

EMPLOYMENT OBJECTIVES:
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

NONDISCRIMINATION - IN GENERAL The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older); or
5. Disability.

42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12100 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); U.S. Const. Amend. I; Labor Code Chapter 21 (Texas Commission on Human Rights Act)

JOB QUALIFICATION The District may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f)*

EMPLOYMENT POSTINGS The District shall not print or publish any notice or advertisement relating to District employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b)*

HARASSMENT OF EMPLOYEES The District has an affirmative duty to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e et seq.; 29 CFR 1606.8(a), 1604.11 [See DIA]*

RETALIATION The District may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 34 CFR 100.7 (e) (Title VI); 34 CFR 110.34 (Age Act); 42 U.S.C. 12203 (ADA)*

NOTICES The District shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

SECTION 504 A district that employs 15 or more persons shall take appropriate steps to

NOTICE

notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the District does not discriminate in employment in its programs and activities; and
2. The identity of the District's 504 coordinator.

Methods of notification may include:

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

If the District publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 CFR 104.8

AGE
DISCRIMINATION

The District may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f)*

SEX DISCRIMINATION

PREGNANCY

The prohibition against discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. The District shall treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k)*

EQUAL PAY

The District may not pay an employee at a rate less than the rate the employer pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d); 34 CFR 106.54*

RELIGIOUS
DISCRIMINATION

The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless the District demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the District's business. "Undue hardship" means more than a *de minimus* (minimal) cost. *42 U.S.C. 2000e(j); 29 CFR 1605.2*

The District may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental

interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

DISABILITY
DISCRIMINATION

The District shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability, unless the District can demonstrate that the accommodation would impose an undue hardship on the operation of the District. *42 U.S.C. 12112(b); 29 CFR 1630.9; 29 U.S.C. 794; 34 CFR 104.11; Labor Code 21.051* [See DBB regarding medical examinations and inquiries under the Americans with Disabilities Act]

DISCRIMINATION
BASED ON
RELATIONSHIP

The District shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 CFR 1630.8; 34 CFR 104.11*

DEFINITIONS

"Disability" means a physical or mental impairment that substantially limits one or more of an individual's major life activities, a record of having such an impairment, or being regarded as having such an impairment. "Major life activities" are such functions as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. *42 U.S.C. 12102(2); 29 CFR 1630.2(g)-(l); 28 CFR 35.104; 34 CFR 104.3(j), (l); Labor Code 21.002(6)*

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires. Consideration shall be given to the District's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions. *42 U.S.C. 12111(8); 29 CFR 1630.2(m), (n); 34 CFR 104.3(l); Labor Code 21.105*

USE OF ILLEGAL
DRUGS

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when the District acts on the basis of such use.

DRUG TESTING

The District is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests.

42 U.S.C. 12114(c), (d) [See DHE]

ALCOHOL USE

The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 CFR 1630.3(a); 28 CFR 35.104; 29 U.S.C. 705(20)(C)*

REASONABLE
ACCOMMODATION

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to

- and usable by individuals with disabilities; and
2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 CFR 1630.2(o); 34 CFR 104.12(b)

UNDUE
HARDSHIP

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

DIRECT THREAT
TO HEALTH OR
SAFETY

As a qualification standard, the District may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 CFR 1630.2(q)*

COMMUNICABLE
DISEASES

The District may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(d); 29 U.S.C. 705(20)(D); 29 CFR 1630.16(e); Labor Code 21.002(6)(B)*

MILITARY SERVICE

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

GRIEVANCE POLICIES

SECTION 504

A district that receives federal financial assistance and that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 CFR 104.7(b), 104.11*

AMERICANS WITH
DISABILITIES ACT

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act. *28 CFR 35.107, 35.140*

TITLE IX

A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 CFR 106.8(b); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)*

[See DGBA]

COMPLIANCE
COORDINATOR

The District shall designate at least one employee to coordinate its efforts to comply with Title IX, Section 504, the Age Act, and the ADA. The District shall notify all employees of the name, office address, and telephone number of the employee(s) so designated. *34 CFR 104.7(b), 104.11; 28 CFR 35.107, 35.140; 34 CFR 106.8(b)*

DATE ISSUED: 04/01/2005
UPDATE 75
DAA(LLEGAL)-B

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

EMPLOYMENT OBJECTIVES:
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

	<p>The Superintendent shall serve as coordinator for purposes of District compliance with antidiscrimination laws, except as provided below.</p>
<p>TITLE IX COORDINATOR</p>	<p>The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:</p> <p>Name: Mel Waxler</p> <p>Position: General Counsel</p> <p>Address: 1111 W. 6th Street, Austin, TX 78703</p> <p>Telephone: (512) 414-6425</p>
<p>ADA / SECTION 504 COORDINATOR</p>	<p>The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973:</p> <p>Name: Adreayn Wilson</p> <p>Position: Coordinator of Employee Relations</p> <p>Address: 1111 W. 6th Street, Austin, TX 78703</p> <p>Telephone: (512) 414-1481</p>
<p>COMPLAINTS</p>	<p>Allegations of unlawful discrimination shall be directed to the appropriate coordinator and shall be heard through DGBA (LOCAL). Reports regarding prohibited harassment, including sexual harassment, shall be made according to DIA(LOCAL).</p>
<p>RECORDS RETENTION</p>	<p>Copies of reports alleging discrimination or prohibited harassment, including sexual harassment; investigation reports; and related records shall be maintained by the District for a period of at least three years.</p>

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EMPLOYMENT OBJECTIVES:
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAB
(LOCAL)

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

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

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PROFESSIONAL
PERSONNEL

CREDENTIALS

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

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

ADDITIONAL
CERTIFICATION

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

MASTER
TEACHER GRANT
PROGRAMS

The District may apply to the Commissioner of Education for grants to be used to pay stipends to certified master reading teachers, master mathematics teachers, master technology teachers, and master science teachers.

TEACHER
ELIGIBILITY

The Commissioner shall reduce payments to the District proportionately to the extent a teacher does not meet the requirements for a master teacher for the entire school year.

If a teacher qualifies as a master reading or mathematics teacher for a partial month, the District's written policy will determine how the District counts the partial month, for example, as no month served or as an entire month served. Only whole months shall be entered on the application by the District on the teacher's behalf.

19 TAC 101.1011(g), 102.1013(g)

DESIGNATION
OF TEACHER

A district that employs more certified master teachers than the number of grants available shall select the certified master teacher(s) to whom to pay the stipends based on a policy adopted by the Board, except that the District shall pay a stipend for two additional consecutive school years to a teacher:

1. The District has selected for and paid a stipend for a school year who remains eligible for a certified master teacher stipend; and
2. For whom the District receives a grant under this section for those years.

The District's decision is final and may not be appealed.

The District may not apportion among teachers a stipend paid for with a grant the District receives under this program. The District may use local money to pay additional stipends in amounts determined by the District.

Education Code 21.410(g), 21.411(g), 21.412(g), 21.413(g); 19 TAC 102.1011(h), 102.1013(h)

REDUCTION OF STIPEND

If state funds are appropriated but are insufficient to fully fund a master reading teacher, master mathematics teacher, or master science teacher grant, the Commissioner shall reduce the grant paid to each district and the District shall reduce the stipend the District pays to each teacher under the grant program proportionately so that each selected teacher receives the same amount of money. If funds are insufficient to fully fund a master technology teacher grant, the Commissioner shall determine the method of distributing the funds. *Education Code 21.410(i), 21.411(i), 21.412(i), 21.413(i)*

A stipend a teacher receives under this program is not considered in determining whether the District is paying the teacher the minimum monthly salary. *Education Code 21.410(l)*

The District must pay state stipends to certified master reading and mathematics teachers no later than 30 days after receipt of the grant by the District. *19 TAC 102.1011(i)*

Education Code 21.410-413; 19 TAC 102.1011, 102.1013

TEACHERS IN CORE ACADEMIC SUBJECTS

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

'CORE ACADEMIC SUBJECTS' DEFINED

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

TEACHERS IN TITLE I PROGRAMS

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

'HIGHLY QUALIFIED'

GENERAL CERTIFICATION

The term "highly qualified":

REQUIREMENT 1. When used with respect to any public elementary school or secondary school teacher, means the teacher:

- a. Has obtained full state certification as a teacher (including alternative certification); and
- b. Has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

SUBJECT
COMPETENCY

NEW
ELEMENTARY
TEACHER 2. When used with respect to an elementary school teacher who is new to the profession, means the teacher:

- a. Holds at least a bachelor's degree; and
- b. Has demonstrated, by passing a rigorous state test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum.

NEW MIDDLE
OR
SECONDARY
TEACHER 3. When used with respect to a middle or secondary school teacher who is new to the profession, means the teacher:

- a. Holds at least a bachelor's degree; and
- b. Has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
 - 1. Passing a rigorous state academic subject test in each of the academic subjects in which the teacher teaches; or
 - 2. Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.

EXISTING
TEACHER 4. When used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means the teacher holds at least a bachelor's degree and:

- a. Has met the applicable standard as detailed above for new teachers; or
- b. Demonstrates competence in all academic subjects in which the teacher teaches based on a high objective uniform state standard of evaluation. *No Child Left Behind Act of 2001, 20 U.S.C. 6319 (a)(1), 7801(23)*

HIGHLY QUALIFIED
SPECIAL
EDUCATION
TEACHERS

GENERAL
REQUIREMENTS Effective July 1, 2005, the term "highly qualified," when used with respect to a special education teacher, means the teacher meets the above requirements, as applicable, and:

- 1. Has obtained full state certification as a special education teacher (including alternative certification);
- 2. Has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and

3. Holds at least a bachelor's degree.

Special education teachers who teach alternative achievement standards or who teach two or more core academic subjects exclusively to children with disabilities must also demonstrate subject matter competence as set forth below.

TEACHING
ALTERNATIVE
ACHIEVEMENT
STANDARDS

1. New and existing special education teachers who teach core academic subjects exclusively to children who are assessed against alternate achievement standards may:
 - a. Meet the applicable requirements for any new or existing elementary, middle, or secondary teacher; or
 - b. In the case of instruction above the elementary level, demonstrate subject matter knowledge appropriate to the level of instruction being provided, as determined by the state, needed to effectively teach to those standards.

TEACHING TWO
OR MORE CORE
ACADEMIC
SUBJECTS

2. A special education teacher who teaches two or more core academic subjects exclusively to children with disabilities may either:
 - a. Meet the applicable requirements for any new or existing elementary, middle, or secondary school teacher;
 - b. In the case of an existing teacher, demonstrate competence in all core academic subjects in which the teacher teaches in the same manner as is required for any other existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects; or
 - c. In the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, the teacher may demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an existing elementary, middle, or secondary school teacher. This may include a single, high objective uniform state standard of evaluation covering multiple subjects. The teacher must demonstrate competence under this section not later than two years after the date of employment. *20 U.S.C. 1401(10)*

NOTICE TO
PARENTS:
QUALIFICATIONS

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

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

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

ADDITIONAL INFORMATION

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

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

No Child Left Behind Act of 2001, 20 U.S.C. 6311(h)(6)

CPR AND FIRST AID CERTIFICATION

A District employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the District or UIL must maintain and submit to the District proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. The District shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

SCHOOL DISTRICT TEACHING PERMIT

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

STATEMENT TO COMMISSIONER

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

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

DURATION OF PERMIT

A person holding a school district teaching permit may teach the subject or class identified to the Commissioner for as long as the teacher remains in the

District or until the District revokes the permit for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions.

Education Code 21.055

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

REVOCATION OF
CERTIFICATE FOR
CERTAIN OFFENSES
AGAINST CHILDREN

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

The revocation and notice requirement applies only if the victim of the offense is under 18 years of age, and only to a conviction of a felony under Penal Code Title 5 or an offense for which the person must register as a sex offender.

Education Code 21.058 [See also DK and DF]

FAILURE OF
CERTIFICATION

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

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

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

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

PARAPROFESSIONAL
EMPLOYEES

CREDENTIALS

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

TITLE I PROGRAM
REQUIREMENTS

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

DUTIES

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

HIGH SCHOOL
DIPLOMA

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

HIGHER
EDUCATION OR
COMPETENCY
TEST

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

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

FULL
COMPLIANCE
DATE

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

EXCEPTIONS

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

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

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

SCHOOL BUS
DRIVERS

CREDENTIALS

A school bus driver must:

1. Be at least 18 years old.
2. Hold an appropriate class of driver's license for the vehicle being operated.
3. Pass an annual physical exam and otherwise meet medical and physical requirements established by the Department of Public Safety (DPS). [See DBB]
4. Have a driving record that is acceptable according to minimum standards adopted by the DPS. A check of the person's driving record shall be made with DPS annually.
5. Pass a pre-employment driver's license check with the DPS, and maintain a driving record acceptable according to the standards prescribed by the State Board and the DPS. [See ANNUAL EVALUATION, below]
6. Have an acceptable criminal history record. [See DC] If the District

obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude, it may not employ the person to drive a school bus on which students are transported unless the employment is approved by a Board or the Board's designee.

7. Possess a valid certificate stating that the driver is enrolled in, or has completed, a driver training course in school bus safety education approved by the DPS.

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

ANNUAL
EVALUATION

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

EMPLOYEE
ACCESS

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

SPECIAL RIGHT

An employee or an employee's designated representative has a special right of access, beyond the right of the general public, to records and copies of records held by the District that contain information relating to the person that is protected from public disclosure by laws intended to protect the employee's privacy interests. The District shall not deny to the employee or his or her representative access to information about the employee on the grounds that the information is considered confidential by privacy principles, but may assert as grounds for denial of access other provisions of the Public Information Chapter of the Government Code or other laws that are not intended to protect the employee's privacy interests. *Gov't Code 552.023*

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

PUBLIC ACCESS

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

DATE ISSUED: 04/01/2005
UPDATE 75
DBA(LEGAL)-P

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CREDENTIALS AND RECORDS

DBA
(LOCAL)

MASTER
TEACHER
STIPENDS

At the end of the school year, a master teacher shall be paid the stipend for any month in which the teacher performed the prescribed duties for more than ten days. [See DBA(LEGAL)]

If the number of master teachers exceeds the grants allocated, the District shall first fund the stipends for master teachers in their second or third year in the master program, as required by law. The District shall distribute the remaining funds among newly assigned master teachers based on:

LOCAL
CRITERIA

1. Length of time teaching in the subject area.
 2. Seniority in the District, as measured from the employee's most recent date of hire.
-

DATE ISSUED: 11/02/2004
UPDATE 74
DBA(LOCAL)-A

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

SERVICE OF
CIVIL PROCESS
AND
SUBPOENAS

This regulation shall govern the service of any civil process concerning the District or any officer or employee of the District acting in his or her official capacity and the service of subpoenas involving records of the District.

The Superintendent or a designee is designated as the proper party to accept service of process or service of subpoenas involving the District or any District officers or employees acting in their official capacity. All other District employees and officers shall decline to accept service of process or subpoenas and shall direct any officer attempting to serve such process or subpoena to the Superintendent or the designee.

For the purposes of any process or subpoenas seeking access to any District records, the Superintendent or a designee shall accept service of the process or subpoena and, if the process or subpoena is proper, may designate one or more agents to obtain custody of the records requested and to furnish the records in compliance with the process or subpoena.

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LDU-27-02
DBA(REGULATION)-X

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LEGAL)

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

who has a sharps injury.

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

**COST OF
HEPATITIS
TESTING AFTER
ACCIDENTAL
EXPOSURE**

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

**PRE-EMPLOYMENT
INQUIRIES AND
EMPLOYMENT
ENTRANCE
EXAMINATIONS**

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

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

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

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

CONFIDENTIALITY

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

**EXAMINATION
DURING
EMPLOYMENT**

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

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

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

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

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

DATE ISSUED: 04/01/2005

UPDATE 72

DBB(LEGAL)-B

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

EXAMINATIONS DURING EMPLOYMENT	A medical examination may be required of any employee when, in the judgment of the immediate supervisor after consultation with the Superintendent or designee, the employee's condition interferes with the ability to perform job-related functions or may pose a direct threat to the health or safety of the employee or others. The District may designate the physician to perform the examination and, in that case, shall pay the cost of the examination. If in the Superintendent's discretion the circumstances so require, the employee may be placed on administrative leave with pay, pending the physician's report and the District's decision.
HEALTH OR SAFETY CONSIDERATIONS	If it is determined that the employee poses a direct threat to health or safety within the District or that the employee's ability to perform job-related functions is affected, the Superintendent or designee shall determine under what circumstances the employee might continue to perform job-related functions without posing a direct threat to self or others.
EXCLUSION	If the employee cannot perform job-related functions without posing a threat to health or safety, the Superintendent or designee may exclude the employee from work. However, before being excluded from work, the employee shall be permitted to present evidence to the Superintendent or designee relevant to his or her fitness to continue regular duties.
USE OF LEAVE	Employees who are excluded from work because of a communicable disease or other medical condition may use any accrued paid leave to which they are entitled or request temporary disability leave, as appropriate. [See DEC]
PLACEMENT ON TEMPORARY DISABILITY	The Superintendent shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent in consultation with the physician who has performed the medical exam, the employee's condition interferes with the performance of regular duties. [See DEC(LLEGAL)]
OTHER REQUIREMENTS	Food service workers shall comply with health requirements established by city, county, and state health authorities. Bus drivers shall comply with legal requirements. [See DBA]
TERMINATION OF EMPLOYMENT	Employees with communicable diseases shall follow recommendations of public health officials regarding contact with students and other employees. Employees who are excluded from work because of a communicable disease may have their employment terminated when all leave to which they are entitled has expired, in accordance with appropriate policies. [See DEC and DF series]

DATE ISSUED: 11/15/1996
NEWLPM
DBB(LOCAL)-A

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

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LEGAL)

HOLDING CIVIL OFFICE	<p>No person shall hold or exercise at the same time more than one civil office of emolument, except for offices listed in the constitutional provision, unless otherwise specifically provided. <i>Tex. Const., Art. XVI, Sec. 40(a); State v. Pirtle, 887 S.W.2d 291 (Tex. Ct. Crim. App. 1994); Atty. Gen. Op. DM-212 (1993).</i></p> <p>Individuals who receive all or part of their compensation either directly or indirectly from funds of the state of Texas and who are not state officers shall not be barred from serving as members of the governing bodies of school districts (other than those in which they are employed), cities, towns, or other local governmental districts. Such individuals may not receive a salary for serving as members of such governing bodies. <i>Tex. Const., Art. XVI, Sec. 40(b); Atty. Gen. Op. DM-55 (1991)</i></p>
RESTRICTIONS ON 'PUBLIC SERVANTS'	<p>"Public servant" includes a person elected, selected, appointed, or employed as an officer, employee, or agent of the government. <i>Penal Code 1.07(41)</i> [See also BBFA and DH]</p>
ABUSE OF PUBLIC EMPLOYMENT	<p>A public servant commits an offense if he or she, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the public servant's office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government, that has come into his or her custody or possession by virtue of his or her office or employment. <i>Penal Code 39.02(a)</i></p> <p>"Law relating to the public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. <i>Penal Code 39.01(1)</i></p>
HONORARIA AND EXPENSES	<p>A public servant commits a Class A misdemeanor offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties. However, a public servant is not prohibited from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. <i>Penal Code 36.07</i></p>
GIFTS	<p>A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits a Class A misdemeanor offense if he or she solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any such transactions, unless a statutory exception applies. <i>Penal Code 36.08(d), 36.10.</i></p>

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

TEXTBOOKS

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if that person receives any commission or rebate on any textbooks used in the schools with which the person is associated as a Trustee, administrator, or teacher.

A Trustee, administrator, or teacher commits a Class B misdemeanor offense if the person accepts a gift, favor, or service that:

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

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

Education Code 31.152

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

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

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UPDATE 74
DBD(LLEGAL)-P

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
CONFLICT OF INTEREST

DBD
(LOCAL)

	<p>An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. [See CAA]</p>
DISCLOSURE	<p>An employee shall disclose to his or her immediate supervisor a personal financial interest, a business interest, or any other obligation or relationship that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or that creates a potential conflict of interest with the best interest of the District.</p> <p>Prior to the award of a contract or authorization of payment by the District, an employee shall file with the Superintendent, Board President, or a designee an affidavit disclosing any substantial interest in a business entity or interest in real property, as defined at BBFA, if the employee is in a position to affect a financial decision involving the business entity or the real property.</p>
ENDORSEMENTS	<p>An employee shall not recommend, endorse, or require students to purchase any product, material, or service in which the employee has a financial interest or that is sold by a company that employs or retains the District employee during nonschool hours. No employee shall require students to purchase a specific brand of school supplies if other brands are equal and suitable for the intended instructional purpose.</p>
SALES	<p>An employee shall not use his or her position with the District to attempt to sell products or services.</p>

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UPDATE 74
DBD(LOCAL)-A

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
NEPOTISM

DBE
(LEGAL)

DEFINITION	In this policy, the term "appoint" includes appointing, confirming the appointment of, and voting to appoint or confirm the appointment of a person.
NEPOTISM PROHIBITED	Except as provided by this policy, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if: <ol style="list-style-type: none">1. The person is related to the public official by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree [see below]; or2. The public official holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the board by blood or marriage within a prohibited degree. <p><i>Gov't Code 573.002, 573.041; Atty. Gen. Op. JC-0184 (2000)</i></p>
INDEPENDENT CONTRACTOR	The nepotism law governs the hiring of an individual, whether the employee is hired as an individual or an independent contractor. <i>Atty. Gen. Op. DM-76 (1992)</i>
SUPERINTENDENT	To the extent the Board has delegated final hiring authority to the Superintendent to select personnel, the Superintendent is a "public official" for purposes of the nepotism laws. <i>Atty. Gen. Op. GA-123 (2003)</i> [See BBFA]
	The method of computing degrees of relationship is the civil law method. <i>Gov't Code 573.021; Atty. Gen. Op. DM-76 (1992)</i>
COMPENSATION OF PROHIBITED EMPLOYEE	A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible person if the official knows the person is ineligible. <i>Gov't Code 573.083</i>
CONSANGUINITY	The nepotism provisions apply to relationships within the third degree by consanguinity (related by blood). Two persons are related to each other by consanguinity if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents. <i>Gov't Code 573.002, 573.022</i>
	The degree of relationship by consanguinity between a person and his or her descendant is determined by the number of generations that separate them. An individual's relatives within the third degree by consanguinity are the individual's: <ol style="list-style-type: none">1. Parent or child (first degree);2. Brother, sister, grandparent, or grandchild (second degree); and3. Great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a

parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree).

Gov't Code 573.023 [See DBE(EXHIBIT)]

HALF-BLOOD RELATIVES

There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full blood. *Atty. Gen. Op. LO-90-30 (1990)*

AFFINITY

The nepotism provisions apply to relationships within the second degree by affinity (related by marriage). Two persons are related to each other by affinity if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person.

The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. This provision applies to a Board member only until the youngest child of the marriage reaches the age of 21 years.

Gov't Code 573.002, 573.024

A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of relationship by affinity is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the persons is related to the other person in the second degree by affinity. *Gov't Code 573.025*

A person's relatives within the second degree by affinity are:

1. Anyone related by consanguinity to the person's spouse within the first or second degree; or
2. The spouse of anyone related to the person by consanguinity within the first or second degree.

Gov't Code 573.024(b)

EFFECT OF TRUSTEE RESIGNATION

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

EXCEPTIONS

CONTINUOUS EMPLOYMENT ('GRANDFATHER CLAUSE')

The nepotism prohibitions do not apply to the appointment of a person to a position if the person is employed in the position immediately before the election or appointment of the public official to whom the person is related in a prohibited degree and that prior employment is continuous for at least:

1. Thirty days, if the public official is appointed; or

2. Six months, if the public official is elected.

Gov't Code 573.062(a)

RETIREES

A teacher who has retired from a full-time, certified teacher position has broken his or her employment with the District and does not qualify for the continuous-employment exception to the nepotism laws. *Atty. Gen. Op. JC-0442 (2001)*

For purposes of calculating the appropriate date for the applicability of the continuous-employment exception, a superintendent with final authority to select personnel is an appointed public official. *Atty. Gen. Op. GA-0177 (2004)*

ABSTENTION

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

A "change in status" includes a reassignment within an organization, whether or not a change in salary level accompanies the reassignment. *Atty. Gen. Op. JC-0193 (2000)*

For an action to be "taken with respect to a bona fide category of employees," the officeholder's action must be based on objective criteria, which do not allow for the preference or discretion of the officeholder. *Atty. Gen. Op. DM-46 (1991)*

SUBSTITUTE TEACHER

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

TRADING

A public official may not appoint a person to a position in which the person's services are under the public official's direction or control and that is to be compensated directly or indirectly from public funds or fees of office if:

1. The person is related to another public official within the prohibited degree; and
2. The appointment would be carried out in whole or in partial consideration for the other public official's appointing a person who is related to the first public official within a prohibited degree.

Gov't Code 573.044

FEDERAL FUNDS

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

PENALTIES

An individual who violates the nepotism prohibitions shall be removed from his or her position. *Gov't Code 573.081, 573.082.*

An individual who violates Government Code 573.041 (Prohibition on Public Officials), 573.062(b) (see CONTINUOUS EMPLOYMENT and ABSTENTION, above), or 573.083 (see COMPENSATION OF PROHIBITED EMPLOYEE) commits an offense involving official misconduct. *Gov't Code*

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UPDATE 73
DBE(LEGAL)-A

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EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
NEPOTISM

These illustrations depict the relationships that violate the nepotism law.

CONSANGUINITY Board member is prospective employee's:

(Blood) Kinship

First Degree	Parent	Child		

Second Degree	Grandparent	Grandchild	Sister/ Brother	

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

AFFINITY Board member's spouse is the prospective employee.

(Marriage) Kinship

OR

Board member's spouse is prospective employee's:

OR

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

First Degree	Parent	Child		

Second Degree	Grandparent	Grandchild	Sister/ Brother	

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

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UPDATE 40
DBE(EXHIBIT)-A

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Austin ISD
227901

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS:
NONSCHOOL EMPLOYMENT

DBF
(LOCAL)

OUTSIDE EMPLOYMENT Additional or supplementary part-time employment accepted by professional employees shall not in any way interfere with the complete and efficient performance of school duties and obligations.

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LDU-25-01
DBF(LOCAL)-X

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

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

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

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

Education Code 11.163(a), (c)

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

NEPOTISM A superintendent to whom a board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. *Atty. Gen. Op. GA-123 (2003)* [See DBE]

FORMER TRUSTEE EMPLOYMENT A Trustee of the District may not accept employment with the District until the first anniversary of the date the Trustee's membership on the Board ends. *Education Code 11.063*

EMPLOYMENT OF RETIREES

ACUTE SHORTAGE AREAS For purposes of hiring retirees, the Board shall determine by rule whether there are acute shortage areas in the District based on TEA's acute shortage area guidelines. The guidelines must include:

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

Gov't Code 824.602(m)

NOTICE TO TRS The District shall furnish TRS a monthly certified statement of all

employment of all TRS service or disability retirees. The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District. The statement shall contain information necessary for the executive director to classify employment under Government Code 824.602. *34 TAC 31.2*

EMPLOYEE
INFORMATION

The District shall ensure that an employee properly completes section 1- ``Employee Information and Verification"-on Form I-9 at the time of hire.

VERIFICATION OF
EMPLOYMENT
ELIGIBILITY

The District must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If the District hires an individual for employment for a duration of less than three business days, the District must verify employment at the time of hire.

The District shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

When the District rehires an individual, the District may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)

SOCIAL SECURITY
NUMBERS

It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF
USES

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552(a); Pub. L. 94-455, Stat. 1520 (1976)

CONTRACT POLICY	<p>The District shall employ each classroom teacher, principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. [See DCA, DCB, and DCC] The District is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. [See DCD and DCE]</p> <p>"Classroom teacher" means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instruction setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator.</p> <p>The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply.</p>
DAYS OF SERVICE	<p><i>Education Code 21.002, 5.001(2)</i></p> <p>A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service.</p>
EXCEPTION	<p>The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator's salary.</p>
EDUCATIONAL AIDES	<p><i>Education Code 21.401</i></p> <p>The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. <i>Education Code 54.214(f); 19 TAC Chapter 21</i></p>
CRIMINAL HISTORY RECORD	<p>The District may obtain from any law enforcement or criminal justice agency all criminal history information that relates to:</p> <ol style="list-style-type: none">1. A person the District intends to employ in any capacity;2. A person who has indicated, in writing, an intention to serve as a volunteer with the District; or3. A volunteer or employee of the District. <p>Criminal history record information regarding a person who is a volunteer or employee of the District may be obtained no more than twice each year.</p>
CONFIDENTIALITY OF CRIMINAL HISTORY	<p><i>Education Code 22.083(a), (c); Gov't Code 411.097(b)</i></p> <p>Criminal history record information obtained by the District may not be released or disclosed to any person, other than the individual who is the subject of the information, TEA, or SBEC (State Board for Educator Certification). <i>Gov't Code 411.097(d)</i> [See CNA]</p>
SBEC NOTIFICATION	<p>The Superintendent shall promptly notify SBEC in writing by filing a report with the executive director of SBEC within seven calendar days of the date the Superintendent obtains or has knowledge of information indicating that an applicant for or holder of a certificate issued under Chapter 21,</p>

Subchapter B, of the Education Code has a reported criminal history.
Education Code 22.083(d); 19 TAC 249.14(d)(1) [See also DF]

CONTRACTED
TRANSPORTATION
SERVICES

If the District contracts with a person for transportation services, the District shall obtain criminal history record information as authorized by Education Code 22.084. [See CNA]

DISCHARGE OF
CONVICTED
EMPLOYEES

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

NEW HIRE
REPORTING

The District shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and Social Security number of each newly hired employee. The report shall also contain the District's name, address, and employer identification number.

The District may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the District's payroll address for mailing of notice to withhold child support.

The District shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the District and in a format acceptable to the attorney general.

DEADLINE

New hire reports are due:

1. Not later than 20 calendar days after the date the District hires the employee; or
2. In the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

42 U.S.C. 653a(b), (c); Family Code 234.101-234.104; 1 TAC 55, subchapter I

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UPDATE 75
DC(LEGAL)-P

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PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
SELECTION AND EMPLOYMENT OF ALL PERSONNEL	The Superintendent shall be responsible for hiring contractual and noncontractual personnel. [See also BJA(LEGAL)] The Board of Trustees shall approve all such decisions.
NEW PERSONNEL	Approval of new administrative central office positions of executive director or above shall be obtained from the Board upon consideration of a Board agenda item on the regular agenda. [See BE]
FILLING DECISIONS	Approval of all other positions shall be the responsibility of the Superintendent, subject to the approval of the Board on the consent agenda. Hiring decisions to fill vacant central office administrator positions of executive director or above shall be presented to the Board for approval on the Board's regular agenda. Hiring decisions to fill vacant principal and all other positions shall be the responsibility of the Superintendent and presented to the Board for its approval on the Board's consent agenda.
CRIMINAL HISTORY RECORD	The District shall obtain criminal history record information on a person the District intends to employ. [See DC(LEGAL)]
EXIT SURVEYS	An exit survey shall be provided to employees leaving the District.

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SELECTION OF
PERSONNEL

In consideration of qualified job applicants, the District will not employ any applicant who has been determined to meet any of the following criteria:

1. Prior felony conviction(s).
2. Prior conviction(s) of a misdemeanor offense within the last five years involving offenses of moral turpitude (acts that are generally considered morally or ethically wrong, including crimes that involve dishonesty, fraud, deceit, misrepresentation, or deliberate violence) or offenses involving drugs and/or alcohol.
3. Felony or misdemeanor charges that are pending against the applicant involving offenses of moral turpitude or offenses involving drugs and/or alcohol.
4. Prior nonrenewal of a contract.
5. Prior termination.
6. Resignation in lieu of proposed nonrenewal, termination, or after having received written notification of contractual difficulty.

The Superintendent of Schools or designee must approve any exception to this regulation.

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DC(REGULATION)-X

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EMPLOYMENT PRACTICES:
PROBATIONARY CONTRACTS

DCA
(LEGAL)

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

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

EXCEPTIONS

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

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

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

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

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

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

Education Code 21.102

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REQUIREMENTS

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

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CERTIFICATION REQUIRED BY SBEC Term contracts governed by Chapter 21 of the Education Code (educator term contracts) shall be provided to:

1. SBEC-certified employees serving full-time as certified central office and campus administrators, teachers, counselors, and librarians; and full-time nurses; and
2. Full-time nurses.

CERTIFICATION REQUIRED BY THE DISTRICT Educator term contracts shall be provided also to persons in the following positions for which the District requires current SBEC certification: area superintendents, certain designated directors, and designated coordinators.

NO CERTIFICATION REQUIREMENT In addition, educator term contracts shall be provided for the following positions for which neither SBEC nor the District requires current SBEC certification: certain designated directors and designated coordinators.

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

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

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

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

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

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

NEPOTISM A superintendent to whom the Board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. Atty. Gen. Op. GA-123 (2003) [See DBE]

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

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

NOTICE TO THE COMMISSIONER See policy DF regarding circumstances under which a certified paraprofessional employee's dismissal will be reported to the Commissioner.

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	<p>The Board delegates to the Superintendent authority to hire and dismiss all employees who serve on the District's classified employee pay scale, who shall serve on an at-will basis.</p>
ASSIGNMENT AND EVALUATION	<p>The Superintendent or designee has sole authority to notify employees of assignments, compensation rates, and conditions of employment.</p> <p>Evaluation of at-will employees shall be conducted by the principal or supervisor in accordance with administrative procedures.</p>
REASONABLE ASSURANCE OF EMPLOYMENT	<p>District employees in positions normally requiring less than 12 months of service, who are expected to report to work at the beginning of the following school session, shall be provided a letter of reasonable assurance of employment. [See CRF]</p>
DISMISSAL	<p>At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District.</p>
APPEAL	<p>The employee who has been terminated may request, in writing, an appeal of the termination to the Employee Relations Coordinator. This appeal must be filed within five workdays of the notification of termination. The appeal hearing will be heard by the Deputy Superintendent of Bilingual and Human Resources Development or designee within five workdays following receipt of the request of the appeal.</p> <p>Upon completion of the hearing, the Deputy Superintendent or designee will notify all parties of the final decision in writing within five workdays.</p>

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

WRITTEN CONTRACT- NON-EDUCATOR	A contract of employment with the District creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. <i>Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)</i>
TERMINATION	
END OF CONTRACT	The Board may decide by vote or inaction not to offer any employee on a contract not governed by Chapter 21 of the Education Code further employment with the District beyond the term of the contract for any reason or no reason. <i>Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)</i>
MIDCONTRACT	An employee may be dismissed for good cause before the completion of the term fixed in his or her contract.
PROCEDURE	Before any employee on a contract not governed by Chapter 21 of the Education Code is dismissed, the employee shall be given reasonable notice of the cause or causes for the termination, set out in sufficient detail to fairly enable him or her to show any error that may exist and the names and the nature of the testimony of the witnesses against him. <i>Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970)</i> HEARING The Board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. <i>Gov't Code 551.074</i>
SUSPENSION	The employee may be suspended with pay pending the outcome of the dismissal hearing. <i>Moore v. Knowles, 466 F.2d 531 (5th Cir. 1972)</i> The employee may be suspended without pay, so long as the suspension is temporary, and the employee receives a due process hearing. <i>Gilbert v. Homar, 524 U.S. 024 (1997)</i>

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UPDATE 58

DCE(LEGAL)-P

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NON-CHAPTER 21 CONTRACTS	The Board may employ by written contract personnel not eligible for a contract under Chapter 21 of the Education Code. Such contracts shall not be governed by the provisions of Chapter 21 of the Education Code.
REASONABLE ASSURANCE OF EMPLOYMENT	The District shall provide an employee a letter of reasonable assurance of employment if a new contract is not issued prior to the last working day of the current contract and the employee is reasonably expected to report to work at the beginning of the following academic term.
APPEAL OF EMPLOYMENT ACTIONS	An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).
APPEAL OF DECISION NOT TO REISSUE CONTRACT	<p>An employee whose contract is not reissued at the end of the contract period may appeal in accordance with the following.</p> <p>The employee may request, in writing, an appeal of the decision to the Employee Relations Coordinator. This appeal must be filed within five workdays of the notification that the contract will not be reissued. The appeal hearing will be heard by the Deputy Superintendent of Bilingual and Human Resources Development or designee within five workdays following receipt of the appeal.</p> <p>Upon completion of the hearing, the Deputy Superintendent or designee will notify all parties of the final decision in writing within five workdays.</p>

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

SUPPLEMENTAL COMPENSATION	<p>Each year, the state shall deliver to each district state funds in an amount, as determined by the Teacher Retirement System, equal to:</p> <ol style="list-style-type: none"> 1. The product of the number of full-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$500 or a greater amount as provided by the General Appropriations Act; and 2. The product of the number of part-time active employees employed by the District, other than in the capacity of professional staff, multiplied by \$250 or a greater amount as provided by the General Appropriations Act. <p>If an active employee is not covered by a cafeteria plan of the District, the TRS supplement shall be paid to the active employee as supplemental compensation in addition to the rate of compensation that:</p> <ol style="list-style-type: none"> 1. The District paid the employee in the preceding school year; or 2. The District would have paid the employee in the preceding school year if the employee had been employed by the District in the same capacity in the preceding school year. <p>An employee who is covered under the District's cafeteria plan may choose to receive the TRS benefit as supplemental compensation. [See CRD]</p>
ELIGIBILITY	<p>A member of the professional staff of the District, as defined by TRS rule, is not eligible to receive the state supplement.</p> <p>An employee is not eligible to receive the state contribution until the 90th day after the date the employee is employed.</p> <p><i>Insurance Code 1580.051; 34 TAC 41.42(d)</i></p>
ATTENDANCE SUPPLEMENT	<p>The District shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. <i>Education Code 21.406</i></p>
PRINCIPAL PERFORMANCE INCENTIVES	<p>A performance incentive awarded to a principal under Education Code 21.357 shall be distributed to the principal's school. The campus level committee shall determine the manner in which the performance incentive shall be used. <i>Education Code 21.357(c)</i></p>

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	<p>The Superintendent shall recommend to the Board for approval pay structures and compensation plans for all District employees. Pay structures shall be designed and administered for the purpose of attracting and retaining qualified employees to achieve District goals. The Superintendent shall administer and maintain pay systems in accordance with administrative procedures for the District compensation plan.</p>
<p>PAY SYSTEMS DESCRIPTION</p>	<p>The Superintendent shall assign positions to pay ranges that define the minimum and maximum base pay for the positions.</p>
	<p>All employees shall be paid within the assigned pay ranges unless exceptions are granted by the Board.</p>
<p>PAY INCREASE BUDGET</p>	<p>The Superintendent may recommend to the Board an amount for employee pay increases as part of the annual budget. The Superintendent may authorize further increases for individuals or positions.</p>
<p>CLASSIFICATION OF POSITIONS</p>	<p>The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act.</p>
<p>EXEMPT</p>	<p>The District shall pay employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) on a salary basis. The salaries of these employees are intended to cover all hours worked.</p>
<p>NONEXEMPT</p>	<p>Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.</p>
	<p>A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the Fair Labor Standards Act.</p>
<p>COMPENSATORY TIME</p>	<p>Compensation for overtime hours shall be awarded at one and a half times the employee's regular rate of pay or by time and a half earned in compensatory time. Either the supervisor or the employee shall have the option to choose pay for overtime rather than compensatory time. The decision to either pay for overtime or accrue compensatory time shall be made and communicated in advance of any overtime being worked. Compensatory time earned by nonexempt employees may not accumulate beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of overtime, the employee will be required to take compensatory time or, at the District's option, will</p>

receive overtime pay.

Compensatory time shall be used within 60 workdays from when it is earned. If an employee carries compensatory time for more than 60 workdays, the employee will be required to take compensatory time that has not been used within 60 workdays, or at the District's option, will receive overtime pay. Use of compensatory time may be at the employee's request or as determined by the employee's supervisor to protect the District's schedules and activities.

**WORKWEEK
DEFINED**

For purposes of FLSA compliance, the workweek for District employees shall be 12:00 a.m. Monday until 11:59 p.m. Sunday.

**SUPPLEMENTAL
DUTIES**

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the Fair Labor Standards Act, as needed. The employee shall be compensated for these assignments according to the supplemental duty pay schedule established by the Board. These assignments may be discontinued at any time for any reason or no reason, by either party. The assignment of these duties shall not create any expectation of continued assignment to that same duty or any other duty.

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

HEALTH INSURANCE

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

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

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

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

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

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

payment.

Gov't Code 615.071-.079

DATE ISSUED: 11/12/2001

UPDATE 67

DEB(LLEGAL)-P

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

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

SECTION I

Sick/Personal Leave

1. State Personal Leave; Accumulated Sick Leave page 2
2. Assault Leave page 2
3. Temporary Disability Leave page 3
4. Family and Medical Leave (FML) pages 4-11
 - a. Eligibility, Notice to Employees
 - b. Definitions of "Serious Health Condition," "Health Care Provider"
 - c. Maintenance of Health Benefits
 - d. Duration of Leave: Intermittent and End-of-Term Leaves; Combined Leave for Spouses
 - e. Notice by Employees, Foreseen and Unforeseen Leave
 - f. Medical Certification, Recertification
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SECTION III

Miscellaneous

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4. Developmental Leave page 15
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STATE PERSONAL
LEAVE

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

STATE SICK
LEAVE
ACCUMULATION

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

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

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

FORMER
EDUCATION
SERVICE CENTER
(ESC) EMPLOYEES

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

ASSAULT LEAVE

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

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

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

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

Education Code 22.003(b), (c)

SICK LEAVE
DIFFERENT FROM
TEMPORARY
DISABILITY
LEAVE

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

PREGNANCY

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

TEMPORARY
DISABILITY

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

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

AT
EMPLOYEE'S
REQUEST

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

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

BY BOARD
AUTHORITY

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

RETURN TO
ACTIVE DUTY

NOTICE

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

PLACEMENT

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

LENGTH OF
ABSENCE

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

Education Code 21.409

FEDERAL FAMILY
AND MEDICAL
LEAVE ACT
(FMLA)

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

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

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

METHODS FOR DETERMINING ENTITLEMENT PERIOD

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

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

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

NOTICE TO EMPLOYEES

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

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

SERIOUS HEALTH CONDITION

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

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

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

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

29 CFR 825.114(a)

HEALTH CARE
PROVIDER

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

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

29 CFR 825.118

MAINTENANCE
OF HEALTH
BENEFITS

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

**FAILURE TO
RETURN FROM
LEAVE**

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

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

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

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

**DISCRIMINATION
PROHIBITED**

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

**INTERMITTENT
LEAVE**

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

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

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

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

29 U.S.C. 2618(c)

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

CHILD CARE /
ADOPTION

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

END-OF-TERM
LEAVE

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

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

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

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

BOTH SPOUSES
EMPLOYED IN
DISTRICT

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

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

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

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

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

NOTICE BY EMPLOYEES

FORESEEABLE LEAVE

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

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

29 CFR 825.302

LEAVE THAT IS NOT FORESEEABLE

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

SPECIFICITY OF NOTICE

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

MEDICAL CERTIFICATION

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

RECERTIFICATION

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

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

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

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

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

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

CONCURRENT
USE OF PAID
LEAVE AND FMLA
LEAVE

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

WORKERS'
COMPENSATION
RECIPIENTS

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

RETURN TO
WORK

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

RETURN TO
POSITION

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

DENIAL OF
RESTORATION

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

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

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

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

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

FEDERAL LEAVE
FOR MILITARY
SERVICE

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

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

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

The District is not required to reemploy a person if:

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

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

STATE LEAVE FOR
MILITARY
SERVICE

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

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

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

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

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

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

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

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

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

USE OF
PERSONAL
LEAVE

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

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

Education Code 22.003(d), (e)

RELIGIOUS
OBSERVANCES

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

COMPLIANCE
WITH A
SUBPOENA

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

JURY DUTY

The District may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against an employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, the District shall pay the employee the employee's normal daily compensation. An employee's accumulated personal leave may not be reduced because of the employee's service in compliance with a summons to appear as a juror. *Education Code 22.006*

DEVELOPMENTAL
LEAVES OF
ABSENCE

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

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

were on full-time duty.

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

Education Code 21.452

ABSENCE
CONTROL

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

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

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DEFINITIONS

IMMEDIATE FAMILY	<p>For the purposes of state sick leave accrued before May 30, 1995, nondiscretionary personal leave, and local sick leave, the term "immediate family" is defined as:</p> <ol style="list-style-type: none">1. Spouse.2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in <i>loco parentis</i>.3. Parent, stepparent, parent-in-law, or other individual who stands in <i>loco parentis</i> to the employee.4. Sibling, stepsibling, sibling-in-law.5. Grandparent and grandchild.6. Any person who may be residing in the employee's household at the time of illness or death. <p>For the purposes of the Family and Medical Leave Act, the definition of "family" shall consist of spouse, parent, and child.</p>
FAMILY EMERGENCY	<p>The term "family emergency" shall be limited to natural disasters and life threatening situations involving the employee or a member of the employee's immediate family.</p>
REGULAR EMPLOYEE	<p>"Regular employee" shall refer to an employee in a position described in the District's job descriptions. These positions require at least nine months service per year and at least 20 hours per week. Only regular employees are eligible to accrue and use leave benefits provided in this policy.</p>
WORKDAY	<p>A "workday" for purposes of current year accumulation, use, or recording shall mean the average number of hours per day equivalent to the employee's work assignment, whether full-time or part-time.</p>
YEAR OF CREDITABLE SERVICE	<p>For purposes of this policy, the definition of "a year of creditable service" shall be the one used by the Texas Education Agency.</p>
HEALTH CARE PROVIDER	<p>For purposes of medical certification, a "health care provider" shall be defined as by federal regulations for the Family and Medical Leave [see DEC(LEGAL)], with the additional requirement that all such health care providers shall be licensed to practice in the United States.</p>
STATE PERSONAL LEAVE	<p>Employees shall earn state personal leave for the current school year according to the leave entitlement chart below. All state personal leave to which the employee is entitled shall be earned after one month of service at full pay in the current school year. [See also ADDITIONAL LOCAL LEAVE]</p>

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

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

DISCRETIONARY Discretionary - To be taken at the individual employee's discretion, subject to limitations set out below.

USE OF DISCRETIONARY LEAVE Except in extenuating circumstances, a notice of request for discretionary personal leave shall be submitted to the principal, supervisor or designee two days in advance of the anticipated absence.

DURATION OF LEAVE Discretionary personal leave may not be taken for more than three consecutive days unless approved by the Superintendent or designee.

SCHEDULE LIMITATIONS Discretionary personal leave shall not be allowed on the day before a school holiday, the day after a school holiday, or days scheduled for Districtwide standardized tests unless approved by the Superintendent or designee.

ADDITIONAL LOCAL LEAVE In addition to state personal leave, all regular employees shall earn local sick leave according to the leave entitlement chart below. All local sick leave to which the employee is entitled shall be earned after one month of service at full pay in the current school year. Local sick leave shall accumulate without limit and shall be taken with no loss of pay.

LEAVE ENTITLEMENT CHART

	Months* of Scheduled Employment	State Personal Leave	Local Sick Leave Entitlements	Total
	<1 month	0 Days	0 Days	0
	1 month	1 Days	0 Days	1
	2 months	2 Days	0 Days	2
	3 months	3 Days	0 Days	3
	4 months	4 Days	0 Days	4
	5 months	5 Days	0 Days	5
	6 months	5 Days	1 Day	6
	7 months	5 Days	2 Days	7
	8 months	5 Days	3 Days	8
[Leave Entitlement Chart continued from page 2 of 7]				
	9 months	5 Days	4 Days	9
	10 months	5 Days	6 Days	11
	11 months	5 Days	7 Days	12
	12 months	5 Days	8 Days	13
*The Department of Human Resources maintains the definition of "month of employment."				

Any change in an employee's workday shall cause a prorated adjustment to the

number of hours of unused state personal and unused local sick leave that the employee has earned for the current school year only. Leave hours carried forward from prior school years will not be adjusted.

