion

Related Page(s): None

ACTION ITEM

BACKGROUND INFORMATION

According to Statute [TEC §29.153 \(b\)](#) students are eligible for enrollment in a free pre-kindergarten program beginning at three years of age on or before September 1 of the current school year (if a 3-year-old program is available) or four years of age on or before September 1 of the current school year. Based on research from the Center for Child Development at Harvard University, the critical period from birth to five years solidifies the foundation for life-long skills children need to thrive in a sustainable society.

Research indicates that 90% of brain development happens before the age of five. High-quality early childhood programs are critical to a child's development and an investment in their future.

Purpose

Increase educational opportunities for students at an earlier age by:

- Providing a centralized location for 3 year-olds at the Pre-K Academy at West Avenue
- Focusing on developmental skills that will support a strong foundation and kindergarten readiness
- Connecting earlier with families through parental engagement and offering parenting support for at-risk students
- Implementing an incentive for the children of employees to receive discounted tuition

ADMINISTRATIVE RECOMMENDATION

Administrative staff recommends that the Board of Trustees approve the proposed plan to add 3-year-old students to the Pre-K Academy at West Ave and offer a 20% Pre-K tuition discount to all NEISD employees.

BOARD ACTION REQUIRED

Approval/Disapproval



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Rudy Jimenez

Subject: Agreement Between District and
Production Company, Apartment 3C, Inc.
to participate in "Band Together"

Related Page(s): Agreement Document

ACTION ITEM

BACKGROUND INFORMATION

Former Reagan band director, Daniel Morrison, and his sister, actress Jennifer Morrison, have joined forces and created a production company called Apartment 3C, Inc. Their goal is to create a documentary style television series entitled "Band Together" featuring the Reagan High School band. They want to create a series that focuses on the hard work, leadership, musicianship, dedication and commitment high school band encompasses. The goal is to feature the program in a positive light to show all viewers how high school band can have lasting impact on students and their families.

Mr. Morrison would be onsite throughout the project to oversee the production. The goal would be to get the planning started as soon as possible with a filming schedule to start in the summer of 2022 during summer band rehearsals.

ADMINISTRATIVE CONSIDERATION

We are asking permission from the NEISD School Board to start the planning process for this series and, if granted, will keep you updated throughout the venture.

BUDGETARY CONSIDERATION

None

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Board of Trustees approve the "Band Together" agreement as presented.

BOARD ACTION REQUIRED

Approval/Disapproval

As of January 25, 2022

Apartment 3C, Inc.
c/o Goodman, Genow, Schenkman, Smelkinson & Christopher, LLP
9665 Wilshire Boulevard, 5th Floor
Beverly Hills, CA 90212
Attn: Rick Genow, Esq.

Re: "Band Together"

To Whom it May Concern:

This letter ("Letter") confirms (a) North East Independent School District's ("NEISD") interest and desire to be featured in the prospective documentary style television series currently entitled "**Band Together**" (the "Series") based on a concept created by Apartment 3C, Inc. ("Producer"); and (b) that NEISD has obtained preliminary approval from the NEISD School Board and NEISD Superintendent to participate in the Series.

Development: NEISD agrees that Producer will have the right to pitch NEISD as a district to be featured on the Series and submit the Series to a network, buyer or other financier ("Financiers") for the possible development, financing, production, exhibition and/or distribution of the Series and the rights therein ("Disposition"). NEISD shall cooperate with Producer in connection with the production of a sales tape or other promotional materials to be used as part of the pitches for the Series.

Good Faith Negotiations: In the event of a Disposition of the Series, the parties shall negotiate in good faith a more formal access agreement for Series production taking into account any Financier requirements which shall grant Producer access to the NEISD premises and participating staff and student body (subject to Producer's obligation to obtain written releases from any individuals appearing on-camera), and the right to refer to schools within the NEISD by their names. Furthermore, NEISD will work with Producer in good faith to ensure that individuals appearing on-camera have signed Producer's appearance release and parental agreement (if applicable) consenting to such filming and to obtain any necessary government and other third-party approvals/authorizations reasonably necessary for NEISD to participate in the Services.

Exclusivity: NEISD shall be exclusive to Producer with respect to being the subject of a documentary style television and/or digital series, and NEISD shall not attach themselves or submit to any third party any project in any media that is similar to the Series.

Publicity: NEISD will not, nor will NEISD authorize any third party to, make any public announcement or issue a press release concerning the subject matter of this Letter, the Series, or NEISD's involvement in the Series without the written approval of Producer.

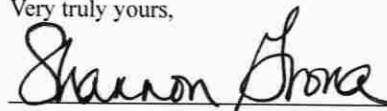
Rights Granted: All materials created or used for purposes of soliciting prospective Financiers in connection with the Series (including without limitation a so-called "sizzle reel"), as well as the Series itself, will be the sole property of Producer. All creative and business decisions concerning the Series, including, without limitation, any decisions with respect to the financing, development, production, distribution, and/or other exhibition of the Series shall be made by Producer in its sole discretion.