USE AND RECORDING

For purposes of personal illness, illness in the immediate family, family emergency, or bereavement leave, available leave shall be used in the following order:

1. Local sick leave, until exhausted.
2. State sick leave accumulated prior to the 1995-96 school year, until exhausted.
3. State personal leave, until exhausted.

Local sick leave shall be used under the terms and conditions applicable to state sick leave accumulated prior to the 1995-96 school year, except as otherwise provided by this policy.

CONCURRENT USE OF LEAVE

The District shall allow employees to choose to use family and medical leave concurrently with other types of leave available in this policy.

AVAILABILITY

State personal leave, state sick leave and local sick leave shall not be approved for more than the unused leave carried forward from prior years plus the workdays earned the current school year.

EXTENDED SICK LEAVE

An employee who has exhausted all earned state and local leave benefits shall be eligible to receive extended sick leave, according to the schedule below, to be used only for the employee's personal illness or disability, including pregnancy-related disabilities. For extended leave, the employee's regular rate of pay shall be reduced by the cost of a substitute related to the employee's type of job, except that the employee's rate of pay shall be reduced by no more than fifty percent. The pay reduction shall be applied in all cases, without regard to the need for a substitute.

	Prior Years of Creditable Work Experience [See DEFINITIONS]	Number of Available Days Extended Sick Leave Per School Year
	0-4	Up to 30
	5-14	Up to 45
	15 plus	Up to 60

Extended leave shall be available to an employee who has earned at least one day of state personal leave in the current year.

If the employee has not earned at least one day of state personal leave during the current year, any unused extended leave that was available to the employee in the prior school year may be used at the beginning of the current school year. In any case, the total number of available days of extended leave for any one school year may not exceed the number of days shown in the chart above.

HARDSHIP LEAVE

An employee who, as a result of a catastrophic illness or injury, has exhausted all sick leave, personal leave, and extended sick leave may apply for hardship leave.

"Catastrophic illness or injury" is defined as a chronic or debilitating illness or disability of a serious nature requiring treatment by a certified health care provider. A health care provider must certify in advance of the leave that an employee is incapacitated and unable to perform his or her job functions for a period of at least six continuous months.

Employees shall be limited to a maximum of one year of hardship leave during their total period of employment with the District.

For any employee who is approved for hardship leave, the employee's regular rate of pay shall be reduced by the cost of a substitute related to the employee's type of job, except that the employee's rate of pay shall be reduced by no more than fifty percent. The pay reduction shall be applied in all cases, without regard to the need for a substitute.

**PARENTING
LEAVE**

Upon request, an employee may be granted a leave of absence without pay for the purpose of child rearing for a child under six years of age. Parenting leave shall not exceed one year. The employee shall notify the District of the desire to return to active duty at least 30 days prior to the expected day of return.

Subject and subsequent to notification of intent to return, the employee returning from parenting leave shall be placed in an assignment comparable to that held before taking parenting leave. However, return to active duty is subject to the availability of an appropriate vacancy.

**ADOPTIVE
LEAVE**

Adoptive leave shall be granted to regular employees who are adopting children under six years of age in accordance with the following:

1. Up to 15 days of accumulated state leave and/or local sick leave may be used for this purpose.
2. Additional workdays may be granted with an amount deducted equal to the substitute's daily rate, except that the employee's rate of pay shall be reduced by no more than fifty percent.
3. The number of workdays allowed for #1 and #2 above shall not exceed 30.

**OTHER
ABSENCES**

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided. [See DMD (LOCAL)]

**CERTIFICATION
OF ILLNESS**

An employee requesting to use any leave benefits described in this policy for his or her personal illness or for the illness of an immediate family member for a period of five or more days duration shall be required to file with the Department of Human Resources a certification of the illness by the employee's health care provider. [See DEFINITIONS, on page 1]

**HEALTH CARE
PROVIDER**

For purposes of the Family and Medical Leave Act, the definition of a "health care provider" is found in federal regulations.

**BEREAVEMENT
(FUNERAL)
LEAVE**

Use of state and/or local sick leave for death in the immediate family shall not exceed five workdays per occurrence. This leave shall be available also for attendance at funerals.

WORKERS'

An employee absent on a workers' compensation claim shall be given the option

COMPENSATION WAGE BENEFITS	<p>to elect to receive available paid leave. [See CRE (LEGAL)] The employee shall inform the appropriate administrator of the choice, in writing, and shall have the option to request family and medical leave, if eligible.</p> <p>An employee who chooses to use paid leave cannot receive workers' compensation wage benefits concurrently with leave benefits provided at full pay (state leave or local sick leave).</p> <p>An employee who has exhausted all leave provided at full pay and chooses to use available leave provided in this policy at a reduced rate of pay shall also receive workers' compensation wage benefits concurrently to the extent allowed by law.</p>
FAMILY AND MEDICAL LEAVE (FML)	<p>The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as the 12-month period from July 1 through June 30 in the year in which FML leave is taken.</p>
INTERMITTENT LEAVE	<p>Intermittent leave shall be permitted for all reasons outlined in the Family and Medical Leave Act.</p>
RESIGNATION	<p>If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the District shall require reimbursement of the employee benefits contribution made by the District during the period in which such leave was taken as unpaid leave.</p>
TEMPORARY DISABILITY LEAVE	<p>An employee who has exhausted all forms of paid leave under this policy in the course of personal illness or injury may request unpaid temporary disability leave in accordance with law, if applicable. [See DEC(LEGAL)] The maximum length of temporary disability leave granted to regular employees shall be 365 calendar days.</p>
CIVIC LEAVE	<p>The Superintendent or designee shall grant leave without loss of pay to allow an employee to answer a jury summons, court summons, other mandatory governmental summons, or to serve as an election judge or alternate judge for a November general election.</p>
OTHER COURT APPEARANCES	<p>Absences for court appearances in which the employee is party to a suit unrelated to school business shall not be approved civic leave. Such absences shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.</p>
PROFESSIONAL LEAVE	<p>A leave of absence for professional study, without pay, for a period of one semester or one year, may be granted to regular employees, subject to approval of the Superintendent or designee.</p> <p>The employee shall not receive a year of creditable service for salary purposes [see DEFINITIONS] while on professional leave. An employee with a minimum of ten years of experience in the District who commits to returning to the District for a minimum period of one year following such leave shall have medical benefits continued with the standard District contribution made during the period of approved professional leave. An employee who does not fulfill the commitment of service upon completion of the professional leave shall be required to reimburse the District for the premiums paid.</p>
EMPLOYEE ORGANIZATION	<p>A developmental leave of absence without pay for two years may be granted to three officers of an employee organization that comprises at least 500 District</p>

DEVELOPMENT
LEAVE

employees, subject to recommendation of the Superintendent and approval by the Board. Such leave shall be taken without pay, or Teacher Retirement System (TRS) contribution, or state credit for service, or any paid benefits. Individuals may, however, continue health insurance participation at their own expense [see CRD(LOCAL)] and, if eligible may establish TRS credit by personally making deposits to TRS as provided by law.

Individuals will receive a year of creditable service for salary purposes[see DEFINITIONS] for time on developmental leave and upon return from leave, the salary shall be set at a rate equal to the salary that would be earned if leave had not been taken for that period of time.

Upon completion of the two-year leave, the employee may apply for an additional two years of leave, subject to all provisions herein. No more than four years of leave may be taken under this policy, either consecutively or nonconsecutively.

CATASTROPHIC
SICK LEAVE
BANK

Eligible employees may participate in a voluntary sick leave bank for purposes of personal catastrophic illness or disability. The Superintendent shall develop administrative regulations concerning the operation of the catastrophic sick leave bank. [See DEC(REGULATION)]

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SICK LEAVE BANK

ELIGIBILITY FOR MEMBERSHIP

To be eligible for membership in the sick leave bank, the employee:

1. Must be eligible to earn and use sick leave in AISD.
2. May enroll as a new member of the sick leave bank only during the open enrollment period.
3. Must be employed in AISD for at least one year.
4. Must contribute 16 hours of earned, LOCAL sick leave to the sick leave bank. (STATE leave may not be contributed to the sick leave bank.) The required contribution of 16 hours will apply to both full-time and part-time employees.
5. Must have five full days of EARNED state and/or local leave remaining in his or her account after contributing the 16 hours of local sick leave required for membership. ("Five days" is defined as "40 hours" for full-time employees, "20 hours" for half-time employees, etc.)

ADDITIONAL CONTRIBUTIONS

Additional contributions may be required from current members:

1. In order to maintain the sick leave bank, additional contributions of earned, local sick leave from current members may be required as necessary.
2. Each current member will have the option to either make the required additional contribution, or end his/her membership in the sick leave bank. (There is no requirement for a current member to have a specific number of days remaining in his or her account after a required additional contribution.)
3. If a current member does not have a sufficient number of earned local sick leave hours in his or her account to meet any additional contribution requirement, the employee's membership may be maintained, but only with the provision that the additional hours will be contributed when they are earned.

CONDITIONS FOR WITHDRAWING LEAVE

A member of the sick leave bank may withdraw leave from the bank under the following conditions:

1. Must have a catastrophic mental or physical illness or injury, defined as follows: Must be of a serious nature, not a passing disorder or temporary ailment. Must require treatment by a certified health care provider. The illness/injury must be chronic or debilitating. It must result in the employee's temporary or permanent incapacity to perform his/her job functions for an extended period of time. Examples of illnesses which

may enable a member to withdraw leave from the bank include, but are not limited to, cancer, heart disease, or stroke.

For the purpose of withdrawals from the sick leave bank, normal pregnancies with no serious complications and routine surgeries with no serious complications are not considered to be catastrophic.

The Department of Human Resources has complete authority to determine whether an employee's illness or injury is considered to be catastrophic by the definition in this regulation.

2. Must submit a completed application to the Department of Human Resources to request a withdrawal of leave from the bank. The application must include a statement from the member's health care provider and other documentation as may be required by the Department of Human Resources.
3. All withdrawals must receive prior approval by the Department of Human Resources after a review of the member's application and other documentation.

USES AND LIMITATIONS

Uses and limitations on leave withdrawn from the sick leave bank:

1. The employee must have exhausted all earned and advanced state personal leave, state sick leave, and local sick leave in his or her account.
2. Leave withdrawn from the bank may only be used for the employee's personal illness or injury. It may not be used for an employee to take leave due to an illness or injury of a family member.
3. A member of the sick leave bank may withdraw a maximum of 60 days of leave per school year, subject to approval by the Department of Human Resources.
4. A member of the sick leave bank has a lifetime withdrawal limit of 120 days of leave from the bank. However, an employee who has withdrawn leave from the bank may have this lifetime withdrawal limit reset to 120 days, provided that the employee meets all membership eligibility requirements and re-enrolls during the open enrollment period.

EMPLOYMENT STATUS UPON RETURNING FROM LEAVE

RETURNING FROM LEAVE

An employee who is returning from an approved leave of absence will be placed in the original position that was vacated at the beginning of the leave event or in an equivalent position.

EQUIVALENT POSITION

The base rate of pay and number of paid duty days for an equivalent position must be no less than the base rate of pay and number of paid duty days for the original position occupied at the beginning of the leave event. It must also be a position for which the employee is qualified.

This provision in no way limits the right of the Superintendent or designee to reassign any employee into any position for which the employee is qualified,

based on the needs of the District, after the employee returns from leave to the employee's original or equivalent position.

This provision applies to employees using any type of approved leave as specified in policy DEC.

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Austin ISD
227901

COMPENSATION AND BENEFITS:
VACATIONS AND HOLIDAYS

DED
(LOCAL)

VACATION

Paid vacation is earned only by employees who are in regular positions on the classified pay scale that are scheduled to work for 12 months/year. Classified employees in these positions earn vacation at the rate of one workday for each month worked in the school year, beginning July 1. An employee may earn no more than ten vacation days per school year. All vacation days earned by June 30 in one school year must be used by the end of December in the following school year.

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COMPENSATION AND BENEFITS:
EXPENSE REIMBURSEMENT

DEE
(LEGAL)

CLASSROOM SUPPLY REIMBURSEMENT	Beginning not later than the 2005-06 school year, and only if funds are specifically appropriated or TEA identifies available funds, TEA shall establish a reimbursement program under which TEA provides funds to districts for the purpose of reimbursing classroom teachers who expend personal funds on classroom supplies.
LOCAL FUNDS	The District must match any funds provided to the District under the reimbursement program with local funds to be used for the same purpose. The District may not use funds received under the reimbursement program to replace local funds used by the District for the same purpose.
USE OF FUNDS	<p>The District shall allow each classroom teacher in the District who is reimbursed under the reimbursement program to use the funds at the teacher's discretion, except that the funds must be used for the benefit of the District's students.</p> <p>The District may allow, but not require, teachers to pool their respective supply monies for the purchase of an item, as long as the item meets the student benefit criteria established by the District.</p> <p><i>Education Code 21.413; 19 TAC 61.1081(d)(3)</i></p>
MAXIMUM REIMBURSEMENT	Total reimbursement to an individual teacher in a single year from the Teacher Supply Reimbursement Grant may not exceed \$200. Reimbursements from local funds may exceed the matching requirement.
UNEXPENDED FUNDS	Funds for each school year must be expended by July 31 of that school year.
ELIGIBILITY REQUIREMENTS	<p>To be eligible to participate in the classroom supply reimbursement program, the District shall be required to:</p> <ol style="list-style-type: none">1. Reapply to participate each year;2. Create a Teacher Supply Reimbursement Grant account separate from other accounts to which the grant shall be deposited and account for funds in accordance with applicable state and federal requirements;3. Deposit in the designated account an amount of local funds at least equal to the greater of the amount of the grant or the previous year's expenditure on teacher supply reimbursements;<ol style="list-style-type: none">a. "Local funds" are all funds over which the District exercises control or approval authority used to reimburse teachers for tangible items of direct benefit to students.b. Individual reimbursements from the Teacher Supply Reimbursement Grant must be matched with an equal amount of

local funds.

4. Ensure that items purchased with funds in the designated account are tangible items, of direct benefit to students. In order to participate in the classroom supply reimbursement program, the District's application must include a District policy that would ensure each teacher meets the requirement that an expenditure will benefit students;
5. Retain ownership of all durable goods purchased under this program. The District may develop a policy allowing each teacher to retain ownership of goods of nominal value purchased with grant money;
6. Retain receipts obtained from teachers for reimbursement and make these records available for audit purposes; and
7. Return unexpended Teacher Supply Reimbursement Grant balances at the end of the state fiscal year for which they were awarded.

PENALTIES

A district found in noncompliance with TEA's rules regarding the Teacher Supply Reimbursement Grant program must reimburse the state for funds unaccounted for or used for purposes not meeting with the requirements of the statute.

A district found to have reduced its local expenditures may be required to refund the entire grant to the state.

DISPUTE RESOLUTION AND APPEALS

A determination by the Board of any dispute involving teacher reimbursement is final and may not be appealed to TEA, except as provided in Education Code 7.057. Nothing in this provision precludes TEA from recovering funds from the District pursuant to an audit.

A determination by TEA in the administration of this program is final and may not be appealed.

Note: TEA regulations under Education Code 21.413 expire September 1, 2007.

19 TAC 61.1081

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

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COMPENSATION AND BENEFITS:
EXPENSE REIMBURSEMENT

DEE
(LOCAL)

**PRIOR APPROVAL
REQUIRED** An employee shall be reimbursed for reasonable, allowable expenses incurred in carrying out District business only with the prior approval of the employee's immediate supervisor.

**TRAVEL
EXPENSES** Reimbursement for authorized travel shall be in accordance with legal requirements.

Accounting records shall accurately reflect that no state or federal funds were used to reimburse travel expenses beyond those authorized for state employees.

**DOCUMENTATION
REQUIRED** For any authorized expense incurred, the employee shall submit a statement, with receipts to the extent feasible, documenting actual expenses and in accordance with administrative procedures. Meals without receipts shall be paid at the current per diem rate.

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TERMINATION OF CONTRACT

DF
(LEGAL)

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

Education Code 21.006, 19 TAC 249.14

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

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

19 TAC 249.14

REMOVAL / TERMINATION FOR CERTAIN OFFENSES AGAINST CHILDREN

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

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

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

Education Code 21.058

CONTRACT VOID FOR FAILURE OF CERTIFICATION

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

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

DISTRICT'S OPTIONS

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

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

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

NO APPEAL OR CHAPTER 21 HEARING

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

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

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

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

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

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

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

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

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

Education Code 21.251, 21.253 [See DFD]

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

Austin ISD
227901

PROBATIONARY CONTRACTS:
SUSPENSION/TERMINATION DURING CONTRACT

DFAA
(LOCAL)

SUSPENSION
WITH PAY

A probationary contract employee may be suspended with pay or placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension or administrative leave.

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LDU-32-01
DFAA(LOCAL)-A

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PROBATIONARY CONTRACTS:
TERMINATION AT END OF YEAR

DFAB
(LEGAL)

GROUNDS FOR TERMINATION	A probationary contract employee may be terminated at the end of the contract period if the Board determines that such termination will serve the best interests of the District.
NOTICE	The Board shall give the employee notice of its decision to terminate the employment not later than the 45th day before the last day of instruction required under the contract.
NO APPEAL	The Board's decision to terminate a probationary employee at the end of a contract period is final and may not be appealed.
FAILURE TO NOTIFY	<p><i>Education Code 21.103(a)</i></p> <p> Failure to give a probationary employee notice of termination within the time period described above obligates the Board to employ the probationary employee for the following school year. The contract will be for a position in the same capacity under:</p> <ol style="list-style-type: none"> 1. A probationary contract, if the person has been employed under a probationary contract for less than three consecutive school years; or 2. A continuing or term contract, according to District policy, if the person has been employed under a probationary contract for three consecutive school years. <p><i>Education Code 21.103(b)</i></p>

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DFAB(LEGAL)-P

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PROBATIONARY CONTRACTS:
RETURN TO PROBATIONARY STATUS

DFAC
(LEGAL)

In lieu of discharging a continuing contract employee, terminating a term contract employee, or not renewing a term contract, the District may, with written consent of the employee, return the employee to probationary contract status.

AFTER BOARD
PROPOSAL

Except as provided below, an employee may agree to be returned to probationary status only after receiving written notice that the Board has proposed discharge, termination, or nonrenewal. [See DF series]

AFTER NOTICE
FROM
SUPERINTENDENT

An employee may agree to be returned to probationary contract status after receiving written notice of the Superintendent's intent to recommend discharge, termination, or nonrenewal.

NOTICE

The notice must inform the employee of the District's offer to return the employee to probationary contract status, the period during which the employee may consider the offer, and the employee's right to seek counsel. The District must provide the employee at least three business days after the employee receives the notice to agree to be returned to probationary contract status. This provision does not require the Superintendent to provide notice of intent to recommend discharge, termination, or nonrenewal.

NEW
PROBATIONARY
PERIOD

An employee returned to probationary status must serve a new probationary period as if the employee were employed by the District for the first time.

Education Code 21.106

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DFAC(LEGAL)-P

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

TERM CONTRACTS:
SUSPENSION/TERMINATION DURING CONTRACT

DFBA
(LEGAL)

SUSPENSION WITHOUT PAY The Board may, for good cause as determined by the Board, suspend an employee without pay:

1. Pending discharge, or
2. In lieu of termination.

The suspension may not extend beyond the end of the school year.

Education Code 21.211(b)

BACK-PAY If no discharge occurs subsequent to a suspension without pay pending discharge, the term contract employee is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

GROUND FOR DISMISSAL The Board may terminate a term contract and discharge a term contract employee at any time for:

1. Good cause as determined by the Board; or
2. A financial exigency that requires a reduction in personnel.

Education Code 21.211(a)

NOTICE Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 105 S.Ct. 1487 (1985)*

HEARING If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the Commissioner not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The term contract employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice.

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

Education Code 21.251, 21.253 [See DFD]

SUSPENSION WITH PAY The employee may be suspended with pay pending the outcome of the dismissal hearing. *Moore v. Knowles, 482 F.2d 1069 (5th Cir. 1973)*

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

DATE ISSUED: 04/01/2005
UPDATE 72
DFBA(LEGAL)-P

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

SUSPENSION

A term contract employee may be suspended with pay or placed on administrative leave by the Superintendent during an investigation of alleged misconduct by the employee or at any time the Superintendent determines that the District's best interest will be served by the suspension or administrative leave.

TERMINATION

The recommendation to the Board and its decision to terminate a contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age, and will comply with all due process requirements in the law. Reasons for proposed termination of an employee's term contract shall be:

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of required or assigned duties.
4. Inability to maintain discipline in the classroom or at assigned school-related functions.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Conducting personal business during school hours when it results in neglect of duties.
8. Reduction in force because of financial exigency or program change. [See DFF]
9. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.
10. The possession, use, or being under the influence of alcohol, alcoholic beverages, or drugs and narcotics as defined by the Texas Controlled Substances Act, while on school property, working in the scope of the employee's duties, or attending any school- or District-sponsored activity.
11. Conviction of any felony or any crime involving moral turpitude. [See DH]
12. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]
13. Failure to meet the District's standards of professional conduct.
14. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

15. Disability, not otherwise protected by law, that impairs performance of required duties.
16. Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, or depravity.
17. Any activity, school-connected or otherwise, that, because of publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.
18. Reasons specified in individual employment contracts reflecting special conditions of employment.
19. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
20. A significant lack of student progress.
21. Assault on an employee or student.
22. Falsification of records or other documents related to the District's activities.
23. Falsification of required information on an employment application.
24. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
25. Failure to fulfill requirements for certification, including passing the TECAT or ExCet.
26. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
27. Any attempt to encourage or coerce a child to withhold information from the child's parent.
28. Any other reasons constituting good cause for dismissing the employee during the contract term.

**RECOMMENDATIONS
FROM
ADMINISTRATION**

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

**SUPERINTENDENT'S
RECOMMENDATION**

The Superintendent shall prepare a list of employees whose contracts are recommended for proposed termination by the Board. Copies of written evaluations, other supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed termination. The Board shall consider such information, as appropriate, in support of recommendations for proposed termination and shall then act on all recommendations.

LDU-33-05
DFBA(LOCAL)-X

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EVALUATIONS	Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. <i>Education Code 21.203(a)</i> [See DNA]
REASONS	The Board shall establish by policy reasons for nonrenewal at the end of a school year. <i>Education Code 21.203(b)</i>
NOTICE	<p>Not later than the 45th day before the last day of instruction in a school year, the Board shall notify in writing each term contract employee whose contract is about to expire of its proposal to renew or not renew the contract.</p> <p>The Board's failure to give notice of a proposed renewal or nonrenewal constitutes an election to employ the term contract employee in the same professional capacity for the following school year.</p> <p><i>Education Code 21.201, 21.206</i></p>
REQUEST FOR HEARING	If the employee desires a hearing after receiving notice of the proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after receiving the notice of proposed action. The Board shall provide for a hearing to be held within 15 days after receiving written notice from the employee requesting a hearing unless the parties agree in writing to a different date. Such hearing shall be closed unless an open hearing is requested by the employee and shall be conducted in accordance with rules promulgated by the District.
BOARD HEARING	<p>If the employee requests a hearing, the Board shall hold a hearing at which the employee may:</p> <ol style="list-style-type: none">1. Be represented by a representative of the employee's choice;2. Hear the evidence supporting the reason for nonrenewal;3. Cross-examine adverse witnesses; and4. Present evidence. <p><i>Education Code 21.207</i></p>
BOARD DECISION	<p>To evaluate the evidence put before it, the Board shall use the preponderance of the evidence standard of review. <i>Whitaker v. Marshall ISD, Comm. Ed. Dec. No. 112-R1-598 (1998)</i></p> <p>Following the hearing, the Board shall take the appropriate action and notify the employee in writing of that action within 15 days following the conclusion of the hearing.</p>
NO HEARING	If the employee fails to request a hearing, the Board shall take the appropriate

action and notify the employee in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

Education Code 21.208

APPEALS

An employee aggrieved by a decision of the Board to nonrenew a term contract may appeal to the Commissioner for a review of the Board's decision. *Education Code 21.209*

DATE ISSUED: 12/16/2003

UPDATE 72

DFBB(LEGAL)-A

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REASONS

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

1. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Inability to maintain discipline in any situation in which the employee is responsible for the oversight and supervision of students.
5. Insubordination or failure to comply with official directives.
6. Failure to comply with Board policies or administrative regulations.
7. Excessive absences.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Reduction in force because of financial exigency or program change. [See DFF]
10. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on school property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
11. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
12. Conviction of a felony or of any crime involving moral turpitude; conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony; or deferred adjudication for a felony or any crime involving moral turpitude. [See DH]
13. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy. [See DH]
14. Failure to meet the District's standards of professional conduct.
15. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.
16. Disability, not otherwise protected by law, that prevents the employee from performing the essential functions of the job.
17. Any activity, school-connected or otherwise, that, because of

publicity given it, or knowledge of it among students, faculty, and community, impairs or diminishes the employee's effectiveness in the District.

18. Any breach by the employee of an employment contract or any reason specified in the employee's employment contract.
19. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, or colleagues.
20. A significant lack of student progress attributable to the educator.
21. Behavior that presents a danger of physical harm to a student or to other individuals.
22. Assault on a person on school property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.
23. Use of profanity in the course of performing any duties of employment, whether on or off school premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.
24. Falsification of records or other documents related to the District's activities.
25. Falsification or omission of required information on an employment application.
26. Misrepresentation of facts to a supervisor or other District official in the conduct of District business.
27. Failure to fulfill requirements for certification, including passing certification examinations required by state law for the employee's assignment.
28. Failure to achieve or maintain "highly qualified" status as required for the employee's assignment.
29. Failure to fulfill the requirements of a deficiency plan under an Emergency Permit, a Special Assignment Permit, or a Temporary Classroom Assignment Permit.
30. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.
31. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.
32. Any reason constituting good cause for terminating the contract during its term.

**RECOMMENDATIONS
FROM
ADMINISTRATION**

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

**SUPERINTENDENT'S
RECOMMENDATION**

The Superintendent shall prepare lists of employees whose contracts are recommended for nonrenewal or proposed nonrenewal by the Board. Copies of written evaluations, other supporting documentation, if any, and reasons for the recommendation shall be submitted for each employee recommended for proposed nonrenewal. The Board shall consider such

information, as appropriate, in support of recommendations for proposed nonrenewal and shall then act on all recommendations.

NOTICE OF PROPOSED RENEWAL OR NONRENEWAL

The Superintendent shall deliver to the employee by hand or certified mail, return receipt requested, written notice of proposed renewal or nonrenewal not later than the 45th day before the last day of instruction required in the contract. If the notice of proposed nonrenewal does not contain a statement of the reason or all of the reasons for the proposed action, and the employee requests a hearing, the District shall give the employee notice of all reasons for the proposed nonrenewal a reasonable time before the hearing. The initial notice or any subsequent notice shall contain the hearing procedures.

REQUEST FOR HEARING

If the employee desires a hearing after receiving the notice of proposed nonrenewal, the employee shall notify the Board in writing not later than the 15th day after the date the employee received the notice of proposed nonrenewal. When a timely request for a hearing on a proposed nonrenewal is received by the Board President, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The employee shall be given notice of the hearing date as soon as it is set.

HEARING PROCEDURE

The hearing shall be conducted in closed meeting unless the employee requests that it be open, with only the members of the Board, the employee, the Superintendent, their representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until it is their turn to present evidence. The employee and the administration may each be represented by a representative of each party's choice. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the Board President's control and in general shall follow the steps listed below:

1. After consultation with the parties, the Board President shall impose reasonable time limits for presentation of evidence and closing arguments.
2. The hearing shall begin with the administration's presentation, supported by such proof as it desires to offer.
3. The employee may cross-examine any witnesses for the administration.
4. The employee may then present such testimonial or documentary proof, as desired, to offer in rebuttal or general support of the contention that the contract be renewed.
5. The administration may cross-examine any witnesses for the employee and offer rebuttal to the testimony of the employee's witnesses.
6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

BOARD DECISION

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the employee's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the employee by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

DATE ISSUED: 08/15/2005

LDU-33-05

DFBB(LOCAL)-X

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Austin ISD
227901

TERM CONTRACTS:
NONRENEWAL

DFBB
(EXHIBIT)

NOTICE OF PROPOSED CONTRACT NONRENEWAL

(FOR HEARINGS CONDUCTED BY THE BOARD)

Date: _____

Name: _____

Address: _____

City/State/Zip: _____

Dear _____:

YOU ARE HEREBY NOTIFIED that the Superintendent of _____ ISD has recommended to the Board of Trustees at a lawfully called meeting of the Board of Trustees on (date) _____, that your employment contract as (job title) _____ in the District not be renewed for the succeeding school year, and the Board voted to propose the nonrenewal.

This notice is given pursuant to the provisions of Section 21.206 of the Texas Education Code.

The recommendation not to renew your contract is being made for the following reasons:

[LIST ALL REASONS IN DETAIL]

If you desire a hearing, not later than the 15th day after receipt of this written notice, you must notify the Board of Trustees in writing of such request. The Board shall provide a hearing to be held not later than the 15th day after receipt of your notice requesting a hearing. Such hearing shall be closed unless you request an open hearing. If you fail to make a timely request for a hearing, the Board may proceed to make a determination upon the Superintendent's recommendation not later than the 30th day after the date the Board sends you notice of the proposed nonrenewal.

If you have any questions concerning any of the reasons supporting the proposed action to nonrenew your contract, please advise the Superintendent in writing.

Attached to this notice is a copy of the District's policy on nonrenewal of term contracts, containing the rules for the hearing.

This notice dated at (City/State/Zip): _____,

Date: _____ BY: _____

President, Board of Trustees

_____ ISD

DATE ISSUED: 02/22/1999
UPDATE 60
DFBB(EXHIBIT)-A

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APPLICABILITY

This hearing process applies only if an employee requests a hearing after receiving notice of a proposed decision to:

1. Terminate a continuing contract at any time;
2. Terminate a probationary or term contract before the end of the contract period; or
3. Suspend without pay.

It does not apply to:

1. A decision to terminate a probationary contract at the end of the contract term; or
2. A decision not to renew a term contract, unless the Board has adopted this process for nonrenewals. [See DFBB]

Education Code 21.251

REQUEST FOR
HEARING

Not later than the 15th day after the date the employee receives notice of one of the proposed contract actions listed above, the employee must file a written request with the Commissioner for a hearing before a hearing examiner. The employee must provide the District with a copy of the request and must provide the Commissioner with a copy of the notice. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. *Education Code 21.253*

ASSIGNMENT OF
HEARING
EXAMINER BY
AGREEMENT

The parties may agree to select a hearing examiner from the list maintained by the Commissioner or a person who is not certified to serve as a hearing examiner, provided that person is licensed to practice law in Texas. If the parties agree on a hearing examiner the parties shall, before the date the Commissioner is permitted to assign a hearing examiner, notify the Commissioner in writing of the agreement, including the name of the hearing examiner selected.

BY APPOINTMENT

If the parties do not select a hearing examiner by agreement, the Commissioner shall assign the hearing examiner not earlier than the sixth business day and not later than the tenth business day after the date on which the Commissioner receives the request for a hearing. When a hearing examiner has been assigned, the Commissioner shall notify the parties immediately.

REJECTION

The parties may agree to reject a hearing examiner for any reason and either party is entitled to reject an assigned hearing examiner for cause. A rejection must be in writing and filed with the Commissioner not later than the third day after the date of notification of the hearing examiner's assignment. If the parties agree to reject the hearing examiner or if the Commissioner

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

FINALITY OF
DECISION

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

Education Code 21.254

POWERS OF
HEARING
EXAMINER

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

CONDUCT OF
HEARING

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

Education Code 21.255

SCHEDULE
RESTRICTION

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

PRIVATE

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

EXCEPTION

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

PROTECTION
OF WITNESSES

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

EMPLOYEE
RIGHTS

At the hearing, the employee has the right to:

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

The hearing is not subject to the Administrative Procedure Act.

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

EVIDENCE

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

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

basis for a change or rejection.

RECORDING

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

Education Code 21.259, 21.260

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UPDATE 72

DFD(LEGAL)-P

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TERMINATION OF CONTRACT:
HEARINGS BEFORE HEARING EXAMINER

DFD
(LOCAL)

TIME LIMITS
FOR ORAL
ARGUMENT

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

The Board shall allow 15 minutes per party for oral argument. Administration shall be offered the opportunity to present argument first and may use a portion of the designated time for rebuttal after the other party has presented argument.

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

DATE ISSUED: 03/20/2000
NEWLPM
DFD(LOCAL)-X

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TERMINATION OF CONTRACT:
RESIGNATION

DFE
(LEGAL)

RESIGNATION
DEADLINE

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the Board President or the Board's designee at the post office address of the District is considered filed at the time of mailing.

The educator may resign, with the consent of the Board or the Board's designee, at any other time.

ABANDONMENT
OF CONTRACT

On written complaint by the District, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a contract for the following school year and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105, 21.160, 21.210

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless the Board:

1. Renders a finding that good cause did not exist for the employee's resignation; and
2. Submits a written complaint to SBEC within 30 calendar days after the educator separates from employment.

19 TAC 249.19(f)

NOTICE TO SBEC

In addition to the reporting requirement under Family Code 261.101 [see FFG], the Superintendent must file a report with SBEC not later than the seventh day after the Superintendent first obtains or has knowledge of information indicating that an educator resigned and reasonable evidence supported a recommendation by the Superintendent to terminate the educator because he or she committed one of the acts specified at Education Code 21.006(b).

Before accepting the educator's resignation, the Superintendent shall inform the educator in writing that a report will be filed that may result in sanctions against the employee's certificate.

The Superintendent shall notify the Board prior to filing a report of a resignation with SBEC.

Education Code 21.006(b), (c), (d); 19 TAC 249.14(d) [See DF]

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TERMINATION OF CONTRACT:
RESIGNATION

DFE
(LOCAL)

GENERAL REQUIREMENTS All resignations shall be submitted in writing to the Superintendent or 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. The Board delegates to the Superintendent the authority to accept resignations in accordance with the requirements of this policy. Once submitted and accepted, a resignation may not be withdrawn without consent of the Board or its designee.

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

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

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APPLICABILITY This policy shall apply only to reductions in force of contractual employees when the reduction in force requires the termination or nonrenewal of:

1. A contract governed by Chapter 21 of the Education Code in the following circumstances:
 - a. A probationary contract during the contract period;
 - b. A term contract during the contract period or
 - c. A term contract at the end of the contract period.
2. A contract not governed by Chapter 21 of the Education Code during the contract period.

Note: This policy shall not apply to termination at any time of at-will employment [see DCD]; termination of a continuing contract [see DFCA]; termination of a probationary contract at the end of the contract period [see DFAA]; or termination at the end of the contract period of a contract not governed by Chapter 21 of the Education Code [see DCE].

DEFINITIONS Definitions used in this policy are as follows:

1. "Financial exigency" shall mean any event or occurrence that creates a need for the District to reduce financial expenditures for personnel including, but not limited to, a decline in the District's financial resources, a decline in enrollment, a cut in funding, a decline in tax revenues, or an unanticipated expense or capital need.
2. "Program change" shall mean any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation. The term shall include, but not be limited to, a change in curriculum objectives, a modification or reorganization of staffing patterns on a particular campus or Districtwide, a redirection of financial resources to meet the educational needs of the students, a lack of student response to particular course offerings, legislative revisions to programs, or a reorganization or consolidation of two or more individual schools or school districts.
3. "Discharge" shall mean termination of a contract during the contract period.
4. "Nonrenewal" shall mean the termination of a term contract at the end of the contract period.

**GENERAL
GROUNDS**

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge or nonrenewal of one or

more employees in accordance with this policy. Such a determination constitutes sufficient cause for discharge or nonrenewal.

SCOPE OF REDUCTION

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

EMPLOYMENT AREAS

Employment areas include, but are not limited to:

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

CRITERIA FOR DECISION

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

1. Certification: Appropriate certification, endorsement, and/or highly qualified status for current or projected assignment.
2. Performance: Effectiveness as reflected by appraisal records and other written evaluative information.

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

3. Seniority: Length of service in the District, as measured from the employee's most recent date of hire.
4. Professional Background: Professional education and work experience related to the current or projected assignment.

CONSIDERATION Once the Superintendent has identified the appropriate employees in the affected

FOR AVAILABLE POSITIONS area(s), those employees may apply for other available positions for which they are qualified. An employee is responsible for reviewing posted vacancies, submitting an application, and otherwise complying with District procedure to be considered for a particular vacancy.

Up until the date of a hearing requested in accordance with this policy, an employee who applies for an open position must be offered the position if the employee meets the District's objective criteria for that position and is the most qualified internal applicant for the position.

NOTICE AND HEARING After considering the Superintendent's recommendation, the Board shall determine the employees to be proposed for discharge or nonrenewal, as appropriate. The Superintendent shall provide each employee written notice of the proposed action, including a statement of the reason(s) requiring such action and notice that the employee is entitled to a hearing.

NONRENEWAL An employee receiving a notice of proposed nonrenewal may request a hearing in accordance with DFBB.

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

An employee receiving notice of proposed discharge during the period of an employment contract not governed by Chapter 21 of the Education Code may request a hearing before the Board or its designee in accordance with DCE.

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

FEDERAL PROHIBITION ON RETALIATION Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any federal offense, shall be fined under Title 18, United States Code, or imprisoned not more than ten years, or both. *18 U.S.C. 1513(e)*

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

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

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

Gov't Code 554.002

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Family Code 261.110

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EMPLOYEE RIGHTS AND PRIVILEGES:
FREEDOM OF ASSOCIATION

DGA
(LEGAL)

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

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EMPLOYEE RIGHTS AND PRIVILEGES:
FREEDOM OF ASSOCIATION

DGA
(LOCAL)

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

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

USE OF
DISTRICT
FACILITIES

Organizations representing professional, paraprofessional, or support employees may use District facilities with prior approval of the appropriate administrator. Other groups composed of District employees may use District facilities in accordance with policy GKD.

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Austin ISD
227901

EMPLOYEE RIGHTS AND PRIVILEGES:
PERSONNEL-MANAGEMENT RELATIONS

DGB
(LEGAL)

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

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SECTION I -
CONSULTATION
WITH
NONSUPERVISORY
PROFESSIONAL
EMPLOYEES

PURPOSE

The purpose of consultation is to set forth a recognized process whereby the Consultation Agent, the Board, and the Superintendent may work together in developing educational policies and communication procedures.

The parties to this consultation recognize that teaching is a profession and believe that the educational opportunities for the children of the District are enhanced and are of a higher quality when channels of communication are open and when harmonious working relations exist among the Board, the Superintendent, and the professional personnel.

It is mutually agreed that:

1. The Board, under law, has the final authority for establishing the policies of the school District.
2. The Superintendent, as the chief administrator, and his staff have the responsibility of carrying out the policies established by the Board.
3. The Consultation Agent has the responsibility of representing the professional interests of the nonsupervisory personnel in the District.
4. The professional teaching personnel have the responsibility for providing the education in the classroom aligned with best practices. The participation in the development and implementation of the educational program by the professional teaching personnel is essential to student achievement in the classroom.
5. All parties to the consultation process assure continuing good faith in their communication relating to the identified problems of mutual concern.
6. The parties of the consultation process are the Board, the Superintendent, and the elected Consultation Agent for the nonsupervisory personnel of the District.

DEFINITIONS

The following definitions shall apply:

CONSULTATION

Consultation shall mean advice, counsel, and exchange of information on matters pertaining to educational policies and conditions of employment.

SUPERINTENDENT'S
DESIGNEE

The Superintendent's designee shall be the persons designated by the Superintendent to represent the administration in the consultation process. All members of the designee shall be regular District employees. The

	designee shall consist of no fewer than two and no more than five members.
CONSULTATION AGENT	Consultation Agent shall mean the recognized employee organization elected to represent nonsupervisory professional employees in the consultation process.
CONSULTATION AGENT'S DESIGNEE	Consultation Agent's designee shall be the persons designated by the Consultation Agent to represent nonsupervisory professional District employees in the consultation process. All members of the designee shall be regular District employees, except that one member may be a former regular District employee. The designee shall consist of no fewer than two and no more than five members.
CONSULTING TEAM	Consulting Team shall mean the Superintendent's designee representing the administration and the Consultation Agent's designee representing the District's nonsupervisory professional employees.
REGULAR EMPLOYEE	A District employee who is eligible for health and life insurance, sick leave, and other standard employment benefits through the District.
BOARD RECOGNITION	To be eligible to participate in the consultation process, an employee organization shall, by July 1 in the year of the election: <ol style="list-style-type: none"> 1. Submit an application for official Board recognition; 2. Submit a copy of its constitution and bylaws, which must be consistent with applicable state and federal statutes; and 3. Give evidence of having members who are regular employees of the District.
TIME LINES	The Superintendent's designee shall call an initial consultation meeting not later than 30 days after the first day of the school year, unless the consulting team agrees to extend the deadline. Consultation meetings shall be held once a month unless the consulting team agrees to meet more or less frequently.
REQUIREMENTS OF CONSULTATION AGENT	The Consultation Agent shall: <ol style="list-style-type: none"> 1. On a regular basis, obtain and analyze input from all nonsupervisory professional employees and other recognized employee organizations in collaboration with District administration. 2. On a regular basis, provide feedback regarding the information obtained and analyzed in item 1 above to all nonsupervisory professional employees and other recognized employee organizations in collaboration with District administration. 3. On at least a quarterly basis, hold an open meeting that may be attended by all nonsupervisory professional employees for the purpose of exchanging information on topics related to the consultation process. The Consultation Agent is responsible for providing reasonable notice of the upcoming meetings to nonsupervisory professional employees.
SUBJECTS FOR CONSULTATION	Professional matters considered to be subjects for the consultation process are those of general and mutual concern that affect the quality of education and professional services.
GENERAL	

PROCEDURES FOR CONSULTATION

PRIMARY CONSULTATION PERIOD

The primary consultation period shall be from August 1 to June 30 of each academic year during which the consulting teams shall meet on a regular basis to be determined at their first meeting which shall occur within the first 30 days of the new school year each year. At meetings of the consulting teams, each shall present in writing its items identified for the consultation process. The agenda shall consist only of items identified and presented by the teams. Specific meetings may be limited to certain agenda items by mutual consent.

MEETINGS

At the first meeting of the consulting teams at the beginning of each academic year, the chairperson of each team shall be acknowledged and shall jointly chair each meeting. The chairperson shall arrange to provide each other with adequate communications on consultation matters. The chairpersons shall jointly be also responsible for preparing written agendas, minutes, agreements, and any other joint communiques of the consulting teams. Secretarial or clerical assistance may be utilized by the consulting teams at their meetings. Specific times for these meetings will be arranged by the Superintendent with agreement of the chair of the Consultation Agent Team.

An agenda for each meeting will be posted on the AISD intranet by the Executive Director for Human Resources after conferring with consultation representative(s) at least 48 hours prior to each meeting.

Draft minutes of the consultation meetings will be prepared by the Executive Director for Human Resources and will be posted on the AISD intranet within five (5) working days after the meeting. Upon approval of the minutes of a consultation meeting, the final document will be placed on the AISD intranet.

Meetings of the consulting teams will be attended only by the members of each team except for those individuals mutually agreed upon.

RESOURCES

Parties to this agreement may appoint ad hoc study committee or choose resource persons to research, study, and make recommendations on matters of consultation. These committees will report their findings to the consulting teams. The parties to this agreement agree to furnish, upon reasonable request, pertinent information needed in making recommendations for the improvement of the educational program. The parties agree to share the results of methodologies and questionnaires, surveys and studies which will be of assistance in making sound decisions as related to the subjects under consideration.

AGREEMENTS

A preliminary agreement shall have been reached when the chairperson of each team approves a written proposal. Prior to such agreement, each team shall have an opportunity to determine its position in private discussion. Such written agreement shall be presented to both consulting teams for approval. When approval is granted, the written agreement shall be presented to the Board. The Board will consider the matter at its next

regularly scheduled Board meeting. The Board may, at its option, refer the recommended agreement back to the consulting teams for the reconsideration of specific items with a report due back to the Board within ten working days or at the next regularly scheduled meeting of the Board, whichever is sooner. Agreements ratified will be attached as articles to this professional consultation agreement and included in the official minutes of the Board.

IMPASSE

Impasse is declared only when the Superintendent and the Chairperson of the Consultation Agent's designee determine that all efforts to reach agreement on an issue have been exhausted without a solution. When impasse is recognized by both chairpersons, the Board President will be notified.

The Board President shall appoint a three-member Board Subcommittee to assist the parties in reaching an agreement.

The Board President shall be provided with a written explanation of the details of impasse including:

- A statement from each chairperson giving the position of the respective team,
- Agreed-to facts of the specific impasse item,
- Facts or positions in dispute on the specific impasse item, and
- The respective team's recommendation for resolution of the nonagreement.

The two consulting teams will then meet with the Board Subcommittee appointed by the Board President to attempt to resolve the impasse. The Board subcommittee shall determine the number, length, and content of the meetings based on the written explanations received.

Meetings shall be posted in accordance with Chapter 551 - Open Meetings of the Texas Government Code, as amended. The meetings shall provide an opportunity to present the concerns as identified by the Consultation Agent Team to a subcommittee of the Board for resolution.

When agreement is reached, the agreement in writing shall be presented to the Board within ten working days or at the next regularly scheduled meeting of the Board, whichever is sooner.

If no agreement is reached, the Subcommittee shall make a recommendation to the Board at the next regular meeting.

No later than at the following regular meeting, the Board shall make a final decision by :

1. Accepting the Subcommittee's recommendation as presented; or
2. Revising or amending the Subcommittee's recommendation before accepting it; or
3. Taking any other action the Board considers appropriate.

ELECTION PROCEDURES

The Consultation Agent shall be selected through an election process.

The term of a consultation representative will be for four years starting on January 1st following the fall election and the certification of the election

results by the Board, or the declaration of automatic recertification by the Board in the case where no election has been called or held.

The election will be held every fourth year in the fall if an election request is made by an AISD representative organization that can document membership of 200 or more current AISD employees in the nonsupervisory professional category. An election request must be made between July 1st and August 31st of the election year.

The position of each organization on the ballot shall be determined by a drawing. Each organization represented on the ballot shall appoint a designee to participate in the drawing.

The District shall notify employees of the election by posting announcements at each work site. The notice shall contain all essential information regarding the election, including the date(s) of the election, times for voting, voter eligibility criteria, and the purpose of the election, as well as a statement requiring administrative employees to remain neutral in the election process. A copy of the election rules shall be posted in a conspicuous place, accessible to all employees.

If no election request is made, the current representative(s) will be automatically recertified for four additional years by the Board.

An election administrator to oversee the election process and results shall be appointed by the Board President.

ELECTION ADMINISTRATOR RESPONSIBILITIES

1. The election administrator shall ensure the integrity of the election process by validating voter identification procedures.
2. The election administrator shall set a voter eligibility date (see VOTER ELIGIBILITY section in this policy) and the election date(s).
3. The election administrator may appoint election judges, as necessary, to assist with the administration of the election process and election results.
4. The election administrator shall investigate any potential violation of election rules by either a candidate organization or an employee.
5. If the election administrator finds that a violation of election rules by a candidate organization may have occurred, the administrator shall report the results of the investigation to the Board, and may recommend any penalties and/or remedial action as appropriate. The Board shall make a final ruling on whether or not a violation has occurred.
6. If the election administrator finds that a violation of election rules by an employee may have occurred, the administrator shall report the results of the investigation to the Superintendent, and may recommend any penalties and/or remedial action as appropriate. The Superintendent shall make a final ruling on whether or not a violation has occurred.

PENALTIES FOR VIOLATION OF ELECTION RULES

If the Board rules that a candidate organization has violated election rules, the Board may impose penalties and/or sanctions on the organization, up to and including any or all of the following;

1. Censure by the Board, outlining the violations that have occurred.
2. Withdrawal of Board recognition of the candidate organization as eligible to participate in the consultation process. If this penalty is imposed on an organization that won the election, that organization forfeits the right to be the Consultation Agent. In this case, the organization with the next highest number of votes becomes the Consultant Agent. If this penalty is imposed on an organization that did not win the election, that organization forfeits the right to any ongoing participation in the consultation process.
3. Disqualification of the candidate organization from the next consultation election.

An organization that has been penalized or sanctioned due to the violation of election rules may petition the board for the penalties or sanctions to be lifted. Such petition may be submitted no earlier than one year after the penalties or sanctions are imposed. The Board will review the petition and issue a ruling on the petition. If the petition is denied, the organization may resubmit petitions at intervals of no less than one year.

If the Superintendent finds that an employee has violated election rules, the Superintendent will take action in accordance with District discipline policy, procedures and guidelines, up to and including termination.

**VOTER
ELIGIBILITY**

Membership in an employee organization is not a prerequisite for voting in the election. The election administrator shall declare a voter eligibility date approximately one to two months prior to the final election date. Any person who is a regular District employee on the voter eligibility date and on a District professional pay grade below P8 shall be eligible to vote in the election. Employees who have a resignation date prior to the voter eligibility date, or a hire date after the voter eligibility date, are not eligible to vote in the election. An employee who meets these conditions and is on any type of approved leave, including leave without pay, is eligible to vote in the election. The administration will publish a list of eligible voters.

In the event of a runoff election, only those employees who were certified on the eligible voter list for the general election will be eligible to vote in the runoff election.

If the eligibility of any voter is challenged, the election administrator shall investigate the matter and issue a ruling as soon as practicable.

ELECTION DATE

The election administrator shall establish the election date(s) during the month of September or October.

ELECTION RESULTS

Election shall be by majority of the votes cast. The organization that receives the most votes shall be the elected Consultation Agent for four years, until the following election. The result of the election shall be presented to the Board at the first Board meeting following the conclusion of the election. When the results are validated and approved by the Board, the organization elected shall become the Consultation Agent.

If an organization requests a recount of any vote, the requesting organization shall bear the full cost of the recount as determined by the election administrator, unless the recount causes a change in the outcome of the

election in favor of the requesting organization.

RUNOFF ELECTION

If no one organization receives a majority of the votes cast, a runoff election shall be held between the two organizations receiving the highest number of valid ballots cast. A runoff election, if necessary, shall take place as soon as practicable after the general election. In any case, a runoff election shall be held within four weeks after the general election. The election administrator shall establish the date(s) of a runoff election. All election rules that applied to the general election will also apply to the runoff election.

ELECTIONEERING GUIDELINES

1. No employee or organization representative shall attempt to influence students regarding the election or attempt to use students for any purpose in conjunction with the election. Any communication with students regarding the election or election process is prohibited, except that the election process may be discussed in class as it relates to the democratic process in conjunction with class subject matter.
2. For the general election and the runoff election, campaigning shall be restricted to the days of the week immediately preceding the general election and the two weeks prior to the week in which the election is held.
3. Campaigning in and around a District facility may only occur during the duty free lunch and before or after the employee duty day. The principal/supervisor may also establish reasonable rules regarding access of organization representatives to a District facility to ensure that campaigning does not interfere with instruction or employees' duties.
4. Each District facility shall, upon request of an employee organization, provide bulletin board space or other similar space to display campaign materials. Equal space must be provided for each organization. Campaign materials may be distributed in employee mailboxes either before or after the school workday, or during the duty free lunch. An organization choosing to distribute campaign materials in employee mailboxes must adhere to policies and regulations regarding the distribution of school mail.
5. Employees on duty may not wear campaign buttons, hats, shirts, or other clothing items related to the campaign during the workday. Campaign materials may not be displayed at the work site, other than on the approved bulletin board. Employees on duty may not engage in campaigning during the workday, except during the duty free lunch and subject to reasonable rules as may be established by the principal/supervisor to ensure that campaigning does not interfere with instruction or employees' duties.

SECTION II - CONSULTATION WITH CLASSIFIED EMPLOYEES

PURPOSE

The purpose of consultation is for the Board, through District administrative personnel, to establish and maintain a recognized communication process with classified employees with respect to matters of educational policy, working conditions, and other areas of general concern that affect the quality of educational and professional services. The Board shall retain complete

authority to make decisions affecting the operation and governance of the District.

It is mutually agreed that:

1. The Board, under law, has the final authority for establishing the policies of the school District.
2. The Superintendent, as the chief administrator, and his staff have the responsibility of carrying out the policies established by the Board.
3. The Consultation Agent has the responsibility of representing the interests of the classified personnel in the District.
4. The classified personnel have the responsibility for supporting the education in the classroom aligned with best practices. The support in the development and implementation of the educational program by the classified personnel is essential to student achievement in the classroom.
5. All parties to the consultation process assure continuing good faith in their communication relating to the identified problems of mutual concern.
6. The parties of the consultation process are the Board, the Superintendent, and the elected Consultation Agent for the classified personnel of the District.

DEFINITIONS

The following definitions shall apply:

CONSULTATION	Consultation shall mean advice, counsel, and exchange of information on matters pertaining to educational policies and conditions of employment.
SUPERINTENDENT'S DESIGNEE	The Superintendent's designee shall be the persons designated by the Superintendent to represent the administration in the consultation process. All members of the designee shall be regular District employees. The designee shall consist of no less than two and no more than five members.
CONSULTATION AGENT	Consultation Agent shall mean the recognized employee organization elected to represent classified employees in the consultation process.
CONSULTATION AGENT'S DESIGNEE	Consultation Agent's designee shall be the persons designated by the Consultation Agent to represent classified District employees in the consultation process. All members of the designee shall be regular District employees, except that one member may be a former regular District employee. The designee shall consist of no fewer than two and no more than five members.
CONSULTING TEAM	Consulting Team shall mean the Superintendent's designee representing the administration and the Consultation Agent's designee representing the District's classified employees.
REGULAR EMPLOYEE	A District employee who is eligible for health and life insurance, sick leave, and other standard employment benefits through the District.
BOARD RECOGNITION	To be eligible to participate in the consultation process, an employee organization shall, by July 1 in the year of the election: <ol style="list-style-type: none">1. Submit an application for official Board recognition;2. Submit a copy of its constitution and bylaws, which must be consistent

with applicable state and federal statutes; and

3. Give evidence of having members who are regular employees of the District.

TIME LINES

The Superintendent's designee shall call an initial consultation meeting not later than 30 days after the first day of the school year, unless the consulting team agrees to extend the deadline. Consultation meetings shall be held once a month unless the consulting team agrees to meet more or less frequently.

REQUIREMENTS OF CONSULTATION AGENT

The Consultation Agent shall:

1. On a regular basis, obtain and analyze input from all classified employees and other recognized employee organizations in collaboration with District administration.
2. On a regular basis, provide feedback regarding the information obtained and analyzed in item 1 above to all classified employees and other recognized employee organizations in collaboration with District administration.
3. On at least a quarterly basis, hold an open meeting that may be attended by all classified employees for the purpose of exchanging information on topics related to the consultation process. The Consultation Agent is responsible for providing reasonable notice of the upcoming meetings to classified employees.

SUBJECTS FOR CONSULTATION

Professional matters considered to be subjects for the consultation process are those of general and mutual concern that affect the quality of education and professional services.

GENERAL PROCEDURES FOR CONSULTATION

PRIMARY CONSULTATION PERIOD

The primary consultation period shall be from August 1 to June 30 of each academic year during which the consulting teams shall meet on a regular basis to be determined at their first meeting which shall occur within the first 30 days of the new school year each year. At meetings of the consulting teams, each shall present in writing its items identified for the consultation process. The agenda shall consist only of items identified and presented by the teams. Specific meetings may be limited to certain agenda items by mutual consent.

MEETINGS

At the first meeting of the consulting teams at the beginning of each academic year, the chairperson of each team shall be acknowledged and shall jointly chair each meeting. The chairperson shall arrange to provide each other with adequate communications on consultation matters. The chairpersons shall jointly be also responsible for preparing written agendas, minutes, agreements, and any other joint communiques of the consulting teams. Secretarial or clerical assistance may be utilized by the consulting teams at their meetings. Specific times for these meetings will be arranged by the Superintendent with agreement of the chair of the Consultation Agent Team.

An agenda for each meeting will be posted on the AISD intranet by the Executive Director for Human Resources after conferring with consultation

representative(s) at least 48 hours prior to each meeting.

Draft minutes of the consultation meetings will be prepared by the Executive Director for Human Resources and will be posted on the AISD intranet within five (5) working days after the meeting. Upon approval of the minutes of a consultation meeting, the final document will be placed on the AISD intranet.

Meetings of the consulting teams will be attended only by the members of each team except for those individuals mutually agreed upon.

RESOURCES

Parties to this agreement may appoint ad hoc study committee or choose resource persons to research, study, and make recommendations on matters of consultation. These committees will report their findings to the consulting teams. The parties to this agreement agree to furnish, upon reasonable request, pertinent information needed in making recommendations for the improvement of the educational program. The parties agree to share the results of methodologies and questionnaires, surveys and studies which will be of assistance in making sound decisions as related to the subjects under consideration.

AGREEMENTS

A preliminary agreement shall have been reached when the chairperson of each team approves a written proposal. Prior to such agreement, each team shall have an opportunity to determine its position in private discussion. Such written agreement shall be presented to both consulting teams for approval. When approval is granted, the written agreement shall be presented to the Board. The Board will consider the matter at its next regularly scheduled Board meeting. The Board may, at its option, refer the recommended agreement back to the consulting teams for the reconsideration of specific items with a report due back to the Board within ten working days or at the next regularly scheduled meeting of the Board, whichever is sooner. Agreements ratified will be attached as articles to this professional consultation agreement and included in the official minutes of the Board.

IMPASSE

Impasse is declared only when the Superintendent and the Chairperson of the Consultation Agent's designee determine that all efforts to reach agreement on an issue have been exhausted without a solution. When impasse is recognized by both chairpersons, the Board President will be notified.

The Board President shall appoint a three-member Board Subcommittee to assist the parties in reaching an agreement.

The Board President shall be provided with a written explanation of the details of impasse including:

- A statement from each chairperson giving the position of the respective team,
- Agreed-to facts of the specific impasse item,
- Facts or positions in dispute on the specific impasse item, and
- The respective team's recommendation for resolution of the nonagreement.

The two consulting teams will then meet with the Board Subcommittee appointed by the Board President to attempt to resolve the impasse. The Board subcommittee shall determine the number, length, and content of the meetings based on the written explanations received.

Meetings shall be posted in accordance with Chapter 551 - Open Meetings of the Texas Government Code, as amended. The meetings shall provide an opportunity to present the concerns as identified by the Consultation Agent Team to a subcommittee of the Board for resolution.

When agreement is reached, the agreement in writing shall be presented to the Board within ten working days or at the next regularly scheduled meeting of the Board, whichever is sooner.

If no agreement is reached, the Subcommittee shall make a recommendation to the Board at the next regular meeting.

No later than at the following regular meeting, the Board shall make a final decision by:

1. Accepting the Subcommittee's recommendation as presented; or
2. Revising or amending the Subcommittee's recommendation before accepting it; or
3. Taking any other action the Board considers appropriate.

The Consultation Agent shall be selected through an election process.

ELECTION PROCEDURES

The term of a consultation representative will be for four years starting on January 1st following the fall election and the certification of the election results by the Board, or the declaration of automatic recertification by the Board in the case where no election has been called or held.

The election will be held every fourth year in the fall if an election request is made by an AISD representative organization that can document membership of 200 or more current AISD employees in the classified category. An election request must be made between July 1st and August 31st of the election year.

The position of each organization on the ballot shall be determined by a drawing. Each organization represented on the ballot shall appoint a designee to participate in the drawing.

The District shall notify employees of the election by posting announcements at each work site. The notice shall contain all essential information regarding the election, including the date(s) of the election, times for voting, voter eligibility criteria, and the purpose of the election, as well as a statement requiring administrative employees to remain neutral in the election process. A copy of the election rules shall be posted in a conspicuous place, accessible to all employees.

If no election request is made, the current representative(s) will be automatically recertified for four additional years by the Board.

ELECTION ADMINISTRATOR

An election administrator to oversee the election process and results shall be appointed by the Board President.

RESPONSIBILITIES

1. The election administrator shall ensure the integrity of the election process by validating voter identification procedures.
2. The election administrator shall set a voter eligibility date (see VOTER ELIGIBILITY section in this policy) and the election date(s).
3. The election administrator may appoint election judges, as necessary, to assist with the administration of the election process and election results.
4. The election administrator shall investigate any potential violation of election rules by either a candidate organization or an employee.
5. If the election administrator finds that a violation of election rules by a candidate organization may have occurred, the administrator shall report the results of the investigation to the Board, and may recommend any penalties and/or remedial action as appropriate. The Board shall make a final ruling on whether or not a violation has occurred.
6. If the election administrator finds that a violation of election rules by an employee may have occurred, the administrator shall report the results of the investigation to the Superintendent, and may recommend any penalties and/or remedial action as appropriate. The Superintendent shall make a final ruling on whether or not a violation has occurred.

PENALTIES FOR VIOLATION OF ELECTION RULES

If the Board rules that a candidate organization has violated election rules, the Board may impose penalties and/or sanctions on the organization, up to and including any or all of the following;

1. Censure by the Board, outlining the violations that have occurred.
2. Withdrawal of Board recognition of the candidate organization as eligible to participate in the consultation process. If this penalty is imposed on an organization that won the election, that organization forfeits the right to be the Consultation Agent. In this case, the organization with the next highest number of votes becomes the Consultant Agent. If this penalty is imposed on an organization that did not win the election, that organization forfeits the right to any ongoing participation in the consultation process.
3. Disqualification of the candidate organization from the next consultation election.

An organization that has been penalized or sanctioned due to the violation of election rules may petition the board for the penalties or sanctions to be lifted. Such petition may be submitted no earlier than one year after the penalties or sanctions are imposed. The Board will review the petition and issue a ruling on the petition. If the petition is denied, the organization may resubmit petitions at intervals of no less than one year.

If the Superintendent finds that an employee has violated election rules, the Superintendent will take action in accordance with District discipline policy, procedures and guidelines, up to and including termination.

VOTER ELIGIBILITY

Membership in an employee organization is not a prerequisite for voting in the election. The election administrator shall declare a voter eligibility date approximately one to two months prior to the final election date. Any person

who is a regular District employee on the voter eligibility date and on a District classified pay grade shall be eligible to vote in the election. Employees who have a resignation date prior to the voter eligibility date, or a hire date after the voter eligibility date, are not eligible to vote in the election. An employee who meets these conditions and is on any type of approved leave, including leave without pay, is eligible to vote in the election. The administration will publish a list of eligible voters.

In the event of a runoff election, only those employees who were certified on the eligible voter list for the general election will be eligible to vote in the runoff election.

If the eligibility of any voter is challenged, the election administrator shall investigate the matter and issue a ruling as soon as practicable.

ELECTION DATE	The election administrator shall establish the election date(s) during the month of September or October.
ELECTION RESULTS	<p>Election shall be by majority of the votes cast. The organization that receives the most votes shall be the elected Consultation Agent for four years, until the following election. The result of the election shall be presented to the Board at the first Board meeting following the conclusion of the election. When the results are validated and approved by the Board, the organization elected shall become the Consultation Agent.</p> <p>If an organization requests a recount of any vote, the requesting organization shall bear the full cost of the recount as determined by the election administrator, unless the recount causes a change in the outcome of the election in favor of the requesting organization.</p>
RUNOFF ELECTION	If no one organization receives a majority of the votes cast, a runoff election shall be held between the two organizations receiving the highest number of valid ballots cast. A runoff election, if necessary, shall take place as soon as practicable after the general election. In any case, a runoff election shall be held within four weeks after the general election. The election administrator shall establish the date(s) of a runoff election. All election rules that applied to the general election will also apply to the runoff election.
ELECTIONEERING GUIDELINES	<ol style="list-style-type: none">1. No employee or organization representative shall attempt to influence students regarding the election or attempt to use students for any purpose in conjunction with the election. Any communication with students regarding the election or election process is prohibited, except that the election process may be discussed in class as it relates to the democratic process in conjunction with class subject matter.2. For the general election and the runoff election, campaigning shall be restricted to the days of the week immediately preceding the general election and the two weeks prior to the week in which the election is held.3. Campaigning in and around a District facility may only occur during the duty free lunch and before or after the employee duty day. The principal/supervisor may also establish reasonable rules regarding access of organization representatives to a District facility to ensure that campaigning does not interfere with instruction or employees' duties.4. Each District facility shall, upon request of an employee organization,

provide bulletin board space or other similar space to display campaign materials. Equal space must be provided for each organization. Campaign materials may be distributed in employee mailboxes either before or after the school workday, or during the duty free lunch. An organization choosing to distribute campaign materials in employee mailboxes must adhere to policies and regulations regarding the distribution of school mail.

5. Employees on duty may not wear campaign buttons, hats, shirts, or other clothing items related to the campaign during the workday. Campaign materials may not be displayed at the work site, other than on the approved bulletin board. Employees on duty may not engage in campaigning during the workday, except during the duty free lunch and subject to reasonable rules as may be established by the principal/supervisor to ensure that campaigning does not interfere with instruction or employees' duties.

SECTION III - CONSULTATION WITH ADMINISTRATIVE PERSONNEL

PURPOSE

The purpose of this procedure is to set forth a method whereby administrators in the District and the Superintendent may work together to implement a quality educational program in the District and provide an effective channel of communication through both informal discussion and consultation.

The professional interests of the administrative personnel of the District are represented by the Austin Association of Public School Administrators (AAPSA). The Board recognizes the Austin Association of Public School Administrators, "the Council," as the official body through which the Superintendent and the Board carry on the consultation process with administrative personnel.

Consultation shall be defined as the procedure between the Board, as represented by the Superintendent and his or her Cabinet, and the administrators of the District, as represented by the Council, on matters identified for consultation as prescribed in the section on SUBJECTS FOR CONSULTATION, below.

COMPOSITION OF THE COUNCIL

The membership of the Council will consist of AAPSA members in accordance with the bylaws of the Constitution of the Austin Association of Public School Administrators. By mutual consent, other persons who are professional employees of the Austin Independent School District may be invited to attend Council meetings as consultants on specific items under consideration.

TIME LINES

The Superintendent or designee shall call an initial consultation meeting not later than 30 days after the first day of the school year, unless the Superintendent or designee and the chairperson of the Council agree to extend the deadline. Consultation meetings shall be held once a month unless the Superintendent or designee and the chairperson of the Council

agree to meet more or less frequently.

SUBJECTS FOR CONSULTATION

Recognizing the fact that the administrators of the District are a part of the Superintendent's administrative team headed by the Superintendent, any item of general concern identified by either the Superintendent, his or her Cabinet, or any member of the Council may become the subject of consultation. The Superintendent shall have the authority to determine that certain items brought under discussion are not in the purview of the consultation process. However, nothing in this section shall be deemed to preclude items from being the subject of informal discussion. The Board may, from time to time, refer subjects to the Superintendent for the purpose of consultation.

ADOPTION OF CONSULTATION ITEMS

When the Council and the Superintendent reach a final agreement on any item that is the subject of consultation, the following procedure will be followed:

1. The Chairman of the Council shall submit proposals to the Executive Committee of the Austin Association of Public School Administrators for formal adoption. After proposals have been ratified, the Council Chairman shall notify the Superintendent.
2. If in the Superintendent's opinion no formal Board action is necessary, the Superintendent will prescribe such administrative regulations and/or guidelines as may be necessary to put the proposals into effect.
3. If, in the Superintendent's opinion, Board action is necessary to put the proposals into effect, the Superintendent shall submit such proposals together with any recommendations to the Board for formal consideration by the Board.

FAILURE OF THE SUPERINTENDENT AND THE COUNCIL TO REACH A FINAL AGREEMENT

Should final agreement not be reached between the Superintendent and the Council on any item of consultation, written notice from one party to the other shall constitute notice that the parties have failed to agree. Should this notice occur, the following procedures may take place in order to allow the Council to present consultation items and requests for action directly to the Board:

1. The Council shall send a written request to the Superintendent asking that the items be placed on an agenda for a meeting of the Board.
2. The written request shall include a statement of positions taken by the Superintendent and by the Council along with a list of unresolved items.
3. The Superintendent shall attempt to place the request on a Board agenda as soon as possible. Ordinarily, items will be placed on a Board agenda within three weeks after receipt of the Council request. Where possible, the Board will defer action on pending items of consultation until after a meeting with the Council.

INFORMAL DISCUSSION

Nothing in this procedure shall prevent informal discussion between the Council or any administrator of the District and the Superintendent. Nothing in this policy shall prevent the Board from acting at any time on requests made by the Council or the Superintendent or on any item affecting the educational process of the District.

EFFECTIVE DATE This policy is effective as of the first day of August, 1975.

DATE ISSUED: 11/10/2003
LDU-45-03
DGB(LOCAL)-X

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PURPOSE OF
REGULATION

Policy DGB(LOCAL) sets out the general policy guidance for the interaction between the Board, the Superintendent, the recognized Consultation Agent and employees of the District. DGB(REGULATION) delineates the specific duties, rights and responsibilities of the above listed entities/employees.

A. Consultation Agent:

1. On a regular basis, obtain and analyze input from all nonsupervisory professional employees and other recognized employee organizations in collaboration with District administration.
 - a. Consultation Agent will publish on its Web site and on the District's intranet a calendar of all Consultation Team meetings including sub-committee meetings and the proposed subjects for discussion at least three days before any scheduled Consultation Meeting in order to receive input from all nonsupervisory professional employees.
2. On a regular basis, provide feedback regarding the information obtained and analyzed in item one above to all nonsupervisory professional employees and other recognized employee organizations in collaboration with District administration.
 - a. On a quarterly basis with the quarter defined as four times a year beginning in September, provide a report to the Superintendent's Designee summarizing the input received from all nonsupervisory professional employees and other recognized employee organizations.
 - b. On a quarterly basis with the quarter defined as four times a year beginning in September, the Consultation Agent will publish on the Consultation Agent's Web site and the District's intranet a summary of the input received from all nonsupervisory employees and other recognized employee organizations.
 - c. The Consultation Agent will provide the summary to the District for posting on the District's intranet. The collection of input and compilation of the summary from all nonsupervisory employees and other recognized employee organizations will be the sole responsibility of the Consultation Agent.
3. On at least a quarterly basis, hold an open meeting that may be attended by all nonsupervisory professional employees for the purpose of exchanging information on topics related to the consultation process. The Consultation Agent is responsible for providing reasonable notice of the upcoming meetings to nonsupervisory professional employees.
 - a. The Consultation Agent will provide the Superintendent's Designee with appropriate correspondence documenting each meeting including required quarterly meetings attended by nonsupervisory

professional employees for the purpose of exchanging information on topics related to the consultation process.

B. Superintendent's Designee:

1. At the first meeting of the consulting teams at the beginning of each academic year, the chairperson of each team shall be acknowledged and shall jointly chair each meeting. The chairperson shall arrange to provide each other with adequate communications on consultation matters. The chairpersons shall jointly be also responsible for preparing written agendas, minutes, agreements, and any other joint communiques of the consulting teams. Secretarial or clerical assistance may be utilized by the consulting teams at their meetings. Specific times for these meetings will be arranged by the Superintendent with agreement of the chair of the Consultation Agent Team.
2. Ensure that an agenda for each meeting will be posted on the AISD intranet by the Executive Director for Human Resources after conferring with consultation representative(s) at least 48 hours prior to each meeting.
3. Draft minutes of the consultation meetings will be prepared by the Executive Director for Human Resources and will be posted on the AISD intranet within five working days after the meeting. Upon approval of the minutes of a consultation meeting, the final document will be placed on the AISD intranet.

C. Employee Participation Procedure:

Policy DGB(LOCAL) provides that meetings of the consulting teams will be attended only by the members of each team except for those individuals mutually agreed upon. The following procedure shall be followed if an individual requests attendance at a consultation meeting.

1. Employee requests in writing to be included in the regularly scheduled meeting of the Consultation team.
2. Employee requests will be considered by the Consultation Team and if attendance is denied then the employee will be permitted to submit written input on any item being considered by the Consultation Team.

D. Consultation Team

The team may appoint ad hoc study committees or choose resource persons to research, study, and make recommendations on matters of consultation. These committees will report their findings to the consulting teams.

This regulation does not cover the election procedures outlined in DGB (LOCAL).

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UNITED STATES CONSTITUTION	<p>The District shall take no action abridging the freedom of speech or the right of the people to petition the Board for redress of grievances. <i>U.S. Const. Amend. I, XIV</i></p> <p>The Board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the Board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. <i>Rosenberger v. Rector & Visitors of Univ. of Virginia</i>, 515 U.S. 819, 828 (1995); <i>City of Madison v. Wis. Emp. Rel. Comm'n</i>, 429 U.S. 167, 174 (1976); <i>Pickering v. Bd. of Educ.</i>, 391 U.S. 563, 568 (1968) [See DG]</p>
TEXAS CONSTITUTION	<p>Employees shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. <i>Tex. Const. Art. I, Sec. 27</i></p> <p>There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. <i>Professional Association of College Educators v. El Paso County Community [College] District</i>, 678 S.W.2d 94 (Tex. App.-El Paso 1984, writ ref'd n.r.e.)</p>
FEDERAL LAWS	
SECTION 504	<p>A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. <i>34 CFR 104.7(b), 104.11</i></p>
AMERICANS WITH DISABILITIES ACT	<p>A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). <i>28 CFR 35.107, 35.140</i></p>
TITLE IX	<p>A district that receives federal financial assistance, directly or indirectly, shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX of the Education Amendments of 1972. <i>34 CFR 106.8(b)</i>; <i>North Haven Board of Education v. Bell</i>, 456 U.S. 512 (1982)</p>
GRIEVANCES CONCERNING WAGES, HOURS, CONDITIONS OF	<p>The prohibition against collective bargaining and strikes [see DGA] does not impair the right of employees to present grievances concerning their wages, hours of employment, or conditions of work, either individually or through a representative that does not claim the right to strike. <i>Gov't Code 617.005</i></p>

WORK

The term "conditions of work" should be construed broadly to include any area of wages, hours or conditions of employment, and any other matter that is appropriate for communications from employees to employer concerning an aspect of their relationship. *Atty. Gen. Op. JM-177 (1984)*; *Corpus Christi Fed. of Teachers v. Corpus Christi ISD*, 572 S.W.2d 663 (Tex. 1978)

GROUP GRIEVANCES

The statute protects grievances presented individually or individual grievances presented collectively. *Lubbock Prof'l Firefighters v. City of Lubbock*, 742 S.W.2d 413 (Tex. App.-Amarillo, writ ref'd n.r.e. 1987)

REPRESENTATIVE

The District cannot deny an employee's representative, including an attorney, the right to represent the employee at any stage of the grievance procedure, so long as the employee designates the representative and the representative does not claim the right to strike. *Lubbock Prof'l Firefighters v. City of Lubbock*, 742 S.W.2d 413 (Tex. App.-Amarillo, writ ref'd n.r.e. 1987); *Sayre v. Mullins*, 681 S.W.2d 25 (Tex. 1984)

RESPONSE TO GRIEVANCE

The District should meet with employees or their designated representatives at reasonable times and places to hear grievances concerning wages, hours of work, and conditions of work. The right to present grievances is satisfied if employees have access to those in a position of authority to air their grievances. However, that authority is under no legal compulsion to take action to rectify the matter. *Atty. Gen. Op. H-422 (1974)*; *Corpus Christi ISD v. Padilla*, 709 S.W.2d 700 (Tex. App.-Corpus Christi, 1986, no writ)

GRIEVANCES CONCERNING FINALITY OF GRADES

An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the District's grading policy applicable to the grade, as determined by the Board.

The Board's determination is not subject to appeal.

Education Code 28.0212

OPEN MEETINGS ACT

The Board is not required to conduct an open meeting to hear a complaint or charge against an employee. However, the Board may not conduct a closed meeting if the employee who is the subject of the hearing requests a public hearing. *Gov't Code 551.074* [See BEC]

CLOSED MEETING

The Board may conduct a closed meeting on an employee complaint to the extent required or provided by law. [See BEC]

DISRUPTION

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05*; *Morehead v. State*, 807 S.W. 2d 577 (Tex. Cr. App. 1991)

RECORD OF PRESENTATION

An appeal of the Board's decision to the Commissioner of Education shall be decided based on a review of the record developed at the District level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*

WHISTLEBLOWER

Before bringing suit, an employee who seeks relief under Government Code

COMPLAINTS

Chapter 554 (whistleblowers) must initiate action under the District's grievance or appeal procedures relating to suspension or termination of employment or adverse personnel action. *Gov't Code 554.005* [See DG]

DATE ISSUED: 07/22/2004

UPDATE 73

DGBA(LEGAL)-P

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

COMPLAINT

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

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

OTHER REVIEW
PROCESSES

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

An employee's dismissal or nonrenewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.

The following are governed by other review processes and are not subject to this policy:

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

NOTICE TO
EMPLOYEES

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

FREEDOM FROM
RETALIATION

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

WHISTLEBLOWER
COMPLAINTS

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this

policy within the time specified by law. [See DG(LEGAL)]

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

**GENERAL
REQUIREMENTS**

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

CONSOLIDATION

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

**JURISDICTIONAL
REFERRAL**

Grievances shall be processed in accordance with provisions below, except where:

1. A group of employees, without a common principal or immediate supervisor, presents a grievance, or
2. The subject of the grievance is not within the jurisdiction of the principal or immediate supervisor, or
3. Both parties mutually agree to expedite the process for purposes of acting in a timely manner to resolve the complaints of the grievants.

In such cases, except those in 1., above, the principal or immediate supervisor will refer the grievance to the Executive Director of Human Resources within three days of receipt of the grievance and shall reply to the grievants stating that the grievance has been referred to the Executive Director of Human Resources, who will then take one of the following actions:

1. Hold a conference with the employee at Level One within ten days; or
2. Refer the grievance within three days to an appropriate administrator below the level of area/deputy superintendent, who will hold a conference with the employee at Level One within ten days of receipt of the referral.

If, in an exceptional situation, there is not an appropriate administrator below the area/deputy superintendent level, refer the grievance to an area/deputy superintendent within three days of receipt of the grievance.

**INITIATING
GRIEVANCE**

Unless otherwise specified in policy, an employee shall initiate a grievance as provided at Level One, below.

LEVEL ONE

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form provided by the District. The form must be filed within 15 workdays of the time the employee first knew or should have known of the event or series of events about which the employee is complaining.

The principal or supervisor shall hold the conference within ten workdays after receipt of the written request. The principal or supervisor shall have five workdays following the conference within which to respond.

LEVEL TWO

If the employee is not satisfied with the outcome at Level One, he or she may file an appeal with the appropriate area/deputy superintendent or with that person's designee, who must be an administrator in a supervisory relationship to the Level One respondent, in writing, within ten workdays following receipt of a written response at Level One.

The administrator with whom the request was filed shall hold the conference within ten workdays after receipt of the written request and shall have five workdays following the conference within which to respond.

LEVEL THREE

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to discuss the grievance. The request shall be in writing on a form provided by the District and must be filed within ten workdays following receipt of a written response or, if no written response is received, within ten workdays of the response deadline.

The Superintendent or designee shall hold the conference within ten workdays after receipt of the written request. The Superintendent or designee shall have five workdays following the conference within which to respond.

LEVEL FOUR

If the outcome of the conference at Level Three is not to the employee's satisfaction or if the time for a response has expired, the employee may request to place the matter on the agenda of a future Board meeting. [See BE(LOCAL)] The request shall be in writing on a form provided by the District and must be filed within ten workdays following receipt of a written response or, if no written response is received, within ten workdays of the response deadline. The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The Level Four proceeding before the Board shall be recorded by audio tape. The presiding officer may set reasonable time limits. The Board shall consider the grievance and may request a response from the administration, but the Board is not required to respond or take any action on the matter.

The lack of a response by the Board upholds the administrative decision at Level Three. Announcing a decision in the employee's presence constitutes communication of the decision. If the Board chooses to respond, the Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting.

CLOSED MEETING

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests that it be heard in public.

EXCEPTION However, if the grievance involves a complaint or charge against another District employee or Board member, it shall be heard in closed meeting unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

DATE ISSUED: 07/01/2002
UPDATE 68
DGBA(LOCAL)-X

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EMPLOYEE STANDARDS OF CONDUCT

DH
(LEGAL)

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

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

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

28 TAC 169.1(b)

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

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

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

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

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

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

Education Code 38.011

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

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

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

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

MOTOR
VEHICLE
EXCEPTION

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

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

'INDIVIDUALS'

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

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

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

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

"Teacher" means:

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

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

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

REPORT OF DRUG OFFENSES

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

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

Education Code 37.016

REPORT TO LOCAL LAW ENFORCEMENT

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

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

Education Code 37.015

REPORT TO SBEC OF EDUCATOR

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

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

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

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

All District employees shall perform their duties in accordance with state and federal law, District policy, and ethical standards. [See DH(EXHIBIT)]

All District employees shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

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

VIOLATIONS OF STANDARDS OF CONDUCT Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as District employees. Violation of any policies, regulations, or guidelines may result in disciplinary action, including termination of employment. [See DCD and DF series]

DISCIPLINARY ACTION Disciplinary action, including the immediate physical removal of an employee from his or her work site, will follow thoughtful consideration of an employee's violation or misbehavior and its impact on the school/District.

When disciplinary action becomes necessary, including the immediate physical removal of an employee from his or her work site, care shall be taken to the extent possible to respect the employee's privacy and to handle the situation discreetly.

REMOVAL FROM WORK SITE The immediate physical removal of an employee from his or her work site shall be prohibited except in situations where there is danger of physical or emotional harm to self or others, in the case of a potentially illegal act or unethical conduct, or wherein the ability to provide meaningful instruction to students would be adversely affected. Removals shall be in compliance with Family Code Chapter 261 relating to child abuse or neglect and indecency with a child, and any state or federal law or court order.

SAFETY REQUIREMENTS All employees shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

HARASSMENT OR ABUSE Employees shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees, as defined at DIA.
2. Students, as defined at FFH. [See FFG regarding child abuse and neglect]

While acting in the course of their employment, employees shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

RELATIONSHIPS WITH STUDENTS	Employees shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]
TOBACCO USE	Employees shall not use tobacco products on District premises, in District vehicles, or at school or school-related activities. [See also GKA]
ALCOHOL AND DRUGS	<p>Employees shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at school or at school-related activities during or outside of usual working hours:</p> <ol style="list-style-type: none"> 1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate. 2. Alcohol or any alcoholic beverage. 3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation. 4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs. <p>An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.</p>
EXCEPTIONS	An employee who manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities, or who uses a drug authorized by a licensed physician prescribed for the employee's personal use shall not be considered to have violated this policy.
NOTICE	<p>Each employee shall be given a copy of the District's notice regarding drug-free schools. [See DI(EXHIBIT)]</p> <p>A copy of this policy, a purpose of which is to eliminate drug abuse from the workplace, shall be provided to each employee at the beginning of each year or upon employment.</p>
ARRESTS AND CONVICTIONS	An employee who is arrested for any felony or any offense involving moral turpitude shall report the arrest to the principal or immediate supervisor within three calendar days of the arrest. An employee who is convicted of or receives deferred adjudication for such an offense shall also report that event to the principal or immediate supervisor within three calendar days of the event.
MORAL TURPITUDE	<p>Moral turpitude includes but is not limited to:</p> <ol style="list-style-type: none"> 1. Dishonesty; fraud; deceit; theft; misrepresentation; 2. Deliberate violence; 3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor; 4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code; 5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or 6. Acts constituting abuse under the Texas Family Code.

DRESS AND
GROOMING

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with any additional standards established by their supervisors and approved by the Superintendent.

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UPDATE 75

DH(LOCAL)-X

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

EMPLOYEE STANDARDS OF CONDUCT

DH
(REGULATION)

DRESS AND
GROOMING

Employees shall act as role models by exemplifying the highest standard of professional appearance for the educational purposes of teaching community values and proper grooming and hygiene.

STAFF:
GENERAL
GUIDELINES

The dress and grooming of District employees shall be clean, neat, in a manner appropriate for their assignments, and in accordance with the following standards:

1. Dresses and all outer garments shall fit properly and be of an acceptable length.
2. Halters, tank tops, see-through garments, or clothing with revealing/provocative necklines, bare backs, bare midriff, or spaghetti straps shall not be permitted. In addition, clothing with symbols, phrases, or slogans advertising tobacco, alcohol products, or any controlled substances are unacceptable.
3. If shirttails are made to be worn tucked in, they must be tucked in. If shirttails are worn in, and pants are designed to be worn with a belt, a belt or suspenders shall be worn.
4. No hats, caps or other head coverings shall be worn inside the building.
5. Hair shall be clean, neatly trimmed and well-groomed.
6. Beards and mustaches shall be allowed if they are neatly trimmed.
7. Footwear shall exclude flip flops and slippers.
8. Clothing that reveals undergarments shall not be worn.
9. Hemlines for skirts and dresses should be long enough not to be distracting.
10. Shorts, leggings, warm-ups, spandex or similar tight pants, exercise clothes, or any garment that may appear to be an undergarment are unacceptable.
11. Jeans may be worn on days designated by the principal or supervisor, designated spirit days, and teacher in-service days.
12. All administrative staff are expected to dress in a professional manner. Male administrative staff are encouraged to wear shirts and ties.
13. Male instructional staff shall be expected to wear slacks and collared shirts or other appropriate professional attire. Ties are encouraged and may be required by the principal. Acceptable alternatives for shirt and tie are shirt and pullover sweater or turtleneck sweater and sport coat.
14. Jewelry shall not be worn in a visible pierced area other than the ear.

EXCEPTIONS
TO
GUIDELINES

The following exceptions apply to these guidelines:

1. Physical education staff may choose to wear appropriate attire, approved by the administration, during the physical education instructional period.
2. Instructors in shop courses may wear aprons, smocks, or overalls during

- the instructional period.
3. Auxiliary employees in maintenance, custodial, transportation, food service, and positions requiring uniforms are exempted from the general guidelines, but shall comply with dress and grooming guidelines specified by their supervisors in the handbooks for those positions.
 4. Exceptions to these general guidelines are to be made as necessary to allow staff to observe religious customs or beliefs and as necessary to accommodate medical needs.
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LDU-27-04
DH(REGULATION)-X

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EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

CODE OF ETHICS AND STANDARD PRACTICES
FOR TEXAS EDUCATORS

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

Enforceable Standards.

1. Professional Ethical Conduct, Practices, and Performance.

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

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

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

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

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

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

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other applicable state and federal laws.

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

2. Ethical Conduct Toward Professional Colleagues.

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

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

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

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

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

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

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

3. Ethical Conduct Toward Students.

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

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

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

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, sex, disability, national origin, religion, or family status.

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

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

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

19 TAC 247.2

DATE ISSUED: 08/15/2005

LDU-33-05

DH(EXHIBIT)-X

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EMPLOYEE STANDARDS OF CONDUCT:
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LEGAL)

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

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

COMMERCIAL
MOTOR
VEHICLE
DEFINED

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

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

49 CFR 382.107

REQUIRED
TESTING

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

TESTING
PROCEDURES

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

TESTS
REQUIRED

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

POLICY
REQUIREMENTS

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

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

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

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

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

49 CFR 382.601

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UPDATE 70
DHE(LLEGAL)-P

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EMPLOYEE STANDARDS OF CONDUCT:
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

REASONABLE
SUSPICION
SEARCHES

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

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

DEPARTMENT OF
TRANSPORTATION
(DOT) TESTING
PROGRAM

PURPOSE

The District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The following conduct constitutes violation of District policy:

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

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees regarding

prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

CONSORTIUM

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

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

REASONABLE SUSPICION TESTING

Only supervisors specifically trained in accordance with federal regulations [see DHE preceding] may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

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

CONSEQUENCES OF POSITIVE TEST RESULTS

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor(s) and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

ALCOHOL RESULTS BETWEEN 0.02 AND 0.04

A driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended without pay from driving duties for 24 hours. Subsequent violation may subject the driver to termination in accordance with Board policy.

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EMPLOYEE STANDARDS OF CONDUCT:
SEARCHES AND ALCOHOL/DRUG TESTING

POSTACCIDENT TESTING

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

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

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

EQUIPMENT

Health and Safety Code 502.017(b)

PEST CONTROL
TREATMENT
NOTICE

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

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

Occupations Code 1951.455; 22 TAC 595.7

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UPDATE 70
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**DRUG-FREE
AWARENESS
PROGRAM**

The District shall establish a drug-free awareness program to inform employees about:

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

EMPLOYEE

RESPONSIBILITY

All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.

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DI(LOCAL)-A

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

DRUG-FREE WORKPLACE REQUIREMENTS

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

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

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

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

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

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

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DI(EXHIBIT)-A

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

Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

HARASSMENT
OF EMPLOYEES

The District has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 CFR 1606.8(a), 1604.11*

OFFICIAL
OPPRESSION

A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03(a)*

DEFINITION

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

HOSTILE
ENVIRONMENT

Verbal or physical conduct based on a person's sex, race, color, religion, or national origin constitutes unlawful harassment when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986); 29 CFR 1604.11, 1606.8

QUID PRO
QUO

Conduct of a sexual nature also constitutes harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

29 CFR 1604.11(a)

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

HARASSMENT POLICY The District should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned. 29 CFR 1604.11(f)

CORRECTIVE ACTION The District is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the District, its agents, or its supervisory employees knew or should have known of the conduct, unless the District takes immediate and appropriate corrective action. 29 CFR 1604.11(d), (e), 1606.8(d), (e)

When no tangible employment action is taken, the District may raise the following affirmative defense:

1. That the District exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998); *Faragher v. City of Boca Raton*, 524 U.S. 775, (1998)

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UPDATE 75
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Note: This policy addresses harassment of District employees. For harassment of students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

The District prohibits sexual harassment and harassment based on a person's race, color, gender, national origin, disability, religion, or age.

Employees shall not tolerate harassment of others and shall make reports as required at reporting procedures, below.

SEXUAL
HARASSMENT

Sexual harassment of an employee is defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

EXAMPLES

Examples of sexual harassment may include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

OTHER
PROHIBITED
HARASSMENT

Harassment of a District employee on the basis of the employee's race, color, gender, national origin, disability, religion, or age includes physical, verbal, or nonverbal conduct related to these characteristics when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's employment opportunities.

EXAMPLES

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for workplace accommodation;

threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other types of aggressive conduct such as theft or damage to property.

REPORTING PROCEDURES

An employee who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to an appropriate person designated below.

Any District employee with supervisory authority who receives notice that another employee has or may have experienced prohibited harassment is required to immediately report the alleged acts and take whatever other steps are required by this policy.

Any other person who knows or believes that a District employee has experienced harassment should immediately report the alleged acts to the appropriate person designated by this policy.

TIMELY REPORTING

Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District's ability to investigate and address the harassment.

A District employee may report harassment to his or her supervisor or campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:

DISTRICT OFFICIALS

1. For sexual harassment, the Title IX coordinator. [See DAA(LOCAL)]
2. For all other prohibited harassment, the Superintendent.

A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.

NOTIFICATION OF REPORT

Upon receipt of a report of harassment, a supervisor or principal shall immediately notify the appropriate District official listed above.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

INVESTIGATION OF THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation.

If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal or supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.

CONCLUDING THE INVESTIGATION Absent extenuating circumstances, the investigation should be completed within ten business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

DISTRICT ACTION If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.

APPEAL A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant shall be informed of his or her right to file a complaint with the Texas Workforce Commission Civil Rights Division, the Equal Employment Opportunity Commission, or the United States Department of Education Office for Civil Rights.

RETALIATION PROHIBITED Retaliation against an employee alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.

RECORDS RETENTION Retention of records shall be in accordance with DAA(LOCAL).

ACCESS TO POLICY This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.

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ASSIGNMENT

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by the District unless the person holds an appropriate certificate or permit. A public school employee must have the appropriate credentials, as set forth by the State Board for Educator Certification, for his or her current assignment, unless the appropriate permit has been issued. *Education Code 21.003; 19 TAC 230.601* [See EHBD]

The District is not required to activate a permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. The District must, however, comply with the parent notification requirements below. *19 TAC 230.501(g)*

PERMITS

A degreed, certified teacher employed in the previous year or semester in an assignment for which he or she was fully certified may not be assigned to a position that requires activating a permit unless:

1. The teacher has given written consent to the activation of the permit; or
2. Because of fluctuations in enrollment or changes in course offerings, the teacher's previous assignment no longer exists and no alternative assignment for which the teacher is fully certified is available on that campus. If a permit is activated for a teacher under these circumstances, the teacher shall be offered the opportunity to return to his or her previous assignment or an alternative assignment for which the teacher is fully certified on that campus as soon as such an assignment is available. If a teacher accepts the assignment, the actual transfer of duties shall occur not later than the beginning of the next academic year.

If, under either of the conditions stated above, a permit is activated for a temporary staffing condition within 30 days of the opening of the school year or later during the contract year, the teacher is exempt from the requirement to complete additional coursework or examination requirements for certification for the remainder of the contract year for which the permit is activated. This exemption is not renewable, and a teacher continuing on an emergency permit for a second year must meet the full requirements of an emergency permit.

A teacher under this provision who refuses to consent to activation of a permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the permit.

However, a teacher's refusal to consent shall not impair the District's right to implement a necessary reduction in force or other personnel actions in accordance with local District policy.

19 TAC 230.501(c)

PRINCIPAL'S
APPROVAL

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District, based on criteria developed by the principal after informal consultation with the faculty. The Superintendent has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

INAPPROPRIATELY
CERTIFIED OR
UNCERTIFIED
TEACHER

An "inappropriately certified or uncertified teacher" includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by SBEC rules;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the Commissioner.

The notice requirement above does not apply if a school is required by the No Child Left Behind Act of 2001, 20 U.S.C. Section 6311(h)(6)(B)(ii), to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school provides notice as required by that Act. [See EHBD]

Education Code 21.057; 19 TAC 230.601

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UPDATE 72

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ASSIGNMENT	<p>All personnel are subject to assignment and reassignment by the Superintendent or designee.</p> <p>At the time of the transfer, the employee's pay grade, base rate of pay, and number of duty days shall be adjusted to reflect the position occupied.</p>
CAMPUS ASSIGNMENTS	<p>The principal's criteria for approval of campus appointments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve appointments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.</p> <p>An employee's dismissal or nonrenewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.</p>
SUPPLEMENTAL DUTIES	<p>Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.</p>
SUPERVISION OF RELATIVES	<p>No person employed by the District shall be assigned to a location where the employee is in direct line of supervision of a member of his or her own family. For purposes of this policy, "family" shall be defined in terms of:</p>
BLOOD RELATIONSHIP	<p>Consanguinity or blood relationship as:</p> <ul style="list-style-type: none">First degree Parent, childSecond degree Sister, brother, grandparent, grandchildThird degree Aunt, uncle, niece, nephew great-grandparent, great-grandchild
RELATION BY MARRIAGE	<p>Affinity or relation by marriage:</p> <ul style="list-style-type: none">First degree Spouse, parent, childSecond degree Sister, brother, grandparent, grandchild <p>Employees who become related by marriage and whose current assignment places them in a direct line of supervision shall report the new circumstances to the appropriate administrator as soon as possible. The reassignment of one of the</p>

employees affected shall be made with the least possible disruption to the instructional program.

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TEACHER
TRANSFERS

1. Seniority:
 - a. Seniority shall be determined by service to the system as a whole and not in an individual school.
 - b. A full year of service for seniority purposes shall be granted in accordance with State Board for Educator Certification regulations.
 - c. A teacher re-entering the school system following an official leave of absence maintains the system seniority held when the teacher left the system.
 - d. Teachers who resign from the Austin Independent School District and accept other employment will lose all accumulated seniority rights under this transfer rule in the event of re-employment in the Austin Independent School District. Part-time employees shall have no seniority rights under this regulation.