Representations and Warranties: NEISD hereby represents, warrants and agrees that: (a) NEISD will provide the access required under this Letter; (b) NEISD has the full right and authority to enter into this Letter, and to grant the rights, consents and permissions herein; and (c) no act or omission by NEISD hereunder will violate any right or interest of any person or entity or will subject Producer to any liability, or claim of liability, to any person or entity.

No Obligation: Nothing in this Letter shall obligate Producer to feature NEISD in the Series or to produce, advertise, exhibit or distribute any production based on the Series.

NEISD has agreed to the foregoing in consideration for the opportunity to be featured in the Series.

Very truly yours,



_____, an authorized signatory on behalf of
North East Independent School District



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date:	February 14, 2022	Presenter:	Lisa Shoesmith Director of Internal Audit
Subject:	Internal Audit Plan Amendment	Related Page(s):	2021-2022 NEISD Internal Audit Plan - (Amended)

CONSENT ITEM

BACKGROUND INFORMATION

Current audit standards require the preparation and approval of an annual audit plan. House Bill 1 (79th Legislature) placed the Internal Audit function under the auspices of the Board of Trustees. The 2021-2022 Internal Audit Plan was approved by the Board on November 8, 2021. Included in the plan were estimates of the time required to complete each audit project and projections of the total audit days available, based on a fully staffed Internal Audit Department. Since the beginning of the 2021-2021 school year, the Internal Audit Department has experienced vacancies in the Director position and in two of its three Internal Auditor positions, all due to promotional opportunities within the District. Net of projected administrative absences and required professional development coupled with the staff shortages in the Internal Audit Department due to vacancies in the Director and two Internal Auditor positions, the Director of Internal Audit Department will amend the Audit Plan to reflect a more accurate and attainable scope of work for the 2021-2022 school year. Attached is the amended Internal Audit Plan for the 2021-2022 school year. No changes were made to any of the original attachments to the plan, and thus are not included.

ADMINISTRATIVE RECOMMENDATION

Recommend that the Board of Trustees approve the amended Internal Audit Plan for the remainder of the fiscal year 2021-22.

BOARD ACTION REQUIRED

Approval/Disapproval



NORTH EAST

INDEPENDENT SCHOOL DISTRICT

Internal Audit Plan FY 2021-2022 (Amended)

1. **NEISD Universe of Auditable Entities.** Subject matter representing major auditable entities within the District, is identified in Attachment 1. Subjects that are in bold face type have been identified for coverage during FY 2021-2022.

2. **Risk-Based Planning Model.** This audit plan was compiled based on input from the Superintendent and Executive Staff. Their contributions, in conjunction with State mandates for audit coverage and requirements of the *Statement on Auditing Standards No. 99, Consideration of Fraud in a Financial Statement Audit*, formed the framework for identifying auditable entities, which were then weighted based on a Risk-Based Planning Model (Attachment 3).

This approach is necessary to direct limited audit resources toward the most critical, high-risk issues facing the District. Risk factors were applied for each viable auditable entity. The risk factors included requested or required reviews, fraud implications, cash handling, the strength of internal controls, prior audit coverage and considerations for changes in key personnel.

3. **Anti-Fraud Action Plan.** The Anti-Fraud Action Plan is an integral part of our auditing program and is included as Attachment 5. The plan was prepared to establish an agreed-upon procedure for handling fraud, waste and abuse, and outlines NEISD's procedures for minimizing fraud, reporting suspected fraud, and actions to be taken when fraud is evident.

4. **Internal Audit Plan.** This Annual Audit Plan is a living plan that may be altered throughout the year to accommodate the needs of the Superintendent or the Board of Trustees. Below is a summary of planned audits for Fiscal Year 2021-2022. The rationale for the subjects identified for review, along with an explanation of what and how risk factors were applied, is contained in Attachment 4.

5. **Internal Audit Plan Time Budget.** Estimates of the time it will take to complete each project are included. Net of projected administrative absences and professional development coupled with the staff shortages due to vacancies in the Director of Internal Audit and two Internal Auditor positions for a portion of the year, the Internal Audit Department will have approximately 4,200 audit-hours/525 audit-days available during the 2021/2022 school year to complete the included audit work.

6. Mandatory Audits.

- Superintendent's Employment Contract. The Superintendent has requested an annual review of his employment contract to ensure that allowances for travel and vacation are properly accounted for and to ensure that the Superintendent is complying with contract terms [120 audit-hours/15 audit-days].
- Superintendent's Expenses. The Board of Trustees requires an audit of the Superintendent's expenditures, annually. This audit, which will be combined with the review of the Superintendent's employment contract (see above), entails a review of all expenditures made by the Superintendent including those purchases using the Purchasing Card [120 audit-hours/15 audit-days].
- External Audit (CAFR). Annually, the District is required to have an external audit of financial activity leading to an expression of an opinion on the accuracy of the Consolidated Annual Financial Report. Internal Audit will provide assistance in the areas of inventory (equipment and warehouse) accountability, and bank/investment confirmations [360 audit-hours/45 audit-days].
- Purchasing Card (P-Card) Audit. Annual district-wide audit performed to determine if purchases made with District purchasing cards are in compliance with procurement policy and guidelines. Includes review of any travel-related expenditures conducted with the P-Card as well as retention of supporting documentation for all transactions [400 audit-hours/50 audit-days].
- Conflict-of-Interest Review. This is an annual review of relationships held by NEISD employees with outside business entities or individuals that might create biased decision making resulting in fraud, collusion, or favoritism. The review is accomplished by completing an online survey sent to certified employees with budget influence. Questionable relationships or associations identified in the survey are reviewed by the Director of Internal Audit [360 audit-hours/45 audit-days].
- Controlled Resource Management System (CRMS) and Fixed Assets Inventory. Conduct annual review of District-wide Controlled Resources and Fixed Assets Inventory tracked and maintained by the CRMS [720 audit-hours/90 audit-days].