2. Criteria For Transfer Considerations:

In considering applicants for transfer, the following criteria will be considered:

- a. Special certification and the receiving principal's professional judgment of the applicant's expertise and experience in teaching a subject or grade level.
 - b. Goals of the local faculty staff recruitment plan.
 - c. District seniority.
 - d. Availability of a position that meets the best interest of the school and the School District.
3. Voluntary Transfers:
 - a. Teacher transfers shall be made without regard to age, creed, religion, sex, or martial status. Racial balance shall be consistent with the faculty/staff recruitment plan.
 - b. Probationary teachers shall not be considered for transfers except in extremely unusual situations or circumstances.
 - c. When a teacher has been granted a transfer, he/she shall serve at least two years in the new assignment before becoming eligible to request another transfer. The principal may approve a request for a transfer after the teacher serves one year in the assignment.
 - d. Teachers who desire to transfer to another school shall file with the principal the completed application. The principal shall forward the application to the Department of Human Resources.
 - e. The filing of a request for transfer is without prejudice to the employee and shall not jeopardize his/her present assignment. A request for transfer may be withdrawn by the employee at any time unless a commitment for replacement has been made by the Department of Human Resources.

4. Granting of Requests:

Transfers may be made during the school year due to unusual circumstances and the best interest of the School District and shall be made from the list of applicants available on the date assignment is made.

5. Involuntary Transfers:

- a. When a grade level or department has a surplus of teachers and an involuntary transfer is necessary, all other factors being equal, the least amount of service in the District shall be the factor in determining which teacher is to be considered for transfer.
- b. A teacher transferred during the school year shall be notified by the immediate supervisor that he/she has at least three teaching days to move to the new assignment.

ASSIGNMENT
FOR
PROFESSIONAL
STAFF

Professional staff members are assigned according to the following procedures:

1. Each teacher who accepts a contract with the District shall be subject to building assignment by the Superintendent through the Department of Human Resources.
2. The teaching assignments of teachers within the building shall be the responsibility of the principal, subject to review by the Executive Director of Human Resources, the Chief Academic Officer, and the Superintendent. Teaching assignments must be in areas for which the teacher is qualified by the State Board for Educator Certification requirements. It is the responsibility of the principal and teacher to check with the Department of Human Resources in case there is any doubt about qualifications for a specific assignment.

TRANSFERS FOR
PROFESSIONAL
STAFF

Transfers of professional personnel are handled according to the following procedures:

1. Transfers of instructional and administrative personnel are made by the Executive Director of Human Resources and the Superintendent whenever the best interests of the schools are served by such transfers. In general, such changes in assignment are for:
 - a. Adjustment of the building load.
 - b. The professional development of the individual staff member.
 - c. Improvement of the teaching situation.
 - d. Assisting the teacher with an unusual hardship situation.
2. A transfer request originated by a teacher still on probationary status is not given consideration except in unusual circumstances.
3. The initiation of a transfer may be made by the teacher, the principal, the Executive Director of Human Resources, or the Superintendent. A transfer request originating with the teacher or the principal shall be made in writing and filed with the Director of Human Resources.
4. A teacher must meet the prerequisites for the position to which the transfer is requested before favorable consideration may be given to the request.
5. Before any transfer or reassignment is made, the teacher and/or administrator involved are consulted.
6. In the staffing of new buildings, individual requests for transfer are

considered in so far as possible. It is necessary, however, that an equal distribution of strength and experience be maintained among all schools, new and old. Decisions concerning such distribution will be made by the Executive Director of Human Resources in consultation with the Chief Academic Officer and the principals involved.

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PLANNING AND PREPARATION Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation including parent-teacher conferences, evaluating students' homework, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During that time, a teacher may not be required to participate in any other activity. *Education Code 21.404*

DUTY-FREE LUNCH Each classroom teacher or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. *Education Code 21.405*

EXCEPTION If necessary because of a personnel shortage, extreme economic conditions, or unavoidable or unforeseen circumstances, and in accordance with commissioner rules, the District may require a classroom teacher or librarian to supervise students during lunch no more than one day in any school week. *Education Code 21.405*

In determining whether an exceptional circumstance exists, the District shall use the following guidelines:

1. A personnel shortage exists when, despite reasonable efforts to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, no other personnel are available.
2. Extreme economic conditions exist when the percentage of a local tax increase, including the cost of implementing duty-free lunch requirements, would place the District in jeopardy of a potential roll-back election.
3. Unavoidable or unforeseen circumstances exist when, because of illness, epidemic, or natural or man-made disaster, the District is unable to find individuals to supervise students during lunch.

19 TAC 153.1001

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UPDATE 51
DL(LEGAL)-P

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

HIGH SCHOOL
PUBLICATIONS
SPONSOR,
ATHLETIC
COORDINATOR,
HEAD
FOOTBALL
COACH, AND
DEPARTMENT
CHAIR

The following guidelines shall be used in determining the teaching loads of high school publications sponsors, athletic coordinators, head football coaches, and department chairs.

1. High school publications sponsor:
 - a. When the sponsor is responsible for publication of both the high school yearbook and newspaper, the teacher will be granted one class period of released time from regular teaching duties to attend to the business matters related to publication of the newspaper and for the business of the yearbook.
 - b. When the sponsor is responsible for only one publication, either the newspaper or the yearbook, the teacher will receive one class period of released time from regular teaching duties to attend to the business matters related to that publication.
 - c. An annual stipend will be paid for duties that must be performed outside the regular school day.
 2. High school athletic coordinator:
 - a. One period of released time from regular teaching duties will be granted for performing the duties of coordinating the overall athletic program that occur during the school day.
 - b. An annual stipend will be paid for duties that must be performed outside the regular school day.
 3. High school head football coach:
 - a. One period of released time from regular teaching duties will be granted for performing the organizational duties related to the head coaching assignment.
 - b. The number of duty days may be extended beyond the regular teacher contract year as approved by the Board of Trustees.
 - c. An annual stipend will be paid for duties that must be performed outside the regular school day.
 4. High School Department Chair:
 - a. A chairperson will teach the standard number of classes for a full-time teacher.
 - b. An annual stipend will be paid for duties that must be performed outside the regular school day.
-

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WORK LOAD:
REQUIRED PLANS AND REPORTS

DLB
(LEGAL)

RESTRICTIONS
ON WRITTEN
REPORTS

The Board shall limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare.

A classroom teacher may not be required to prepare any written information other than:

1. Any report concerning the health, safety, or welfare of a student;
2. A report of a student's grade on an assignment or examination;
3. A report of a student's academic progress in a class or course;
4. A report of a student's grades at the end of each grade reporting period;
5. A textbook report;
6. A unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level;
7. An attendance report;
8. Any report required for accreditation review;
9. Any information required by the District that relates to a complaint, grievance, or actual or potential litigation and that requires the classroom teacher's involvement; or
10. Any information specifically required by law, rule, or regulation.

The District may collect essential information, in addition to the information specified above, from a classroom teacher on agreement between the classroom teacher and the District.

PAPERWORK
REVIEW

The Board shall review paperwork requirements imposed on classroom teachers and transfer to existing noninstructional staff a reporting task that can reasonably be accomplished by that staff. [See BAA]

Education Code 11.164

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Austin ISD
227901

WORK LOAD:
REQUIRED PLANS AND REPORTS

DLB
(LOCAL)

RESTRICTIONS ON WRITTEN REPORTS Annually upon the Board's request, the Superintendent shall report to the Board on efforts to minimize teacher paperwork and on the number and length of written reports that teachers are required to prepare.

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

STAFF
DEVELOPMENT

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee [see BQB].

TRAINING
SPECIFICS

The staff development provided by the District must be conducted in accordance with standards developed by the District and designed to improve education in the District.

The staff development may include:

1. Training in technology, conflict resolution, and discipline strategies, including classroom management, District discipline policies, and the Student Code of Conduct;
2. Training that relates to instruction of students with disabilities and is designed for educators who work primarily outside the area of special education; and
3. Instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451

The District may use Districtwide staff development that has been developed and approved through the District-level decision process. *Education Code 21.452(c)*

SPECIAL
PROGRAMS
TRAINING

TITLE I STAFF
DEVELOPMENT

A district that receives assistance under Title I shall provide high-quality professional development that will improve the teaching of the academic subjects, consistent with the state content standards, to enable all children to meet the state's student performance standards; and shall meet the requirements of federal law. *20 U.S.C. 6320(a)* [See EHBD]

GIFTED AND
TALENTED
EDUCATION

The District shall ensure that:

1. Prior to assignment in the program, teachers who provide instruction and services that are part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students.
2. Teachers without the required training who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester.

3. Teachers who provide instruction and services that are part of a program for gifted students receive a minimum of six hours annually of professional development in gifted education.
4. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

19 TAC 89.2

ADULT
EDUCATION

All adult education staff hired after September 1, 1996, shall receive at least 12 clock hours of professional development annually. All staff new to adult education shall receive six clock hours of preservice professional development before they begin work in an adult education program. *19 TAC 89.25(a)(1)(2)*

Directors, teachers, counselors, and supervisors who do not have valid Texas teacher certification must attend 12 clock hours of in-service professional development annually in addition to the 12 hours required above until they have completed either six clock hours of adult education college credit or attained two years of adult education experience. *19 TAC 89.25(a)(4)(B)*

EXCEPTIONS

The in-service professional development requirements may be reduced in individual cases if documentation of exceptional circumstances is submitted to TEA for approval. *19 TAC 89.25(a)(5)*

RECORDS

Records of staff qualifications and professional development shall be maintained by the District and must be available for monitoring. *19 TAC 89.25(a)(6)*

RESOURCES FOR
STAFF
DEVELOPMENT

If the District receives resources from the Commissioner's staff development account, it must pay to the Commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the District. *Education Code 21.453*

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UPDATE 74
DMA(LLEGAL)-P

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The Superintendent and the Board encourage employees to take advantage of educational opportunities offered at nearby universities and colleges for professional improvement.

The Superintendent and the Board contract or employ each employee for a certain number of duty days or hours per day. Employees shall not use university or college attendance to be away from their responsibilities at any time during the duty day. However, if there are circumstances whereby an employee requests to rearrange his or her duty day, such variance shall be permitted only by written consent from the Associate Superintendent, Chief Academic Officer, Chief Financial Officer, or Chief Operations Officer, as appropriate. An employee requesting an exception will receive a written response from the Executive Director of Human Resources.

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Austin ISD
227901

PROFESSIONAL DEVELOPMENT:
PROFESSIONAL MEETINGS AND VISITATIONS

DMD
(LEGAL)

District employees may be permitted to attend meetings of professional organizations during a work day, with pay, if a direct school-related purpose will be accomplished. Such release time shall not be granted if the meetings are primarily to pursue the business of the organization. *Atty. Gen. Op. MW-89 (1979)*

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DMD(LEGAL)-P

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PROFESSIONAL DEVELOPMENT:
PROFESSIONAL MEETINGS AND VISITATIONS

DMD
(LOCAL)

MEETINGS, CONFERENCES, AND WORKSHOPS	<p>Subject to administrative approval, professional personnel may attend and participate in meetings, conferences, and workshops that will contribute to their professional growth and development. [See also DMA and DMC]</p> <p>When attendance at such events is recommended or required by the administration, the Board, TEA, or UIL, personnel may attend with the Superintendent's approval. No salary deduction or loss of leave shall occur when attendance is recommended or required.</p> <p>The Superintendent may grant additional absences to employees for attendance at meetings, conferences, and workshops that are of special interest to the employee.</p>
RELEASE TIME	<p>Requests for release time with pay to attend employee organization meetings, other than any such meetings approved for required staff development purposes, shall be considered on a case-by-case basis. The responsibility for justifying the school-related purpose to be accomplished by attendance shall rest with the employee. Approval shall be given only if the employee is on the program, has some official function, or can obtain specific information related to his or her job description that will assist the District in improving the instructional program.</p>

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NEWLPM
DMD(LOCAL)-X

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

GENERAL PRINCIPLES	All District employees shall be periodically appraised in the performance of their duties. The District's employee evaluation and appraisal system shall be administered consistent with the general principles set out below. [See also DNA and DNB]
CRITERIA	The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated.
PERFORMANCE REVIEW	Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary.
DOCUMENTATION AND RECORDS	Appraisal records and forms, reports, correspondence, and memoranda may be placed in each employee's personnel records to document performance. All records that support appraisal ratings shall be maintained for at least two years. Official appraisal records shall be maintained throughout a person's employment with the District and for two years after an employee ceases to be employed with the District.
EMPLOYEE COPY	All employees shall receive a copy of their annual written evaluation.
COMPLAINTS	Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's complaint policy for employees. [See DGBA]

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UPDATE 53
DN(LOCAL)-A

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

FREQUENCY	Except as provided below, each teacher must be appraised at least once during each school year. <i>Education Code 21.203, 21.352(c); 19 TAC 150.1003(a)</i>
EXCEPTION	<p>A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. <i>Education Code 21.352(c)</i></p> <p>For purposes of the Professional Development and Appraisal System (PDAS), an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (that is, for all domains) to be eligible for less frequent appraisals.</p> <p>District policy may stipulate:</p> <ol style="list-style-type: none">1. Whether the appraisal option is to be made available to all teachers;2. Whether the appraisal option is to be adopted Districtwide or is to be campus specific;3. If the appraisal accompanying a teacher new to the District or campus meets the option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and4. Whether an appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented by cumulative data, including third-party information. <p>The District may choose annually to review the written agreement with the teacher. However, at the end of the school year, the District may modify appraisal options through Board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous years.</p> <p><i>19 TAC 150.1003(l)</i></p>
ROLE OF EXTRACURRICULAR ACTIVITIES	A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with extracurricular activities. <i>Education Code 21.353</i>
ACCESS TO EVALUATIONS	<p>The District shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.</p> <p>Each teacher is entitled to receive a written copy of the evaluation on its</p>

completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

CONFIDENTIALITY A document evaluating the performance of a teacher is confidential.
Education Code 21.355

CHOICE OF
APPRAISAL
METHOD

The District shall use one of the following methods to appraise teachers:

1. The appraisal process and performance criteria developed by the Commissioner [see STATE METHOD, below]; or
2. A locally developed appraisal process and performance criteria [see DISTRICT OPTION and CAMPUS OPTION, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

SELECTION OF
APPRAISAL
METHOD

The Superintendent, with the approval of the Board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher-appraisal system must follow the requirements set forth below at DISTRICT OPTION or CAMPUS OPTION. *19 TAC 150.1001(c)*

Note: The following provisions apply to teacher appraisal using the state appraisal method.

STATE METHOD
(PDAS)

The state appraisal method is the Professional Development and Appraisal System. The foundation for the PDAS is the teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators*. *19 TAC 150.1001(b), 150.1002(a)*

PERFORMANCE
DOMAINS

Each teacher shall be appraised on the following domains:

1. Domain I: Active, successful student participation in the learning process;
2. Domain II: Learner-centered instruction;
3. Domain III: Evaluation and feedback on student progress;
4. Domain IV: Management of student discipline, instructional strategies, time, and materials;
5. Domain V: Professional communication;
6. Domain VI: Professional development;
7. Domain VII: Compliance with policies, operating procedures, and requirements; and
8. Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System [AEIS]).

Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process from

observations, the Teacher Self-Report Form, and other documented sources.

The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.

19 TAC 150.1002(b), (c)

Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

RATINGS

Each teacher shall be evaluated on Domains I through VIII using the following categories:

1. Exceeds expectations;
2. Proficient;
3. Below expectations; and
4. Unsatisfactory.

The teacher evaluation in Domain VIII shall include the following areas:

1. Efforts to enhance academic performance;
2. Efforts to enhance student attendance;
3. Efforts to identify and assist students in at-risk situations; and
4. Campus performance ratings.

Campus performance rating data for Domain VIII shall be reported (not scored) by the campus or District for the first year of the PDAS implementation and/or during the first year for new teachers to the campus.

19 TAC 150.1002(d)-(f)

ORIENTATION

The District shall ensure that all teachers are provided with an orientation to the PDAS no later than the final day of the first three weeks of school and at least three weeks before the first observation. Additional orientations shall be provided any time substantial changes occur in the PDAS. A teacher new to the District shall be provided with an orientation to the PDAS at least three weeks before the teacher's first observation.

The orientation shall include materials approved by the Commissioner. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length to allow teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

19 TAC 150.1007

TRAINING UPON ADOPTION OF PDAS

In the initial year of adoption and implementation of the PDAS, selected teachers from each campus shall be given the opportunity to participate in

the appraisal training for purposes of disseminating information to colleagues on their campus and assisting, at the discretion of the principal, in the orientation of all campus teachers. These teachers shall be designated as appraisal-orientation facilitators.

Each campus shall offer the opportunity to participate in appraisal training to a number of teachers equal to the number of campus administrators; however, each campus shall have at least one teacher participant. The principal shall select representative teachers from nominations submitted by the site-based decision-making (SBDM) committee. The principal may select representatives other than those nominated by the SBDM committee when nominated teachers are unable to attend appraisal training.

The District shall pay the training fees for its teachers attending the PDAS appraisal training.

The District shall make available additional training for teachers as part of the District's menu of professional development opportunities. All teachers are eligible to participate in appraisal and/or Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training at their own expense.

19 TAC 150.1008

APPRAISERS

The teacher appraisal process requires at least one appraiser.

TEACHER'S SUPERVISOR

The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification. An appraiser other than the teacher's supervisor must be approved by the Board, hold a valid teaching certificate, and have at least three years of prekindergarten, elementary, or secondary teaching experience.

SAME CAMPUS

A classroom teacher may not appraise another classroom teacher at the same campus unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities.

CERTIFICATION

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed uniform appraiser training. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1006

APPRAISAL CALENDAR

The District shall establish a calendar for teacher appraisals. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The calendar shall:

1. Exclude observations in the three weeks after the day of completion of the PDAS orientation in the school years when an orientation is required;
2. Exclude observations in the three weeks after the day of completion of the PDAS orientation for teachers new to the PDAS;
3. Exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required;
4. Prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the Board; and
5. Indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

**APPRAISAL
PROCESS**

The annual appraisal shall include:

**CLASSROOM
OBSERVATION**

1. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the appraiser.

By mutual consent of the teacher and appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.

A written summary of each observation shall be given to the teacher within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or appraiser;

**TEACHER SELF-
REPORT**

2. Completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:
 - a. Within the first three weeks from the day of completion of the PDAS orientation;
 - b. Within the first three weeks from the day of completion of the PDAS orientation, for teachers new to the PDAS; or
 - c. Within the first three weeks of instruction in the school years when the PDAS orientation is not required.

Revision of Section I, if necessary, and completion of Sections II and III of the Teacher Self-Report Form shall be presented to the principal at least two weeks before the summative annual conference;

**CUMULATIVE
DATA**

3. Cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations; and

SUMMATIVE

4. A written summative annual appraisal report and a summative annual

REPORT AND
CONFERENCE

conference, described below. *19 TAC 150.1003(b), (g)*

SUMMATIVE
REPORT

A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

SUMMATIVE
CONFERENCE

Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the District calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources. *19 TAC 150.1003(i)*

If the appraiser is not an administrator on the teacher's campus, the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference. *19 TAC 150.1003(j)*

DOCUMENTATION

During the appraisal period, the appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in the PDAS. The appraiser is responsible for documentation of cumulative data. *19 TAC 150.1003(e), (f)*

Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser.

Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal.

19 TAC 150.1003(f)

Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s). *19 TAC 150.1003(k)*

TEACHER
RESPONSE

A teacher may submit a written response or rebuttal after receiving a written observation summary, summative annual appraisal report, and/or any other documentation associated with the teacher's appraisal. The rebuttal is to be attached to the evaluation in the teacher's personnel file.

Any written response or rebuttal must be submitted within ten working days of receiving the written summary, documentation, or report. At the discretion of the appraiser, this time period may be extended to 15 working days.

Education Code 21.352(c); 19 TAC 150.1005(a), (b)

REQUEST FOR
SECOND APPRAISAL

A teacher may request a second appraisal by another appraiser after receiving a written observation summary and/or a written summative annual appraisal report. *Education Code 21.352(c); 19 TAC 150.1005(c)*

The second appraisal must be requested within ten working days of receiving the summary or report. At the discretion of the appraiser, this time period may be extended to 15 working days. *19 TAC 150.1005(d)*

PROCEDURE FOR
SECOND
APPRAISAL

The District shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed. *19 TAC 150.1005(g)*

The second appraiser shall appraise the teacher in all domains and shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains. *19 TAC 150.1005(f)*

A teacher may be given notice of the date or time of a second appraisal, but advance notice is not required. *Education Code 21.352(c); 19 TAC 150.1005(e)*

APPEALS

The District shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. *19 TAC 150.1005(g)*

Note: The following provisions apply to teacher appraisal using the District-developed appraisal method.

DISTRICT OPTION

A district that does not want to use the PDAS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system. However, the TTAS may be used as a local option governed by the process outlined below. If adopted as a local option, the TTAS must be modified to comply with Education Code 21.351(a)(1) and (2). [See APPRAISAL PROCESS, below]

DEVELOPMENT
OF APPRAISAL
SYSTEM

The District-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on

each campus in the District.

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and
 - b. Performance of the teachers' students.

BOARD
ACCEPTANCE

The District-level planning and decision-making committee shall submit the appraisal process and criteria to the Superintendent, who shall submit the appraisal process and criteria to the Board with a recommendation to accept or reject.

The Board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(a)

Note: The following provisions apply to teacher appraisal using the campus-developed appraisal method.

CAMPUS OPTION
DEVELOPMENT
OF APPRAISAL
SYSTEM

A campus within the District may choose to develop a local appraisal system.

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the District-level planning and decision-making committee.

APPRAISAL
PROCESS

The appraisal process shall include:

1. At least one appraisal each year;
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures; and
 - b. Performance of the teachers' students.

BOARD
ACCEPTANCE

Upon submission of the appraisal process and criteria to the District-level planning and decision-making committee, the committee shall make a

recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the Superintendent.

The Superintendent shall submit to the Board:

1. The recommended campus appraisal process and criteria;
2. The District-level planning and decision-making committee's recommendation; and
3. The Superintendent's recommendation.

The Board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1009(b)

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UPDATE 74

DNA(LEGAL)-P

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

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM (PDAS)	The annual appraisal of District teachers shall be in accordance with the Professional Development and Appraisal System (PDAS). [See DNA(LEGAL)]
CALENDAR AND SCHEDULE	The Superintendent or designee shall develop an appraisal calendar each year. Classroom observations of teachers shall be scheduled by date and time. Classroom observations by second appraisers shall be unscheduled.
SCHEDULE LIMITATIONS	In addition to the days on which observations are prohibited by law, [see DNA (LEGAL)], the District prohibits observations on: <ol style="list-style-type: none">1. The day before and the day after a school holiday;2. Days scheduled for end-of-semester or end-of-year examinations;3. Days scheduled for TAAS or other standardized tests; and4. Halloween and Valentine's Day.
SELECTION OF SECOND APPRAISER	Upon a teacher's request for a second appraiser, the area superintendent or designee shall select the second appraiser from a pre-established roster of trained appraisers.
ALTERNATE APPRAISERS	The list of qualified appraisers who may appraise a teacher in place of the teacher's supervisor shall be approved by the Board.
SECOND APPRAISAL	The Superintendent or designee shall establish procedures regarding how domain scores from first and second appraisals will be used.
PROBATIONARY TEACHERS	Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term. [See DFAB(LEGAL)]
EMPLOYMENT DECISIONS	When relevant to decisions regarding term contracts, written evaluations of a teacher's performance, as documented to date, and any other information the administration deems appropriate, shall be considered in decisions affecting contract status.
GRIEVANCES	Complaints regarding teacher appraisal shall be addressed in accordance with DGBA(LOCAL).

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APPRAISAL OF
TEACHERS

All appraisers of teachers will meet the training requirements specified by the Commissioner's Rules regarding Educator's Appraisal (Chapter 150 issued under Texas Education Code 21.351-21.356).

All appraisers must follow the appraisal requirements in the Commissioner's Rules concerning Educator's Appraisal (Chapter 150 issued under Texas Education Code 21.351-21.356).

The Commissioner's Rules, DNA(LEGAL), and (LOCAL) specify the following:

- Appraisal time lines/calendar
- Notification, days, and length of classroom observation
- Appraisal orientation requirements
- Appraisal documentation
- Allowance for a second appraisal

The Commissioner's Rules direct districts to develop written procedures determining second appraisers. A district may also develop guidelines for walkthrough observations.

WALKTHROUGH
OBSERVATIONS

The appraiser will conduct a minimum of two walkthrough observations of teachers.

Three walkthrough observations are required for novice teachers (0-3 years' experience) for each of the first three years of employment, teachers new to AISD (regardless of experience) for the first year of employment, and teachers on Intervention Plans (Growth Plans) as necessary. All other teachers require two walkthrough observations.

REQUEST FOR
SECOND
APPRAISER

1. A teacher must submit a written request for a second appraiser to the principal within ten working days of receiving a written observation summary or a written annual summative report with which the teacher disagrees. *19 TAC 150.1005(c)(d)*
2. The principal must submit a copy of the teacher's written request for a second appraiser to the associate superintendent within three working days.
3. The associate superintendent will appoint a certified appraiser not assigned to the teacher's campus within five working days to conduct the second observation.

SECOND
APPRAISER
PROCESS

4. The formal observation and walkthroughs conducted by the second appraiser will be unscheduled.
5. A copy of the written observation summary by the second appraiser will be provided to the teacher and his or her principal within ten working

days. The second appraiser will conduct a summative conference with the teacher.

6. The second appraiser will evaluate the teacher in all domains. The cumulative data collected by the first appraiser may be reviewed in order to complete domains VI-VIII.

SCORING
PROCEDURES
FOR TWO
FORMAL
APPRAISALS

Domain scores from both appraisals will be averaged with equal weight and will constitute the teacher's domain scores for the appraisal period.

EXCEPTION TO
ANNUAL
FREQUENCY
REQUIREMENTS

An eligible teacher may sign a PDAS appraisal waiver form for the current school year only. Teachers exempt from the PDAS will participate in an end-of-the-year conference with an administrator.

REINSTATEMENT
OF COMPLETE
PDAS BY
PRINCIPAL

Any principal may reinstate a complete PDAS appraisal for a teacher within the school year for which that teacher has signed a waiver. A teacher will receive notification of the reinstatement of PDAS.

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DNA(REGULATION)-X

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PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LEGAL)

FREQUENCY	The employment policies adopted by the Board must require a written evaluation at annual or more frequent intervals of each superintendent, principal, supervisor, counselor, or other full-time, certified professional employee, and nurse. <i>Education Code 21.203(a)</i>
ADMINISTRATOR APPRAISAL	<p>The District shall appraise each administrator annually using either:</p> <ol style="list-style-type: none">1. The Commissioner's recommended appraisal process and performance criteria; or2. An appraisal process and performance criteria developed by the District in consultation with the District- and campus-level committees and adopted by the Board. <p>District funds may not be used to pay an administrator who has not been appraised in the preceding 15 months.</p> <p><i>Education Code 21.354(c), (d)</i></p>
PRINCIPALS	The information in the annual report describing the educational performance of each campus [see BQB] shall be a primary consideration of the Superintendent in evaluating campus principals. In addition, the appraisal of a principal shall include consideration of the academic excellence indicators and the campus's objectives, including performance gains of the campus and the maintenance of those gains. <i>Education Code 21.354(e), 39.054(3)(D)</i>
COUNSELORS	The Commissioner shall develop and periodically update an evaluation form for use by districts in evaluating school counselors. <i>Education Code 21.355</i>
CONFIDENTIALITY OF EVALUATION	A document evaluating the performance of an administrator is confidential. <i>Education Code 21.355</i>
APPRAISAL PROCEDURES	<p>The following procedures for administrator appraisal are minimum requirements.</p> <p>The District shall establish an annual calendar providing for the following activities, which shall involve both the administrator and the appraiser:</p> <ol style="list-style-type: none">1. Procedures for setting goals that define expectations and set priorities for the administrator being appraised.2. Formative conference.3. Summative conference. <p><i>19 TAC 150.1022(a)</i></p>
APPRAISAL	The District shall involve appropriate administrators in developing, selecting, or revising the appraisal instruments and process.

INSTRUMENT AND PROCESS

Before conducting appraisals, an appraiser shall provide evidence of training in appropriate personnel evaluation skills related to the locally established criteria and process.

The District may implement a process for collecting staff input for evaluating administrators. If the District implements such a process, the input must not be anonymous.

The appraisal of a principal shall include a student performance domain. The District may, with Board approval, select the Commissioner-recommended student performance domain for principals or may develop an alternative governed by the process outlined in Education Code 21.354. [See ADMINISTRATOR APPRAISAL, above]

DOMAINS

The domains and descriptors used to evaluate each administrator may include the following:

1. Instructional management.
2. School or organization morale.
3. School or organization improvement.
4. Personnel management.
5. Management of administrative, fiscal, and facilities functions.
6. Student management.
7. School or community relations.
8. Professional growth and development.
9. Academic excellence indicators and campus performance objectives.

In developing appraisal instruments, the District shall use the local job description, as applicable.

19 TAC 150.1021, 150.1022

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UPDATE 74
DNB(LEGAL)-P

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PERFORMANCE APPRAISAL:
EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB
(LOCAL)

EMPLOYMENT DECISIONS	When relevant to the decision, written evaluations of a professional employee's performance, as documented to date, and any other information the administration determines to be appropriate shall be considered in decisions affecting contract status.
EXCEPTION	Written evaluations and other evaluative information need not be considered prior to a decision to terminate a probationary contract at the end of the contract term.
COMPLAINTS	Complaints regarding the evaluation and appraisal process shall be addressed in accordance with the District's complaint policy. [See DGBA(LEGAL) and (LOCAL)].

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NEWLPM
DNB(LOCAL)-X

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PERSONNEL POSITIONS

DP
(LEGAL)

PRINCIPAL

QUALIFICATIONS The Board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

CERTIFICATION To be eligible to receive a Standard Principal Certificate, an individual must:

1. Successfully complete the educator assessments required under 19 TAC 230.5.
2. Hold a master's degree from an accredited institution of higher education.
3. Have two years of creditable teaching experience as a classroom teacher, as defined by 19 TAC Chapter 230, Subchapter Y.

19 TAC 241.25

DUTIES

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

The principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the Superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the Superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the Superintendent pursuant to Board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. Report the maximum attendance for the school to the Superintendent for the purpose of textbook requisitions. [See CMD]
11. (For high school principals only) Serve, or appoint someone to serve, as deputy registrar for the county in which the school is located. *Election Code 13.046*

Education Code 11.202(b), 11.253(c), (h), 31.103(a) [See also DMA]

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UPDATE 69
DP(LEGAL)-P

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PERSONNEL POSITIONS

DP
(LOCAL)

PRINCIPAL QUALIFICATIONS In addition to the minimal certification requirement, the 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 budget and personnel and coordinate campus functions;
 4. The ability to explain policy, procedures, and data;
 5. Strong communications, public relations, and interpersonal skills;
 6. Three years' experience as a classroom teacher;
 7. Prior experience in instructional leadership roles; and
 8. Other qualifications deemed necessary by the Board.
-

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UPDATE 69
DP(LOCAL)-A

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PERSONNEL POSITIONS:
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(LEGAL)

PARENT
NOTIFICATION

If the District assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

The Superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. The District shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. The District shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA (LEGAL)]

Education Code 21.057

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UPDATE 67
DPB(LEGAL)-P

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PERSONNEL POSITIONS:
SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

DPB
(REGULATION)

REGULAR	A regular employee works a minimum of 20 hours/week, occupies an approved position in the District budget and is eligible for insurance and leave benefits.
PART-TIME	A part-time employee is defined as an employee who works less than 40 hours/week. A part-time employee may be either a regular employee or a temporary/hourly employee.
TEMPORARY / HOURLY	A temporary/hourly employee is paid only for time worked, does not occupy an approved position in the District budget and is not eligible for insurance or leave benefits. A temporary/hourly employee may work continually for a maximum of 4 1/2 months. However, such an employee may work indefinitely if the employee continually works less than 20 hours/week. The employment status of a temporary/hourly employee is identical to the employment status of a substitute as expressed below.
SUBSTITUTE	A substitute is available to work in place of a regular employee when that employee is out on leave or in a vacancy while that vacancy is in the process of being filled.

Qualifications for working as a substitute in Austin ISD will be maintained by the Department of Human Resources.

Rates of pay for substitutes are established by the Board of Trustees.

Employment Status of Substitutes:

1. Any individual who has been approved for inclusion on the substitute list has no expressed or implied right to any particular assignment at any time.
2. Any individual who has been approved for inclusion on the substitute list serves at the will of the District and has no expressed or implied right of continued employment with the District.
3. At any time and without prior notice, the District may, at its sole discretion, elect to stop utilizing the services of any individual on the substitute list.

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LDU-33-05
DPB(REGULATION)-X

manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

SCHOOL START DATE	The District may not begin instruction for students for a school year before the week in which August 21 falls. Sunday is considered the first day of the week.
WAIVER	<p>A district that intends to apply under Education Code 7.056 for a waiver [see BF] must:</p> <ol style="list-style-type: none">1. At least 60 days before the date the District submits the application for a waiver, publish notice in a newspaper having general circulation in the District:<ol style="list-style-type: none">a. Stating that the District intends to apply for a waiver of the prohibition concerning the date of the first day of instruction for students; andb. Specifying the date on which the District intends to begin instruction for students; and2. Hold a public hearing concerning the date of the first day of instruction for students. <p>The application for a waiver must include a summary of the opinions expressed at the public hearing, including any consensus of opinion expressed concerning the date of the first day of instruction for students.</p> <p><i>Education Code 25.0811</i></p>
LENGTH OF SCHOOL YEAR	The District shall operate so that it provides for at least 180 days of instruction each school year.
EXCEPTIONS	<p>The Commissioner of Education may approve the operation of schools for less than the number of instructional days specified above when disaster, flood, extreme weather conditions, fuel curtailments, or other calamities have caused the closing of schools.</p> <p><i>Education Code 25.081</i></p>
OPTIONAL FLEXIBLE YEAR PROGRAM	<p>To enable the District to provide additional instructional days for an optional extended year program [see EHBC], the District may, with the approval of the Commissioner, provide a number of days of instruction during the regular school year that is not more than ten days fewer than 180 days. <i>Education Code 29.0821 (b)(1)</i></p>
YEAR-ROUND SCHOOLS	<p>The District may operate its schools year-round on a single or a multi-track system. If it adopts a year-round system, it may modify:</p> <ol style="list-style-type: none">1. The number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law.

2. Testing dates, data reporting, and related matters.
3. The date of the first day of instruction of the school year under Education Code 25.0811 for a school that was operating year-round for the 2000-01 school year.
4. Students' eligibility to participate in extracurricular activities when their calendar track is not in session.

Education Code 25.084

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UPDATE 72
EB(LLEGAL)-P

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LENGTH AND SCHEDULE	A school day shall be at least seven hours each day, including intermissions and recesses.
PLEDGES OF ALLEGIANCE	The Board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags. On written request from a student's parent or guardian, the District shall excuse the student from reciting a pledge of allegiance.
MOMENT OF SILENCE	The Board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student. <i>Education Code 25.082</i>
PRE-K PROGRAM	Free prekindergarten classes shall be operated on a half-day basis with a minimum time of three hours. <i>Education Code 29.153(c)</i> Tuition-supported or District-financed prekindergarten may be operated on a half-day or full-day basis. <i>Education Code 29.1531</i>
<hr/> <p>Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs. [See FD]</p> <hr/>	
KINDERGARTEN PROGRAM	A public school kindergarten may be operated on a half-day or full-day basis as determined by the Board. <i>Education Code 29.152</i>
GRANT PROGRAMS	The District may use funds from grants administered by the Commissioner of Education to operate an existing half-day kindergarten or prekindergarten program on a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program. <i>Education Code 29.155</i>
INTERRUPTIONS	The Board shall limit interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. Announcements shall be made no more than once during the school day, except for emergency announcements. <i>Education Code 25.083</i>

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UPDATE 71
EC(LLEGAL)-P

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INSTRUCTIONAL ARRANGEMENTS:
CLASS SIZE

EEB
(LEGAL)

TEACHER-STUDENT RATIO The District shall employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance. *Education Code 25.111*

KINDERGARTEN- GRADE 4 The District shall not enroll more than 22 students in a class, kindergarten through fourth grade, except as allowed by the Commissioner of Education. The limit on class size, kindergarten through grade 4, shall not apply during:

1. The last 12 weeks of the school year; or
2. Any 12-week period of the school year selected by the District, if the District's average daily attendance has been adjusted due to high migratory population under Education Code 42.005(c). A district claiming this exemption must notify the Commissioner in writing not later than the 30th day after the first day of the 12-week period.

A "migratory child" is a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker or migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany the parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work has moved from one school district to another.

Education Code 25.112(a), (b); No Child Left Behind Act of 2001, 20 U.S.C. 6399(2)

EXCEPTION TO CLASS SIZE LIMITS The Commissioner may except the District, on application, from the class size limits above if the limit works an undue hardship on the District. An exception expires at the end of the semester for which it is granted, and the Commissioner may not grant an exception for more than one semester at a time. *Education Code 25.112(d)*

NOTICE TO PARENTS A campus or district that is granted an exception from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

1. Specify the class for which an exception was granted;
2. State the number of children in the class; and
3. Be included in a regular mailing or other communication from the campus or District, such as information sent home with students.

The notice must be provided not later than the 31st day after the first day of the school year or the date the exception is granted, if the exception is granted after the beginning of the school year.

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Austin ISD
227901

INDIVIDUALIZED LEARNING:
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EEJA
(LEGAL)

GRADES 6-12 In accordance with local policy, a student in any of grades 6-12 may be given credit for an academic subject in which he or she had some prior instruction, if the student scores 70 percent on a criterion-referenced test for the applicable course. *Education Code 28.023; 19 TAC 74.24(c)(3)*

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UPDATE 65
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INDIVIDUALIZED LEARNING:
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

EEJA
(LOCAL)

CREDIT BY EXAMINATION	A student who enrolls or registers in the District from a nonaccredited public, private, or parochial school, including homeschools, may use credit by examination to demonstrate mastery in any subject in elementary grades or to earn credit in any academic course at the secondary level, with the prior approval of the principal. Examinations used under this policy to earn credit shall assess the student's mastery of the essential knowledge and skills.
TEST SELECTION	The Superintendent or designee shall be responsible for development or selection of tests to be used to grant credit to students who have had prior instruction in a subject area or grade level. Whether tests are developed by the District or purchased from a State Board of Education-approved university or other appropriate source, each examination shall thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
TEST DATES	<p>The Superintendent or designee shall establish a specific schedule of dates when examinations for credit shall be administered and shall ensure that such dates are advertised in the community, and on the District's website, posted in schools, and published in the District's course offerings documents, and other similar District publications.</p> <p>The District shall establish procedures outlining the criteria for students who wish to take credit by examination with prior instruction on the dates of the District's administration of these tests.</p> <p>Students may take examinations for credit from the University of Texas at Austin or Texas Tech University at their own expense at other times during the school year with the approval of the principal.</p>
FEES	Students who meet the District's criteria for credit by examination with prior instruction shall not be charged a fee for an administration by the District on a designated testing date.
ELIGIBILITY REQUIREMENTS	<p>To be eligible to earn credit by examination, a student shall have had prior instruction in the subject or course, as defined in this policy on the basis of a review of the student's educational records.</p> <p>"Prior instruction" as defined by the District shall include:</p> <ol style="list-style-type: none">1. Homeschooling with proof of completed work; or2. Enrollment in a nonaccredited public, private, or parochial school as verified by an official school transcript.
PASSING SCORE	With the written approval of the parent and the principal, students in grades 1-5 (or 6) at elementary school, who score 70 percent or above on a District-approved test that covers the essential knowledge and skills in the specified course or subject area, may demonstrate mastery of a subject at the elementary

level.

With the written approval of the parent and the principal, students in grades 6-12 at secondary schools, who score 70 percent or above on a District-approved test that covers the essential knowledge and skills shall receive credit for the academic course at the secondary level.

Examination scores for high school courses shall be used in computing the student's grade point average (GPA) and rank in class. [See EIC(LOCAL)]

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LDU-24-02

EEJA(LOCAL)-X

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With Board approval, the District shall develop or purchase examinations for acceleration that thoroughly test the essential knowledge and skills for each primary school grade level and for credit for secondary school academic subjects.

KINDERGARTEN-
GRADE 5

The District shall develop procedures for kindergarten acceleration that are approved by the Board.

The District shall accelerate a student in grades 1-5 one grade level if the student meets the following requirements:

1. The student scores 90 percent or above on a criterion-referenced test for the grade level to be skipped in each of the following areas: language arts, mathematics, science, and social studies;
2. A District representative recommends that the student be accelerated; and
3. The student's parent or guardian gives written approval of the acceleration.

GRADES 6-12

The District shall give a student in grades 6-12 credit for an academic subject in which the student has received no prior instruction if the student scores 90 percent or above on a criterion-referenced examination for acceleration for the applicable course. If such credit is given, the District shall enter the examination score on the student's transcript.

ANNUAL
ADMINISTRATION

The District shall provide at least three days between January 1 and June 30 and three days between July 1 and December 31 annually when examinations for acceleration shall be administered in grades 1 through 12. The days need not be consecutive but shall be designed to meet the needs of all students. The dates must be publicized in the community.

The District may allow a student to accelerate at a time other than those described above by developing a cost-free option approved by the Board that allows students to demonstrate academic achievement or proficiency in a subject or grade level.

FEES

The District shall not charge for examinations for acceleration. If a parent requests an alternative examination, the District may administer and recognize results of a test purchased by the parent or student from Texas Tech University or the University of Texas at Austin.

Education Code 28.023; 19 TAC 74.24

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UPDATE 70

EEJB(LEGAL)-P

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

TEST SELECTION	The Superintendent or designee shall be responsible for development or selection of tests to be used to grant credit to students who have not had prior instruction in a subject area or grade level. Whether tests are developed by the District or purchased from a State Board of Education-approved university or other appropriate source, each examination shall thoroughly test the essential knowledge and skills in the applicable grade level or subject area.
TEST DATES	The Superintendent or designee shall establish a specific schedule of dates when examinations for acceleration shall be administered and shall ensure that such dates are advertised in the community and on the District's Web site, posted in schools, and published in the District's course offering documents and other District publications.
ELIGIBILITY	<p>Parent(s) or guardian(s) of any elementary student (grades 1-5) may register for examinations for acceleration during the time periods outlined in administrative regulations.</p> <p>Secondary students (grades 6-12) may take a specific District-approved examination for credit under the terms of this policy, providing they have not previously enrolled in the course in the District or in an equivalent course in another school district. Students who have "prior instruction" may earn credit by examination under the terms of EEJA(LOCAL).</p> <p>Students may take examinations for credit through the University of Texas at Austin or Texas Tech University at their own expense at other times during the school year.</p>
REGISTRATION	A student enrolled in the District who wishes to take an examination for acceleration shall register with the District Office for Systemwide Testing or the principal or designee on appropriate District forms at least 20 school days prior to any regularly scheduled testing date.
FEES	<p>Students who have not received instruction in the grade or academic subject being tested shall not be charged a fee for an examination for acceleration administered by the District on a designated testing date.</p> <p>Students may take alternative examinations for acceleration at their own expense through the University of Texas at Austin or Texas Tech University at other times during the school year. However, the decision to accelerate elementary students shall remain subject to the guidelines for grades 1-5 below.</p>
PASSING SCORE GRADES 1-5	Students in grades 1-5 who score at or above 90 percent on District-approved examinations for acceleration in language arts, mathematics, science, and social studies may be promoted to the next grade level. Parent(s) or guardian(s) and the principal or designee shall be required to approve a decision to accelerate, and a written statement of approval shall be placed in the student's cumulative folder.

<p>PASSING SCORE GRADES 6-12</p>	<p>In grades 6-12, those students who score 90 or above on a District-approved examination that covers the Texas Essential Knowledge and Skills in the specified course shall receive credit.</p>
	<p>Examination scores shall be used in computing the student's high school grade point average (GPA) and rank in class.</p>
<p>CREDIT APPROVAL</p>	<p>Approval of credit or advancement on the basis of an examination for acceleration shall be granted by the Superintendent or designee, in accordance with State Board rules.</p>
<p>KINDERGARTEN ACCELERATION</p>	<p>The Superintendent or designee shall develop procedures to allow a student not six years old to be placed in first grade. Criteria for acceleration may include:</p> <ol style="list-style-type: none"> 1. Scores on readiness test(s) and/or achievement test(s) that may be administered by appropriate District personnel. 2. Recommendation of the kindergarten or preschool the student has attended. 3. Chronological age and observed social and emotional development of the student. 4. Other criteria deemed appropriate by the principal and Superintendent or designee.

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LDU-24-02
EEJB(LOCAL)-X

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TEST SELECTION District students who have not received prior instruction in a subject area or grade level may take credit by examination for acceleration to gain credit for those subjects or grade levels.

The District uses Texas Education Agency-approved examinations from the University of Texas or Texas Tech University for students in grades 1-12. A list of available examinations may be obtained from the school counselors, university centers, or the Office of Systemwide Testing. These examinations thoroughly assess the student's mastery of the essential knowledge and skills in the applicable grade level or subject area.

TEST DATES The District provides at least three days between January 1 and June 30, and three days between July 1 and December 31 annually, when examinations for acceleration are administered for grades 1-12. The Office of Systemwide Testing will set test administration dates and application deadlines annually. These dates will be advertised in the community and on the District's website, posted in schools, and published in the District's course offering documents, and other similar District publications.

ELIGIBILITY REQUIREMENTS

**KINDERGARTEN
ACCELERATION** Parents of a kindergarten student may request that their child be considered for acceleration. The request for acceleration must be made in writing to the principal. By signing appropriate forms secured from the Office of Systemwide Testing, parents can also request that the student be tested. Students considered for acceleration into first grade must score at or above the 90th percentile on a District-approved, nationally recognized norm-referenced test and follow the procedures outlined in FD(REGULATION). These examinations will be administered and scored by the Office of Systemwide Testing. Based on the test results, chronological age, observed social and emotional development of the student, and other criteria deemed appropriate by the principal, the principal decides if the student can accelerate to the next grade level. A written statement of the principal's approval and documentation justifying the approval for acceleration will be placed in the student's cumulative folder.

Elementary students may register to take credit by examination for acceleration for the next school year, but may not take examinations for acceleration after the first six weeks of a given school year. Unless otherwise specified, an approved test administrator will test elementary students at their home campuses.

**ELEMENTARY
GRADES 1-5 OR
6
ACCELERATION** A parent or guardian of an elementary student (grades 1-5 or 6) may request that their child be considered for acceleration. The student must not have had prior instruction at that grade level and subject, must follow the registration procedure in this regulation, and must secure the principal's recommendation for

acceleration. Parents must sign appropriate forms indicating that they have requested the opportunity for acceleration by credit by examination for the enrolled child and confirming a lack of prior instruction at the accelerated (targeted) grade level to which the child is hoping to advance. Documentation of these approvals will be placed in the student's cumulative folder.

Elementary students may register to take credit by examination for acceleration for the next school year, but may not take examinations for acceleration after the first six weeks of a given school year. Unless otherwise specified, an approved test administrator will test elementary students at their home campuses.

**SECONDARY
GRADES 6-12
ACCELERATION**

Secondary students (grades 6-12) may take a specific District-approved examination for credit for acceleration, providing they have not had prior instruction in the course. Credit by examination registration forms will require a parent's signature, permitting the student to be tested for acceleration and confirming that the student has not had prior instruction in the course. The registration procedures in this regulation and in Board policy EEJB(LOCAL) must also be followed.

**ACCELERATION
FOR FOREIGN
LANGUAGE:
GRADES 7-12**

A student who enrolls in grades 7-12 who has not had prior instruction in a foreign language but who indicates that he or she has attained proficiency may, upon request, be given the appropriate TEA-approved credit by examination from the University of Texas or Texas Tech University. If a credit by examination is not available from either university, the District Supervisor for Foreign Language shall select and approve an appropriate credit by examination assessment.

**REGISTRATION
PROCEDURES**

A student enrolled in the District and a student entering the District from a nonaccredited public, private, or parochial school, including a homeschool, who wishes to take an examination for acceleration, or a parent wishing to have his or her child tested for acceleration, shall apply through the school principal or registrar. Written approval for the acceleration of students must be obtained from parents of students in grades K-12. If a student is currently enrolled in the District, the principal's signature must be secured as verification that the student's records do not indicate prior instruction in the course. Counselors or registrars will submit required applications and appropriate forms for testing to the Office of Systemwide Testing by scheduled deadlines. [See Policy EEJB (LOCAL)]

**PROCEDURES
FOR TESTING**

Kindergarten students are tested for acceleration during the summer months by the Office of Systemwide Testing.

Students in grades 1-5 are tested on an individual basis at their campuses during the first six weeks of the school year and by the Office of Systemwide Testing during the summer months. These students cannot take a single examination for acceleration. Four examinations per grade level for grades 1-5 covering the core subjects are required to accelerate one grade level.

Students in 6-12 are tested in a group administration on the District's designated dates. These students may take a maximum of two examinations per day during the scheduled group administration of credit by examination for acceleration. Students in grade 6 are given five examinations to cover the core subjects. Students in grades 7 and 8 are given four examinations to cover the core subjects. Each test for grades 9-12 covers the essential knowledge and skills for one semester. Credit by examination for acceleration in grades 6-12 may be taken individually.

RETESTING

If students wish to retake an examination, they may do so at their own expense through the University of Texas, or Texas Tech University Distance Learning Centers or wait for the next District administration of the examination, if deemed appropriate by the principal. [See Policy FD(LOCAL) and (REGULATION)]

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LDU-22-04

EEJB(REGULATION)-X

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Credit toward state graduation requirements may be granted for correspondence courses only under the following conditions:

1. The institution offering the course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. The correspondence course includes the state-required essential knowledge and skills for such a course.

19 TAC 74.23

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UPDATE 60
EEJC(LEGAL)-P

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PRIOR
APPROVAL

The Superintendent or designee shall establish and publish in the student handbook and in District course offering documents guidelines governing the use of correspondence courses as a means of earning graduation credit. Prior to enrollment in correspondence courses, students shall make written request to the principal or designee for approval to enroll in the course. If approval is not granted prior to enrollment, the student shall not be awarded credit toward graduation.

ELIGIBILITY

All high school students shall be eligible to take correspondence courses and earn credit toward graduation.

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NEWLPM
EEJC(LOCAL)-X

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INSTRUCTIONAL ARRANGEMENTS:
CONTRACTS WITH OUTSIDE AGENCIES

EEL
(LEGAL)

CAREER AND
TECHNOLOGY
EDUCATION

The Board may contract with another public school district, public or private post-secondary institution, or trade or technical school that is regulated by the state, as designated in the state plan for career and technology education, to provide career and technology classes for District students. *Education Code 29.184(a)* [See EHBF]

In addition, the Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum and under which a student may receive specific education in a career and technology profession. *Education Code 29.187* [See also CRB and EHBF]

STUDENTS WITH
DISABILITIES

The District may contract with a public or private facility, institution, or agency inside or outside of Texas for the provision of services to students with disabilities. Each contract for residential placement must be approved by the Commissioner, who may approve a residential placement only after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. The Commissioner may approve either the whole or a part of a facility or program. *Education Code 29.008(a)* [See EHBA]

EDUCATIONAL
SERVICES

The Board may contract with a public or private entity for that entity to provide educational services for the District. *Education Code 11.157*

PRE-K
LICENSING
STANDARDS

If the District contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042. *Education Code 29.1532(b)*

DRIVER
TRAINING
SCHOOLS

A District school may enter into an agreement with a licensed driver training school to allow the driver training school to conduct a driver training course at the public school for public school students. *Education Code Title 5, Chapter 1001*

MILITARY
INSTRUCTION

The Board may contract with the proper governmental agency with respect to the teaching of courses in military training, and it may execute, as principal or surety, a bond to secure the contracts to procure arms, ammunition, animals, uniforms, equipment, supplies, means of transportation, or other needed property. *Education Code 29.901*

Note: This provision applies only to those districts in which military instruction is conducted under state or federal law requiring a district to give bond or otherwise indemnify this state, the United States, or any authorized agency for the care, safekeeping, and return of property furnished.

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UPDATE 72

EEL(LEGAL)-P

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PARENTAL
ACCESS

A parent is entitled to review all teaching materials, textbooks, and other teaching aids used in the classroom of the parent's child and to review each test administered to the child after the test is administered. The District shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

A student's parent is entitled to request that the District allow the student to take home any textbook used by the student. Subject to the availability of a textbook, the District or school shall honor the request. A student who takes home a textbook must return the textbook to school at the beginning of the next school day if requested to do so by the student's teacher.

Education Code 26.006

PARENTAL
INSPECTION

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

STUDENT
RIGHTS

No student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. Topics covered by this provision are:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b)

POLICIES

As a condition of receiving funds under any applicable program, the District shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C.

1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student.
2. The District's arrangements to protect student privacy in the event a survey containing the items listed under STUDENT RIGHTS, above, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student.
4. The administration of physical examinations or screenings that the District may administer to the student;
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.
6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered.

The District need not develop and adopt new policies if TEA or the District had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See FL, FNG, FFAA, and CRD]

**PARENTAL
NOTIFICATION**

The District shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the District. At a minimum, the District shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies, and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

The District shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.
2. The administration of any survey containing one or more items described at STUDENT RIGHTS, above.
3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

PERSONAL

The term "personal information" means individually identifiable information,

INFORMATION' including a student's:
DEFINED

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social Security identification number.

No Child Left Behind Act of 2001, 20 U.S.C. 1232h(c)(6)(E)

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UPDATE 69
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INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LEGAL)

REMOVAL OF
LIBRARY
MATERIALS

The District possesses significant discretion to determine the content of its school libraries. The District must, however, exercise its discretion in a manner consistent with the First Amendment.

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. The District shall not remove materials from a library for the purpose of denying students access to ideas with which the District disagrees. The District may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Board of Education v. Pico, 457 U.S. 853, 102 S. Ct. 2799 (1982)

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UPDATE 68
EFA(LEGAL)-P

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INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(LOCAL)

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although trained professional staff are afforded the freedom to select instructional resources for their use in accordance with this policy and the state-mandated curriculum, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

OBJECTIVES

In this policy, "instructional resources" refers to textbooks, library acquisitions, supplemental materials for classroom use, and any other materials, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to deliver, support, enrich, and assist in implementing the District's educational program. [See EFAA for selection and adoption of state-adopted textbooks]

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

CRITERIA

In the selection of instructional resources other than textbooks, especially library acquisitions and supplemental materials for classroom use, professional staff shall ensure that materials:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.
2. Meet high standards in presentation, format, readability, content, accuracy, artistic or literary quality, and educational significance.
3. Are appropriate for the subject and for the age, ability level, learning styles, and social and emotional development of the students for whom

they are selected.

4. Are designed to provide information that will motivate students to examine their own attitudes and behavior, to understand their rights, duties, and responsibilities as citizens, and to make informed judgments in their daily lives.

Recommendations for library acquisitions shall involve administrators, teachers, other District personnel, and community representatives, as appropriate. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected accordingly.

Selection of materials is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of materials still of educational value.

CONTROVERSIAL ISSUES

The selection of library acquisitions on controversial issues shall endeavor to maintain a balanced collection representing various views. Library materials shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

CHALLENGED MATERIALS

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

INFORMAL RECONSIDERATION

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or other knowledgeable professional staff shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned material.
2. The principal or other knowledgeable professional staff shall explain the role the questioned material plays in the educational program, its intended educational usefulness, and any additional information regarding its use.
3. If appropriate, the principal may offer a concerned parent another resource to be used by that parent's child in place of the challenged material.
4. If the complainant wishes to make a formal challenge, the principal shall provide the complainant a copy of this policy and a Request for Reconsideration of Instructional Materials form [see EFA(EXHIBIT)].

FORMAL RECONSIDERATION

All formal objections to instructional resources shall be made on the Request for Reconsideration of Instructional Materials form. The form shall be completed and signed by the complainant and submitted to the principal or designee. Upon receipt of the request, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the

instructional staff who either has experience teaching the challenged material or is familiar with the challenged material. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and others deemed appropriate by the principal.

All members of the committee shall review the challenged material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy. The committee shall then prepare a written report. Copies of the report shall be provided to the principal, the Superintendent or designee, and the complainant.

APPEAL

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at Level Two. The appeal shall contain a copy of the original complaint, the reconsideration committee's report, and dates of conferences with the principal or designee.

GUIDING PRINCIPLES

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. A parent of a District student, any employee, or any District resident may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.
2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own children.
3. When instructional resources are challenged, the principles of the freedom to read, listen, and view must be defended as well.
4. Access to challenged material shall not be restricted during the reconsideration process.

The major criterion for the final decision on challenged materials is the appropriateness of the material for its intended educational use. No challenged library material shall be removed solely because of the ideas expressed therein.

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EFA(LOCAL)-A

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Austin ISD
227901

INSTRUCTIONAL RESOURCES:
INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION

EFA
(EXHIBIT)

See the following pages for forms relating to reconsideration of instructional resources:

Exhibit A: Request for Reconsideration of Instructional Materials - 1 page

Exhibit B: Checklist for Reconsideration of Instructional Materials - 2 pages

EXHIBIT A

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____

Do you represent yourself? _____ an organization? _____ (If an organization, please identify: _____)

Resource on which you are commenting:

_____ Book _____ Magazine _____ Audio Recording

_____ Textbook _____ Library Program _____ Newspaper

_____ Video/DVD _____ Electronic information/network (please specify)

___ Display ___ Other _____

Title _____

Author/Producer _____

1. Have you reviewed the materials in their entirety? If not, please do so before completing and submitting this form.

2. To what in the material do you object? (Please be specific: cite pages, etc.)

3. What do you believe might be the result of using this material?

4. For what age group would you recommend this material?

5. In its place, what material of equal quality would you recommend that could be used to teach similar subject matter?

6. What do you believe should be done with the material in question?

[] Remove it from the curriculum.

[] Do not allow my child to use this material.

[] Use it as resource material or a choice selection.

Complainant signature _____ Date _____

CHECKLIST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

Type of resource _____

Title _____

Author/Producer _____

1. Purpose

- a. What is the overall purpose of the material or resource?
- b. Is the purpose accomplished? Yes No

2. Authenticity

- a. Is the author or presenter competent and qualified in the field?
 Yes No
- b. What is the reputation and significance of the author or publisher/producer in the field? _____
- c. Is the material or resource up-to-date? Yes No
- d. Are information sources well documented either in the resource or in guides?
 Yes No
- e. Are translations and interpretations faithful to the original?
 Yes No

3. Appropriateness

- a. Does the resource promote the educational goals and objectives of the curriculum of District schools? Yes No
- b. Is it appropriate for the level of instruction intended? Yes No
- c. Are the illustrations appropriate for the subjects and age levels?
 Yes No

4. Content

- a. Is the content of this material or resource well presented by providing adequate scope, range, depth, and continuity? Yes No
- b. Does it present information not otherwise available? Yes No
- c. Does it give a dimension or direction that is new or different from others available for the subject? Yes No

5. Review/Evaluations

a. Source of review/evaluation _____

Favorably reviewed

Unfavorably reviewed

- b. Does this title or resource appear in one or more reputable selection aids?
 Yes No

If answer is "yes," please list titles of selection aids.

Additional Comments:

Recommendations by review committee for treatment of questioned resource

Signatures of review committee:

Chairperson _____

Date _____

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UPDATE 68
EFA(EXHIBIT)-A

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LOCAL ADOPTION POLICY	The Board shall adopt a policy for selecting instructional materials. Final selections must be recorded in Board minutes. No later than April 1 of each year, the District shall transmit a report to TEA listing the instructional materials used in the District. Selections certified to TEA shall be final and, therefore, shall not be subject to reconsideration during the original contract period or re-adoption contract periods covering the instructional materials selected. <i>19 TAC 66.104(a), (g), (h)</i> [See also CMD for provisions regarding inventory and requisition of textbooks]
FOUNDATION TEXTBOOKS	The Board shall select textbooks for a subject in the foundation curriculum from either the State Board's conforming list or the nonconforming list. <i>Education Code 31.101(a)</i>
MAXIMUM COST	If the District selects instructional materials priced above the maximum cost to the state established in the proclamation, the District is responsible for paying the publisher. <i>19 TAC 66.104(b)</i>
CREDITS	The Commissioner shall implement a program designed to allow a participating District to receive credit for textbooks purchased at a cost below the cost limit established under Section 31.025(a). The credit is an amount equal to the difference between the price paid for a textbook and the cost limit for that textbook multiplied by the number of copies purchased. Fifty percent of the total credit shall be credited to the state textbook fund and 50 percent to the District to apply toward the requisition of additional textbooks or electronic textbooks on the conforming or nonconforming list. <i>Education Code 31.1011</i>
ENRICHMENT TEXTBOOKS	The Board may select textbooks for courses in the enrichment curriculum from the conforming list or the nonconforming list, or it may select books for the enrichment curriculum that do not appear on either list.
MATERIALS NOT ON LIST	If the District selects a book for a course in the enrichment curriculum and grade level that is not on either of the State Board lists, the state shall pay the lesser of:
FUNDING	<ol style="list-style-type: none">1. Seventy percent of the total actual cost to the District of the books;2. Seventy percent of the maximum cost permitted under Education Code 31.025. The applicable quota for adopted materials in the subject shall be the basis for determining instructional materials needed by the District. Funds received from the state for the purchase of textbooks may be used only to purchase books ratified by the Board and for which those funds are received; the District bears the costs not covered by the state. The minutes of the Board meeting at which such a selection is ratified shall reflect the agreement of the District to bear responsibility for the portion of the costs not eligible for payment by the state. <i>19 TAC 66.104(c), (e)</i> <p>The District may use local funds to purchase any textbooks in addition to those</p>

LOCAL FUNDS	selected under Education Code Chapter 31. <i>Education Code 31.106</i>
ANCILLARY MATERIALS	Selection and use of ancillary materials is at the discretion of the Board. <i>19 TAC 66.104(p)</i>
BRILLE / LARGE-TYPE	If the District selects nonadopted instructional materials for enrichment subjects, it is also responsible for providing Braille and/or large-type versions of the materials. <i>19 TAC 66.104(d)</i>
NONADOPTED INSTRUCTIONAL MATERIALS	The District shall use nonadopted instructional materials during the contract period for conforming and nonconforming instructional materials adopted by the State Board in the subject area. <i>19 TAC 66.104(f)</i>
HUMAN SEXUALITY MATERIALS	Any course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by the Board with the advice of the local school health education advisory council. <i>Education Code 28.004(e)</i> [See EHAA]

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

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INSTRUCTIONAL MATERIALS SELECTION AND ADOPTION:
TEXTBOOK SELECTION AND ADOPTION

EFAA
(LOCAL)

LOCAL
ADOPTION
PROCEDURE

At an appropriate time following adoption of instructional materials by the State Board, the Superintendent shall make recommendations to the Board for appointment of a local textbook adoption committee.

Members of the official committee shall be professional staff and the majority shall be classroom teachers.

Should the Board reject any recommendation, the Superintendent shall present another recommendation. The official minutes of the Board meeting at which the appointment is made shall include names of the persons appointed to serve.

The committee shall consist of no fewer than five and no more than 15 members. The Superintendent or designee shall be a member and serve as chair of the committee. A quorum, consisting of a majority of the committee members, must be present when selections are made.

The local committee, after examining all instructional materials adopted by the State Board and reflected on the multiple lists, shall select materials for use in the District, and recommend the selections to the Board for ratification. In the event the Board does not ratify any of the selections, the reasons shall be recorded in Board minutes. The committee shall make other recommendations for selection until the Board has ratified all selections.

The Superintendent or designee shall be responsible for coordinating the time frame for meetings of the committee and meetings of the Board to assure compliance with the April 1 reporting date.

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NEWLPM
EFAA(LOCAL)-X

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FIELD TRIPS

Field study trips should be carefully planned as an extension of classroom instruction. They relate directly to and enhance student learning of the essential knowledge and skills.

Students will not be permitted to participate in a field trip of any kind without written consent of a parent or legal guardian. The Emergency Care Card completed annually upon enrollment will be sufficient for field trips where charter bus or District transportation is used. When private transportation is used, every participating student must have written permission signed by a parent or legal guardian. It is the responsibility of the field trip sponsor to ensure that the number of students transported in private vehicles does not exceed the number of seat belts in the vehicle.

Any form granting permission to participate in field or student trips should contain the following information:

- Name of parent and student;
- Identity of trip, itinerary, description of hazards (if any, skills, etc.);
- Necessary equipment and supplies;
- Mode of transportation;
- Costs and expenses (if any);
- Medical authorization for emergencies, physician's name and number, parental emergency number;
- Agreement to abide by rules; and
- Release language or a hold harmless clause.

OUT-OF-CITY

All out-of-city sponsored trips must be approved at least ten days in advance by the Area Superintendent. Approval is obtained through the form found at EFD (EXHIBIT). Requests for all trips will be given consideration provided they are for sound, valid educational purposes that directly relate to the school curriculum.

**OUT-OF-STATE
OR OUT-OF-
COUNTRY**

It is important that no specific planning for an out-of-state or out-of-country trip be made, or a request submitted for school leave for the teacher sponsor(s), until written approval of the trip has been granted. Out-of-country trips must be approved by the Area Superintendent and the Superintendent.

**SECONDARY
COCURRICULAR**

Class group field trips taken during the scheduled course period are considered cocurricular provided they relate directly to and enhance student learning through participation, demonstration, illustration, and observation. Cocurricular activities are included in the teacher's instructional plans and are conducted by or supervised by a classroom teacher or other staff professional. Cocurricular activities that extend beyond the scheduled class period become extracurricular activities and come under the provisions of policies at FM.

SECONDARY
ABSENCES

Absences for participation in field trips that require a student to miss a class other than the sponsoring class or course shall be designated an extracurricular absence under the ten absence limitation.

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LDU-18-03

EFD(REGULATION)-X

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INSTRUCTIONAL RESOURCES:
FIELD TRIPS

EFD
(EXHIBIT)

The following exhibits are used by the District:

Exhibit A Approval Request Student Field Trips — 1 page

Exhibit B Private Transportation Permit — 1 page

Austin ISD
227901

INSTRUCTIONAL RESOURCES:
FIELD TRIPS

EFD
(EXHIBIT)

EXHIBIT A

APPROVAL REQUEST FOR OUT-OF-CITY, OUT-OF-STATE AND
OUT-OF-COUNTRY K-12 STUDENT FIELD TRIPS

Approval should be submitted in duplicate to the Area Superintendent at least ten days prior to the date of the anticipated trip. No leave request for employees should be submitted or specific planning made until trip is approved.

Nature of trip (name of group[s] going, purpose, and justification) _____

Destination (indicate the place and please be specific) _____

Date of Trip _____ Mode of Travel _____

Departure Time _____ Anticipated Return Time _____

Number of Students Involved _____ Number of Substitutes Required _____

Estimated Cost (include personal expense to be paid by student) \$ _____

Trip Financed By (describe) _____

Names of Personnel Accompanying Students (include school staff and other persons)

Principal _____ School _____

Associate Superintendent _____ Date _____

Chief Academic Officer _____ Date _____

APPROVAL FOR OUT-OF-COUNTRY TRIPS ONLY

Chief Academic Officer _____ Date _____

Superintendent _____ Date _____

EXHIBIT B

AUSTIN INDEPENDENT SCHOOL DISTRICT

PRIVATE TRANSPORTATION PERMIT

We (I) are the parents (legal guardians) of _____, a child enrolled in the Austin Independent School District.

We (I) hereby grant permission for the student named above to travel from _____ to _____ on date(s) _____.

We (I) hereby grant permission for the student named above to travel by a vehicle driven or operated by an employee of the School District acting within the scope of his or her duties, or gratuitously by individuals, or by an independent contractor. This transportation may be a privately owned vehicle or a privately owned chartered bus.

We (I) accept responsibility to determine that the transportation provided is safe and reasonable for the purposes intended. We (I) agree that the Austin Independent School District, its officers, Trustees, and employees are not negligent in their choice of the transportation and that we (I) have freely chosen the transportation provided herein. We (I) understand that we have the option to provide our own transportation method.

We (I) hereby waive, release, and discharge the Austin Independent School District, its Trustees, officers, and employees from any claim, demand, or cause of action arising out of the transportation herein provided and agree to indemnify and save harmless the Austin Independent School District and its employees from all claims for loss, damage, or injury sustained by us (me) or by our (my) child whether the same be caused by the negligence of the Austin Independent School District or its officers, agents, employees, or otherwise.

Parent _____ Date _____

Student _____ Date _____
(if 18 years of age or over)

(To be used for field trips, extracurricular activities and other events during which students travel in privately owned vehicles driven or operated by Austin Independent School District employees, other individuals, or independent contractors.)

**EXCLUSIVE
RIGHTS**

Employees of the District shall comply with the provisions of the United States Copyright Law. Subject to certain specific exceptions, some of which are stated below, the owner of a copyright has the exclusive rights:

1. To reproduce the copyrighted work in copies or phonorecords;
2. To prepare derivative works based upon the copyrighted work;
3. To distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
4. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works, to perform the copyrighted work publicly;
5. In the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work, to display the copyrighted work publicly; and
6. In the case of sound recordings, to perform the copyrighted work publicly by means of a digital audio transmission.

17 U.S.C. 106

FAIR USE

An exception to the exclusive rights enjoyed by copyright owners is the doctrine of fair use. The fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by 17 U.S.C. 106, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. The following factors shall be considered in determining fair use:

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and importance of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

17 U.S.C. 107

**PERFORMANCES
AND DISPLAYS**

Additional exceptions related to performances and displays include performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of

a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made. *17 U.S.C. 110*

GUIDELINES

Employees who wish to use copyrighted print material and sheet music shall follow the guidelines set forth in the "Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Uses of Music." Those guidelines establish a minimum guaranteed fair use, not a maximum. Any use that falls within those guidelines is a fair use; any use that exceeds these guidelines shall be judged by the four factors stated above and may be subject to challenge. Any determination regarding whether a use that exceeds the guidelines is a fair use shall rest with an appropriate court of law.

PROHIBITIONS

Notwithstanding the fair use guidelines, the following shall be prohibited:

1. Copying of print materials and sheet music to create or replace or substitute for anthologies, compilations, or collective works. This prohibition against replacement or substitution applies whether copies of various works or excerpts are accumulated, or reproduced and used separately.
2. Copying of or from works intended to be "consumable" in the course of study or teaching. These works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.

Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term.

No charge shall be made to the student beyond the actual cost of the photocopying.

Additional prohibitions regarding the use of music are:

1. Copying for the purpose of performance, except as permitted under the "Guidelines for Educational Use of Music."
2. Copying for the purpose of substituting for the purchase of music, except as permitted under the "Guidelines for Educational Use of Music."
3. Copying without inclusion of the copyright notice that appears on the printed copy.

REFERENCE

"Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions" and "Guidelines for Educational Use of Music" contained in the historical note following 17 U.S.C. 107.

BROADCAST PROGRAMS

Broadcast programs, including commercial and public television and radio, shall not be videotaped or tape recorded for reuse without permission, except within the following guidelines:

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by the District for a period not to exceed the first 45 consecutive calendar days after date of recording. At the end of that retention period,

- off-air recordings shall be erased or destroyed.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary during the first ten consecutive school days within the 45-calendar-day retention period. "School days" are actual days of instruction, excluding examination periods.
 3. Off-air recordings shall be made at the request of and used by individual teachers and shall not be regularly recorded in anticipation of requests. No broadcast program shall be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program is broadcast.
 4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings shall include the copyright notice on the broadcast program as recorded.
 5. After the first ten consecutive school days, off-air recordings may be used up to the end of the 45-calendar-day retention period only to determine whether or not to include the broadcast program in the teaching curriculum and shall not be used in the District for student exhibition or any other nonevaluative purpose without authorization.
 6. Off-air recordings need not be used in their entirety, but the recorded programs shall not be altered from their original content. Off-air recordings shall not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

17 U.S.C. 107 historical note

**ONLINE
COPYRIGHT
INFRINGEMENT**

**LIMITATION
OF LIABILITY**

To the extent that the District is a "service provider" (regarding online services) under 17 U.S.C. 512(k) and meets other conditions in 17 U.S.C. 512, the District shall not be liable for monetary relief or certain injunctive or other equitable relief, except as allowed under 17 U.S.C. 512(j), for copyright infringement in certain online services (transitory communications, system caching, storage of information on systems or networks at the instruction of users, and information location tools) provided by the District. *17 U.S.C. 512*

**ELIGIBILITY
FOR
LIMITATIONS
ON LIABILITY**

The limitations on liability established by 17 U.S.C. 512 shall apply to a service provider only if the service provider:

1. Has adopted and reasonably implemented, and informs subscribers and account holders of the service provider's system or network of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of the service provider's system or network who are repeat infringers; and
2. Accommodates and does not interfere with standard technical measures. The term "standard technical measures" means technical measures that are used by copyright owners to identify or protect copyrighted works and:
 - a. Have been developed pursuant to a broad consensus of copyright

- owners and service providers in an open, fair, voluntary, multi-industry standards process;
- b. Are available to any person on reasonable and nondiscriminatory terms; and
- c. Do not impose substantial costs on service providers or substantial burdens on their systems or networks.

17 U.S.C. 512(i)

LIMITED
LIABILITY

INFORMATION
RESIDING ON
SYSTEMS OR
NETWORKS
AT DIRECTION
OF USERS

Generally, a service provider shall not be liable for monetary relief, or for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resided on a system or network controlled or operated by or for the service provider, if the service provider:

1. Does not have actual knowledge that the material or activity using the material on the system or network is infringing; in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;
2. Does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity;
3. Upon notification of claimed infringement as described in 17 U.S.C. 512(c)(3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity; and
4. Has designated an agent to receive notifications of claimed infringement described in 17 U.S.C. 512(c)(3), by making available through its service, including on its Web site in a location accessible to the public, and by providing to the Copyright Office, certain contact information.

17 U.S.C. 512(c)(1), (2); 37 CFR 201.38

OTHER
ONLINE
SERVICES

Generally, liability of a service provider for copyright infringement may also be limited upon certain conditions for transitory communications, system caching, and information location tools services. *17 U.S.C. 512(a), (b), (d)*

DISABLING
OR
REMOVING
ACCESS

Generally, a service provider shall not be liable to any person for any claim based on the service provider's good faith disabling of access to, or removal of, material or activity claimed to be infringing or based on facts or circumstances from which infringing activity is apparent, regardless of whether the material or activity is ultimately determined to be infringing. *17 U.S.C. 512(g)*

Note: Further information regarding the Digital Millennium Copyright Act can be found at:

<http://www.copyright.gov>.

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UPDATE 73

EFE(LEGAL)-P

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RENTED VIDEO TAPES Tapes rented for use with a video cassette recorder shall be used in the classroom for educational purposes only. No rented tape that includes a notice that the tape is intended for "home use only" shall be shown to a class for entertainment purposes. [See policies at EFA and EMH]

COMPUTER SOFTWARE Unless otherwise provided in the purchase agreement, a purchased computer program shall not be used as a "master" to make copies. A computer program may be legally copied only if:

1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or
2. The new copy is a backup; backups cannot be used simultaneously with the original and must be erased if the original is resold.

District employees shall not use the same program on more than one computer at a time unless the purchase agreement or written permission from the vendor allows the District to network the program or allows other specified multiple use of the single copy. [See also CQ]

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NEWLPM

EFE(LOCAL)-X

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CURRICULUM	The District expects that learning shall be enhanced by adherence to a skillfully articulated, written curriculum that states District expectations of what students are to learn and that promotes continuity by cumulative acquisition and mastery of skills and behaviors. It should reflect the best knowledge of the growth and development of learners, the needs of learners based on the nature of society, and the desires of the patrons of the District, state, and nation, and the content of the various disciplines of man. The school system shall continually develop and modify its curriculum to meet changing needs and to ensure the highest quality program. This ongoing curriculum development process shall involve teachers, administrators, parents, and students.
STAFF EXPECTATIONS	Teachers shall be expected to follow the curriculum developed for their teaching assignments. Administrators shall be expected to assist teachers in skillful implementation of the District curriculum. Personnel shall have opportunities to make professional contributions to curriculum development through curriculum task forces.
CURRICULUM ALIGNMENT	<p>The written curriculum shall be designed to provide and support motivational interventions for students that emphasize self-directedness, intrinsic goal setting, and persistence, which will empower students to maximize their learning potential. The taught and tested curriculum shall be aligned with the written curriculum.</p> <p>While instructional differentiation may occur to address the unique needs of specific students, that instruction shall be derived from a curriculum that is common to all students.</p>
EVALUATION	The District shall establish evaluation procedures for determining the effectiveness of instructional programming. Evaluations shall focus on determining the extent to which students are achieving and maintaining their mastery of appropriate specific learning expectations.
CURRICULUM FRAMEWORKS	<p>Curriculum frameworks shall be provided for all programs/subject areas. The frameworks shall state the purpose and function of the program, the program expectations, and the grade-level or course expectations. District assessment procedures shall be developed as each curriculum is designed.</p> <p>Unit/lesson expectations and formative assessments shall be developed at each campus with the guidance of the principal.</p>
DISTRICT MISSION	The Mission of the District is that the Austin Independent School District educates every student every day.
STUDENT PERFORMANCE EXPECTATIONS	The student performance expectations shall be the goals from which all curriculum development efforts are derived during the curriculum development process. Students shall:

1. Read, write, speak, listen, view, and represent their ideas in a variety of ways and media.
2. Communicate, connect, reason, represent, and prove mathematical concepts, apply mathematical concepts and skills in a variety of ways, and employ tools as appropriate.
3. Utilize important concepts and skills from history, geography, political science, and economics to understand local, national, and world events.
4. Critically analyze and interpret scientific data and content, solve problems and evaluate solutions using scientific inquiry, and apply critical thinking skills.
5. Use effective communication and employ ever changing technology.
6. Create and perform the arts, understand the role and importance of the arts in culture and history, perceive and respond to the qualities of the arts, and make sound and informed judgments about the arts.
7. Understand basic human physiology, comprehend the need for healthful living, and demonstrate knowledge of how to keep both mind and body physically and emotionally well.
8. Communicate in a second language at a level sufficient to participate fully in casual conversations in culturally appropriate ways; in the case of classical languages, read and comprehend authentic texts of prose and poetry of selected authors.
9. Commit to the process of learning, acquire the necessary skills to promote continued learning, and assume responsibility for self-directed learning.
10. Employ cooperative/collaborative interpersonal skills necessary to participate in and contribute to the community.
11. Articulate the contributions of diverse cultures to the development of the community, nation, and world.
12. Demonstrate creative and critical thinking, identify needs and problems, and locate and analyze information from all appropriate sources for meaning and/or action.
13. Utilize current and appropriate technology as tools.

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NEWLPM
EG(LOCAL)-X

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**ACADEMIC
MAGNET
PROGRAMS**

The academic magnet programs are ongoing, integral components of the total educational program for students in the District. The District shall operate academic magnet programs to serve students with specialized academic aptitudes and interests through:

1. Publicizing the academic magnet programs so all students have access to explore educational options and the opportunity to apply to the one most appropriate for their individual needs and interests;
2. Providing a challenging curriculum that extends opportunities for student learning beyond the traditional curricula and exceeds local, state, and national standards;
3. Supporting instructional methods that meet the unique needs of students for teacher-guided, accelerated, independent learning and in-depth exploration;
4. Designing and maintaining organizational structures to support student learning in educationally diverse settings;
5. Providing transportation, facilities, and faculty to advance the program; and
6. Budgeting funds to ensure that quality programs are in place.

PURPOSE

The purpose of the academic magnet programs is to provide District-wide, accelerated, specialized programs of study with rigorous admission criteria for students with specialized interests and abilities. In addition, the academic magnets create the opportunity for students and faculty; who share similar interests and commitment; to work together and model innovative programs and practices that improve student achievement in the District.

ACCOUNTABILITY

Under the TEA PEIMS number system, academic magnet programs and the corresponding host campuses are reported as one school with one principal and two directors, one each for the academic magnet and comprehensive programs. Student assessment and other performance data shall be disaggregated between academic magnet and comprehensive programs. Disaggregation of data shall occur in a timely manner to accurately determine student achievement and plan for improvements. The disaggregated data shall be shared with the public.

Academic magnet curriculum and programming shall be evaluated on a regular cycle.

**STUDENT
PERFORMANCE
EXPECTATIONS**

Students who graduate from academic magnet programs shall:

1. Perform rigorous, independent research with a focus on research design, and produce high-level original work using a variety of technologies to be reviewed by a panel of experts;
2. Develop and demonstrate leadership across a variety of disciplines;

3. Exercise sustained concentration on in-depth tasks and perform at higher academic levels than their age or grade level indicates and perform at the commended level on all aspects of the TAKS exam;
4. Complete a rigorous and accelerated program of study requiring a series of magnet electives;
5. Demonstrate the use of independent investigation, self-reflection, and collaboration to solve problems and communicate the results using oral, written, and/or multimedia presentations;
6. Contribute to the community through required service learning hours reflecting the value of the diversity of all members of society;
7. Investigate the state of society and seek solutions to diverse problems and challenges;
8. Analyze and seek solutions to diverse problems and challenges on a local and global scale, as well as in the immediate school environment;
9. Participate in learning experiences that lead toward graduation under the Texas Distinguished Achievement Program; and
10. Achieve recognition at appropriate state and national competitions.

ADMINISTRATION As required by state law [see DP(LEGAL)], each principal shall:

1. Approve all teacher and staff appointments for the campus;
2. Set specific education objectives for the campus through the planning process;
3. Develop budgets for the campus;
4. Assume administrative responsibility and instructional leadership under the supervision of the Superintendent, for discipline at the campus;
5. Assign, evaluate, and promote personnel assigned to the campus;
6. Recommend to the Superintendent the termination or suspension of assigned employees, or nonrenewal of the term contract of an employee assigned to the campus, and
7. Perform other duties assigned by the Superintendent pursuant to the policy of the Board.

Under the auspices and direction of the principal (at middle schools) or the Secondary Administrator for High Schools (at high schools), the director of the academic magnet program is responsible for the development, implementation, and administration of the academic magnet program including:

1. Proposing and managing the academic magnet program budget;
2. Recruiting, recommending for selection, training, and evaluating academic magnet program personnel;
3. Conferring on nonmagnet faculty assignments;
4. Matching academic magnet faculty to appropriate courses;
5. Developing procedures for student recruitment, selection, and exiting;
6. Representing and publicizing the academic magnet program; and
7. Providing college counseling.

The director of the academic magnet program shall be evaluated by the campus principal (at middle schools) or the Secondary Administrator for High Schools (at high schools). The designated campus administrator and the director of the academic magnet program shall collaborate with the Executive Director of Curriculum to set academic magnet program goals and objectives using data

from the Office of Program Evaluation.

The director of the academic magnet program shall represent the academic magnet program at appropriate District forums as well as also serve as a voting member of the Campus Advisory Council.

CURRICULUM

As the administrator of the academic magnet program, the director of the academic magnet program shall be charged with supervising the academic magnet program curriculum coordinator and staff in the delivery of an innovative and challenging academic magnet program curriculum based on and exceeding District, state, and national standards. The director of the academic magnet program and academic magnet curriculum coordinator shall work with the Curriculum and Advanced Academic Services departments to develop and implement the magnet curriculum.

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LDU-18-04

EGA(LOCAL)-X

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REQUEST FOR PROGRAM If the parents or guardians of at least 22 students at a school request a transfer for the same school year to another school in the District for the purpose of enrolling in an educational program offered at that school, the District shall offer such a program, beginning with the following school year, at the school from which the transfers were requested. The program may be offered by teleconference.

"Educational program" means a course or series of courses in the required curriculum other than a fine arts course or a career and technology course.

Education Code 28.003

PARENTAL REQUESTS A parent is entitled to request, with the expectation that the request will not be unreasonably denied:

1. The addition of a specific academic class in the course of study of the parent's child in keeping with the required curriculum if sufficient interest is shown in the addition of the class to make it economically practical to offer the class.
2. That the parent's child be permitted to attend a class for credit above the child's grade level, whether in the child's school or another school, unless the Board or its designated representative expects that the child cannot perform satisfactorily in the class.

The decision of the Board concerning such a request is final and may not be appealed. [See FNG]

Education Code 26.003(a)(3)(A)(B), (b)

VIDEOTAPE OR RECORDING A District employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to regular classroom instruction. *Education Code 26.009(b)(3)*

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PURPOSE

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. The District shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, the District shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

The District shall ensure that all children in the District participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

REQUIRED
CURRICULUM

A district that offers kindergarten through grade 12 shall offer the following as a required curriculum:

FOUNDATION
CURRICULUM

1. A foundation curriculum that includes:
 - a. English Language Arts and reading;
 - b. Mathematics;
 - c. Science; and
 - d. Social studies, consisting of Texas, United States, and world history; government; and geography. *Education Code 28.002(a)(1); 19 TAC 74.1(b)*

ENRICHMENT
CURRICULUM

2. An enrichment curriculum that includes:
 - a. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the District may offer an elective course in the language;
 - b. Health;
 - c. Physical education;
 - d. Fine Arts;
 - e. Economics, with emphasis on the free enterprise system and its benefits;

- f. Career and technology education; and
- g. Technology applications. *Education Code 28.002(a)(2); 19 TAC 74.1(c)*

The District may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.004(f); 19 TAC 74.1(b)*

EXTENSION Until September 1, 2005, the District may apply for an extension to comply with the rules adopted by the State Board of Education implementing the enrichment curriculum. *Education Code 28.002(c-1)*

LOCAL INSTRUCTIONAL PLAN The District's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. The District is encouraged to exceed minimum requirements of law and State Board rule. *Education Code 28.002(g)*

SCHOOL HEALTH ADVISORY COUNCIL The Board shall establish a local school health advisory council to assist the District in ensuring that local community values are reflected in the District's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of council]

DUTIES

The council's duties include recommending:

1. The number of hours of instruction to be provided in health education;
2. Curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, and Type II diabetes through coordination of health education, physical education and physical activity, nutrition services, parental involvement, and instruction to prevent the use of tobacco;
3. Appropriate grade levels and methods of instruction for human sexuality instruction; and
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
 - a. School health services;
 - b. Counseling and guidance services;
 - c. A safe and healthy school environment; and
 - d. School employee wellness.

Education Code 28.004(c)

CONTENT OF HUMAN SEXUALITY INSTRUCTION The Board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the local school health advisory council. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective

in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;

4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

CONDOMS	The District may not distribute condoms in connection with instruction relating to human sexuality. <i>Education Code 28.004(f)</i>
SEPARATE CLASSES	If the District provides human sexuality instruction, it may separate students according to sex for instructional purposes. <i>Education Code 28.004(g)</i> [See FBA regarding single-sex classes under Title IX]
NOTICE TO PARENTS	The District shall notify a parent of each student enrolled in the District of the basic content of the District's human sexuality instruction to be provided to the student and of the parent's right to remove the student from any part of that instruction. <i>Education Code 28.004(i)</i>
AVAILABILITY OF MATERIALS	The District shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. <i>Education Code 28.004(j)</i> [See EFAA regarding selection of curriculum materials for human sexuality instruction]

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UPDATE 75
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CURRICULUM
PARAMETERS

The District's sexuality education program has been established to provide information and skill development for students in grades pre-K-12 so that they may reach their highest potential for physical, emotional, mental, and social health.

The District core values of high expectations, respect for the individual, resources to support student needs, and shared ownership and commitment, as specified in the District Improvement Plan, shall be reflected in the design and implementation of the sexuality education program. [See BQ series]

The curriculum content shall be delivered in grades pre-K-12 in a developmentally and age-appropriate manner and shall include the most current and scientifically accurate information regarding child and adolescent health issues, contraception, and accurate information on failure rates, and risk reduction of sexually transmitted diseases (STDs), including HIV. The curriculum shall focus on the increased risk to children and adolescents from immunological, behavioral, mental, and emotional vulnerabilities.

The curriculum shall recommend and emphasize abstinence from risk-taking behaviors, such as drug and alcohol abuse. Abstinence shall be taught as the only sure protection from risk of pregnancy and sexually-transmitted diseases, including HIV infection. Information on the nature of family violence and physical, emotional, and sexual abuse shall be provided.

The curriculum shall include communication, goal-setting, decision-making, assertiveness, limit-setting (including how to say "no"), anticipating circumstances of risk, anticipating consequences, and the refusal skills necessary to support a student's ability to avoid, postpone, and abstain from risk-taking behaviors prior to, and into, adulthood.

The curriculum shall include instruction in how to discern and evaluate messages present in television, advertising, music, movies, and other adult messages related to sexual behavior and violence.

Students shall be informed of their right to the privacy of their bodies in general, and in particular, their breasts, genital and rectal areas, and their right to be safe from unwanted touches and other intrusions proposed by any person or those that occur with any atmosphere of secrecy of any kind. Each student shall be provided information on how to tell a trusted adult that sexual abuse is proposed or has occurred and shall be encouraged, if appropriate protective action is not taken by that adult, to inform other trusted adults.

Students shall be informed that physical violence and threats of physical violence as a means of addressing interpersonal conflict and discipline or control are inappropriate and destructive. They shall be taught how to distinguish managed, focused, and controlled "spankings" from physical

violence. Each student shall be provided information on how to inform a trusted adult that physical abuse is threatened or has occurred and shall be encouraged, if appropriate protective action is not taken by that adult, to inform other trusted adults.

Curriculum materials shall reflect child and adolescent health concerns and shall not be adult-focused. Contraceptive devices shall not be demonstrated nor disseminated in District facilities.

DELIVERY OF INSTRUCTION

Instruction shall be delivered through various courses or as appropriate to assure annual delivery of curriculum content.

Instruction related to sexuality, sexually-transmitted diseases, HIV and AIDS, and pregnancy prevention shall be scheduled in blocks of time that will facilitate alternative classes if requested by students or their parents.

Spontaneous class discussions generated by student questions shall not be precluded by this policy.

ADAPTATION FOR SPECIAL POPULATIONS

The curriculum shall be culturally sensitive and adapted to accommodate students who are limited English proficient.

The curriculum shall be appropriately adapted for students with disabilities, including, but not limited to, students who are visually impaired, hearing impaired, developmentally delayed and severely disabled.

PROFESSIONAL TRAINING

Appropriate training shall be provided for all staff members, including administrators, teachers, counselors, nurses, teacher aides, visiting teachers, and the like, who are involved in program implementation. The training shall include issues related to this policy, sensitivity to community concerns, and applicable state and federal law.

The District shall provide program training through the most cost-effective means available, using such resources as Region XIII Educational Service Center, the medical community, city, county, or state governmental agencies, and other community organizations.

The Superintendent or designee shall recommend to the Board a plan for adequate ongoing training of all involved staff, a time line for the training, and budget implications.

PERSONAL TRAINING

All District employees shall be provided training on methods of HIV or AIDS transmission and prevention of infection to assist them in maintenance of their personal health.

REPORTING CHILD ABUSE

District employees shall also be provided training to recognize manifestations of child abuse and how to make appropriate reports to the appropriate agencies as required by law and in accordance with policy FFG(LEGAL).

PARENT ORIENTATION AND REVIEW

Prior to the implementation of the sexuality education program, the principal shall conduct at least one orientation session for parents and guardians. The orientation shall be scheduled at a convenient time and parents shall be provided reasonable written notice of the time and location of the orientation session. The purpose of the session is to provide every parent or guardian an opportunity for informed consent for his or her child to participate in the program.

Parents shall have ample opportunity to preview all instructional materials, including any obtained from non-District sources and including all updates and modifications to the materials. Films, tapes, and other audio-visual materials shall be made accessible to parents following a written request to the principal.

A student may be exempted from participation in specific lessons of the sexuality education program upon written request to the principal by the parent or guardian of the student. In granting the exemption, the principal shall state his or her expectation that the parent shall provide appropriate instruction to the student regarding sexuality education. Students who are exempted shall be provided alternative instruction and shall not be punished or embarrassed in any manner for nonparticipation. Each school shall set and inform parents of the deadlines for requesting exemptions from the instruction.

A parent or guardian shall be permitted to observe any class session on sexuality education so long as he or she provides reasonable prior notice to the principal and teacher and the observation does not disrupt instruction.

Students shall have access to information on sexual, emotional, and physical abuse without the requirement for explicit parent consent.

RESOURCE FOR PARENTS

The District shall serve as a resource for parents and families for sexuality education. The District may offer seminars for parents or guardians that support and encourage their active involvement in the sexuality education of their children.

The District may use existing relationships with organizations and programs, such as the Austin Council of PTA, MegaSkills, Austin Interfaith, Planned Parenthood, and area and vertical team meetings as opportunities for collaboration and for increased cost efficiency.

RESPONSIBILITIES

SUPERINTENDENT OR DESIGNEE	The Superintendent or designee shall, through appropriate monitoring, ensure that specific content, skills, and instructional strategies for each grade level are developed, maintained, and updated as appropriate to include the most medically-accurate information available on child and adolescent health issues.
CAMPUS COMMITTEE	The Campus Advisory Council or campus committees composed of teachers, parents, staff, and secondary students may be involved in reviewing the sexuality education curriculum and planning the campus implementation of the program.
PRINCIPAL	The principal shall designate the teachers or other qualified staff, such as nurses, counselors, or assistant principals, to teach the curriculum. The principal shall be responsible for the integrity of the sexuality education program implementation.
BOARD	This policy shall be reviewed, evaluated, and updated as necessary, every three years by the Board.
TRAVIS COUNTY STATISTICS	The District office of program evaluation shall monitor statistics on adolescent pregnancy, sexually-transmitted diseases, adolescent suicide, and child abuse collected by agencies in Travis County.

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ESSENTIAL
KNOWLEDGE
AND SKILLS

A district that offers kindergarten through grade 5 must provide instruction in the required curriculum as specified in 19 TAC 74.1 (relating to Essential Knowledge and Skills).

The District shall ensure that sufficient time is provided for teachers to teach and students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English.

19 TAC 74.2

COORDINATED
HEALTH
PROGRAMS FOR
ELEMENTARY
STUDENTS

TEA shall make available to the District one or more coordinated health programs designed to prevent obesity, cardiovascular disease, and Type II diabetes in elementary school students. Each program must provide for coordinating health education, physical education and physical activity, nutrition services, and parental involvement. *Education Code 38.013*

Not later than September 1, 2007, the District shall participate in appropriate training to implement TEA's coordinated health program and implement the program in each elementary school in the District. *Education Code 38.014*

DAILY
PHYSICAL
ACTIVITY

All students enrolled in full-day kindergarten or grades 1-6 in an elementary school setting are required to participate in physical activity for a minimum of either 30 minutes daily or 135 minutes weekly under the following conditions:

1. Participation must be in a Texas Essential Knowledge and Skills (TEKS)-based physical education class or a TEKS-based structured activity; and
2. Each district shall establish procedures for providing the required physical activity that must consider the health-related education needs of the student and the recommendations of the local health advisory council.

A student who is unable to participate in daily physical activity because of illness or disability is exempt from this requirement.

Education Code 28.002(l); 19 TAC 74.32

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EHAB(LEGAL)-P

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

Courses in the foundation and enrichment curriculum in grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. The District is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 TAC 74.3. *19 TAC 74.3(c)*

GRADES 6-8

A district that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English. *19 TAC 74.3(a)*

HIGH SCHOOL
COURSES AT
EARLIER
GRADES

The District may offer courses designated for grades 9-12 in earlier grade levels. *19 TAC 74.26(b)*

GRADES 9-12
COURSE
OFFERINGS

A district that offers grades 9-12 shall provide instruction in the required curriculum as specified in 19 TAC 74.1, relating to the essential knowledge and skills. The District shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

The District shall offer the courses listed below in grades 9-12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts - English I, II, III, IV.
2. Mathematics - Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science - Integrated Physics and Chemistry, Biology, Chemistry, and Physics. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies - United States History Studies Since Reconstruction, World History Studies, United States Government, and World Geography Studies.
5. Economics - Economics with Emphasis on the Free Enterprise System and Its Benefits.
6. Physical education - Foundations of Personal Fitness and at least two of the following:
 - a. Adventure/Outdoor Education;
 - b. Aerobic Activities;
 - c. Individual Sports; or
 - d. Team Sports.