7. **Campus and Student Activity Funds.** Campus and Student Activity Funds can generate several million dollars in activity throughout a normal school year. Campus bookkeepers are critical to the safekeeping of these funds. Regular, scheduled audits of these funds are essential to maintaining oversight over campus business to ensure that fraudulent activity has not taken place. The audit approach to these audits remains flexible. An advisory report is issued to each campus principal summarizing disparities, if any [400 audit-hours/50 audit-days].

8. **Special Projects.** Special projects occur spontaneously throughout the year generally at the request of the Superintendent or the Board of Trustees; however, occasionally executive directors have requested assistance as well. These projects may be short term, quick turnaround audits, analyses, or research endeavors or the projects may be full-scale audits of a process or department within the district. Normally, these assignments are intended to provide independent assessments of ongoing issues of key concern to the Superintendent or the Board of Trustees [600 audit-hours/75 audit-days].

9. **Operational and Compliance Audits.**

- **Facility Maintenance Work Order Process.** Compliance and operational audit to determine if the Facility Maintenance and Operations department complies with state, local, and district rules and regulations regarding the efficient and effective operation of the department, and to examine the processes and procedures within the department's work order system [720 audit-hours/90 audit-days].

10. **Continual Surveillance of Fraudulent Indicators.** In compliance with the Statement on Auditing Standards (SAS) 99: *Consideration of Fraud in a Financial Statement Audit*, Internal Audit will perform selected audit tests throughout the year. Internal Audit will selectively test areas, locations, and accounts that otherwise might not be tested. In addition, the Internal Audit Department will continue to manage the hotline complaints received through the District's fraud hotline [400 audit-hours/50 audit-days].

11. **Attachments.**

- 1 - Universe of Auditable Entities
- 2 - Risk Rank Priority of Auditable Entities
- 3 - Risk Based Planning Model
- 4 - Risk Based Planning Model Methodology
- 5 - District Anti-Fraud Action Plan



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Dan Villarreal
Valerie Rueda, Executive Director
Procurement & eCommerce

Subject: \$50,000 Purchases

Related Page(s): Attachment

CONSENT ITEM

BACKGROUND INFORMATION

Texas Education Code §44.031 requires all school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the methods listed in the Code providing the best value for the district. Board Policy CH (LOCAL) states, "The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services costing \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place."

ADMINISTRATIVE CONSIDERATION

The purpose of this consent item is to ask for Board authorization to expend funds for previously approved budgeted expenditures for 2021-2022, which meet or exceed \$50,000 from the attached listed vendors. The attachment reflects categories of purchases, vendor names, descriptions of goods or services and estimated 2021-2022 expenditures. These purchases comply with applicable bid laws. The attachment includes estimated aggregate expenditures exceeding \$50,000 during the school year. By approving this consent item, each approved budgeted item will not have to be presented again, saving considerable time and resources.

BUDGETARY CONSIDERATION

The estimated expenditure amounts are budgeted in various District accounts which were approved at the Board of Trustees meeting on August 23, 2021. Funds being expended include general funds, bond funds, grant funds, special revenue funds, internal service funds and enterprise funds.

ADMINISTRATIVE RECOMMENDATION

The Superintendent recommends the Department of Procurement & eCommerce be authorized to expend funds listed in the attachment for fiscal year 2021-2022.