7. Health education - Health I.
8. Fine arts - courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
 - a. Art I, II, III, IV;
 - b. Music I, II, III, IV;
 - c. Theatre I, II, III, IV; or
 - d. Dance I, II, III, IV.
9. Career and technology education, taught on a campus in the District with provisions for contracting for additional offerings with programs or institutions as may be practical. [See EEL] - courses selected from at least three of the eight career and technology areas, as follows:
 - a. Agricultural science and technology education;
 - b. Business education;
 - c. Career orientation;
 - d. Health science technology education;
 - e. Family and consumer sciences education/home economics education;
 - f. Technology education/industrial technology education;
 - g. Marketing education; and
 - h. Trade and industrial education.
10. Languages other than English - Levels I, II, and III of the same language.
11. Technology applications - at least four courses selected from Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications.
12. Speech - Communications Applications.

19 TAC 74.3(b)(2)

The District must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If the District will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact. *19 TAC 74.3(b)(2)*

The District shall teach any course a student is required to take for graduation or any course in which ten or more students indicate they will participate. For those courses in which fewer than ten students indicate that they will participate, the District shall either teach the course or use alternate delivery systems, as described in 19 TAC, Chapter 74, Subchapter C, to provide the course and shall maintain evidence thereof. *19 TAC 74.3(b)(4)*

The District may offer additional courses from the complete list of courses approved by the State Board of Education to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

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DRIVER
EDUCATION

Driver education is limited to eligible students who are between the ages of 14 and 18 years of age, who are at least 14 years of age at the time the driver education classroom phase begins and who will be 15 years of age or older when the behind-the-wheel instruction begins. Students officially enrolled in school who are 18-21 years of age may attend a teenage driver education program. *Education Code 29.902; 19 TAC 75.1005(i)*

LIFE SKILLS
PROGRAMS

The District may provide an integrated program of educational and support services for students who are pregnant or who are parents. If the District provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day-care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day-care facility.
5. Transportation for students, as appropriate, to and from the campus or day-care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

The District shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

The District may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC(LEGAL), FNE(LEGAL)]

LOCAL CREDIT
COURSES

The District may offer one or more courses in addition to those in the required curriculum for local credit. The State Board of Education shall be flexible in approving such courses for credit for high school graduation. *Education Code 28.002(f) [See EIF]*

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Austin ISD
227901

BASIC INSTRUCTIONAL PROGRAM:
ELECTIVE INSTRUCTION

EHAD
(LOCAL)

PASS / FAIL
COURSES

A student shall be permitted to take courses on a pass/fail basis and receive a grade of "P" or "F," only if the courses are beyond state graduation requirements in the subject area. Pass/fail courses shall not be included in the computation of a student's grade point average (GPA). [See EIC(LOCAL)]

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DYSLEXIA AND RELATED DISORDERS In accordance with a program approved by the State Board of Education, enrolled students shall be tested for dyslexia and related disorders at appropriate times and any student determined to have dyslexia or a related disorder shall be provided with treatment.

IDENTIFICATION Screening should be done only by individuals who are trained to assess students for dyslexia and related disorders. The District shall have a program for early identification, intervention, and support for students with dyslexia and related disorders. Each school shall provide each identified student access at his or her campus to the services of a teacher trained in dyslexia and related disorders. The District may, with the approval of each student's parents or guardians, offer additional services at a centralized location, but centralized services shall not preclude each student from receiving services at his or her campus. The Board shall ensure that procedures for providing appropriate instructional services to such students are implemented in the District.

NOTICE TO PARENTS Before an identification or assessment procedure is used selectively with an individual student, the District shall notify the student's parent or guardian or another person standing in parental relation to the student.

The District shall inform parents and guardians of students eligible under the Rehabilitation Act of 1973, Section 504 [see FB] of all services and options available to the student under that statute.

PARENT EDUCATION

The District may provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program should include awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modifications, especially modifications allowed on standardized testing. Before any identification or assessment procedures are used selectively with an individual student, the District shall notify the student's parent, guardian, or other person standing in parental relation to the student.

READING PROGRAM

The District may purchase a reading program or develop its own reading program. Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components in the State Board dyslexia guidelines and in the professional development activities specified by the District- and/or campus-level committees.

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

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program or to substitute for individual programs or for policies concerning special education cooperatives.

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- NONDISCRIMINATION** No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794; 34 CFR 104.4(a)* [See also FB]
- PROVISION OF SPECIAL EDUCATION** Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*
- LEAST RESTRICTIVE ENVIRONMENT** The District shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are nondisabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(5), 1413(a); 34 CFR 300.550*
- DEFINITIONS**
- "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. *20 U.S.C. 1401(1); 34 CFR 300.5*
- "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device, as defined above. *20 U.S.C. 1401(2); 34 CFR 300.6*
- "Extended school year (ESY) services" are special education and related services that are provided to a child with a disability beyond the District's normal school year, in accordance with the child's individualized education program, and at no cost to the parents. The services shall meet TEA standards. *34 CFR 300.309(b); 19 TAC 89.1065*

"Free appropriate public education" means special education and related services that have been provided at public expense, under public supervision and direction, and without charge and that must meet standards set out by TEA and include an appropriate preschool, elementary, or secondary school education, and be provided in conformity with the student's individualized education program (IEP). *20 U.S.C. 1401(8); 34 CFR 300.13, 300.121(d)* [See EHBAB]

Four factors indicate whether an individualized education program is reasonably calculated to provide a meaningful educational benefit:

1. It is individualized on the basis of the student's assessment and performance;
2. It is administered in the least restrictive environment;
3. The services are provided in a coordinated and collaborative manner by the key "stakeholders"; and
4. Positive academic and nonacademic benefits are demonstrated.

Cypress-Fairbanks Indep. Sch. Dist. v. Michael F., 118 F.3d 245 (5th Cir. 1997)

"Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education. The term also includes school health services, social work services in schools, and parent counseling and training. It includes the early identification and assessment of disabling conditions in children. In addition to the specific related services defined in federal regulations, related services include interpreting services for students who are deaf. Interpreting services include interpreting/transliterating receptively and expressively for persons who are deaf or hard of hearing. *20 U.S.C. 1401(22); 34 CFR 300.24; 19 TAC 89.1060*

"Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education. *20 U.S.C. 1401(25); 34 CFR 300.26*

"Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation. These activities must be based on the

individual student's needs, taking into account the student's preferences and interests. They must also include instruction, related services, community experiences, development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. *20 U.S.C. 1401(30); 34 CFR 300.29*

DISCIPLINE

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 TAC 89.1053. *19 TAC 89.1050(g)* [See FOE]

ELIGIBILITY FOLDER

The District shall maintain an eligibility folder for each student in special education in addition to the student's cumulative record. The folder shall include, but need not be limited to, copies of referral data, documentation of notices and consents, evaluation reports and supporting data, ARD committee reports, and the student's IEP. *19 TAC 89.1075(a)*

PERSONNEL
ASSIGNED TO
VISUALLY IMPAIRED

If the District provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10). *19 TAC 89.1075(b)*

SHARED SERVICES
ARRANGEMENTS

The District may enter into a written contract to jointly operate its special education program. The contract must be approved by the Commissioner. *Education Code 29.007*

TRANSFER OF
ASSISTIVE
TECHNOLOGY
DEVICES

TEA shall develop and annually disseminate standards for the District's transfer of an assistive technology device when a student with a disability using the device changes the school of attendance in the District or ceases to attend school in the district that purchased the device, and the student's parents, or the student if the student has the legal capacity to enter into a contract, agrees to the transfer. The device may be transferred to:

1. The school or District in which the student enrolls;
2. A state agency; or
3. The student's parents, or the student, if the student has the legal capacity to enter into a contract.

A transfer of an assistive technology device (ATD) shall be in accordance with a transfer agreement which incorporates the standards described in Education Code 30.0015(c), and which includes, specifically, the following:

1. The transferor and transferee must represent and agree that the terms of the transfer are based on the fair market value of the ATD, determined in accordance with generally accepted accounting principles.
2. The informed consent of the parent of the student with a disability for whom the ATD is being transferred must be obtained before the transfer of an ATD. The procedures employed by the District in obtaining such informed consent shall be consistent with the procedures employed by the District to obtain parental consent under 34 CFR 300.505. If the student has the legal capacity to enter into a contract, the informed consent may be obtained from the student. Consistent with 34 CFR 300.505(c), informed parental or adult student consent need not be obtained if the District can demonstrate

- that it has taken reasonable measures to obtain that consent, and the student's parent or the adult student has failed to respond. To meet the reasonable measures requirement, the District must use procedures consistent with those described in 34 CFR 300.345(d).
3. If the transfer is a sale, then the sale of the ATD shall be evidenced by a "Uniform Transfer Agreement" (UTA) which includes the following:
 - a. The names of the transferor and the transferee (which may be any individual or entity identified in Education Code 30.0015 [b]);
 - b. The date of the transfer;
 - c. A description of the ATD being transferred;
 - d. The terms of the transfer (including the transfer of warranties, to the extent applicable); and
 - e. The signatures of authorized representatives of both the transferor and the transferee.
 4. TEA shall annually disseminate to school districts the standards for the District's transfer of an ATD.

Education Code 30.0015; 19 TAC 89.1056

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EHBA(LEGAL)-P

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CHILD FIND	The District shall ensure that all children residing within the District who have disabilities, regardless of the severity of their disabilities, including those attending private schools, and who are in need of special education and related services are identified, located, and evaluated. The District shall have a practical method for determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services. This requirement applies to highly mobile children (including migrant and homeless children) and children who are suspected of being in need of special education but who are advancing from grade to grade. <i>20 U.S.C. 1412(a)(3), 1413(a); 34 CFR 300.125</i>
REFERRALS	Referral of students for a full and individual initial evaluation for possible special education services shall be a part of the District's overall general education referral or screening system. Prior to referral, students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial, remedial, compensatory, and other services. If the student continues to experience difficulty in the general classroom after the provision of interventions, District personnel must refer the student for a full and individual initial evaluation. This referral for a full and individual initial evaluation may be initiated by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. <i>19 TAC 89.1011</i>
NOTICE OF RIGHTS	Before the District proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate education to a student, the District shall provide written notice to the student's parent or guardian. <i>20 U.S.C. 1415(b)(3); 34 CFR 300.503(a)</i> [See EHBAD]
TESTS AND EVALUATION MATERIALS	The District shall ensure that tests and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so. Any standardized tests given to the child shall have been validated for the specific purpose for which they are used, administered by trained and knowledgeable personnel, and administered in accordance with any instructions provided by the producer of the tests. In addition, the District shall ensure that the child is assessed in all areas of suspected disability and that assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided. <i>20 U.S.C. 1414(b)(3); 34 CFR 300.532</i>
INITIAL	Before initially providing special education and related services to a child with

EVALUATION

a disability, the District shall conduct a full and individual initial evaluation. Before the District conducts an initial assessment, it shall:

1. Give the child's parent prior written notice, which includes a full explanation of all procedural safeguards and describes any evaluation procedures the District proposes to conduct; and
2. Obtain parental consent for the evaluation.

Parental consent shall not be construed as consent for placement. If the parents refuse consent for the evaluation, the District may continue to pursue an evaluation by utilizing mediation and due process procedures. If a parent revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked). [See EHBD]

20 U.S.C. 1414(a)(1), (b); 34 CFR 300.500(b)(1); 300.505; 300.531

TESTING PROCEDURES

The initial evaluation shall consist of procedures to determine whether a child is a child with a disability, as defined below at ELIGIBILITY, and to determine the educational needs of the child. In conducting the evaluation, the District shall:

1. Use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability, and the content of the child's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general curriculum;
2. Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
4. Use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

20 U.S.C. 1414(a)(1)(B); 34 CFR 300.320, 300.532

TIME LINE

A written report of a full and individual initial evaluation shall be completed not later than the 60th calendar day following the date on which the District, in accordance with 20 U.S.C. Section 1414(a), as amended, receives written consent for the evaluation, signed by the child's parent or legal guardian. The evaluation shall be conducted in accordance with federal and state law and using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004*

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. 1414 for the administration of any psychological examination or test to the child that is included as part of the evaluation of the child's need for special education, the District shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate IEP for the child.

If the District determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, the District shall provide the information described above to the child's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.

The time required for the District to provide information and seek consent under Education Code 29.0041(b) may not be counted toward the 60 calendar days for completion of an evaluation under Education Code 29.004. If a parent does not give consent under Education Code 29.0041(b) within 20 calendar days after the date the District provided to the parent the information required, the parent's consent is considered denied.

Education Code 29.0041

REVIEW OF EVALUATION DATA

As part of an initial evaluation, and as part of any reevaluation, the ARD committee and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related service providers' observations. On the basis of this review, and input from the child's parents, the ARD committee shall identify what additional data, if any, are needed to determine:

1. Whether the child has a particular category of disability, or in the case of a reevaluation, whether the child continues to have such a disability;
2. The present levels of performance and educational needs of the child;
3. Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general curriculum.

The review may be conducted without a meeting. If the review determines that no additional data are needed, the District shall so notify the parents of that determination, the reasons for it, and the parents' right to request an assessment to determine whether, for the purposes of receiving special education services, the child continues to be a child with a disability.

20 U.S.C. 1414(c)(1); 34 CFR 300.533

ELIGIBILITY

To be eligible for special education services a student must have been determined to have one or more of the disabilities listed in federal regulations or in state law or both. *19 TAC 89.1040*

A student is eligible to participate in the District's special education program if the student is between the ages of 3 and 21 inclusive with one or more

disabilities (physical disability, mental retardation, emotional disturbance, learning disability, autism, speech or language impairment, traumatic brain injury, visual or auditory impairment, orthopedic impairments, a specific learning disability, deaf-blindness, multiple disabilities, or other health impairments) that prevent the student from being adequately or safely educated in the public schools without the provision of special services. A student with a visual or auditory impairment shall be eligible to participate in the District's special education program from birth. Graduation with a regular high school diploma pursuant to 19 TAC 89.1070(b)(1)-(2) terminates a student's eligibility to receive services. An eligible student receiving special education services who is 21 years of age on September 1 of a school year shall be eligible for services through the end of that school year or until graduation with a regular high school diploma, whichever comes first. *20 U.S.C. 1401(3); 34 CFR 300.7; Education Code 29.003(b), 30.002; 19 TAC 89.1035*

A child between the ages of three and five who is evaluated as having mental retardation, emotional disturbance, a specific learning disability, or autism may be described as noncategorical early childhood. *20 U.S.C. 1401(3); 34 CFR 300.7; 19 TAC 89.1040*

DETERMINATION OF ELIGIBILITY	Upon completion of tests and other evaluation materials, the determination of whether the child is eligible for special education shall be made by the ARD committee and the parent. In making the determination, a child shall not be determined to be a child with a disability if the determinant factor for the determination is lack of instruction in reading or math or limited English proficiency. A copy of the evaluation report and the documentation of determination of eligibility must be given to the parent. <i>20 U.S.C. 1414(b)(4), (5); 34 CFR 300.534</i>
PUBLIC NOTICE	The District shall develop a system to notify District residents with children ages three to five who are eligible for enrollment in a special education program of the availability of the program. <i>Education Code 29.009</i>
REEVALUATIONS	The District shall ensure that each child with a disability is reevaluated if conditions warrant or if the child's parent or teacher requests a reevaluation, but at least once every three years. Before conducting a reevaluation, the District shall give the parent notice that describes any evaluation procedures the District proposes to conduct and shall obtain written parental consent, except that such informed parental consent need not be obtained if the District can demonstrate that it had taken reasonable measures to obtain consent and the parent has failed to respond. <i>20 U.S.C. 1414(a)(2), (b), (c); 34 CFR 300.505, 300.536</i>
CHANGE IN ELIGIBILITY	The District shall evaluate a child with a disability before determining that the child is no longer a child with a disability. <i>20 U.S.C. 1414(c)(5); 34 CFR 300.534(c)(1)</i>
INDEPENDENT EVALUATION AT PUBLIC EXPENSE	The parents of a child with a disability have a right to obtain an independent educational evaluation if they disagree with the District's evaluation. Upon request for an independent evaluation, the District shall provide parents with information regarding where one can be obtained. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is

obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation. If a parent requests an independent evaluation, the District shall either ensure that an evaluation is performed at public expense or initiate a due process hearing to establish that the District's evaluation is appropriate. If the District initiates a hearing, and the District's evaluation is found to be appropriate, the parent still has a right to an independent evaluation, but not at public expense.

AT PRIVATE
EXPENSE

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation shall be considered by the District, if it meets District criteria, in any decision made with respect to providing a free appropriate public education to the child.

34 CFR 300.502

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UPDATE 74
EHBAA(LEGAL)-P

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ARD COMMITTEE The District shall establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted. The ARD committee shall be the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 CFR 300.344. The District shall be responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law. *19 TAC 89.1050(a)*

MEETINGS The District shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. A meeting does not include informal or unscheduled conversations involving District personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. *20 U.S.C. 1414(d); 34 CFR 300.501(b)(2), 300.343*

NEW STUDENTS For a student who is new to the District:

1. When a student transfers within the state, the ARD committee may, but is not required to, meet when the student enrolls and a copy of the student's IEP is available, the parent(s) indicate in writing that they are satisfied with the current IEP, and the District determines that the current IEP is appropriate and can be implemented as written; or
2. If the conditions of item 1 above are not met, then the ARD committee must meet when the student enrolls and the parents verify that the student was receiving special education services in the previous school district, or the previous school district verifies in writing or by telephone that the student was receiving special education services. At this meeting, the ARD committee must do one of the following:
 - a. The ARD committee may determine that it has appropriate evaluation data and other information to develop and begin implementation of a complete IEP for the student; or
 - b. The ARD committee may determine that valid evaluation data and other information from the previous school district are insufficient or unavailable to develop a complete IEP. In this event, the ARD committee may authorize the provision of temporary special education services pending receipt of valid evaluation data from the previous school district or the collection of new evaluation data by

the current school district. In this situation, a second ARD committee meeting must be held within 30 school days from the date of the first ARD committee meeting to finalize or develop an IEP based on current information.

In accordance with Education Code 25.002, the school district in which the student was previously enrolled shall furnish the new school district with a copy of the student's records, including the child's special education records, not later than the 30th calendar day after the student was enrolled in the new school district. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, does not require the student's current and previous school districts to obtain parental consent before requesting or sending the student's special education records if the disclosure is conducted in accordance with 34 CFR 99.31(a)(2) and 99.34.

19 TAC 89.1050(f)

REPORT

The written report of the ARD committee shall document the decisions of the committee with respect to the issues discussed at the meeting. The report shall include the date, names, positions, and signatures of the members participating in each meeting. The report shall also indicate each member's agreement or disagreement with the committee's decisions. In the event Education Code 29.005(d)(1) applies, the District shall provide a written or audiotaped copy of the student's IEP. In the event Education Code 29.005(d)(2) applies, the District shall make a good faith effort to provide a written or audiotaped copy of the student's IEP. *19 TAC 89.1050(e)*

MEMBERSHIP

The District shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a child with a disability;
2. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
3. At least one special education teacher, or, if appropriate, at least one special education provider of the child;
4. A representative* of the District who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
 - b. Is knowledgeable about the general curriculum; and
 - c. Is knowledgeable about the availability of resources of the District;
5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee (who may be a member of the committee listed in items 2-6);
6. The child, if appropriate; and
7. Other individuals who have knowledge or special expertise regarding the child at the discretion of the District or the parent.

* The District may designate another member of the ARD committee to also serve as a District representative, so long as the criteria in items 4a-c are satisfied.

TRANSITION PLANNING If the purpose of the meeting is to consider transition services for a student, the District shall invite:

1. The student. If the student does not attend, the District shall take steps to ensure that the student's preferences and interests are considered.
2. A representative of any other agency that is likely to be responsible for providing or paying for transition services. If such a representative is invited but does not attend, the District shall take other steps to obtain the participation of the other agency in the planning of any transition services.

34 CFR 300.344; 19 TAC 89.1050 [See EHBA]

COLLABORATIVE PROCESS-TEN-DAY RECESS All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions concerning the required elements of the IEP shall be made by mutual agreement of the required members, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

1. When mutual agreement about all required elements of the IEP is not achieved, the parent or adult student [see EHBAD for more information on rights of adult students] who disagrees shall be offered a single opportunity to have the committee recess for a period not to exceed ten school days. This recess is not required when:
 - a. The student's presence on campus represents a danger of physical harm to the student or others;
 - b. The student has committed an expellable offense; or
 - c. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]
 - d. These requirements do not prohibit the members of the ARD committee from recessing an ARD committee meeting for reasons other than failure of the parents and the District from reaching mutual agreement about all required elements of an IEP.
2. During the recess, the committee members shall consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons to enable the committee to reach mutual agreement.
3. The date, time, and place for continuing the ARD committee meeting shall be determined by mutual agreement prior to the recess.
4. If after the ten-day recess, the ARD committee still cannot reach mutual agreement, the District shall implement the IEP it has determined to be appropriate for the student.
5. When mutual agreement is not reached, a written statement of the basis for the disagreement shall be included in the IEP. The members who disagree shall be offered the opportunity to write their own statements.
6. When the District implements an IEP with which the parents or adult student disagree, it shall provide prior written notice in compliance with the notice provisions described at EHBAD.
7. Parents shall have the right to file a complaint, request mediation, or request a due process hearing at any point, when they disagree with ARD committee decisions.

19 TAC 89.1050(h)

FIRST-TIME
REFERRALS

The ARD committee (see below) shall make its decisions regarding students referred for a full and individual initial evaluation within 30 calendar days from the date of the completion of the written full and individual initial evaluation report. If the 30th day falls during the summer and school is not in session, the ARD committee shall have until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement, unless the full and individual initial evaluation indicates the student will need extended school year (ESY) services during that summer. *19 TAC 89.1050(d)* [See EXTENDED SCHOOL YEAR SERVICES, below]

DISCIPLINE

For procedures involving discipline of students with disabilities, see FOF.

PARENTAL
PARTICIPATION
IN ARD
COMMITTEE

The District shall invite the parents and adult student to participate as members of the ARD committee by providing written notice, as described at EHBAD. The District shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notice of the purpose, time, and location of the meeting, who will be in attendance, and that persons with knowledge or special expertise may be invited by either the parent or the District;
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the District will invite the student, and identify any other agency that will be invited to send a representative.

20 U.S.C. 1414(d); 34 CFR 300.345 (a), (b); 19 TAC 89.1045(a)

If neither parent can attend an ARD meeting, the District shall use other methods to ensure parental participation, including individual or conference telephone calls. An ARD meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend, but the District shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 CFR 300.345(c), (d)*

MEETING AT
PARENT'S
REQUEST

A parent may request an ARD committee meeting at any mutually agreeable time to address specific concerns about his or her child's special education services. The District must respond to the request by holding the meeting or requesting TEA's assistance through the mediation process. The District shall inform parents of the functions of the ARD committee and the circumstances or types of problems for which requesting an ARD committee meeting would be appropriate. *19 TAC 89.1045(b)*

TEACHER
INVOLVEMENT

The regular education teacher of a student with a disability, as a member of the ARD committee, shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and strategies and supplementary aids and services, program modifications, or supports for school

personnel that will be provided for the student. *34 CFR 300.346(d)*

The District shall have procedures to ensure that each teacher involved in a student's instruction has the opportunity to provide input and request assistance regarding the implementation of the student's IEP. These procedures shall include a method for a student's regular or special education teachers to submit requests for further consideration of the student's IEP or its implementation. In response to this request, the District's procedures shall include a method for the District to determine whether further consideration is necessary and whether this consideration will be informal or will require an ARD committee meeting. If the District determines that an ARD committee meeting is necessary, the student's current regular and special education teachers shall have an opportunity to provide input.

The District shall also ensure that each teacher who provides instruction to a student with disabilities receives relevant sections of the student's current IEP and that each teacher be informed of specific responsibilities related to implementing the IEP, such as goals and benchmarks, and of needed accommodations, modifications, and supports for the child.

19 TAC 89.1075(c)

INDIVIDUALIZED
EDUCATION
PROGRAM (IEP)

The IEP developed by the ARD committee for each student with a disability shall include:

1. A statement of the child's present levels of educational performance;
2. A statement of measurable annual goals, including benchmarks or short-term objectives;
3. A statement of the specific special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports for school personnel that will be provided for the child;
4. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities;
5. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
6. A statement of how the child's progress toward the annual goals will be measured and how parents will be informed—at least as often as parents of nondisabled students receive such notice-of this progress;
7. A statement of any individual modifications in the administration of state or Districtwide assessments; and
8. Beginning at age 14 (or younger, if appropriate), and updated annually, a statement of the transition service needs of the student.

The ARD committee shall also consider:

1. In the case of a child whose behavior impedes his or her learning or that of others, when appropriate, strategies, including positive behavioral interventions, and supports to address that behavior.

2. In the case of a child with limited English proficiency, the language needs of the child as those needs relate to the child's IEP.
3. For students who are blind or visually impaired, instruction in Braille and the use of Braille unless the ARD committee determines, after an evaluation of the child's reading and writing skills, that instruction in Braille is not appropriate for the child. The IEP shall also include the elements required by Education Code 30.002(e).
4. The communication needs of the child, and in the case of a child who is deaf or hard of hearing, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode.
5. Whether the child requires assistive technology devices and services.
6. If the ARD committee determines that the student is in need of extended school year (ESY) services, goals and objectives for ESY services from the student's current IEP.

20 U.S.C. 1414(d); 34 CFR 300.346(a), 300.347(a), (b); 19 TAC 89.1055

ACCELERATED READING INSTRUCTION PROGRAM The admission, review, and dismissal committee of a kindergarten, first grade, or second grade student who participates in the District's special education program and who does not perform satisfactorily on a reading instrument [see EKC] shall determine the manner in which the student will participate in an accelerated reading program. However, the accelerated reading instruction program may be implemented only if the Commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program. *Education Code 28.006*

PROMOTION The ARD committee of a student who does not perform satisfactorily on:

1. The third grade reading assessment instrument;
2. The fifth grade mathematics and reading assessment instrument; or
3. The eighth grade mathematics and reading assessment instrument

shall determine the manner in which the student will participate in an accelerated instructional program [see EIE] and whether the student will be promoted or retained. *Education Code 28.0211*

For students with autism/pervasive developmental disorders, information about the following shall be considered and when needed, shall be addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time;
3. In-home training or viable alternatives;
4. Prioritized behavioral objectives;
5. Prevocational and vocational needs of students 12 years of age or older;
6. Parent training; and
7. Suitable staff-to-students ratio.

If the ARD committee determines that the services are not needed in one or more of the items listed in 1-7 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

IEP TO PARENT The District shall provide a copy of the IEP to the parent at no cost to the parent. 34 CFR 300.345(f)

If the child's parent is unable to speak English, the District shall:

1. Provide the parent with a written or audiotaped copy of the child's IEP translated into Spanish if Spanish is the parent's native language; or
2. Make a good faith effort to provide the parent with a written or audiotaped copy of the child's IEP translated into the parent's native language, if that language is other than Spanish.

Education Code 29.005(d)

PLACEMENT DECISIONS Before initial placement occurs, the District shall obtain written consent as defined in 34 CFR 300.500. 19 TAC 89.1050(d), (e) [See EHBAA for details concerning parental consent]

EXTENDED SCHOOL YEAR (ESY) SERVICES The District shall ensure that extended school-year services are available as necessary to provide a student with a disability with a free appropriate public education.

The need for extended school year (ESY) services must be determined on an individual student basis by the ARD committee. In determining the need for and in providing ESY services, the District may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services. The need for ESY services must be documented from formal and/or informal evaluations provided by the District or the parents. The documentation shall demonstrate that in one or more critical areas addressed in the current IEP objectives, the student has exhibited or may reasonably be expected to exhibit severe or substantial regression that cannot be recouped within a reasonable period of time. "Severe or substantial regression" means that the student has been or will be unable to maintain one or more acquired critical skills because of the absence of ESY services.

If the District does not propose ESY services for discussion at the annual review of a student's IEP, the parent may request that the ARD committee discuss ESY services. If a student for whom ESY services was considered and rejected loses critical skills because of the decision not to provide ESY services, and if those skills are not regained after the reasonable period of time for recoupment, the ARD committee shall reconsider the current IEP if the student's loss of critical skills interferes with the implementation of the student's IEP.

20 U.S.C. 1412(a)(1), 1413(a); 34 CFR 300.309; 19 TAC 89.1065

INDIVIDUAL TRANSITION PLANNING (ITP) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the ARD committee), and updated annually, the IEP shall include a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study. For each student beginning at age 16, the IEP shall include a statement of needed transition services, including, if appropriate, a statement of the

interagency responsibilities or any needed linkages. *34 CFR 300.347(b)*

Transition planning shall be initiated by the District, but transition services are the responsibility of other state agencies as well. Subject to revision by mutual agreement of the agencies, the following are participating agencies for purposes of transition services: Texas Education Agency, Texas Department of Human Services, Texas Commission for the Blind, Texas Department of Protective and Regulatory Services, Texas Department of Mental Health and Mental Retardation, Texas Employment Commission, and Texas Rehabilitation Commission.

The individual transition planning process shall be collaborative and based on long-range goals. It shall be based on current information regarding the student's knowledge, skills, capabilities, interests, and preferences.

19 TAC 89.1110

INSTRUCTIONAL DAY An instructional day commensurate with that of students who do not have disabilities shall be available to students with disabilities. The ARD committee shall determine the appropriate instructional setting and length of day for each student and specify these requirements in the student's IEP. *19 TAC 89.1075(d)*

PERSONNEL ASSIGNED TO VISUALLY IMPAIRED If the District provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10). *19 TAC 89.1075(b)*

GRADUATION Graduation with a regular high school diploma terminates a student's eligibility for special education services. In addition, as provided in Education Code 42.003(a), graduation with a regular high school diploma terminates a student's entitlement to the benefits of the Foundation School Program. For students who receive a diploma according to *19 TAC 89.1070(c)*, the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

20 U.S.C. 1412(a)(1), 1413(a); 34 CFR 300.122; 19 TAC 89.1070 [See EIF]

DATE ISSUED: 12/16/2003

UPDATE 72

EHBAB(LEGAL)-P

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CHILDREN IN
PRIVATE SCHOOLS

CHILD FIND

The District shall ensure that all children residing in the District, including those attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. The activities undertaken to carry out this responsibility for private-school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools. *20 U.S.C. 1412(a)(3), 1413(a); 34 CFR 300.451*

SERVICES

No private-school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

The District shall consult in a timely and meaningful way with appropriate representatives of private-school children with disabilities to decide which children will receive services, what services will be provided, how and where the services will be provided, and how the services provided will be evaluated. If a child with a disability is enrolled in a private school and will receive special education or related services from the District, the District shall initiate and conduct ARD committee meetings to develop, review, and revise a services plan for the child and ensure that a representative of the private school attends that meeting.

The District shall make the final decisions with respect to eligible private-school children.

20 U.S.C. 1412(a), 1413(a); 34 CFR 300.454

PRIVATE
SCHOOL
PERSONNEL

The District shall give appropriate representatives of private-school children with disabilities a genuine opportunity to express their views regarding educational needs of private-school children with disabilities. However, the services provided to private-school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. *20 U.S.C. 1412(a), 1413(a); 34 CFR 300.454(b), 300.455(a)*

UNILATERALLY
ENROLLED
STUDENTS

When a student with disabilities who has been placed by his or her parents directly in a private school or facility is referred to the District, the District shall convene an ARD committee meeting to determine whether the District can offer to the student a free appropriate public education. If the District

determines that it can, the District is not responsible for providing educational services to that student until the parents enroll the child in the public school full-time or request services under the dual enrollment rule. The District is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the District made a free appropriate public education available to the child and the parents elected to place the child in the private school or facility.

EXTENT OF SERVICES

Amounts expended to provide special education services to private-school students shall be equal to a proportionate amount of federal funds made available for eligible special education students educated within the District. For children ages 3 through 21, this shall be an amount that is the same proportion of the District's federal special education funding as the number of private-school children with disabilities residing in the District is to the total number of children with disabilities in the District.

20 U.S.C. 1412(a)(10), 1413(a); 34 CFR 300.403, 300.453; 19 TAC 89.1096

Note: The provisions for dual enrollment expire June 30, 2004.

DUAL ENROLLMENT

Parents of an eligible student age three or four shall have the right to "dual enroll" their student in both the public school and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, subject to the following:

1. The student's ARD committee shall develop an individualized education program (IEP) designed to provide the student with a free appropriate public education (FAPE) in the least restrictive environment appropriate for the student.
2. From the IEP, the parent and the District shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment set forth in 34 CFR 300.550-300.553 and the policies and procedures of the District.
3. For students served under the provisions of dual enrollment, the District shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the District.

19 TAC 89.1096(d)

Children with disabilities who are enrolled by their parents in private elementary and secondary schools shall be provided special education and

related services in accordance with a services plan that describes the specific special education and related services that the District will provide. Such services may be provided on the premises of private, including parochial, schools to the extent consistent with law. *34 CFR 300.455(b), 300.456(a)*

TRANSPORTATION	The District shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. <i>19 TAC 89.1096(e)</i>
COMPLAINTS	Complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the District under the dual enrollment provisions may be filed with TEA under the procedures in 34 CFR 300.660-300.662. The procedures relating to due process hearings do not apply to complaints regarding the implementation of the components of the student's IEP that have been selected by the parent and the District. <i>19 TAC 89.1096(f)</i>
DISTRICT-PLACED STUDENTS	If the District places children with disabilities in a private school or facility in accordance with an IEP, those children shall be provided special education and related services at no cost to their parents. <i>20 U.S.C. 1412(a)(10), 1413(a); 34 CFR 300.401; 19 TAC 89.1090</i>
CHARTER SCHOOL STUDENTS	The District shall serve children with disabilities attending District charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. <i>20 U.S.C. 1413(a)(5); 34 CFR 300.312</i>
RESIDENTIAL FACILITIES	A District having a residential facility that is licensed by appropriate state agencies and located within the District's boundaries must provide special education and related services to eligible students residing in the facility. If, after contacting the facility to offer services to eligible students with disabilities, the District determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the District is not required to provide services. However, the District shall annually contact the facility to offer services to eligible students with disabilities. <i>19 TAC 89.1001(c), 89.1115</i>
CONTRACTS FOR RESIDENTIAL PLACEMENTS	The District may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for students with disabilities. The District may contract only with facilities that are approved by the Commissioner. Contracts for residential placement must be approved by the Commissioner, either in whole or in part, after at least a programmatic evaluation of personnel qualifications, adequacy of physical plant and equipment, and curriculum content. Residential contracts shall be negotiated on an individual student basis.
NOTICE TO TEA	The District shall notify TEA when it intends to contract for residential placement. Costs of approved contracts for residential placement may be paid from a combination of federal, state, and local funds, according to Education Code 29.008(b).

RESPONSIBILITY If the District contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. An approved facility, institution, or agency with whom the District contracts shall periodically report to the District on the services the student has received or will receive, as well as diagnostic or other evaluative information the District requires in order to fulfill its obligations.

The District shall have the following responsibilities when making a residential placement:

1. Before placing a student with a disability in a residential facility, initiate and conduct a meeting to develop an IEP for the student in accordance with state and federal law.
2. List in each student's IEP the services the District is unable to provide and the facility is able to provide.
3. Make an annual on-site visit to verify that the facility can and will offer the services listed in the individual student's IEP and to ensure that the facility offers the student an appropriate educational program. The placement of more than one student may be considered in the same site-visit; however, the IEP of each student must be reviewed and a determination of appropriateness of placement and service must be made for each student.
4. Document in each student's IEP the appropriateness of the facility. General approval by TEA or a general screening by a regional education service center (RESC) is not sufficient.
5. For each student, the ARD committee shall establish written criteria and estimated time frames for returning the student to the District.
6. For all contract students, the District shall verify in the annual ARD review that:
 - a. The facility continues to meet minimum standards for health and safety.
 - b. Continued contracting is needed and the need is documented in the IEP.
 - c. The facility continues to offer an appropriate program for the student.

OUT-OF-STATE PLACEMENTS If the District contracts for out-of-state residential placements, it shall do so in accordance with the rules for in-state residential placement, except that the facility shall be approved by the appropriate agency in the state in which the facility is located rather than by the Texas Commissioner of Education.

IN-STATE TRANSFERS When a student on a residential contract in one district moves to another district in Texas and the student is to continue on the contract, the district that negotiated the contract shall be responsible for the residential contract for the remainder of the school year.

Education Code 29.008; 19 TAC 89.61

SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED AND For each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf, the District shall share the cost of the student's education (excluding the summer program) in accordance with Education Code 30.003. Prior to consideration of the student's

SCHOOL FOR THE DEAF

educational placement for special education services, the District shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. Student's rights to admission and to appeal admission decisions.

Education Code 30.003, 30.004; 19 TAC 89.62

The District may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 TAC 89.1085. *19 TAC 89.1085*

STUDENTS IN CONTRACT PLACEMENTS

For each student, the ARD committee shall establish written criteria and estimated time lines for returning contracted students to the District. *19 TAC 89.61*

CHILDREN WITH DISABILITIES IN ADULT PRISONS

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;
2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement and need not consider the least restrictive environment requirements if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

20 U.S.C. 1414(d)(6); 34 CFR 300.311

DATE ISSUED: 09/04/2001

UPDATE 66

EHBAC(LEGAL)-P

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

The District shall establish and maintain procedures designed to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education. These procedures shall include:

OPPORTUNITIES
FOR PARENTS

1. An opportunity for the parents of a child with a disability:
 - a. To examine all records relating to the child;
 - b. To participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child; and
 - c. To obtain an independent educational evaluation of the child.

34 CFR 300.501, 300.502

ADULT
STUDENTS

2. Notification of the student and the parents of the transfer of rights, in accordance with 34 CFR 300.517. A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the District shall provide any notice required by Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 to both the student and the parents. All other rights accorded to parents under Chapter 29, Subchapter A of the Education Code or 20 U.S.C. 1415 transfer to the student. *Education Code 29.017*

In accordance with 34 CFR 300.347(c) and 300.517 and Education Code 29.017, beginning at least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, all rights granted to the parent under the IDEA, Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. After the student reaches the age of 18, except as provided below (incarcerated students), the District shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

In accordance with 34 CFR 300.517(a)(2) and Education Code 29.017, all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter

XIII.

In accordance with 34 CFR 3000.517(a)(3), the District must notify in writing the adult student and parent of the transfer of parental rights at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR 300.503, but must include a statement that parental rights have transferred to the adult student and provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, that is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR 300.344(a)(6), the adult student or the District may invite individuals who have knowledge or special expertise regarding the student, including the parent.

Nothing in 19 TAC 89.1049 prohibits a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

19 TAC 89.1049

SURROGATE PARENT

3. Procedures to protect the rights of the child whenever the parents of the child cannot be identified, the District cannot locate the parents after reasonable efforts to do so, or the child is a ward of the state. These procedures shall include assigning an individual to act as a surrogate for the parents. This individual shall not be an employee of TEA, the District, or any other agency that is involved in the education or care of the child. In addition, the individual chosen to act as a surrogate parent should have no interest that conflicts with the interest of the child he or she represents and should have knowledge and skills that ensure adequate representation of the child. *34 CFR 300.515*

TRAINING

An individual assigned to act as a surrogate parent must complete a training program in which the individual is provided with an explanation of the provisions of federal and state laws, rules, and regulations relating to:

- a. The identification of a student with a disability;
- b. The collection of evaluation and re-evaluation data relating to a student with a disability;
- c. The admission, review, and dismissal (ARD) committee process;
- d. The development of an individualized education program (IEP) and, for a student who is at least 16 years of age, an individual transition plan (ITP);
- e. The determination of least restrictive environment;
- f. The implementation of an IEP;
- g. The procedural rights and safeguards available under 34 CFR

- 300.403, 300.500-300.529, 300.560-300.577, and 300.660-300.662, relating to the issues described in 34 CFR 300.504(b); and
- h. The sources that the surrogate parent may contact to obtain assistance in understanding the provisions of federal and state laws, rules, and regulations relating to students with disabilities.

The training program must be provided in the native language or other mode of communication used by the individual who is to serve as a surrogate parent.

The individual assigned to act as a surrogate parent must complete the training program within 90 calendar days after March 6, 2001, or the date of initial assignment as a surrogate parent, whichever comes later. Once an individual has completed a training program conducted or provided by or through the Texas Department of Family and Protective Services (FPS), the District, an education service center, or any entity that receives federal funds to provide IDEA training to parents, the individual shall not be required by any school district to complete additional training in order to continue serving as the student's surrogate parent or to serve as the surrogate parent for other students with disabilities. School districts may provide ongoing or additional training to surrogate parents and/or parents; however, the District cannot deny an individual who has received the training from serving as a surrogate parent on the grounds that the individual has not been trained.

The District shall provide, or arrange for the provision of, the training program within 90 calendar days after March 6, 2001, for individuals serving as surrogate parents as of March 6, 2001. Thereafter, the District should provide or arrange for the provision of the training program prior to assigning an individual to act as a surrogate parent but no later than 90 calendar days after assignment.

19 TAC 89.1047(a)

FOSTER PARENT
AS SURROGATE

4. Preferential consideration to a foster parent of a child with a disability when assigning a surrogate parent for the child. A foster parent may act as a parent of a child with a disability if:
 - a. FPS is appointed as the temporary or permanent managing conservator of the child;
 - b. The child has been placed with the foster parent for at least 60 days;
 - c. The foster parent agrees to:
 1. Participate in making educational decisions on the child's behalf; and
 2. Complete a training program for surrogate parents that complies with minimum standards established by TEA rule.
 - d. The foster parent has no interest that conflicts with the child's interests.

A foster parent who is denied the right to act as a surrogate parent or a parent by the District may file a complaint with TEA in accordance with federal law and regulations.

TRAINING

A foster parent may act as a parent of a child with a disability if he or she complies with the requirements of Education Code 29.015(b), including the completion of the training program described under SURROGATE PARENT above.

CONFLICT OF INTEREST

5. Procedures for conducting an analysis of whether a foster parent or potential surrogate parent has an interest that conflicts with the interests of his or her child. A foster parent in a home which is verified by FPS or a child-placing agency shall not be deemed to have a financial conflict of interest by virtue of serving as the foster parent in that home. These homes include, but are not limited to, basic, habilitative, primary medical, or therapeutic foster or foster group homes. In addition, issues concerning quality of care of the child do not constitute a conflict of interest. Concerns regarding quality of care of the child should be communicated, and may be statutorily required to be reported, to FPS.

If the District denies a foster parent the right to serve as a surrogate parent or parent, the District must provide the foster parent with written notice of such denial within seven calendar days after the date on which the decision is made. The written notice shall:

- a. Specify the reason(s) the foster parent is being denied the right to serve as the surrogate parent or parent (the notice must specifically explain the interests of the foster parent that conflict with the interests of his or her child); and
- b. Inform the foster parent of his or her right to file a complaint with TEA in accordance with its complaint procedures. *Education Code 29.015; 19 TAC 89.1047(b), (c), (d)*

PRIOR WRITTEN NOTICE

6. Prior written notice to the parents of the child whenever the District proposes to initiate or change or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the free appropriate public education of the child. The written notice to parents shall be provided at least five school days before the proposed action is taken, unless the parents agree otherwise. *34 CFR 300.503(a); 19 TAC 89.1015*

The notice to parents must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. The notice must include:

CONTENTS

- a. A description of the action proposed or refused by the District, an explanation of why the District proposes or refuses to take the action, and a description of any options the District considered and the reasons why those options were rejected;
- b. A description of each evaluation procedure, test, record, or report the District uses as a basis for the proposal or refusal;
- c. A description of any factors that are relevant to the District's proposal or refusal;
- d. Sources for parents to contact to obtain assistance in understanding the provisions of the IDEA; and
- e. A statement that the parents of a child with a disability have

protection under the procedural safeguards of IDEA and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained.

34 CFR 300.503(b)

7. An opportunity for mediation [see mediation process, below]. *34 CFR 300.506*

COMPLAINT PROCEDURES

8. An opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.
9. Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential) in a complaint that includes:
 - a. The name and address of the child, and the name of the school the child attends;
 - b. A description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to the problem; and
 - c. A proposed resolution of the problem to the extent known and available to the parents at the time. *20 U.S.C. 1415(a)-(c)*

PROCEDURAL SAFEGUARDS NOTICE

The District shall provide a copy of the procedural safeguards available to parents, at a minimum:

1. Upon initial referral for evaluation;
2. Upon each notification of an ARD committee meeting and upon reevaluation of the child; and
3. Upon receiving a request for a due process hearing.

CONTENTS

The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner. The notice shall include information relating to:

1. Independent educational evaluation;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present complaints to initiate due process hearings;
6. The child's placement during pendency of due process proceedings;
7. Procedures for students who are subject to placement in an interim alternative educational setting;
8. Requirements for unilateral placement by parents of children in private schools at public expense;
9. Mediation;
10. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions;
12. Attorneys' fees; and
13. State complaint procedures, including how to file such a complaint.

20 U.S.C. 1415(d); 34 CFR 300.504

**MEDIATION
PROCESS**

The District shall ensure that procedures are established and implemented to allow parties to disputes arising from parental complaints relating to the identification, evaluation, placement or provision of a free appropriate public education to the child, to resolve those disputes through a mediation process which, at a minimum, shall be available whenever a parent requests an impartial due process hearing or a hearing concerning a child's placement in an alternative educational setting. [See FOE]

Mediation procedures shall ensure that the process:

1. Is voluntary on the part of the parties;
2. Is not used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under the Individuals with Disabilities Education Act; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

**WHEN NO
MEDIATION
PROCESS IS
USED**

The District may establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center, or an appropriate alternative dispute resolution entity. The impartial party would encourage the use, and explain the benefits, of the mediation process to parents.

20 U.S.C. 1415(e); 34 CFR 300.506

'STAY PUT'

During the pendency of any administrative or judicial proceeding regarding a complaint about the District's obligations to the student under federal and state special education laws, unless the District and the parent agree otherwise, the student involved in the complaint shall remain in the then-current educational placement, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed.

EXCEPTION

When a parent requests a hearing regarding a disciplinary action to challenge the child's placement in an interim alternative educational setting or the manifestation determination regarding a removal for weapons or drugs or a removal ordered by a hearing officer [see FOE], the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the term of placement, which may be for not more than 45 calendar days, in the alternative setting has expired, whichever occurs first, unless the parent and the District agree otherwise.

20 U.S.C. 1415 (j), (k)(7); 34 CFR 300.514, 300.526

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The District shall establish a process for identifying and serving gifted and talented students and shall establish a program for those students in each grade level. The District may establish a shared services arrangement with other districts. *Education Code 29.122*

DEFINITION "Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibits high performance capability in an intellectual, creative, or artistic area, possesses an unusual capacity for leadership, or excels in a specific academic field.
Education Code 29.121

IDENTIFICATION Students shall be identified as gifted/talented in accordance with a written policy that includes:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in the District have access to assessment and, if identified, to services provided for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local District educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of District decisions regarding program placement.

19 TAC 89.1

LEARNING OPPORTUNITIES The District shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.
2. A continuum of learning experiences that leads to the development of advanced-level products and performances.
3. In-school, and when possible, out-of-school options relevant to the

- student's area of strength that are available during the school year.
4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of GIFTED AND TALENTED EDUCATION.