BOARD ACTION REQUIRED

Approval/Disapproval

ATTACHMENT
BUDGETED PURCHASES OF GOODS OR SERVICES COSTING \$50,000 OR MORE
NEISD BOARD MEETING FEBRUARY 14, 2022

Category	Vendor(s) Name	Description of Goods/Services	Estimated Expenditures 2021-2022	Bid Compliance	Notes
Instructional Technology	CX Tec Cable Express Corp	Switches for Servers	\$ 120,000.00	TIPS Co-op	New Purchase, new vendor, spend will be over \$50K.
School Nutrition Services	Barilla America	Food Products	\$ 52,000.00	45-21	Approaching \$50k threshold, current spend \$40,195.00.
School Nutrition Services	Basic American Foods	Food Products	\$ 90,892.00	21-20	Prior board approved \$ 60,956, additional \$30K to support the remainder of the school year.
School Nutrition Services	Tyson Food Products	Food Products	\$ 691,000.00	awarded on multiple bids	Prior board approved \$553K, additional \$138K to support the remainder of the school year.
School Nutrition Services	Rich Products Corp	Food Products	\$ 422,000.00	awarded on multiple bids	Prior board approved \$400K additional \$22K to support remainder of the school year.
Special Education	Curriculum Associates	Staff Development and Materials	\$ 200,000.00	01-21	Prior board approved \$150K, additional \$50K to support the remainder of the school year. Current spend \$131K
Special Education	MSB Consulting	SHARS/MEDICAID BILLING	\$ 445,000.00	HCDE Choice Partners	Prior board approved \$260K, current spend \$350K; additional \$185K to cover overage and support the remainder of the year.
Technology Services	TOPdesk USA, Inc.	Help Desk software to replace existing system	\$ 130,000.00	06-20	New purchase, new vendor; a 5-year subscription with initial onboarding services at a cost of approx. \$130,000 paid for out of Bond 2015.
Transportation	FleetCor Technologies dba Fuelman	Fuel	\$ 1,200,000.00	Omnia Partners	Prior board approved \$ 1.0M, current spend \$926K; additional \$200K to support the remainder of the school year. PO for \$200K currently on hold.



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Mitchell
Garrett Sullivan,
Executive Director, CM&E

Subject: 2022 Annual Construction Prevailing Wage Rates
Approval for North East ISD Construction Programs

Related Page(s): Attachments

CONSENT ITEM

BACKGROUND INFORMATION

The Construction Prevailing Wage Rates used for the execution of the District's bond-funded, Maintenance & Operations-funded, and ESSER-III funded construction programs were previously revised/approved on February 8, 2021. Board Policy CV (Legal) stipulates that the Board's determination of the general prevailing rates of per diem wages shall be final (Government Code 2258.022) and serves as the minimum wage to be paid to construction workers by contractors performing work for the District. The Construction Prevailing Wage Rates included as Attachment 1, will be effective until Feb. 13, 2023 and reflect current labor market conditions in the San Antonio area. A comparison of the 2021 and new 2022 North East ISD Construction Prevailing Wage Rates is included as Attachment 2.

ADMINISTRATIVE CONSIDERATION

Adoption of revised Construction Prevailing Wage Rates for the District's construction programs requires approval by the Board of Trustees.

BUDGETARY CONSIDERATION

Funding for North East ISD construction projects is provided by multiple sources including the District's Maintenance & Operations, 2015 Bond, and ESSER-III funded Programs.

RECOMMENDATION

It is recommended for the Board of Trustees to adopt the 2022 Annual Construction Prevailing Wage Rates, as shown in Attachment 1, for the North East ISD Construction Programs.

BOARD ACTION REQUIRED

Approval/Disapproval

**ATTACHMENT 1 - 2022 MINIMUM HOURLY WAGE RATE DETERMINATION
FOR NORTH EAST INDEPENDENT SCHOOL DISTRICT BUILDING CONSTRUCTION**

Item #	Standard Occupation Classification Code	Trade Classification	2022 Wage Rate
1	37-3011	Landscaping and Grounds Keeping Workers	\$14.93
2	47-2021	Brick and Block Masons	\$27.80
3	47-2022	Stonemasons	\$19.03
4	47-2031	Carpenters	\$21.24
5	47-2041	Carpet Installers	\$17.50
6	47-2042	Floor Layers - except Carpet, Wood, and Hard Tiles	\$22.12
7	47-2043	Floor Sanders and Finishers	\$16.62
8	47-2044	Tile and Marble Setters	\$15.64
9	47-2051	Cement Masons and Concrete Finishers	\$19.51
10	47-2053	Terrazzo Workers and Finishers	\$19.64
11	47-2061	Construction Laborers	\$16.69
12	47-2071	Paving, Surfacing, and Tamping Equipment Operators	\$20.71
13	47-2073	Operating Engineers and Other Construction Equipment Operators	\$20.77
14	47-2081	Drywall and Ceiling Tile Installers	\$18.54
15	47-2082	Tapers	\$31.06
16	47-2111	Electricians	\$26.38
17	47-2121	Glaziers	\$18.56
18	47-2131	Insulation Workers - Floor, Ceiling, and Wall	\$22.53
19	47-2132	Insulation Workers, Mechanical	\$23.69
20	47-2141	Painters, Construction and Maintenance	\$19.38
21	47-2151	Pipe Layers	\$20.11
22	47-2152	Plumbers, Pipefitters, and Steamfitters	\$22.35
23	47-2161	Plasterers and Stucco Masons	\$18.23
24	47-2171	Reinforcing Iron and Rebar Workers	\$21.91
25	47-2181	Roofers	\$20.78
26	47-2211	Sheet Metal Workers	\$20.72
27	47-2221	Structural Iron and Steel Workers	\$24.55
28	47-3011	Helpers - Brick & Block Masons, Stonemasons, and Tile/Marble Setters	\$17.39
29	47-3012	Helpers - Carpenters	\$16.55
30	47-3013	Helpers - Electricians	\$17.18
31	47-3014	Helpers - Painters, Paperhangers, Plasterers, and Stucco Masons	\$15.33
32	47-3015	Helpers - Pipe Layers, Plumbers, Pipefitters, and Steamfitters	\$15.80
33	47-3016	Helpers - Roofers	\$15.58
34	47-3019	Helpers - Construction Trades, All Others	\$17.45
35	47-4011	Construction and Building Inspectors	\$29.15
36	47-4021	Elevator Installers and Repairers	\$37.41
37	47-4099	Construction and Related Workers, All Others	\$19.52
38	47-5022	Excavating, Loading Machine, Dragline Operators, and Surface Mining	\$21.56
39	47-5097	Earth Drillers (Except Oil and Gas), Explosives Workers, Ordnance Handling Experts, and Blasters	\$24.41
40	49-2022	Telecommunications Equipment Installers and Repairers (except Line Installers)	\$26.21
41	49-2098	Security and Fire Alarm Systems Installers	\$25.91
42	49-9021	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	\$26.40
43	49-9052	Telecommunications Line Installers and Repairers	\$27.78
44	51-2041	Structural Metal Fabricators and Fitters	\$19.42
45	51-4121	Welders, Cutters, Solderers, and Braziers	\$22.81
46	53-3032	Truck Drivers, Heavy and Tractor-Trailer	\$21.36
47	53-3033	Light Truck or Delivery Services Drivers	\$22.02
48	53-7021	Crane and Tower Operators	\$28.58
49	53-7051	Industrial Truck and Tractor Operators	\$17.61

**ATTACHMENT 2 - 2022 MINIMUM HOURLY WAGE RATE
DETERMINATION
FOR NORTH EAST INDEPENDENT SCHOOL DISTRICT BUILDING
CONSTRUCTION**

Item #	Standard Occupation Classification Code	Trade Classification	2021 Wage Rate	2022 Wage Rate	Annual Change(\$)
1	37-3011	Landscaping and Grounds Keeping Workers	\$14.00	\$14.93	\$0.93
2	47-2021	Brick and Block Masons	\$27.15	\$27.80	\$0.65
3	47-2022	Stonemasons	\$18.17	\$19.03	\$0.86
4	47-2031	Carpenters	\$19.68	\$21.24	\$1.56
5	47-2041	Carpet Installers	\$16.31	\$17.50	\$1.19
6	47-2042	Floor Layers - except Carpet, Wood, and Hard Tiles	\$20.73	\$22.12	\$1.39
7	47-2043	Floor Sanders and Finishers	\$21.30	\$16.62	(\$4.68)
8	47-2044	Tile and Marble Setters	\$14.61	\$15.64	\$1.03
9	47-2051	Cement Masons and Concrete Finishers	\$17.93	\$19.51	\$1.58
10	47-2053	Terrazzo Workers and Finishers	\$17.17	\$19.64	\$2.47
11	47-2061	Construction Laborers	\$15.76	\$16.69	\$0.93
12	47-2071	Paving, Surfacing, and Tamping Equipment Operators	\$19.31	\$20.71	\$1.40
13	47-2073	Operating Engineers and Other Construction Equipment Operators	\$19.39	\$20.77	\$1.38
14	47-2081	Drywall and Ceiling Tile Installers	\$19.45	\$18.54	(\$0.91)
15	47-2082	Tapers	\$29.59	\$31.06	\$1.47
16	47-2111	Electricians	\$23.65	\$26.38	\$2.73
17	47-2121	Glaziers	\$17.84	\$18.56	\$0.72
18	47-2131	Insulation Workers - Floor, Ceiling, and Wall	\$20.78	\$22.53	\$1.75
19	47-2132	Insulation Workers, Mechanical	\$22.39	\$23.69	\$1.30
20	47-2141	Painters, Construction and Maintenance	\$17.63	\$19.38	\$1.75
21	47-2151	Pipe Layers	\$16.01	\$20.11	\$4.10
22	47-2152	Plumbers, Pipefitters, and Steamfitters	\$21.71	\$22.35	\$0.64
23	47-2161	Plasterers and Stucco Masons	\$16.51	\$18.23	\$1.72
24	47-2171	Reinforcing Iron and Rebar Workers	\$25.41	\$21.91	(\$3.50)
25	47-2181	Roofers	\$16.08	\$20.78	\$4.70
26	47-2211	Sheet Metal Workers	\$19.74	\$20.72	\$0.98
27	47-2221	Structural Iron and Steel Workers	\$21.97	\$24.55	\$2.58
28	47-3011	Helpers - Brick & Block Masons, Stonemasons, and Tile/Marble Setters	\$17.44	\$17.39	(\$0.05)
29	47-3012	Helpers - Carpenters	\$15.12	\$16.55	\$1.43
30	47-3013	Helpers - Electricians	\$16.28	\$17.18	\$0.90
31	47-3014	Helpers - Painters, Paperhangers, Plasterers, and Stucco Masons	\$17.94	\$15.33	(\$2.61)
32	47-3015	Helpers - Pipe Layers, Plumbers, Pipefitters, and Steamfitters	\$14.04	\$15.80	\$1.76
33	47-3016	Helpers - Roofers	\$13.27	\$15.58	\$2.31
34	47-3019	Helpers - Construction Trades, All Others	\$16.10	\$17.45	\$1.35
35	47-4011	Construction and Building Inspectors	\$26.22	\$29.15	\$2.93
36	47-4021	Elevator Installers and Repairers	\$36.94	\$37.41	\$0.47
37	47-4099	Construction and Related Workers, All Others	\$19.30	\$19.52	\$0.22
38	47-5022	Excavating, Loading Machine, Dragline Operators, and Surface Mining	\$19.82	\$21.56	\$1.74
39	47-5097	Earth Drillers (Except Oil and Gas), Explosives Workers, Ordnance Handling Experts, and Blasters	\$21.12	\$24.41	\$3.29
40	49-2022	Telecommunications Equipment Installers and Repairers (except Line Installers)	\$24.21	\$26.21	\$2.00
41	49-2098	Security and Fire Alarm Systems Installers	\$22.87	\$25.91	\$3.04
42	49-9021	Heating, Air Conditioning, and Refrigeration Mechanics and Installers	\$24.07	\$26.40	\$2.33
43	49-9052	Telecommunications Line Installers and Repairers	\$26.70	\$27.78	\$1.08
44	51-2041	Structural Metal Fabricators and Fitters	\$18.87	\$19.42	\$0.55
45	51-4121	Welders, Cutters, Solderers, and Braziers	\$21.45	\$22.81	\$1.36
46	53-3032	Truck Drivers, Heavy and Tractor-Trailer	\$20.54	\$21.36	\$0.82
47	53-3033	Light Truck or Delivery Services Drivers	\$19.36	\$22.02	\$2.66
48	53-7021	Crane and Tower Operators	\$25.54	\$28.58	\$3.04
49	53-7051	Industrial Truck and Tractor Operators	\$16.08	\$17.61	\$1.53