DATE ISSUED: 02/05/2001
UPDATE 65
EHBB(LEGAL)-P

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DEFINITION	The District shall identify and serve gifted and talented students who perform at or show potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who exhibit high performance capability in an intellectual, creative, or artistic area, possess an unusual capacity for leadership, or excel in a specific academic field.
NOMINATION	Any District-enrolled student may be nominated at any time for the District's gifted and talented program by the following persons: teachers, counselors, parents, and students in grades K-12.
CONFERENCES	If requested by the parent, a conference shall be held with the nominated student and parent to determine whether the student is interested in the gifted and talented program.
IDENTIFICATION CRITERIA	Criteria to identify gifted and talented students shall be established in the Board-approved program for the gifted and talented. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students of all populations, including those students with special needs, such as the culturally different, the educationally disadvantaged, and students with disabilities.
PARENTAL CONSENT	Written parental consent shall be obtained before any special testing or individual assessment is conducted as part of the screening and identification process.
SELECTION	A selection committee shall evaluate each nominated student according to the established criteria and shall select those students for whom gifted program placement is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students and shall be established at each campus.
ASSESSMENTS	Assessment of students for gifted and talented programs shall include quantitative and qualitative data collected from multiple sources for each area of giftedness served by the District. Students shall be assessed in the language they understand or with nonverbally based tests. Assessment tools may include, but shall not be limited to, the following: achievement tests, creativity tests, behavioral inventories, individual student interviews, and student work products.
NOTIFICATION	Parents and students shall be notified in writing of selection for the gifted program. Participation in any program or services provided for gifted students is voluntary. The District shall obtain written permission of the student and a parent before a student is placed in a gifted program.
REASSESSMENTS	The District shall not perform routine reassessments.
TRANSFER	

STUDENTS

OUT-OF-DISTRICT	<p>When a student identified as gifted by a previous school district transfers into the District, the student's records shall be reviewed by the selection committee to determine if placement in the District's program for gifted and talented students is appropriate.</p> <p>The committee shall make its determination within 30 days of the student's enrollment in the District and shall base its decision on the transferred records, observation reports of District teachers who instruct the student, and student and parent conferences.</p>
INTRADISTRICT	<p>Intradistrict transfer students who have been identified as gifted and talented according to established District criteria shall continue in the program on the campus to which they transfer.</p>
FURLOUGH	<p>Students who are unable to maintain satisfactory performance within the structure of the gifted and talented program may be placed on probation or furlough for a period of time deemed appropriate by the campus selection committee. The minimum length of time for the probation or furlough shall be one semester. The maximum shall be one school year.</p> <p>The purpose of such a furlough is to provide the student, who is consistently performing below expectations, an opportunity to attain performance goals established by the campus selection committee.</p> <p>A furlough also may be granted at the request of the student and/or parent.</p> <p>At the end of the furlough, the student's progress shall be reassessed, and the student may reenter the gifted program, be removed from the program, or be placed on another furlough.</p>
EXIT PROVISIONS	<p>A student may be removed from the program at any time the campus selection committee or its representatives have had a conference with the student and parent and have documented use of established exiting procedures.</p>
APPEALS	<p>Parents or students may appeal any final decision of the selection committee regarding selection for or removal from the gifted program. Appeal shall be made first to the selection committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.</p>
PROGRAM EVALUATION	<p>The gifted program shall be evaluated periodically, and evaluation information shall be shared with Board members, administrators, teachers, counselors, students in the gifted and talented program, and the community.</p>
COMMUNITY AWARENESS	<p>The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.</p>

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DEFINITION OF AT- "Student at risk of dropping out of school" includes each student who is under
RISK STUDENT 21 years of age and who:

1. If the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
2. If the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Was not advanced from one grade level to the next for one or more school years;
4. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
5. Is pregnant or is a parent;
6. Has been placed in an alternative education program under Education Code 37.006 during the preceding or current school year;
7. Has been expelled during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;
11. Is in the custody or care of the Department of Protective and Regulatory Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless, as defined by 42 U.S.C. 11302 and its subsequent amendments [see FD]; or
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in the District, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster group home.

LOCAL
ELIGIBILITY
CRITERIA

In addition to students described above, a student who satisfies local eligibility criteria adopted by the Board may receive instructional services under this policy. The number of students receiving services under local eligibility

criteria during a school year may not exceed ten percent of the number of students described above who received services from the District during the preceding school year.

Education Code 29.081(d), (g)

INTENSIVE
PROGRAM OF
INSTRUCTION

The District shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument. The program shall be designed to enable the student to perform at the student's grade level at the conclusion of the next regular school term, to the extent practicable, or to attain a standard of annual growth specified by the District and reported by the District to TEA and, if applicable, to carry out the purposes of Education Code 28.0211.

For a student in a special education program under Education Code Subchapter 29(A), who does not perform satisfactorily on a state assessment instrument, the student's admission, review, and dismissal committee shall design the program to enable the student to attain a standard of annual growth on the basis of the student's individualized education program and, if applicable, carry out the purposes of Education Code 28.0211.

The District's determination of the appropriateness of a program for a student is final and does not create a cause of action.

The District shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements. The Commissioner shall distribute funds to districts that implement the program based on the number of students identified by the District who do not perform satisfactorily on a state assessment instrument or are not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade nine, as determined by the District.

Education Code 28.0213

COMPENSATORY,
INTENSIVE, AND
ACCELERATED
INSTRUCTION

The District shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the District's schools that enable the students to be performing at grade level at the conclusion of the next regular school term.

The District shall provide accelerated instruction to enrolled students who have not performed satisfactorily on each section of the secondary exit-level assessment instrument or who are at risk of dropping out of school.

EFFECTIVENESS

The District shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other District students. The evaluation shall include an analysis of the effectiveness of each program described in the campus and District improvement plans for reducing such disparities.

Education Code 29.081(a), (b), (c)

**USE OF
COMPENSATORY
EDUCATION
ALLOTMENT**

The District shall use its compensatory education allotment to fund supplemental programs and services designed to eliminate any disparity in performance on state assessment instruments or disparity in the rates of high school completion between at-risk students and all other students. Specifically, the District may use the funds, other than an indirect cost allotment established by State Board rule, which may not exceed 15 percent, in providing a compensatory, intensive, or accelerated instruction program or an alternative education program established under Education Code 37.008 or to support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 and its subsequent amendments and implementing regulations, at a campus at which at least 40 percent of the students are educationally disadvantaged. In meeting the costs of providing a compensatory, intensive, or accelerated instruction program, the District's compensatory education allotment shall be used for costs supplementary to the regular education program, such as costs for program and student evaluation, instructional materials and equipment and other supplies required for quality instruction, supplemental staff expenses, salary for teachers of at-risk students, smaller class size, and individualized instruction.

The District may also use allocated funds to fund the District's mentoring services program under Education Code 29.089.

**AT RISK OF
DROPPING
OUT**

The District may use its compensatory education allotment for a program specifically designed to serve students at risk of dropping out of school.

**EDUCATIONALLY
DISADVANTAGED**

The number of educationally disadvantaged students is determined:

1. By averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or
2. In the manner provided by Commissioner of Education rule, if no campus in the District participated in the national school lunch program of free or reduced-price lunches during the preceding school year.

**LIMITATION ON
DAEP
EXPENDITURES**

To ensure that a sufficient amount of compensatory education funds are available to supplement instructional programs and services, no more than 18 percent of the funds allotted under this section may be used to fund disciplinary alternative education programs. The Commissioner may waive the limitations upon an annual petition, by the District's Board and site-based decision making committee, presenting the reason for the need to spend supplemental compensatory education funds on disciplinary alternative education programs, provided that the District reports the number of students in each grade level, by demographic subgroup, not making satisfactory progress under the state's assessment system.

Notwithstanding Education Code 42.152(c), funds allocated may be used to fund in proportion to the percentage of students served by the program that meet the criteria in Education Code 29.081(d) or (g):

1. An accelerated reading instruction program under Education Code 28.006(g); or
2. A program for treatment of students who have dyslexia or a related disorder as required by Education Code 38.003.

Education Code 42.152

TUTORIAL SERVICES

The District may provide tutorial services at District schools. If the District provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than 70 to attend tutorials.

The District may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

ACCELERATED READING INSTRUCTION PROGRAM

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The District shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in the District's special education program and who does not perform satisfactorily on a reading instrument shall determine the manner in which the student will participate in an accelerated reading program.

LIMITATION

However, the accelerated reading instruction program may be implemented only if the Commissioner certifies, no later than July 1 of each year, that funds have been appropriated during a school year for administering the accelerated reading instruction program.

Education Code 28.006

READY-TO-READ GRANTS

The Commissioner shall make grants in support of prereading instruction. These grants shall be used to provide scientific, research-based prereading instruction for the purpose of directly improving prereading skills and for identifying cost-effective models for prereading intervention. As a condition to receiving a grant, public or private funds matching the grant must be pledged in a percentage set by the Commissioner. *Education Code 29.157*

AFTER-SCHOOL AND SUMMER INTENSIVE MATHEMATICS AND SCIENCE

The District may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the District.

Before providing a program, the Board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the District that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

The Commissioner by rule shall adopt guidelines and procedures related to funding and reporting.

Education Code 29.088, 29.089

**OPTIONAL
EXTENDED-YEAR
PROGRAM**

The District may set aside an amount from its compensatory education allotment, or may apply to TEA for funding of an extended-year program, for a period not to exceed 30 instructional days for:

1. Students in kindergarten through grade 11 who are identified as not meeting District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level; or
2. Students in grade 12 who are identified as likely not to graduate from high school before the beginning of the succeeding school year.

Each district seeking funding for an extended-year program must submit an application to the Commissioner of Education.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

The District may not enroll more than 16 students in a class provided in an optional extended-year program. Each class must be taught by a teacher who has completed a program that provides training to teach such a class. The training shall provide teachers with the knowledge and skills needed to help students in the program meet challenging state content and student performance standards. Training is to occur prior to the implementation of the program, and additional professional development may be provided throughout the implementation of the program.

**DISTRICT
REQUIREMENTS**

The District must:

1. Incorporate effective instructional strategies into the design of the program to ensure students are provided with the skills needed to be successful in the following school year. An extended day program must be implemented beyond the regular seven-hour day and may not include tutorials or extended in-school day care services. A tutorial program is

- not an acceptable instructional design for the program.
- 2. Include a parent/family awareness component in the extended-year program.
- 3. Submit to TEA an annual report evaluating the program. The report shall include a complete list of students who participated in the program for at least one day.
- 4. Maintain documentation of its compliance with the requirements of the optional extended-year provisions of this policy.

An extended-year program may extend the year, the week, or the day. The program shall be conducted beyond the required instructional days which may include intercessions for year-round programs.

The District may use optional extended-year program funds for follow-up activities so long as the optional extended-year program is provided for no less than 30 instructional days. These follow-up activities are restricted to participants of the program. All costs under the optional extended-year program must be necessary and reasonable for carrying out the objectives of the program and for the proper and efficient performance and administration of the program.

The District shall provide transportation to each student who is required to attend a program under this section and who is eligible for regular transportation services. [See policies at EIE and FDC]

Education Code 29.082; 19 TAC 105.1001

**OPTIONAL
FLEXIBLE YEAR
PROGRAM**

The District may provide a flexible year program for students who did not or are likely not to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821* [See EB]

**MENTORING
SERVICES
PROGRAM**

The District may provide a mentoring services program to students at risk of dropping out of school. The Board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program. The Board may arrange for any public or nonprofit community-based organization to come to the District's schools and implement the program.

ACCOUNTABILITY

The Commissioner shall determine accountability standards for a district providing a mentoring services program using funds allocated under Education Code 42.152.

FUNDING

The District may use funds allocated under Education Code 42.152 to fund a mentoring services program.

Education Code 29.089; 42.152(c-1)

**BASIC SKILLS
PROGRAMS FOR
HIGH SCHOOL
STUDENTS**

The District may apply to the Commissioner for funding of special programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the Commissioner. With the consent of a student's parent or guardian, the District may assign a student to the basic skills program, which may not exceed 210 instructional days. *Education Code 29.086*

DROPOUT
RECOVERY
EDUCATION
PROGRAMS

The District may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The programs must:

1. Provide not less than four hours of instructional time per day;
2. Employ as faculty and administrators persons with baccalaureate or advanced degrees;
3. Provide at least one instructor for each 28 students;
4. Perform satisfactorily according to performance indicators and accountability standards adopted for alternative education programs by the Commissioner; and
5. Comply with the Education Code and rules adopted thereunder.

Education Code 29.081(e)

DATE ISSUED: 12/16/2003

UPDATE 72

EHBC(LEGAL)-P

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SPECIAL PROGRAMS:
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LOCAL)

ACCELERATED / Students at all grade levels who have been identified as being at risk of dropping
COMPENSATORY out of school, who are not performing at grade level, or who did not perform
SERVICES satisfactorily on a state-administered assessment instrument shall be provided
accelerated and/or compensatory educational services based on needs
assessment. The principal shall ensure that each identified student is receiving
services.

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 by campus staff 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 policies at EHBC, EHBD, EIE, and FB]

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NEWLPM
EHBC(LOCAL)-X

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Note: The following contains basic requirements for districts and schools receiving Title I, Part A funds, but does not represent a complete list of legal obligations of such districts and schools. Those districts and schools that receive Title I, Part A funds should carefully review federal and state requirements concerning use of those funds.

Each district receiving federal funds under Title I, Part A shall:

1. Use the state academic assessments and other indicators described in the state plan to review annually the progress of each school served under 20 U.S.C. Title I, Part A (federal school improvement programs) to determine whether the school is making adequate yearly progress.
2. At the District's discretion, use any academic assessments or any other academic indicators described in the District's plan to review annually the progress of each school served under Title I, Part A to determine whether the school is making adequate yearly progress.
3. Publicize and disseminate the results of the local annual review to parents, teachers, principals, schools, and the community.
4. Review the effectiveness of the actions and activities the schools are carrying out under Title I, Part A with respect to parental involvement, professional development, and other activities assisted under Title I, Part A.

No Child Left Behind Act of 2001, 20 U.S.C. 6316

`ADEQUATE
YEARLY
PROGRESS'
DEFINED

The state shall define, based on academic assessments, what constitutes "adequate yearly progress" for the state, all public elementary schools, secondary schools, and districts in the state, toward enabling all public elementary school and secondary school students to meet the state's student academic achievement standards, while working toward the goal of narrowing the achievement gaps in the state, districts, and schools.

`ACADEMIC
ASSESSMENTS'
DEFINED

"Academic assessments" means a state-implemented set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the state and of each district and school in the state in enabling all children to meet the state's challenging student academic achievement standards, except that no state shall be required to meet the requirements of Title I, Part A relating to science assessments until the beginning of the 2007-08 school year.

IDENTIFICATION
FOR SCHOOL
IMPROVEMENT

The District shall identify for school improvement any elementary school or secondary school served under Title I, Part A that fails, for two consecutive years, to make adequate yearly progress as defined in the state's plan. The identification shall take place before the beginning of the school year following such failure to make adequate yearly progress.

SCHOOL PLAN

Each school identified for school improvement shall, not later than three months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the District serving the school, and outside experts, for approval by the District.

The school plan shall cover a two-year period and shall, as detailed at 20 U.S.C. 6316(b)(3)(A), incorporate strategies; policies; practices; funding; professional development; parental notice; parental involvement; the specific academic issues that caused the school to be identified for school improvement; specific annual, measurable objectives for continuous and substantial progress; and other elements that have the greatest likelihood of ensuring that each group of students enrolled in the school will meet the state's proficient level of achievement on the state academic assessment not later than 12 years after the end of the 2001-02 school year.

The school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification. If a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.

The District, within 45 days of receiving a school plan, shall establish a peer review process to assist with review of the school plan and promptly approve the school plan if the plan meets the requirements.

Note: See FDB for the option to transfer to a higher performing school, FDD for school safety transfers, and CNA for transportation of transfer students.

NOTICE TO
PARENTS

The District shall promptly provide to a parent or parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement, for corrective action, or for restructuring:

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the District and TEA. [See GND]
2. The reasons for the identification.
3. An explanation of what the school identified for school improvement is doing to address the problem of low achievement.

4. An explanation of what the District or TEA is doing to help the school address the achievement problem.
5. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement.
6. An explanation of the parents' option to transfer their child to another public school, with transportation provided by the District when required or to obtain supplemental educational services for the child. [See CNA]

**SUPPLEMENTAL
EDUCATIONAL
SERVICES**

In the case of any school that fails to make adequate yearly progress after identification, or is under corrective action or restructuring, the District serving such school shall arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness that is selected by the parents and approved for that purpose by TEA in accordance with reasonable criteria that TEA shall adopt. Nothing contained in this provision shall permit the making of any payment for religious worship or instruction.

An "eligible child" means a child from a low-income family, as determined by the District for purposes of allocating funds to schools under 20 U.S.C. 6313(c).

The District shall continue to provide supplemental educational services to a child receiving such services until the end of the school year in which such services were first received.

**WAIVER FROM
TEA**

At the request of the District, TEA may waive, in whole or in part, the requirement to provide supplemental educational services. TEA shall notify the District, within 30 days of receiving the District's request for a waiver, whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

**TECHNICAL
ASSISTANCE**

For each school identified for school improvement, the District serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan throughout the plan's duration. Such technical assistance shall include assistance in analyzing data from the academic assessments; in identifying and implementing professional development, instructional strategies and methods that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement; and in analyzing and revising the school's budget.

Technical assistance may be provided by the District, TEA, a qualified institution of higher education, a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement. Technical assistance provided by the District or an entity approved by the District shall be based on scientifically based research.

**FAILURE TO
MAKE AYP AFTER
IDENTIFICATION**

ONE YEAR

In the case of any school served under Title I, Part A that fails to make adequate yearly progress by the end of the first full school year after identification, the

AFTER

District serving such school shall:

1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
2. Make supplemental educational services available.
3. Continue to provide technical assistance.

TWO YEARS
AFTER:
CORRECTIVE
ACTION

In the case of any school served by the District under Title I, Part A that fails to make adequate yearly progress by the end of the second full school year after the identification, the District shall implement a system of corrective action.

The term "corrective action" means action, consistent with state law, that substantially and directly responds to the consistent academic failure of a school that caused the District to take such action, and any underlying staffing, curriculum, or other problems in the school; and is designed to increase substantially the likelihood that each group of students enrolled in the school identified for corrective action will meet or exceed the state's proficient levels of achievement on the state academic assessments. To implement corrective action, the District shall:

1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
2. Continue to provide technical assistance while instituting any corrective action.
3. Continue to make supplemental educational services available to children who remain in the school.
4. Identify the school for corrective action and take at least one of the following corrective actions:
 - a. Replace the school staff who are relevant to the failure to make adequate yearly progress.
 - b. Institute and fully implement a new curriculum, including appropriate professional development, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.
 - c. Significantly decrease management authority at the school level.
 - d. Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan.
 - e. Extend the school year or school day for the school.
 - f. Restructure the internal organizational structure of the school.

NOTICE OF
CORRECTIVE
ACTION

The District shall publish and disseminate information regarding any corrective action the District takes at a school to the public and to the parents of each student enrolled in the school subject to corrective action, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and through such means as the Internet, the media, and public agencies.

THREE AND
FOUR YEARS
AFTER: SCHOOL

If, after one full school year of corrective action, a school subject to such corrective action continues to fail to make adequate yearly progress, then the District shall:

- RESTRUCTURING
1. Continue to provide all students enrolled in the school with the option to transfer to another public school served by the District.
 2. Continue to make supplemental educational services available to children who remain in the school.
 3. Prepare a plan and make necessary arrangements to carry out alternate governance.

Not later than the beginning of the school year following the year in which the District implements restructuring, the District shall implement one of the following alternative governance arrangements for the school consistent with state law:

1. Reopen the school as a public charter school.
2. Replace all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.
3. Enter into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.
4. Turn the operation of the school over to the TEA, if permitted under state law and agreed to by the state.
5. Execute any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress.

NOTICE OF
SCHOOL
RESTRUCTURING

The District shall provide prompt notice to teachers and parents whenever restructuring provisions apply and provide them with an adequate opportunity to comment before taking any action for restructuring and to participate in developing any restructuring plan.

DURATION

If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the District shall no longer subject the school to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.

STATE
ASSISTANCE AND
INTERVENTION

TEA shall identify the District for improvement, provide technical assistance, and finally take corrective action in the manner prescribed by 20 U.S.C. 6316 (c). If the District is identified for corrective action, TEA shall take at least one of the following actions:

1. Defer programmatic funds or reduce administrative funds.
2. Institute and fully implement a new curriculum.
3. Replace the District personnel who are relevant to the failure to make adequate yearly progress.
4. Remove particular schools from the jurisdiction of the District and establish alternative arrangements for public governance and supervision of such schools.
5. Appoint a receiver or trustee to administer the affairs of the District in place of the Superintendent and school Board.
6. Abolish or restructure the District.
7. In conjunction with at least one of the actions listed above, authorize

students to transfer to a higher-performing public school operated by another district and provide the students transportation (or transportation costs). *No Child Left Behind Act of 2001, 20 U.S.C. 6316*

PARENTAL
INVOLVEMENT

The District's Title I, Part A program shall be planned and implemented with meaningful consultation with parents of participating students.

DISTRICT
POLICY

Each district that receives Title I, Part A funds shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall be incorporated into the District's plan developed under 20 U.S.C. 6312, establish the District's expectations for parent involvement, and describe how the District will:

1. Involve parents in the joint development of the plan under 20 U.S.C. 6312, and the process of school review and improvement under 20 U.S.C. 6316;
2. Provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
3. Build the schools' and parents' capacity for strong parental involvement as described at 20 U.S.C. 6318(e);
4. Coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;
5. Conduct, with the involvement of parents, an annual evaluation of the parental involvement policy as described at 20 U.S.C. 6318(a)(2)(E), and use the findings of the evaluation as described in that section; and
6. Involve parents in the activities of the schools served under this part.

Each school served under Title I, Part A shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of 20 U.S.C. 6318(c)-(f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6318

COMPARABILITY
ASSURANCE

If the District has more than one attendance area for each grade span, as a condition of receiving any Title I funds, it shall file with TEA written assurance that it has established:

1. A Districtwide salary schedule.
2. A policy to ensure equivalence among schools in teachers, administrators, and auxiliary personnel.
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

20 U.S.C. Sec. 6332(c)(2)

PRIVATE
SCHOOLS

After timely and meaningful consultation with appropriate private school officials, the District shall provide eligible disadvantaged children attending private elementary and secondary schools with special education services or benefits under Title I, Part A that are comparable to those provided in public schools. *20 U.S.C. Sec. 6320*

Note: See DBA for qualifications of teachers in Title I programs.

HOMELESS
CHILDREN

As a condition of receiving funds under the McKinney-Vento Homeless Education Assistance Improvements Act, the District shall serve homeless children according to their best interests. *McKinney-Vento Homeless Education Assistance Improvements Act of 2001, part of No Child Left Behind Act of 2001, 42 U.S.C. 11432* [See FD, FDC, and FFC]

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UPDATE 71
EHBD(LEGAL)-P

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COMPARABILITY OF SERVICES The Board shall ensure equity in services among campus programs and shall maintain appropriate records reflecting equity.

As reflected in District records, equity shall be maintained Districtwide in one of the following areas:

1. Expenditures of money per student from state and local funds;
2. Instructional salaries per student from state and local funds; or
3. Instructional staff/student ratios.

In special programs, such as special education and bilingual education, a lower ratio may be maintained and more money may be spent as necessary to fulfill other legal requirements. [See DEA]

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NEWLPM
EHBD(LOCAL)-B

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PURPOSE AND
GOAL

Bilingual education and English as a second language (ESL) programs shall be taught to enable limited English proficient (LEP) students to become competent in the comprehension, speaking, reading, and composition of the English language. Programs shall emphasize mastery of English language skills as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable LEP students to participate equitably in school. Bilingual education and ESL programs shall be integral parts of the total school program. These programs shall use instructional approaches designed to meet the special needs of LEP students and the basic curriculum content of the programs shall be based on the state essential knowledge and skills. *19 TAC 89.1201(b)-(d)*

REQUIRED
BILINGUAL
PROGRAM

If the District has an enrollment of 20 or more limited English proficient students in any language classification in the same grade level, it shall offer a bilingual education program for the LEP students in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through grade 5; sixth grade shall be included when clustered with elementary grades. The District is authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required.

The District shall offer LEP students the following:

1. Bilingual education in kindergarten through the elementary grades.
2. Bilingual education, instruction in ESL, or other transitional language instruction approved by TEA in post-elementary grades through grade 8.
3. Instruction in ESL in grades 9-12.

The bilingual education program shall be provided by offering either a dual language program that meets the requirements for program content and design, as established in 19 TAC 89.1210, or a dual language program designed by the District and approved by the commissioner, as provided by 19 TAC 89.1255. The District-designed program shall address the affective, linguistic, and cognitive needs of the LEP students and shall incorporate the cultural aspects of the students' backgrounds.

Education Code 29.053(c)(d); 19 TAC 89.1205(a)-(c)

REQUIRED ESL
PROGRAM

All LEP students for whom the District is not required to offer a bilingual education program shall be provided an English as a second language program, regardless of the students' grade levels and home language and regardless of the number of such students. *19 TAC 89.1205(d)*

The ESL program shall be provided by offering either an ESL program that

meets State Board requirements for program content and design, as established in 19 TAC 89.1210, or an ESL program designed by the District and approved by the commissioner of education, as provided by 19 TAC 89.1255. The District-designed program shall address the affective, linguistic, and cognitive needs of the LEP students. *19 TAC 89.1205(d)*

EXCEPTIONS

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

If the District is unable to hire a sufficient number of teachers with bilingual teaching certificates to staff the required program, the District may file an application for exception with TEA. The application must be accompanied by all of the following:

1. Documentation showing that the District has taken all reasonable affirmative steps to secure teachers with bilingual teaching certificates and has failed.
2. Documentation showing that the District has affirmative hiring policies and procedures consistent with the need to serve LEP students.
3. Documentation showing that, on the basis of District records, no teacher having bilingual credentials has been unjustifiably denied employment by the District within the past 12 months.
4. A plan detailing specific measures to be used by the District to eliminate the conditions that created the need for the exception.
5. Information required by 19 TAC 89.1205(g).

Exceptions shall be granted on an individual district basis and are valid for one year. Applications for second or subsequent years must be accompanied by the documentation listed above. During the period for which the District is granted an exception, the District must use alternative methods approved by TEA to meet the needs of its LEP students, including hiring teaching personnel under bilingual emergency permits.

Education Code 29.054; 19 TAC 89.1205(g)

EXCEPTIONS TO THE ESL PROGRAM

If the District is unable to provide an ESL program as described above, it shall request the commissioner's approval for a one-year exception and an alternative program. The request shall include all the information required by 19 TAC 89.1205(h). *19 TAC 89.1205(h)*

HOME LANGUAGE SURVEY

The home language survey shall be administered only one time to each student. Administration shall be to students new to the District and to students previously enrolled who were not surveyed in the past. The survey shall be signed by the parent or guardian for students in prekindergarten-grade 8 and by the student in grades 9-12. The original copy of the survey shall be retained in the student's permanent record. If the home language survey indicates a language other than English is used, the student shall be tested in accordance with 19 TAC 89.1225 (see IDENTIFICATION AND ASSESSMENT below). *Education Code 29.056 (a); 19 TAC 89.1215*

LANGUAGE PROFICIENCY ASSESSMENT

If the District is required to offer bilingual and special language programs, it shall establish one or more language proficiency assessment committees (LPACs) according to locally established procedures for the selection, appointment, and

COMMITTEES

training of members. The LPAC shall include at least:

1. A professional bilingual educator.
2. A professional transitional language educator.
3. A parent of a limited English proficient student who is not an employee of the District.
4. A campus administrator.

If the District does not have an individual in one or more of the job classifications required, it shall designate another professional staff member to serve on the LPAC. In grade levels at which the District is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel and a District-designated parent of an LEP student.

Education Code 29.063(a)(b); 19 TAC 89.1220(a)-(d)

DUTIES

The LPAC shall perform all the following duties:

1. Review all pertinent information on all LEP students.
2. Make recommendations concerning the most appropriate placement for the educational advancement of the LEP student after the elementary grades.
3. Review each LEP student's progress at the end of the school year in order to determine future appropriate placement.
4. Monitor the progress of students formerly classified as LEP who have transferred out of the bilingual or ESL program within the past two years.
5. Determine the appropriateness of a program that extends beyond the regular school year based on the needs of each LEP student.
6. Make the determinations required regarding placement in and exit from bilingual and ESL programs.
7. Before the annual administration of the state-mandated assessments and according to criteria set forth in 19 TAC 89.1220(i), determine the eligibility of LEP students in grades 3-8 for:
 - a. Exemption from the test;
 - b. Administration of the Spanish version of the test; or
 - c. Administration of the English version of the state-mandated assessments. [See EIF(LEGAL)]
8. Perform additional duties described in 19 TAC 89.1220 as well as those prescribed by TEA.

Education Code 29.063(c); 19 TAC 89.1220(g)-(i), (m)

STUDENT COUNTS

Within four weeks of the beginning of school, the LPAC shall determine and report to the Board the number of LEP students on each campus and shall classify each student according to the the language(s) in which the student possesses primary proficiency. The Board shall report that information to TEA before November 1 each year. *Education Code 29.053(b)*

IDENTIFICATION AND ASSESSMENT

Within four weeks of their initial enrollment in the District, students shall be identified, assessed, and classified for bilingual education or ESL programs according to the criteria and procedures established in rules adopted by the commissioner. *Education Code 29.056(a); 19 TAC 89.1225(a)-(g)*

PARENTAL

Within ten days after classification, the LPAC shall give written notice to parents

NOTICE AND APPROVAL

advising that a student has been classified as limited English proficient and requesting approval to place the student in the required bilingual or ESL program. The notice shall be in English and the primary language and shall include information about the benefits of the program for which the student is recommended and that it is an integral part of the school program. Pending parent approval, the District shall place the student in the recommended program, but may receive its bilingual allotment only for those students in the bilingual program with parent approval. *Education Code 29.056(a)(d); 19 TAC 89.1220(l)*

The entry or placement of a student in the bilingual or ESL program must be approved in writing by the student's parent. Approval shall be considered valid for the student's continued participation in the program until the student meets the established exit criteria, graduates from high school, or the parent requests a change in program placement. *19 TAC 89.1240(a)*

PROGRAM EXIT

A student may not be exited from the bilingual or ESL program in prekindergarten through grade one.

For exit from a bilingual education or English as a second language program, a student:

1. May be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program as determined by:
 - a. Meeting state performance standards for the English language criterion-referenced assessment instrument for reading and writing (when available) required in Texas Education Code 39.023, at grade level; and
 - b. Tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language and English;
2. May be classified as English proficient when he or she scores at or above the 40th percentile on both the English reading and the English language arts sections of a TEA-approved norm-referenced assessment instrument; or
3. May be classified as English proficient as determined by criteria that meet the requirements outlined in Texas Education Code 29.055 and 19 TAC 89.155, detailing requirements for a local plan.

A student exited from the program may be re-enrolled if later evidence indicates that the student has inadequate English proficiency and achievement.

Education Code 29.056(g)(h); 19 TAC 89.1225(h)-(j)

The District shall notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program. *19 TAC 89.1240(b)*

PROGRAM CONTENT

The District's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and

sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. *Education Code 29.055(a)*

PROGRAM DESIGN

The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds. *Education Code 29.055(b)*

PARTICIPATION

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The District shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. *Education Code 29.055(c)(e)*

Elective courses may be taught in a language other than English. *Education Code 29.055(d)*

FACILITIES

Bilingual education and special language programs shall be located in the District's regular schools rather than in separate facilities. Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The District shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program. In order to provide the required program, the District may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60 percent limited English proficient students. *Education Code 29.057; 19 TAC 89.1235*

REQUIRED PROGRAMS

If the District is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year. A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The District shall comply with the requirements of 19 TAC 89.1250 in providing such a program.

Education Code 29.060(a)-(c); 19 TAC 89.1250

OTHER PROGRAMS

The District may establish other summer school, extended day, or extended week bilingual or ESL programs for limited English proficient students; however, neither these programs nor the required voluntary program may substitute for the program to be provided during the regular school year. *Education Code 29.060 (d)(e)*

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UPDATE 62

EHBE(LEGAL)-P

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LANGUAGE
PROFICIENCY
ASSESSMENT
COMMITTEES

The professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs.

TRAINING

The District shall provide orientation and training for all members of the LPAC (s), which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for the District and shall observe requirements regarding confidentiality of student records. [See FL]

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UPDATE 40
EHBE(LOCAL)-A

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Each public school student shall master the basic skills and knowledge necessary for managing the dual roles of family member and wage earner and for gaining entry-level employment in a high-skill, high-wage job or continuing the student's education at the post-secondary level. *Education Code 29.181.*

The Board may conduct and supervise career and technology classes and other educational programs for students and for other persons of all ages and spend local maintenance funds for the cost of those classes and programs. *Education Code 29.183* [See EEL]

**DISTINGUISHED
ACHIEVEMENT IN
CAREER AND
TECHNOLOGY
EDUCATION**

The Board may develop and offer a program that provides a rigorous course of study consistent with the required curriculum [see EHAA] and under which a student may:

1. Receive specific education in a career and technology profession that leads to postsecondary education or meets or exceeds business or industry standards;
2. Obtain from the District an award for distinguished achievement in career and technology education and a stamp or other notation on the student's transcript that indicates receipt of the award.

An award granted under this section is not in lieu of a diploma or certificate of coursework completion. [See EI]

In developing the program, the Board shall consider the state plan for career and technology education. The Board must submit the proposed program to the Commissioner of Education in accordance with criteria established by the Commissioner.

**CONTRACTS
WITH OTHER
ENTITIES**

The Board may contract with an entity listed in Education Code 29.184(a) [see EEL] for assistance in developing the program or providing instruction to District students participating in the program. The Board may also contract with a local business or a local institution of higher education for assistance in developing or operating a career and technology education program. A program may provide education in areas of technology unique to the local area.

INSURANCE

The Board may provide insurance to protect a business that contracts with the District under this provision. [See CRB]

Education Code 29.187

APPLICABILITY

The following provisions apply only to districts receiving federal career and technology education funds. *19 TAC 75.1021*

PROGRAM EVALUATION	The District shall annually evaluate its career and technology education programs. <i>19 TAC 75.1025</i>
SPECIAL POPULATIONS	Members of special populations shall be provided career and technology services in accordance with all applicable federal and state laws, regulations, and rules.
DEFINITION	<p>In this policy, a "member of a special population" includes:</p> <ol style="list-style-type: none"> 1. An individual with a disability; 2. An individual from an economically disadvantaged family, including a foster child; 3. An individual preparing for nontraditional training and employment; 4. A single parent, including single pregnant women; 5. A displaced homemaker; and 6. An individual with other barriers to educational achievement, including an individual with limited English proficiency. <p><i>20 U.S.C. 2302(23)</i></p>
STUDENTS WITH DISABILITIES	<p>A student with a disability shall be provided career and technology services in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, state statutes, and rules of the SBOE and the Commissioner.</p> <p>A student with a disability shall be instructed in accordance with the student's individualized education program (IEP), in the least restrictive environment, as determined by the admission, review, and dismissal (ARD) committee. If a student with a disability is unable to receive a free appropriate public education (educational benefit) in a regular career and technology education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technology education for students with disabilities (CTED). [See EHBA]</p> <p>A student with a disability identified in accordance with IDEA is an eligible participant in career and technology education when the following requirements are met:</p> <ol style="list-style-type: none"> 1. The ARD committee shall include a representative from career and technology education, preferably the teacher, when considering initial or continued placement of a student in career and technology education; 2. Planning for the student shall be coordinated among career and technology education, special education, and state rehabilitation agencies and should include a coherent sequence of courses; 3. The District shall monitor to determine if the instruction being provided students with disabilities in career and technology education classes is consistent with those students' IEPs; 4. The District shall provide supplementary services that each student with a disability needs to successfully complete career and technology education, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and

- devices;
5. The District shall help fulfill the transitional service requirements of the IDEA Amendments of 1997 and implementing regulations, state statutes, and rules of the Commissioner for each student with a disability who is completing a coherent sequence of career and technology education courses.

When determining placement in a career and technology classroom, the ARD committee shall consider a student's graduation plan, the content of the individual transition plan, the IEP, and classroom supports. Enrollment numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA Amendments of 1997 and its implementing regulations.

19 TAC 75.1023

STUDENT
ORGANIZATIONS

The District may use federal career and technology education funds to provide opportunities for student participation in approved student leadership organizations and assist vocational student organizations in accordance with all applicable federal and state laws, rules, and regulations. A student shall not, however, be required to join such an organization. Student participation in vocational student organizations shall be governed in accordance with 19 TAC Chapter 76 (relating to extracurricular activities). *19 TAC 75.1024* [See FM]

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UPDATE 72
EHB(LLEGAL)-P

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Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. *Education Code 29.303*

PERSONNEL

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of deaf or hard-of-hearing students either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

The District shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the District and shall make positive efforts to employ qualified individuals with disabilities.

Education Code 29.304

INVOLVEMENT
OF OTHERS

Students who are deaf or hard of hearing must have an education in which parents or legal guardians and advocates for parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals may be involved at the discretion of parents or legal guardians or the District. *Education Code 29.306*

Students who are deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models. *Education Code 29.307*

ADVISORY
COMMITTEE

If the District has students who are deaf or hard of hearing, it shall include in its local special education advisory committee persons who are deaf or hard of hearing and parents or students who are deaf or hard of hearing, if practicable. *Education Code 29.309*

ASSESSMENT

The District shall not discriminate on the basis of race, culture, or sex when selecting and administering procedures and materials for assessment and placement of students who are deaf or hard of hearing. *Education Code 29.310(a)*

PLACEMENT

A single assessment instrument may not be the sole criterion for determining the placement of a student who is deaf or hard of hearing. *Education Code 29.310(b)*

Procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of

communication. All other procedures and materials used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication. *Education Code 29.210(c)*

DEAF OR HARD-OF-HEARING PROGRAMS	Programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including agencies operating early childhood intervention programs, preschools, agencies operating child development programs, nonpublic nonsectarian schools, agencies operating regional occupational centers and programs, and the Texas School for the Deaf. The programs must also be coordinated with post-secondary and adult programs for persons who are deaf or hard of hearing. <i>Education Code 29.311</i>
COUNSELING	Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. Appropriate auditory systems shall be used with students who are hard of hearing, if required by the ARD committee. <i>Education Code 29.312</i>
EVALUATION	The District must provide continuous evaluation of the effectiveness of programs for students who are deaf or hard of hearing. If practicable, the evaluations shall follow program excellence indicators established by TEA. <i>Education Code 29.313</i>
TRANSITION TO REGULAR CLASS	In addition to satisfying requirements under state and federal law for vocational training, the District shall develop and implement a transition plan for transition of students who are deaf or hard of hearing into a regular class program if the student is to be transferred from a special class or center or from a nonpublic, nonsectarian school into a regular class for any part of the school day. The transition plan must provide for activities to integrate the students into the regular education program and to support the transition of the student from the special education program into the regular education program. <i>Education Code 29.314</i>

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SPECIAL PROGRAMS:
DUAL LANGUAGE PROGRAM

EHB
(LEGAL)

DUAL
LANGUAGE
IMMERSION
PROGRAM

Consistent with rules adopted by the Commissioner, the District may adopt a dual language immersion program for students enrolled in elementary school grades. *Education Code 28.005(c), 28.0051(c)*

A dual language immersion program should be designed to produce students with a demonstrated mastery, in both English and one other language, of the required curriculum under Education Code 28.002(a). The Commissioner by rule shall adopt minimum requirements for a dual language immersion program, standards for evaluating the success of a program and the performance of schools that implement a program, and standards for recognizing schools that offer an exceptional program and students who successfully complete a program.
Education Code 28.0051

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

CHARACTER
EDUCATION

The District may provide a character education program, which must:

1. Stress positive character traits, such as:
 - a. Courage;
 - b. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
 - c. Integrity;
 - d. Respect and courtesy;
 - e. Responsibility, including accountability, diligence, perseverance, and self-control;
 - f. Fairness, including justice and freedom from prejudice;
 - g. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
 - h. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law; and
 - i. School pride;
2. Use integrated teaching strategies; and
3. Be age appropriate.

In developing or selecting a character education program under this section, the District shall consult with a committee selected by the District that consists of parents of District students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

TEXAS FIRST
RESPONDERS
DAY

Districts shall regularly observe Texas First Responders Day, September 11, by appropriate ceremonies. Each district may determine the appropriate ceremonies for observation of Texas First Responders Day. *Gov't Code 662.050*

CELEBRATE
FREEDOM WEEK

To educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week in which November 11 falls is designated as Celebrate Freedom Week in public schools. For purposes of this section, Sunday is considered the first day of the week.
Education Code 29.907

APPROPRIATE
INSTRUCTION

Each social studies class shall include, during Celebrate Freedom Week or during another full school week as determined by the Board, appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the United States Constitution, including the Bill of Rights, in

their historical context.

The study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the United States Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women's suffrage movement.

19 TAC 74.33(a)

RECITATION Each district shall require that, during Celebrate Freedom Week or other prescribed week of instruction, students in grades 3-12 study and recite the following text: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness - That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."

EXCEPTION Each district shall excuse from recitation a student:

1. Whose parent or guardian submits to the District a written request that the student be excused;
2. Who, as determined by the District, has a conscientious objection to the recitation; or
3. Who is the child of a representative of a foreign government to whom the United States government extends diplomatic immunity.

19 TAC 74.33(b)

HATE CRIMES LAW PROGRAM The attorney general, in cooperation with TEA, shall develop a program that provides instruction about state hate crimes laws to students at appropriate grade levels. TEA shall make the program available on request of the Board or District. *Education Code 29.905*

CPR INSTRUCTION To the extent that resources are available, through TEA or otherwise, the District shall provide cardiopulmonary resuscitation (CPR) instruction to students.

A district that provides instruction to students in the principles and techniques of CPR may accept from TEA donations the agency receives under Education Code 7.026. The District must use those donations in providing instruction to students in the principles and techniques of CPR. The District may accept other donations, including donations of equipment, for use in providing CPR instruction.

Education Code 29.903

Each district is strongly encouraged to aggressively pursue donations of time, equipment, and other resources necessary to implement these provisions. The CPR instruction should conform to nationally recognized guidelines. *Acts 2001, 77th Leg., R.S., Ch. 814, Sec. 3*

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UPDATE 74

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DEFINITION OF WEIGHTED CREDIT COURSES	<p>The District defines honors weighted courses in grades 6-12 as Pre-AP, Advanced Placement (AP), International Baccalaureate (IB), dual credit, articulated credit, magnet, and other TEA and District-identified advanced courses. Weighted credit courses must meet the following requirements:</p> <ol style="list-style-type: none">1. The courses must consist of a concrete scope and sequence reflecting valued content.2. The courses must have a wider range and greater depth of subject matter than regular courses.3. The courses must have strong emphasis on depth and complexity of content and instruction.4. The courses must provide extensive opportunities for creative and productive thinking.5. The courses must consistently stress cognitive concepts and process.6. The courses must require independent and guided research.7. The courses must contain opportunities for academic competition and other enrichment.8. The courses' entry criteria must meet the program eligibility requirements. <p>Each school shall ensure that students in honors weighted courses and programs receive instruction in and master the Texas essential knowledge and skills (TEKS).</p>
BOARD APPROVAL	<p>The Board shall review and approve new honors weighted courses.</p>
WEIGHTED COURSES	<p>College Board Advanced Placement courses and International Baccalaureate courses shall be designated by the Department of Advanced Academic Services as weighted courses.</p>
WEIGHTED GRADING	<p>Any honors weighted course shall carry a "weighted grade" equivalent. Weighted grades apply to grade point averages (GPA), not to six-weeks or semester grade averages.</p>
CURRICULUM ACCESS	<p>Regardless of standardized test scores or past grades, a student who possesses the interest, ambition, and motivation to enroll in one or more honors weighted courses may do so, with parent permission.</p> <p>Upon request by a student or the student's parent, and if the school has the resources, the school shall provide tutoring or other forms of academic support to a student who requires assistance to be successful. The school and the District shall make every effort possible to match a student with a tutor or equivalent.</p>
ANNUAL ORIENTATION	<p>Annually, campuses shall provide orientation to parents on the honors weighted course offerings, fully informing students and parents of the options and implications of their choices for their future program.</p>

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PRE-AP /
HONORS
PROGRAM

Any student may enroll in a Pre-AP or Honors course with parent permission. Prior to enrollment in Pre-AP or Honors courses, teachers, students, and parents should consider the following:

1. The student's interest and motivation for mastery of Pre-AP or Honors work;
2. Past grades in the content area; and
3. Required course prerequisites.

RECRUITMENT
OF STUDENTS
INTO PRE-AP /
HONORS
COURSES

Each secondary campus will have an aggressive recruitment plan and actively recruit students to enroll in Pre-AP or Honors courses. Each year, secondary campuses will conduct special outreach efforts with parents and students to recruit students who have not previously enrolled in Pre-AP or Honors courses. The Department of Advanced Academic Services will annually provide each campus with an evaluation instrument to assess student recruitment, participation, and success in Pre-AP or Honors courses.

EXIT FROM PRE-
AP / HONORS
COURSES

A student may request to change from a Pre-Advanced Placement (Pre-AP), Advanced Placement (AP), Honors, or International Baccalaureate (IB) course to a regular course in the same subject. Based on space availability in the new course, a change from one level to another level of the same course can occur up to the midpoint of a semester course. In a year-long course, a change may occur up to the midpoint of the course or at the end of the fall semester, based on space availability in the new course.

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CERTAIN
ACADEMIES

The District shall grant a maximum of two years' credit toward the academic course requirements for high school graduation for courses a student successfully completes at the Texas Academy of Leadership in the Humanities or the Texas Academy of Mathematics and Science. *Education Code 28.024*

JOINT HIGH
SCHOOL /
COLLEGE
CREDIT

CONCURRENT
CREDIT:
JUNIOR
COLLEGE

The District may enter into an agreement with a public junior college that allows the junior college to offer a course in which a student attending a District high school may enroll and for which the student may receive both course credit toward high school graduation requirements and course credit as a junior college student. Such a student will receive junior college credit if the student has been admitted to the junior college or subsequently is admitted to the junior college. *Education Code 130.008; 19 TAC 9.145*

DUAL
CREDIT:
UNIVERSITY

In accordance with rules established by the Texas Higher Education Coordinating Board, the District may enter into an agreement with a public university that allows a high school student to enroll in a college or university course and receive simultaneous academic credit for the course from both the college and the high school. *19 TAC 5.260-.263*

COLLEGE-LEVEL
COURSES

The Board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools
2. Middle States Association of Colleges and Schools
3. New England Association of Colleges and Schools
4. North Central Association of Colleges and Schools
5. Western Association of Colleges and Schools
6. Northwest Association of Colleges and Schools

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by the District. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

DATE ISSUED: 02/05/2001
UPDATE 65
EHDD(LLEGAL)-P

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EXTENDED INSTRUCTIONAL PROGRAMS:
COLLEGE COURSE WORK/DUAL CREDIT PROGRAM

EHDD
(LOCAL)

PARTNERSHIP
PROGRAMS

Eligible students may enroll in partnership programs with Texas colleges or universities in accordance with the agreement between the District and the college or university. These partnership programs may include:

1. Award of high school credit only.
2. Award of concurrent course credit or dual credit at community colleges and universities.
3. Tech-prep programs.
4. Remedial or developmental instruction to pass TAAS, TAKS, or TASP.

Credit toward high school graduation for completed courses shall be earned in accordance with District regulations and guidelines.

OTHER
COLLEGE-LEVEL
COURSES

According to District criteria and guidelines, students may be awarded credit toward high school graduation for completing a college-level course in an accredited college or university that is not in a partnership program with the District.

The Board authorizes the administration and appropriate staff to work with area colleges to implement such opportunities for high school students.