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Mitchell
Garrett Sullivan
Executive Director, CM&E

Subject: ESSER-III Funds HVAC Unit Ventilator and Energy Recovery Unit Replacement Project Bid Packages A & B (12 Campuses)
Bid Award Approval

Related Page(s): Attachment

CONSENT ITEM

BACKGROUND INFORMATION

ESSER-III Funds are available to provide for classroom HVAC Unit Ventilator and Energy Recovery Unit Replacement at 12 campuses (Bid Packages A and B) during the 2022 summer period. Bids were received for Bid Package A from 2 vendors (Gillette Air Conditioning and L.C. Mosel Company) on Wednesday, January 19, 2022 and Bid Package B from 3 vendors (Comfort-Air Engineering, Flo Aire Service, and L.C. Mosel Company) on Friday, January 21, 2022. This project will replace the classroom unit ventilators and energy recovery units at the following campuses: Bid Package A – East Terrell Hills, Walzem, Wilshire, and Windcrest Elementary Schools, Krueger Middle School, and Roosevelt High School; and Bid Package B – Coker, Harmony Hills, Larkspur, Northwood, Oak Grove, and Ridgeview Elementary Schools. MS2 Engineering (Bid Package A) and DBR Engineering Consultants (Bid Package B) will serve as the project engineers for this project. Bid Package C campuses (5 schools) will be completed under a separate project.

ADMINISTRATIVE CONSIDERATION

This is an approved project within the ESSER-III Program.

BUDGETARY CONSIDERATION

Funds for this project are included in the ESSER-III Program. The total approved construction budget for Bid Package A equals \$5,100,000.00 and Bid Package B equals \$5,800,000.00. Total bid costs for Bid Package A equaled \$4,610,272.00 which includes equipment manufacturing/delivery by Trane at \$1,998,635.00 and construction/installation by Gillette Air Conditioning and L.C. Mosel at \$2,611,637.00. Total bid costs for Bid Package B equaled \$5,097,084.00 which includes equipment manufacturing/delivery by Trane at \$2,221,008.00 and construction/installation by Comfort Air Engineering and L.C. Mosel at \$2,876,076.00. The total construction cost for the HVAC Unit Ventilator and Energy Recovery Unit Replacement Project for Bid Packages A and B equals \$9,707,356.00 as compared to the approved construction budget of \$10,900,000.00 resulting in an overall budget savings of \$1,192,644.00.

RECOMMENDATION

It is recommended that the Board of Trustees approve the following construction bids and equipment purchasers for the HVAC Unit Ventilator and Energy Recovery Unit Replacement Project: Gillette Air Conditioning Company (Bid # 57-20) for a total bid cost of \$1,372,752.00 (3 campuses), L.C. Mosel Company (Bid # 57-20) for a total bid cost of \$1,864,565.00 (4 campuses), Comfort-Air Engineering (Bid # 22-21) for a total bid cost of \$2,250,396.00 (5 campuses) and Trane, Inc. (Bid # 57-20) for a total bid cost of \$4,219,643.00 as shown on the accompanying Bid Attachment. Additionally, it is recommended that the Board of Trustees grant the Superintendent, Chief Operations Officer, and the Executive Director for Construction Management and Engineering authority to execute the contracts in support of this project.

BOARD ACTION REQUIRED

Approval/Disapproval

BID ATTACHMENT

BID TAB: HVAC Unit Ventilator Replacement Project - Bid Package A and B

BID DATE: Jan. 19 and 21, 2022 @ 2 PM

Campus	Flo-Aire	Comfort-Air	L.C. Mosel	Gillette	Low Quote	Bidder	# of UV	# of ERU
Wilshire	No Bid	No Bid	No Bid	\$ 512,600	\$ 512,600	Gillette	32	25
Windcrest	No Bid	No Bid	No Bid	\$ 346,494	\$ 346,494	Gillette	22	18
Walzem	No Bid	No Bid	No Bid	\$ 513,658	\$ 513,658	Gillette	24	21
East Terrell Hills	No Bid	No Bid	\$ 512,566	\$ 1,291,558	\$ 512,566	L.C. Mosel	31	31
Krueger	No Bid	No Bid	\$ 417,526	\$ 1,254,570	\$ 417,526	L.C. Mosel	33	15
Roosevelt	No Bid	No Bid	\$ 308,793	\$ 978,900	\$ 308,793	L.C. Mosel	27	0
120								
Trane	Trane Unit Ventilator Equipment Purchase Cost = \$1,584,375.00 / TRANE ERU Equipment Purchase Cost = \$414,260.00						169	110
Package A Grand Total Equipment Purchase and Installation Cost =					\$4,610,272.00			
Campus	Flo-Aire	Comfort-Air	L.C. Mosel	Gillette	Low Quote	Bidder	# of UV	# of ERU
Coker	No Bid	\$ 523,731	\$ 574,828	No Bid	\$ 523,731	Comfort Air	37	29
Ridgeview	No Bid	\$ 460,586	No Bid	No Bid	\$ 460,586	Comfort Air	32	29
Oak Grove	No Bid	\$ 432,116	No Bid	No Bid	\$ 432,116	Comfort Air	31	24
Harmony Hills	\$ 553,847	\$ 364,445	\$ 424,116	No Bid	\$ 364,445	Comfort Air	29	0
Larkspur	\$ 563,119	\$ 469,518	\$ 492,019	No Bid	\$ 469,518	Comfort Air	27	27
Northwood	\$ 665,581	\$ 639,230	\$ 625,680	No Bid	\$ 625,680	L.C. Mosel	30	20
Trane	Trane Unit Ventilator Equipment Purchase Cost = \$1,735,194.00 / TRANE ERU Equipment Purchase Cost = \$485,814.00						186	129
Package B Grand Total Equipment Purchase and Installation Cost =					\$5,097,084.00			



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Mitchell
Garrett Sullivan
Executive Director, CM&E

Subject: ESSER-III Funds Madison High School Central Plant
Chiller Replacement Project Bid Authorization Approval

Related Page(s): None

CONSENT ITEM

BACKGROUND INFORMATION

ESSER-III Funds are available to replace the chillers at the Madison High School central plant during the 2022 summer period. This project will replace three existing 400-ton chillers with three new 500-ton chillers. As a result of the increased chiller capacity, the central plant chiller yard must be expanded and reorganized to provide appropriate chiller separation for proper air flow circulation and operation.

ADMINISTRATIVE CONSIDERATION

This is an approved project within the ESSER-III Program.

BUDGETARY CONSIDERATION

Funds for this project are included in the ESSER-III Program. The total approved construction budget for this project equals \$2,200,000.00. The total estimated bid cost through the completion of construction documents equals \$2,495,521.00. ESSER-III contingency funds are available to support the current estimated bid-budget shortfall of \$295,521.00.

RECOMMENDATION

It is recommended that the Board of Trustees approve the release of bid documents for the ESSER-III Madison High School Central Plant Chiller Replacement Project using the Job Order Contract (JOC) and Preferred Vendor bid delivery methods for the receipt of construction bids and the TASB BuyBoard Bid # 631-20 for the procurement of the new chillers and 5-year chiller warranty, and authorize the Construction Management and Engineering Department's solicitation of contractor bids for this project.

BOARD ACTION REQUIRED

Approval/Disapproval



NORTH EAST INDEPENDENT SCHOOL DISTRICT

Date: February 14, 2022

Presenter: Anthony Mitchell
Garrett Sullivan,
Executive Director,
CM&E

Subject: Professional Services Contracts, and Related
Contract Amendments Supporting the
2015 Bond, M&O, and ESSER III Program Funds
Design and Construction Requirements

Related Page(s): Attachment

CONSENT ITEM

BACKGROUND INFORMATION

The Board of Trustees approved the appointment of Principal Consultants for the 2015 Bond Program on Feb. 8, 2016. Bond projects require supporting professional services contracts to perform: (1) architectural and landscape architectural services; (2) acoustical, civil, code review, fire protection, food service, mechanical-electrical-plumbing, roofing, and structural engineering services; (3) technology services; (4) geotechnical investigations; (5) material testing services; (6) test-balance-commissioning services; and (7) post-construction investigative reviews.

ADMINISTRATIVE CONSIDERATION

These professional services contracts, construction contracts, and related contract amendments support the development and construction of approved projects included in the 2015 Bond, M&O, and ESSER III program funded requirements. Contracts and contract amendments exceeding \$50,000.00 in value must be approved by the Board of Trustees.

BUDGETARY CONSIDERATION

Funding for these professional services contracts, construction contracts, and related contract amendments are included in the 2015 Bond, M&O, and ESSER III funded programs.

ADMINISTRATIVE RECOMMENDATION

It is recommended for the Board of Trustees to approve the Professional Services Contracts, Construction Contracts, and Related Contract Amendments in support of the 2015 Bond, M&O, and ESSER III program funded requirements (see Attachment). It is further recommended for the Board of Trustees to grant the Superintendent, the Chief Operations Officer, and the Executive Director of Construction Management and Engineering authority to execute the contracts.

BOARD ACTION REQUIRED

Approval/Disapproval

ATTACHMENT

PROFESSIONAL SERVICES CONTRACTS, CONSTRUCTION CONTRACTS, AND RELATED CONTRACT AMENDMENTS 2015 Capital Improvement Bond Program, M&O Funded Program, and ESSER III Funded Program - Feb.14, 2022								
Program	Project	Consultant or Construction Contract Award Date	Bid Description	Professional Services Consulting Firm or General Contractor or Service Vendor	Original Contract Value (Board Award)	Current Contract Value	Contract Amendment	New Contract Value
2015 Bond Program	BAC Comalander Stadium Service/Upgrade/Modernize the Stadium Passenger Elevator Project # 9.14	14-Feb-22	Service/Upgrade/Modernize the Comalander Stadium Hydraulic Passenger Elevator BuyBoard # 657-21	EMR Elevator, Inc.	\$ 91,188.00	\$ 91,188.00	\$ -	\$ 91,188.00
2015 Bond Program	Northern Hills Elementary School Repair/Replace Building Concrete Retainer Blocks and Selected Concrete Flatwork Project # 9.15	14-Feb-22	Repair/Replace Concrete Retainer Blocks and Selected Concrete Flatwork at the Campus RFCSP # 57-20	DHMSA Construction	\$ 60,923.00	\$ 60,923.00	\$ -	\$ 60,923.00
2015 Bond Program	Elementary School Campus Facilities Safety and Security Upgrades Project (Fencing, Gates, and Access Control) Project # 9.6	13-Feb-20	Provide 37 Additional Cloud links to Security System to support Future Conversion to Genetec Access Control System Bid # 22-21	3Sixty Integrated	\$ 352,368.00	\$ 352,368.00	\$ 15,795.77	\$ 368,163.77 132
2015 Bond Program Contract Adjustments (This Period)					\$ 504,479.00	\$ 504,479.00	\$ 15,795.77	\$ 520,274.77
ESSER III Program	Replace District Unit Ventilators Bid Package A (6 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05A	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (169 Unit Ventilators) Bid # 57-20	Trane U.S. Inc.	\$ 1,584,375.00	\$ 1,584,375.00	\$ -	\$ 1,584,375.00
ESSER III Program	Replace District Unit Ventilators Bid Package B (6 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05B	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (186 Unit Ventilators) Bid # 57-20	Trane U.S. Inc.	\$ 1,735,194.00	\$ 1,735,194.00	\$ -	\$ 1,735,194.00
ESSER III Program	Replace District Unit Ventilators Bid Package C (5 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05C	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (139 Unit Ventilators) Bid # 57-20	Trane U.S. Inc.	\$ 1,329,118.00	\$ 1,329,118.00	\$ -	\$ 1,329,118.00
ESSER III Program	Replace District Energy Recovery Units (ERUs) Bid Package A (6 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05A	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (110 Energy Recovery Units) Bid # 57-20	Trane U.S. Inc.	\$ 414,260.00	\$ 414,260.00	\$ -	\$ 414,260.00
ESSER III Program	Replace District Energy Recovery Units (ERUs) Bid Package B (6 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05B	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (129 Energy Recovery Units) Bid # 57-20	Trane U.S. Inc.	\$ 485,814.00	\$ 485,814.00	\$ -	\$ 485,814.00

**PROFESSIONAL SERVICES CONTRACTS, CONSTRUCTION CONTRACTS, AND RELATED CONTRACT AMENDMENTS
2015 Capital Improvement Bond Program, M&O Funded Program, and ESSER III Funded Program - Feb.14, 2022**

Program	Project	Consultant or Construction Contract Award Date	Bid Description	Professional Services Consulting Firm or General Contractor or Service Vendor	Original Contract Value (Board Award)	Current Contract Value	Contract Amendment	New Contract Value
ESSER III Program	Replace District Energy Recovery Units (ERUs) Bid Package C (5 Campuses) (Pre-Purchase HVAC Equipment) Project # E21.05C	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (118 Energy Recovery Units) Bid # 57-20	Trane U.S. Inc.	\$ 444,388.00	\$ 444,388.00	\$ -	\$ 444,388.00
ESSER III Program	District Pre-K Academy at West Avenue Unit Ventilator and Window Replacement Project # E21.01	14-Feb-22	Pre-Purchase HVAC Equipment with Delivery (32 Unit Ventilators and 26 Energy Recovery Units) Bid # 57-20	Trane U.S. Inc.	\$ 389,084.00	\$ 389,084.00	\$ -	\$ 389,084.00
			Elementary and Secondary School Emergency Relief III - 282 Program Funds Contract Adjustments (This Period)		\$ 6,382,233.00	\$ 6,382,233.00	\$ -	\$ 6,382,233.00