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EHDD(LOCAL)-X

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JOINT HIGH SCHOOL / COLLEGE CREDIT	As set out in EHDD(LEGAL), community colleges and universities use different terminology to express arrangements in which a high school student may simultaneously receive high school and college credit for a course (e.g., concurrent course credit at a community/junior college and dual credit at universities).
	Some community/junior colleges use the terms (e.g., concurrent course credit and dual credit) interchangeably. Since the purpose is the same, the District has chosen to combine the terms, dual credit/concurrent course credit, when referring to course credits earned from either a community/junior college or a university.
DEFINITION OF DUAL CREDIT / CONCURRENT COURSE CREDIT	Dual credit/concurrent course enrollment is a program in which students are simultaneously enrolled in the District and a college where the college-level courses satisfy District graduation requirements as well as earn college credit.
DEFINITION OF CO-ENROLLMENT	Co-enrollment is a program in which students are simultaneously enrolled in the District and a college. The District uses the term co-enrollment when referring to a college credit course that may or may not be required for high school graduation requirements. Co-enrollment is also referred to as "dual credit/concurrent course credit" if used to satisfy a required District course.
QUALIFICATIONS AND REQUIREMENTS FOR JOINT HIGH SCHOOL AND COLLEGE CREDIT	The student must: <ol style="list-style-type: none">1. Be a high school junior or senior.2. Select from an approved course list.3. Be limited to a maximum of two college-level courses per term, not to exceed seven credit hours per term.4. Be recommended by the high school principal or designee and have parental permission.5. Meet with a high school counselor prior to enrolling in classes.6. Meet with a college advisor or counselor prior to enrolling in classes.7. Meet all college admissions requirements, including the TASP requirements, prior to enrolling in classes.8. Satisfy college course skills prerequisites.9. Apply for college enrollment.
COST OF DUAL CREDIT / CONCURRENT COURSES	Austin Community College waives tuition and fees for District student enrollment in a course for which the student may receive dual course enrollment credit. The Department of Guidance and Counseling will maintain and provide information on any other institutions of higher education that choose to waive fees. The cost of textbooks and supplies are the responsibility of the student.
APPROVED DUAL	A list of approved dual credit/concurrent courses may be obtained from the

CREDIT /
CONCURRENT
COURSES

current year College and Career Handbook for Students and Parents, entitled "Focus on Your Future," that is published by the District's Department of Guidance and Counseling. Also, an up-to-date dual credit/concurrent course list is available on the District's Web site.

PROGRAM
PROCEDURES
FOR
ENROLLMENT

COLLEGE-LEVEL
COURSES

The student must follow published college procedures and meet District enrollment requirements.

To be part of the District's program, the college-level courses must be provided by an institution of higher education that is accredited by a regional accrediting association.

College-level courses must provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

DEFINITION OF
CREDIT-IN-
ESCROW (TECH-
PREP)

Credit-in-escrow (Tech-Prep) is a federal program that offers college credits to high school students who are enrolled in a career concentration that has been articulated with a public college. The articulation agreement is based on four years of study in high school and linked to two years of college.

After high school graduation, students may continue the program of study at a participating college and may be awarded college "credit-in-escrow" if they meet the relevant requirements. Articulation agreements vary in their requirements to grant this credit.

QUALIFICATIONS
AND
REQUIREMENTS
FOR PUBLIC
JUNIOR
COLLEGE /
COMMUNITY
COLLEGE
CREDIT

The student must:

1. Be enrolled in an approved Tech-Prep career concentration.
2. Receive a grade of 80 percent or higher for their Tech-Prep courses in high school.
3. Graduate from high school and meet all of the public college's admission requirements to enroll.
4. Apply for credit-in-escrow within the time frame specified by the college.
5. Successfully complete at least one three-credit hour class at the public college and any additional articulation agreement requirements before being awarded credit-in-escrow.
6. Submit an official high school transcript and a credit-in-escrow eligibility form.

COST OF CREDIT-
IN-ESCROW
COURSES

A college may not charge tuition or fees for the award of articulated credit other than a nominal administrative fee, as determined by the College's Board of Trustees. Tech-Prep courses offered by the District provide textbooks and supplies, at no cost to the student.

APPROVED
CREDIT-IN-
ESCROW
COURSES

A list of approved Tech-Prep articulated credit courses may be obtained from the articulated agreements in the School-to-Career office. An up-to-date list of approved Tech-Prep articulated credit courses is available on the District Web site.

PROGRAM
PROCEDURES
FOR
ENROLLMENT

The District's Individual Academic Career Plan (IACP) is acceptable documentation of a student's choice to follow a Tech-Prep pathway.

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EHDD(REGULATION)-X

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DISTANCE
LEARNING

Credit toward state graduation requirements may be granted for distance learning courses only as follows:

1. Students may earn course credit through distance learning technologies, such as satellite, Internet, two-way videoconferencing, and instructional television.
2. The distance learning courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

ELECTRONIC
COURSES

"Electronic course" means an educational program or course:

1. That includes use of the Internet or other electronic media; and
2. In which a student and a teacher are in different locations for a majority of the student's instructional period.

The Commissioner shall implement a program under which the District may offer electronic courses to students enrolled in the District or in another district, as provided by an agreement between the districts.

The Commissioner may determine the number of districts permitted to participate, but may not require a district to participate. To the extent possible, the Commissioner shall permit the participation of rural and urban districts with a higher than average number of at-risk students, dropout rate, or population of underserved gifted and talented students.

The District may offer electronic courses through a designated campus or through a full-time program serving students throughout the District. The District may not require a student to enroll in an electronic course.

APPLICATION

To participate in the electronic course program, the District must submit a written application to the Commissioner not later than July 1 preceding the school year the District proposes to begin participation, or an earlier date set by the Commissioner. The District's application must include:

1. A proposed budget for the program;
2. A method to verify student attendance;
3. Any requested waiver of a requirement, restriction, or prohibition imposed by the Education Code or by rule and the period for which any requested waiver is proposed to be in effect; and
4. The information required for the Informed Choice Report.

Not later than a date determined by the Commissioner, a district participating in

INFORMED
CHOICE
REPORT

the electronic course program shall create and maintain on the district's Internet Web site an "informed choice" report in a format determined by the Commissioner. Each report must include a description of:

1. Each course of instruction offered to students in the program, including the number of lessons, the expected duration of each lesson, and a description of each lesson that requires use of a computer.
2. All materials required for each course offered in the program.
3. The process used to ensure that each course meets the essential knowledge and skills requirements, including any consultation with a District curriculum specialist.
4. The process used to place students in the appropriate academic levels of the program, including:
 - a. Sample placement evaluations;
 - b. Information related to each person responsible for placement of a student;
 - c. The circumstances in which a student may be placed in different academic levels for different course subjects during a school year; and
 - d. The circumstances in which a student may complete more than one course level during a school year.
5. Any technology provided to each student enrolled in the program, including any computer, computer software, or Internet access.
6. The method used to report attendance in the program.
7. The method used to authenticate student coursework and attendance.
8. The location and content of each scheduled meeting between parents or guardians of students enrolled in the program and teachers or other school officials, and the method used to notify parents and guardians of the time and location of each meeting.
9. The program policies relating to:
 - a. Computer security and privacy; and
 - b. Nonattendance, absences, discipline, withdrawal, and expulsion of students.
10. Any extracurricular activities provided by the program, including activities held on a campus in the District.
11. The teaching model used by the program, including:
 - a. Each teacher's responsibilities;
 - b. Minimum teacher qualifications;
 - c. Minimum hours of training provided to teachers;
 - d. Average and maximum student/teacher ratios;
 - e. Hours of teacher availability; and
 - f. For each grade level, minimum and expected amounts of contact between teachers and parents and between teachers and students.
12. Any academic services that the program expects a student's parent or guardian to provide to the student.
13. Each standardized assessment instrument, in addition to any assessment instrument required under Chapter 39, that the student is required to complete during the school year and, if available, the location for administration of the instrument.
14. A summary of the results of each assessment instrument administered to

students in the program during the school year preceding the year the report is submitted.

15. The school year calendar for the program, including any options for continued participation outside of the standard District calendar.

FUNDING

The District is entitled to receive federal, state, and local funding for a student enrolled in an electronic course in an amount equal to the funding the District is otherwise entitled to receive for a student enrolled in the District. The District may calculate the average daily attendance of a student enrolled in an electronic course based on:

1. Hours of contact with the student;
2. The student's successful completion of a course; or
3. A method approved by the Commissioner.

Education Code 29.909

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UPDATE 72
EHDE(LEGAL)-P

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AWARD OF CREDIT	The award of credit for a course affirms that a student has satisfactorily met state and local requirements. <i>19 TAC 74.26(a)</i>
EARLY AWARD OF CREDIT	The District may offer courses designated for grades 9-12 in earlier grade levels. Credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9-12 and have been awarded state graduation credits. <i>19 TAC 74.26(b)</i>
PARTIAL AWARD	In accordance with District local policy, a student who is able to successfully complete only one semester of a two-semester course can be awarded credit proportionately. <i>19 TAC 74.26(d)</i>
ATTENDANCE	Unless credit is awarded by the attendance committee or regained in accordance with District policy, a student may not be given credit for a class unless the student is in attendance for at least 90 percent of the days the class is offered. <i>Education Code 25.092 [See FEC]</i>
GRADUATION REQUIREMENTS	Credit for courses for high school graduation may be earned only if the student received a grade of 70 on a scale of 100, based upon course-level, grade-level standards of the essential knowledge and skills curriculum. Credit earned toward state graduation requirements by a student in an accredited school district shall be transferable and accepted by any other school district in the state. <i>19 TAC 74.26 (a)(1), (c)</i>
ACADEMIC ACHIEVEMENT RECORD	<p>The District shall use the academic achievement record (transcript) form designated by the State Board. This form shall serve as the academic record for each student and shall be maintained permanently by the District. Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.</p> <p>If a student is unable to complete the recommended or advanced high school program solely because necessary courses were unavailable at the appropriate times as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control, the District shall indicate that fact on the student's transcript. This provision applies to students entering grade nine during or after the 2003-04 school year and expires January 1, 2004.</p> <p>Copies of the record shall be made available to students transferring to another district. The District shall respond promptly to all requests for student records from receiving districts. [See also FDA and FL]</p>

TRANSCRIPT SEALS	Students who complete high school graduation requirements shall have attached to the academic achievement record the State Board-approved seal.
CERTIFICATE OF COURSEWORK COMPLETION	A student who completes all graduation requirements except for required exit-level examinations may be issued a certificate of coursework completion. The academic achievement record shall include a notation of the date a certificate of completion was issued to the student.

Education Code 28.025(d), (e), (g), (g-1); 19 TAC 74.14

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UPDATE 72
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Austin ISD
227901

ACADEMIC ACHIEVEMENT

EI
(LOCAL)

CERTIFICATES
OF
COURSEWORK
COMPLETION

The District shall not issue certificates of coursework completion to students who fail to meet all state and local requirements for graduation. [See EIF, FMH]

DATE ISSUED: 08/20/1996
NEWLPM
EI(LOCAL)-B

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NOTICE TO
PARENTS

The Board shall adopt a policy that:

1. Provides for a conference between parents and teachers;
2. Requires the District, at least once every 12 weeks, to give written notice to a parent of a student's performance in each class or subject; and
3. Requires the District, at least once every three weeks, or during the fourth week of each nine-week grading period, to give written notice to a parent if a student's performance in a foundation curriculum subject [see EHAA] is consistently unsatisfactory, as determined by the District.

The notice required by items 2 and 3 must provide for the signature of the student's parent and must be returned to the District.

"Parent" includes a guardian, conservator, or other person having lawful control of a student.

EXCEPTIONS

These requirements do not apply to a student who:

1. Is 18 or older and living in a different residence than the student's parents;
2. Is married; or
3. Has had the disabilities of minority removed for general purposes.

Education Code 28.022(a)

Note: See DGBA and FNG for provisions regarding finality of grades.

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UPDATE 71
EIA(LEGAL)-P

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RELATION TO ESSENTIAL KNOWLEDGE AND SKILLS	<p>The District shall establish instructional objectives that relate to the essential knowledge and skills for grade-level subjects or courses. These objectives shall address the skills needed for successful performance in the next grade or next course in a sequence of courses.</p> <p>Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that the student's performance indicates the level of mastery of the designated District objectives. The student's mastery level shall be a major factor in determining the grade for a subject or course.</p>
GUIDELINES FOR GRADING	<p>The Superintendent or designee shall ensure that each campus or instructional level develops guidelines for teachers to follow in determining grades for students. These guidelines shall ensure that grading reflects student achievement and that a sufficient number of grades are taken to support the grade average assigned. Guidelines for grading shall be clearly communicated to students and parents.</p> <p>Students shall not receive academic credit for any activity that does not directly relate to the District curriculum.</p>
ELEMENTARY SCHOOLS	<p>In elementary schools, grades shall reflect academic progress and achievement and shall not be based on nor adjusted for nonacademic criteria, such as discipline, attendance, or tardies except as provided by state law. If nonacademic assessment is to be documented, it shall be documented separately on all reports to parents. [See FEC and the Student Code of Conduct]</p>
SECONDARY SCHOOLS	<p>In secondary schools, grades shall reflect academic achievement and shall not be based on nor adjusted for nonacademic criteria, such as discipline, attendance, tardies, or participation in extracurricular activities, except as provided by state law and set out in administrative regulations. [See FEC and the Student Code of Conduct]</p>
WEIGHTED GRADE POINTS	<p>To encourage students to take more challenging courses, grades shall be weighted in Advanced Placement (AP), Pre-Advanced Placement (Pre-AP), International Baccalaureate (IB), magnet courses, TEA-identified advanced courses, articulated Tech Prep courses, and dual credit courses at designated colleges or universities. To be weighted, the grade in these courses shall be converted to different grade points from the grades converted to the regular grade point scale. Grade points shall be used to compute Grade Point Average (GPA), to determine Honor Roll status, and rank in class. [See EIC and EID] See administrative regulations for the Grade Point Scale.</p>
PROGRESS REPORTING	<p>Grade reports shall be issued every six weeks in secondary, and in elementary every nine weeks on a form approved by the Superintendent or designee. Performance shall be measured in accordance with this policy and the standards</p>

established in EIE.

**INTERIM
REPORTS**

Interim progress reports may be issued at the teacher's discretion. However, notice of a student's consistent unsatisfactory performance shall be issued at the mid-point of the grading period, that is, when a student's grade average is borderline (70-73) or failing (below 70).

CONFERENCES

In addition to conferences scheduled on the campus calendar, conferences may be requested by a teacher or parent as needed.

**ACADEMIC
DISHONESTY**

Students found to have engaged in academic dishonesty shall be subject to grade penalties on assignments or tests and disciplinary penalties in accordance with the Student Code of Conduct. Academic dishonesty includes cheating or copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or another supervising professional employee, taking into consideration written materials, observation, or information from students.

**RECORDING
FAILING
GRADES**

The actual numerical grade earned shall be recorded in the student's permanent cumulative records.

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LDU-02-04

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PHILOSOPHY	The purpose of grading and reporting student progress is to engage educators, students, and parents in the process of increasing student achievement. An effective system allows educators to clearly communicate student progress towards predefined curriculum standards in a form that is equitable, accurate, and useful.
PURPOSE OF REPORTS TO PARENTS	Reports to parents are intended to: <ol style="list-style-type: none"><li data-bbox="400 663 1433 735">1. Promote three-way communication between teachers, the student, and parents.<li data-bbox="400 735 1433 808">2. Provide information on each student's academic achievement that reflects level of mastery of concepts and skills in the District curriculum.<li data-bbox="400 808 1433 880">3. Provide clear and concise information measuring academic performance and identifying the student's strengths and weaknesses.<li data-bbox="400 880 1433 953">4. Provide information concerning the student's personal development, conduct, and work habits.<li data-bbox="400 953 1433 1025">5. Provide additional information about factors that impact student achievement: attendance, tardiness, special program designations, etc.<li data-bbox="400 1025 1433 1098">6. Facilitate the selection of students for programs, awards, class rankings, etc.<li data-bbox="400 1098 1433 1160">7. Provide valid criteria for post-graduate institutions and employers.<li data-bbox="400 1160 1433 1160">8. Provide summary information to facilitate student transfers to new schools.
GRADING: GENERAL GUIDELINES	The following general guidelines apply at all levels: <ol style="list-style-type: none"><li data-bbox="400 1243 1433 1315">1. Each teacher will develop a clearly defined grading procedure consistent with District policies.<li data-bbox="400 1315 1433 1388">2. Each teacher will distribute a copy of the grading procedure to students and parents at the beginning of each school year or semester and to all new students and parents thereafter.<li data-bbox="400 1388 1433 1564">3. Each teacher's grading procedure must include late work and make-up work policies that promote student responsibility without denying students reasonable opportunities to exhibit mastery of curriculum concepts and skill.<li data-bbox="400 1564 1433 1771">4. Teachers will accept and award at least partial credit for late work turned in within three consecutive school days of the due date. Because of differences in short-term assignments, teachers have the option of giving students an alternative assignment that will be due within the same time-frame as the original assignment. Students will be made aware of the deadline established by the teacher.<li data-bbox="400 1771 1433 1879">5. Teachers will use professional discretion in awarding credit for assignments missed due to extended absences and/or extenuating circumstances.

6. Accurate and complete documentation of each student's progress will be recorded by teachers in a timely manner.
7. Varying grading procedures and expectations for students in special education programs will be based on recommendations of the admissions, review and dismissal (ARD) committee.
8. Each teacher must be able to justify student grades using appropriate, valid, curriculum-related criteria.
9. When a student transfers from one school to another within the District, the sending school must complete the withdrawal form that includes information from the current grading period.
10. As the instructional leader of the school, the principal has the responsibility to ensure appropriate grading practices in each school.
11. The District will provide parents with communications about the importance of grades and the supportive role that parents may assume is helping students achieve success in academic work.
12. Each school, with support from the District, will provide alternative programs for students having difficulties, i.e., specialized interventions, tutorial support, mentoring, etc.
13. The parents and the school share a mutual responsibility for assisting students in their achievement and success.
14. Parents may request conferences with teachers, counselors, and/or administrators concerning their child's academic progress.

**GRADING AND
REPORTING
SPECIFIC
GUIDELINES
FOR
ELEMENTARY
SCHOOLS**

Specific guidelines at the elementary level are as follows:

1. Elementary grades will be based on mastery of the District curriculum for the student's instructional level. If a student is functioning above or below grade level in language arts or mathematics, this must be designated on the report to parents indicated with an asterisk beside the grade and details in the comments section of the report.
2. For students placed in alternative programs, the report to parents must clearly specify the instructional level at which the student is functioning.
3. Criteria used to report academic progress on nine-week reports to parents may be based on any combination of the following: student products, projects, process work, performance-based assessments, group activities, class participation, and/or other assignments appropriate to grade-level subject areas.
4. For each elementary student, teachers will assess and document individual student progress a minimum of seven times during the grading period in language arts and mathematics. Progress for each student will be assessed and documented a minimum of three times per grading period in science/health, social studies, and, if applicable, English as a Second Language.
5. In prekindergarten through grade 5(6), a variety of assessment tools may be used to measure and document student progress and performance, including but not limited to teacher observations, anecdotal records, running records, samples of student products and processes, writing journals, rubrics, portfolios, etc.
6. The District will exercise the following options for reporting prekindergarten-grade 2 student progress in each subject area on nine-week elementary reports to parents:

4-Advanced

3-Skilled

2-Basic Understanding

1-Needs Improvement

In grades 3-5(6), letter grades A, B, C, and F (see scale below) will continue to be used to reflect academic achievement in each subject area. Plus (+) and Minus (-) may also be used with A, B, and C. A uniform system for translating letter grades to numerical score-ranges will be provided on reports to parents in grades 3-5(6). This four-point system is as follows:

	A-Excellent (90-100)	A+	(98-100)
		A	(94-97)
		A-	(90-93)
	B-Good (80-89)	B+	(88-89)
		B	(84-87)
		B-	(80-83)
	C-Fair (70-79)	C+	(78-79)
		C	(74-77)
		C-	(70-73)
	F-Failing (below 70)		

7. The District will use the following rubric to reflect progress in specified areas of personal development at all elementary grade levels:

4-Consistently

3-Frequently

2-Occasionally

1-Rarely

REPORTING

Reporting at the elementary level will include the following:

1. Elementary teachers will provide weekly communication to parents and/or guardians of each student.
2. Standardized reports to parents will be used at each grade level by all elementary schools throughout the District. The only exception to this mandate is described in guideline 5 below.
3. Individual schools may use other reporting methods in addition to the standardized report to parents.
4. Any school proposing to substitute an alternative method of reporting nine-week progress to students and parents must submit a waiver request to be approved by the Superintendent or designee. Alternative reporting methods

must be based on a system that effectively communicates student achievement, is data driven, and supports the campus educational program. Schools receiving approval to substitute an alternative method of reporting grades must also adhere to the "Grading: General Guidelines" in these regulations.

5. Elementary teachers will hold a minimum of one conference with the parent(s) or guardian(s) of each student each semester. The District will provide one elementary conference day per semester.
6. For prekindergarten through grade 2, mid-nine-week progress reports must be provided when the student's work is consistently 1, Needs Improvement, in any subject area.
7. For prekindergarten through grade 2, conferences will be held with parent (s) or guardian(s) of students whose reported progress at the end of the nine-week grading period is 1, Needs Improvement, in any subject area.
8. For grades 3-5(6), mid-nine-week progress reports must be provided when a student's grade average in any subject is C- (70-73) or below.
9. For grades 3-5(6), conferences will be held with parents of students whose grade at the end of the nine-week grading period is C- (70-73) or below in language arts, mathematics, social studies, or science.
10. For students whose reported progress or grades reflect a need for improvement, teachers will designate "tutorials recommended" on the report to parents.

See also PHILOSOPHY, PURPOSE OF REPORTS TO PARENTS, and GRADING: GENERAL GUIDELINES on pages 1 and 2 of these procedures.

GRADING AND REPORTING: SPECIFIC GUIDELINES FOR SECONDARY SCHOOLS

Specific guidelines for secondary grades will include:

1. Numerical scores for each secondary course will be based upon performance on examinations, essays or papers, performances, projects, and/or other measures appropriate to the subject matter, but may also include consideration of other appropriate criteria such as class work, homework, and class participation.
2. Students will not receive academic credit for any activity that does not directly relate to the course curriculum that is based on District curriculum.
3. A minimum of seven grades per grading period (or one grade for each course taken each grading period) will be recorded for each student in secondary courses.
4. Numerical values of 0-100 will be used in the computation of rank in class, in the determination of honor rolls, trustee scholar awards, and other appropriate designated uses. The only exception to this will be for students in grade 12 who are planning to graduate in the summer of a given school year. Grades earned in summer courses by these graduating seniors shall be recorded for credit purposes only, as numerical grades, and will be excluded from GPA calculation.
5. While encouraged to offer retesting to students, the teacher will determine the reassessment options and guidelines, including how the reassessment will be counted or recorded.
6. If the student can demonstrate mastery of curriculum standards that were addressed but not achieved during the previous six-week grading period of the current semester, the teacher may adjust the student's grade from that

reporting period; however, adjustments to student grades for work completed after the grading period has ended will not impact eligibility for extracurricular activities.

7. Successful student performances that measure mastery of the course curriculum, such as a passing score on a comprehensive final examination, may be used to grant course credit for students currently enrolled in the course.

SECONDARY REPORTING METHODS

Secondary reporting methods include the following:

1. Secondary student grades will be reported to parents and students every six-weeks. Exceptions to this mandate must be approved by the Superintendent.
2. A numerical grade of 50 shall be recorded for any average numerical grade below 50 on the report card, except in cases where the teacher submits documentation to the principal supporting a grade below 50. The teacher's documentation shall be available to the parent for review to support that action. The District encourages teachers to record a grade of 50 in all cases to allow students the opportunity to achieve future success in the class, especially in cases wherein students attend class consistently with five or fewer excused absences and have attempted all tests and in-class assignments for the grading period.
3. When students receive failing grades, the teachers may be required to develop targeted intervention plans to assist the failing students during the next grading period.
4. If the progress report reflects a failing grade average (below 70), the progress report will automatically include a request for further communication with the parents of the student. Parents have the option of requesting additional information from the school about their child.
5. Failure to receive an unsatisfactory report does not guarantee a passing grade because a teacher cannot always foresee failing work that might occur at the end of the reporting period.
6. The District will mail all secondary report cards and progress reports.

RECORDING FAILING GRADES

SECONDARY GRADING SCALES

A uniform grading system for translating numerical scores to letter grades is used in all secondary schools. This four-point system is as follows:

	A-Excellent (90-100)	A+	(98-100)
		A	(94-97)
		A-	(90-93)
	B-Good (80-89)	B+	(88-89)
		B	(84-87)
		B-	(80-83)
	C-Fair (70-79)	C+	(78-79)
		C	(74-77)
		C-	(70-73)
	F-Failing (below 70)		

The weighted grade scale (see below) for Honors (LEGAL), Advanced Placement (AP), Pre-AP, and International Baccalaureate (IB) classes exists for the purpose of encouraging students to take more challenging courses, thereby raising overall standards in the District.

The following scale is used to compute numerical grades into the mathematically computed score that is used to determine honor roll status, grade point average, and rank in class. The end of semester numerical grade is recorded on the student's permanent record (transcript).

	Numerical Grade	Non-Honors 4.0 Scale	Honors/AP/Pre-AP/IB 5.0 Scale
	100	4.0	5.0
	99	3.9	4.9
	98	3.8	4.8
	97	3.7	4.7
	96	3.6	4.6
	95	3.5	4.5
	94	3.4	4.4
	93	3.3	4.3
	92	3.2	4.2
	91	3.1	4.1
	90	3.0	4.0
	89	2.9	3.9
	88	2.8	3.8
	87	2.7	3.7
	86	2.6	3.6
	85	2.5	3.5
	84	2.4	3.4
	83	2.3	3.3
	82	2.2	3.2
	81	2.1	3.1
	80	2.0	3.0
	79	1.9	2.9
	78	1.8	2.8
	77	1.7	2.7
	76	1.6	2.6
	75	1.5	2.5
	74	1.4	2.4
	73	1.3	2.3
	72	1.2	2.2

	71	1.1	2.1
	70	1.0	2.0

CALCULATING HIGH SCHOOL COURSE AVERAGES

Course credit will be awarded for all high school courses when a student earns a numerical grade of 70 or higher. In a yearlong or two-semester course, the two semester grades will be averaged to determine a final yearlong numerical average for the course for the purpose of awarding credit, regardless of when the grade for each part of the course was awarded. This includes grades awarded in current and prior school years. This regulation applies to District students enrolled in the 2005-06 school year and thereafter.

Course averages for courses that include semester examinations should be calculated as follows:

Calculating Course Averages:				
Semester Course (.5 credit)			Year Course (1.0 credit)	
	1st six-weeks	70	1st six-weeks	70
	2nd six-weeks	80	2nd six-weeks	80
	3rd six-weeks	60	3rd six-weeks	60
	Semester exam	80	Semester exam	80
		4)290		4)290
			290 divided by 4 =	
			72.5	
			4th six-weeks	80
			5th six-weeks	70
			6th six-weeks	80
			Semester exam	85
				4)315
			315 divided by	
			4=78.6	
	Semester Course Grade:		Year Course Grade:	
	290 divided by 4=72.5		72.5+78.69 divided by 2=75.6	

CALCULATING MIDDLE / JUNIOR HIGH SCHOOL COURSE AVERAGES

Grades for middle/junior high school semester courses will be computed by adding the three six-weeks grades and dividing this total by three. Full-year course averages will include all six-weeks. See examples below.

Calculating Course Averages:				
Semester Course (.5 credit)			Year Course (1.0 credit)	
	1st six-weeks	70	1st six-weeks	70
	2nd six-weeks	80	2nd six-weeks	80

	3rd six-weeks	60	3rd six-weeks	60
		3)210	4th six-weeks	70
			5th six-weeks	80
			6th six-weeks	60
				6)420
	Semester Course Grade:		Year Course Grade:	
	210 divided by 3=70		420 divided by 6=70	

In middle school courses taken for high school credit, the credit for the semester examinations will be weighted equally with the grade for each grading period in determining the course grade.

	Calculating Course Averages in Middle School Courses Taken for High School Credit:			
	Semester Course (.5 credit)		Year Course (1.0 credit)	
	1st six-weeks	70	1st six-weeks	70
	2nd six-weeks	80	2nd six-weeks	80
	3rd six-weeks	60	3rd six-weeks	60
	Semester exam	80	1st semester exam	80
		3)290	4th six-weeks	80
			5th six-weeks	70
			6th six-weeks	80
			2nd semester exam	85
				8)605
	Semester Course Grade:		Year Course Grade:	
	290 divided by 4=72.5		605 divided by 8=76	

COURSE CORRECTIONS

In the spring and/or during the summer, students will receive a list of the courses that they requested. Students and parents have the opportunity to request course changes until August 1. After August 1, course corrections will only be made for errors in the student's schedule.

COURSE CHANGE PROCEDURE

From time to time it is necessary for students to change courses during the semester. If a student needs to change a course or transfer from one course to another, the student should discuss the need with the school counselor. The following procedures should be followed:

1. For a semester course, a student may not withdraw from a course after the fourth week of the semester. For a year-long course, a student may not withdraw from a course after the fourth week of the first six weeks of the fall semester. However, to meet individual student needs, the principal may use his or her discretion to approve a course change.

2. A student who withdraws from a course before the deadlines stated above will have the grade from the dropped course applied to the grade average for the new course. It is highly recommended that a student transfer from one course to another in the same discipline.
3. For UIL eligibility, a student can withdraw with no penalty regardless of the grade in a course at the end of the fourth week of the first six weeks and remain eligible. A student who withdraws with a passing grade at any time and maintains the minimum number of required course enrollments remains eligible.
4. Receiving teachers will describe the knowledge and skills essential for success in the course and suggest ways to learn them. A student who requests and receives a course change assumes responsibility for the content of the entire course on the final exam.

PASS / FAIL COURSES

A student may choose to take a course on a pass/fail basis, if the course is beyond state graduation requirements in that subject area for the graduation plan that the student has declared. A student must request pass/fail status in a course no later than the last instructional day of the sixth week of course instruction. The written approval of the principal or designee, the teacher, and the parent must be acquired prior to placement in a course on a pass/fail basis. [See EHAD]

EXCEPTIONS

Effective for school year 2005-06 and thereafter, the only exceptions will be as follows:

1. Off-campus physical education equivalent waiver courses will be taken on a pass/fail basis for credit and will receive a grade of "P" or "F". The grade will not be included in the computation of the student's grade point average (GPA).
2. Credits transferred in from another school district with an assigned grade of "P" or "F" on a pass/fail basis will remain "P" or "F". The grade will not be included in the computation of the student's grade point average (GPA).

AWARD OF COURSE CREDIT IN SECONDARY SCHOOLS

The District will award credit for a course if the course grade equals 70 or above and state law requirements have been met or the yearlong average in a two-semester course equals 70 or above and state law requirements have been met. [See EI]

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GRADING/PROGRESS REPORTS TO PARENTS:
EXAMINATIONS

EIAA
(LOCAL)

HIGH SCHOOL SEMESTER EXAMINATIONS	All District students enrolled in high school courses shall be required to take semester examinations and/or complete culminating activities in all courses.
GRADE DETERMINATION	The semester examination for a course shall be weighted equally with the grade for each grading period in determining the semester grade for the course.
MIDDLE OR JUNIOR HIGH SEMESTER EXAMINATIONS	Semester examinations shall be given to students in middle or junior high school who are taking courses for high school credit. The semester examination grade shall be weighted equally with the grade for each grading period in determining the semester course grade.
STUDENTS IN SPECIAL EDUCATION	Each student in special education shall be required to take final examinations for regular course credit unless the student's admission, review, and dismissal (ARD) committee has recommended an alternative method by which the student will complete the course requirements. [See EHBAB(LEGAL)]

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MIDDLE /
JUNIOR HIGH
SCHOOL
EXAMINATIONS

Comprehensive six-week period examinations and/or culminating activities will be given in core academic subject areas. A minimum of two and a maximum of three subject-area examinations and/or culminating activities will be given per grading period in the eighth grade. A minimum of one and maximum of two examinations and/or culminating activities will be given per grading period in the seventh grade.

Comprehensive six-week period examinations and/or culminating activities will count as 15 percent of the grading period grade.

Careful consideration should be given when scheduling comprehensive examinations on the middle/junior high school campus so that students are not required to take more than one comprehensive examination on a given day.

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	<p>Students shall be expected to make up assignments and tests after absences. Students shall receive a zero for any assignment or test not made up within the allotted time.</p>
TESTS	<p>Students shall be permitted to take tests administered in any class missed because of absence.</p> <p>For any class missed, the teacher may assign the student make-up work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements.</p> <p>A student shall be responsible for obtaining and completing the make-up work in a satisfactory manner and within the time specified by the teacher.</p>
LATE PROJECTS	<p>Teachers may assign a late penalty to any project turned in after the due date in accordance with previously established guidelines approved by the principal and disseminated to students.</p>
EXCUSED ABSENCES	<p>The District shall not impose a grade penalty for make-up work after an excused absence.</p>
SUSPENSION	<p>The District shall not impose a grade penalty for make-up work after an absence because of suspension.</p>

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**AUTOMATIC
ADMISSION TO
INSTITUTION OF
HIGHER
EDUCATION** Each general academic teaching institution [see Education Code 61.003(3)] shall admit an applicant for admission to the institution as an undergraduate student if the applicant:

1. Graduated with a grade point average in the top ten percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission [see CLASS RANK, below];
2. Graduated from a public high school in Texas accredited by a generally recognized accrediting organization; and
3. Submits an application before any application filing deadline established by the institution.

Education Code 51.803(a); 19 TAC 5.5(b)

**SIGNS TO BE
POSTED** The Board shall require each high school in the District to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of the automatic admission provisions above.
Education Code 29.026

DISSEMINATION To assist in dissemination of information regarding the automatic admissions program, the District shall:

1. Require that each high school counselor and class advisor be provided a detailed explanation of the substance of the program;
2. Require that each high school counselor and senior class advisor explain to eligible students the substance of the program; and
3. Provide each eligible senior student, at the commencement of a class's senior year, with a written notification of the student's eligibility with a detailed explanation of the substance of the program.

Education Code 28.026

CLASS RANK High school rank for students seeking automatic admission to a general teaching institution on the basis of their class rank is determined and reported as follows:

1. Class rank shall be based on the end of the eleventh grade, middle of the twelfth grade, or at high school graduation, whichever is most recent at the application deadline.
2. The top ten percent of a high school class shall not contain more than ten percent of the total class size.
3. The student's rank shall be reported by the applicant's high school or school district as a specific number out of a specific number total class

- size.
4. Class rank shall be determined by the Texas school or school district from which the student graduated or is expected to graduate.

19 TAC 5.5(d)

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	<p>The purpose of the District's class rank policy is to support the District's goal of increasing the percentage of students who complete the Recommended High School Program.</p>
VALEDICTORIAN AND SALUTATORIAN	<p>The valedictorian and the salutatorian shall be the eligible students with the highest and second highest ranking as determined by the District's class ranking procedure described in this policy and who complete the Recommended High School Program or the Distinguished Achievement Program.</p>
ELIGIBILITY	<p>A candidate for valedictorian or salutatorian honors must:</p> <ol style="list-style-type: none">1. Meet all course requirements or demonstrate subject mastery (course proficiency) through state-approved placement examinations, and2. Have been enrolled and attending classes at the same District high school for consecutive fall and spring semesters immediately prior to the student's graduation in May.
CO-HONORS	<p>In case of a tie for the position of valedictorian, the students who tie shall be recognized as covalledictorians and the position of salutatorian shall remain vacant.</p> <p>In case of a tie for the position of salutatorian, the students who tie shall be recognized as cosalutatorians.</p>
STATE RECOGNITION AS HIGHEST RANKING GRADUATE	<p>For purposes of awarding the state certificate entitling a student to receive a college tuition grant under Education Code 54.201, the highest ranking graduate shall be the eligible student who graduates with the highest ranking in his or her graduating class.</p>
ELIGIBILITY	<p>For purposes of awarding the state certificate entitling a student to receive a college tuition grant under Education Code 54.201, the highest ranking graduate shall not be subject to the valedictorian eligibility requirements.</p> <p>However, the highest ranking graduate must be enrolled and attending classes at the same District high school for at least two consecutive regular semesters immediately prior to the student's graduation. Regular semesters do not include summer school.</p>
CALCULATION OF CLASS RANK	<p>For purposes of identifying the valedictorian, salutatorian, and highest ranking graduate, class rank shall be calculated at the end of the sixth six weeks and shall be based on all grades earned by the end of the regular school year in May.</p>
DISTRICT HONOR GRADUATES	<p>District honor graduates shall include:</p> <ol style="list-style-type: none">1. Students whose class rank is within the top two percent of the graduating class. These students shall be designated "Graduates with Highest

Honors."

2. Students whose class rank is within the next three percent of the graduating class. These students shall be designated "Graduates with Higher Honors."
3. Students whose class rank is within the next five percent of the graduating class. These students shall be designated "Graduates with High Honors."

EARLY
GRADUATES

A student who completes the high school program requirements in fewer than four years shall be ranked in the class with which he or she actually graduates.

CREDIT BY
EXAMINATION

Scores earned through credit by examination, with or without prior instruction, shall be used in computing a student's grade point average (GPA) and class rank. [See EEJA and EEJB]

CLASS RANK /
TOP TEN
PERCENT /
AUTOMATIC
ADMISSION

Class ranking shall be determined by ranking all students in the graduating class together, except for LBJ High School. All students whose grade point averages comprise the top ten percent of the graduating class and qualify for automatic admission under Education Code 51.803 shall be recognized. Eligibility standards required by the local procedure for determining the valedictorian or salutatorian or other local honor positions shall not apply to the procedure for determining the top ten percent.

The grade point average (GPA) shall be reported on the student's transcript as required by TEA and made available in accordance with the application deadline when requested by the student. [See EIC(LEGAL)]

LBJ HIGH
SCHOOL

At LBJ High School, as authorized by H.B. 1387, a separate class ranking shall be determined for host students by grade point average (GPA). For purposes of Education Code 51.803, the top ten percent of the graduating class shall be determined by apportioning students from each program separately, host and magnet.

Ten percent of the magnet student population in the senior class and ten percent of the host student population in the senior class shall be declared the top ten percent of the graduating class for purposes of Education Code 51.803.

The grade point average (GPA) required by TEA and class rank shall be reported on the student's transcript and made available in accordance with the application deadline when requested by the student.

The valedictorian and salutatorian of LBJ High School shall be determined in the same manner as all other high schools in the District.

The highest ranking graduate of LBJ High School entitled to receive the state certificate for a college tuition grant under Education Code 54.201 shall be determined in the same manner as all other high schools in the District.

DISTRICT
RECOGNITION
OF HOST
STUDENTS

In the event that the highest ranking and second highest ranking eligible students in the graduating class of LBJ High School are not host students, the highest ranking student and the second highest ranking student among the eligible host students shall be designated the "host school valedictorian" and the "host school salutatorian," respectively, subject to the same eligibility requirements as those that apply to other District students for these honors.

In the event the LBJ High School student who is awarded the state certificate for a college tuition grant is not a host student, the highest ranking host student in

the graduating class of LBJ High School shall be awarded the tuition grant from the District comparable to the state tuition grant and subject to the same eligibility requirements as those that apply to other District students for the state tuition grant.

At LBJ High School, the District shall prepare a separate ranking of host graduating students. Students who rank in the District-designated top ten percent of the host graduate ranking shall be recognized as honor graduates and designated as "host graduates with highest honors," "host graduates with higher honors," and "host graduates with high honors."

At LBJ High School, host students who rank in the District-designated top ten percent of the host graduate ranking and who earn the required grade point average shall receive the Trustee Scholar Award. Host graduates who receive the Trustee Scholar Award shall be accorded all recognitions received by Trustee Scholars.

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CLASS RANK / TOP TEN PERCENT / AUTOMATIC ADMISSION	<p>For purposes of determining eligibility for automatic admission, class size is determined by the sum of all December graduates for the school year combined with all active 12th grade students as of the end of the sixth six-week grading period for that same school year.</p> <p>Grade point averages (GPAs) to assign rank in class are to be computed as described in EIA(LOCAL). For purposes of determining eligibility for automatic admission, GPAs will be calculated on the basis of all available final grades and grades through the end of the sixth six-week grading period.</p>
ALTERNATIVE RANK FOR HIGH SCHOOL SECONDARY STUDENTS	<p>An alternative rank system is used to honor identified students in grades 9-12 who are receiving special education services to encourage academic achievement and citizenship. The alternative rank system shall be referred to as the District Recognition Scholar Award. A comparative class rank will be issued for those students included in the alternative rank. [See FG(REGULATION)]</p>
COMPARATIVE CLASS RANK	<p>A "comparative rank" means the student's District GPA is compared numerically to other students in that grade level and in that school. Comparative class ranks will be issued under the following circumstances:</p> <ol style="list-style-type: none">1. When a student transfers to a District high school from outside the District or transfers from one District high school to another, including seniors who are transferring through NCLB choice options.2. When a potential three-year graduate is reclassified to grade 12 prior to receiving a final class rank.3. When a student included in the alternative rank system is issued a final class rank, it will be a comparative rank.

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RECOGNITION
OF ACADEMIC
ACHIEVEMENT

The District has established the honor roll system for recognizing and rewarding notable academic achievement in secondary schools.

Honor roll recognition shall be based only on scholarship achievement. It has no relationship to requirements of National Honor Society membership that include factors in addition to scholarship.

CALCULATION
OF HONOR ROLL
ELIGIBILITY

Placement of secondary students on six-weeks grading period honor rolls shall be determined on the basis of the student's grade point average (GPA) for the grading period. The honor roll scale shall be established in administrative regulations.

In order to be eligible for the honor roll, a student shall be required to earn in at least three courses a grade that can be used in calculating the grade point average for the grading period. Grades earned in pass/fail courses shall not be included for purposes of honor roll eligibility. A student who makes a grade of "F", "I", or "NC" during the grading period shall not be eligible for the honor roll for that period.

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HONOR ROLL
SCALE

The following grade point average (GPA) scale will be used to determine Honor Roll Eligibility:

Middle School GPA:

First Honor Roll-3.875 GPA and above

Second Honor Roll-3.3333 to 3.8749

Third Honor Roll-2.833 to 3.3332

High School GPA:

First Honor Roll-3.5000 and above

Second Honor Roll-2.9000 to 3.4999

Third Honor Roll-2.4000 to 2.8999

[See EIA(REGULATION)]

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PROMOTION

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. *Education Code 28.021(a)* [See EI]

In addition to local policy relating to grade advancement, students in grades 3, 5, and 8 must demonstrate proficiency by meeting the passing standard on the appropriate assessment instrument listed at GRADE ADVANCEMENT TESTING or on a state-approved alternate assessment.

A student who does not demonstrate proficiency may advance to the next grade only if the student's grade placement committee (GPC) determines by unanimous decision, in accordance with the standards for promotion established by the Board, that the student is likely to perform at grade level at the end of the next year given additional accelerated instruction.

19 TAC 101.2001(b)

A student does not have a property interest in promotion. *Education Code 28.0211(e)*

RETENTION

The District is not precluded from retaining, in accordance with state law or Board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

Students who have been retained in grade 8 in accordance with the grade advancement testing requirements may earn course credit for high school graduation during the next school year in subject areas other than the required courses in the subject area which caused the student to be retained. *19 TAC 101.2019(a)*

GRADE
ADVANCEMENT
TESTING

ELIGIBLE
STUDENTS

The District shall test eligible students in accordance with the grade advancement requirements set forth below.

An eligible student is subject to all grade advancement requirements, including the automatic retention component, if the following two criteria are met:

1. The student is enrolled in a District or charter school on any day between January 1 and April 15 of the school year during which the grade advancement test is administered; and
2. The student is eligible for enrollment in a Texas public school (as defined by legal residence in the state) during the week of the first

general grade advancement test administration as established in the assessment calendar by the Commissioner.

An eligible student who does not meet the criteria specified above but enrolls in the District at any time after the week of the first general grade advancement test administration is subject to all grade advancement requirements except for automatic retention and shall not be automatically retained if the student does not demonstrate proficiency on any of the grade advancement tests.

The District must provide the student with the other required services in the overall system of support for student academic achievement, including the opportunity to test, access to accelerated instruction, and the formation of a GPC.

19 TAC 101.2003(b), (c)

REQUIRED ASSESSMENT

A student may not be promoted to:

1. The fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument;
2. The sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments; or
3. The ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments. This applies to the assessment instrument administered to students in eighth grade beginning with the 2007-08 school year.

Education Code 28.0211(a), (n); 19 TAC 101.9

TEST SCHEDULE

TEA shall provide three opportunities per year for the tests required for grade advancement. The Superintendent shall establish procedures to ensure that:

1. Each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate accelerated instruction as warranted on an individual basis; and
2. Each eligible student who is absent or does not receive a test score for all three test opportunities and is consequently retained shall receive other appropriate means of evaluation, including an alternate assessment, so that the GPC has sufficient evidence for its review upon appeal by a parent or guardian.

19 TAC 101.2005(c)

The District must accommodate the request of an out-of-District student to participate in the third administration of a test required for grade advancement if the District is testing one or more local students on the applicable test and if the out-of-District student has registered to take the test by a date determined by TEA. *19 TAC 101.2005(d)*

NOTICE OF
GRADE
ADVANCEMENT
TESTING
REQUIREMENTS

The Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement;
2. Notifying each student in grades 1-8 who is new to the District and the student's parent or guardian in writing of the testing requirements for grade advancement; and
3. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

UNSATISFACTORY
PERFORMANCE
ON ASSESSMENT
INSTRUMENTS

The District shall provide to a student who initially fails to perform satisfactorily on a grade advancement test at least two additional opportunities to take the assessment instrument. *Education Code 28.0211(b)*

ACCELERATED
INSTRUCTION

Each time a student fails to perform satisfactorily on a grade advancement test, the District shall provide the student with accelerated instruction in the applicable subject area. Accelerated instruction should be consistent with previous diagnostic testing and intervention activities, if any, the student has received. An accelerated instruction group for students who have failed an assessment may not have a ratio of more than ten students for each teacher per class.

Accelerated instruction required after the first and second testing opportunities should be designed to address student needs to the greatest extent possible before the next testing opportunity.

Accelerated instruction shall be based on the following:

1. Assessment of specific student needs, which may include, as appropriate, the following: teacher observations and evaluations; academic progress reports; previous identification of student needs and corresponding interventions; and performance on previous assessment instruments in the applicable subject.
2. Best instructional practices identified through research.

Education Code 28.0211(c); 19 TAC 101.2013(a), (b), (d)

If a student fails to perform satisfactorily on a grade advancement test after three attempts, the accelerated instruction shall be provided during the next school year according to an educational plan developed for the student by the student's GPC. The District shall provide the instruction regardless of whether the student has been promoted or retained. The educational plan shall be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure the student is progressing in accordance with the plan. The District shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the District regularly

administers the assessment instrument for that school year. *Education Code 28.0211(f)*

The District must accommodate the request of an out-of-District student to participate in any established, on-campus summer accelerated program, provided the student is living away from his or her home district and the program matches the accelerated instruction prescribed by the student's GPC. *19 TAC 101.2013(d)*

NOTICE TO
PARENTS OF
PERFORMANCE
AND
ACCELERATED
INSTRUCTION

In addition to providing the accelerated instruction, the District shall notify the student's parent or guardian of:

1. The student's failure to perform satisfactorily on the assessment instrument;
2. The accelerated instruction program to which the student is assigned; and
3. The possibility that the student might be retained at the same grade level for the next school year.

Whenever the District is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the District shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language.

Education Code 28.0211(d), (h)

AFTER EARLY
IDENTIFICATION
OF AT-RISK
STUDENTS

NOTICE

The District shall provide early notice to parents or guardians of students identified in a preceding grade to be at risk of failure on the first administration of the test required for grade advancement the next year. The Superintendent shall establish the instruments/procedures to be used to make this determination; however, in the case of students in grade 2, it must include the results of the reading inventory required by Education Code 28.006. This notice shall be provided before the end of the school year preceding the grade advancement requirements. *19 TAC 101.2009(b)*

AFTER FIRST
TESTING
OPPORTUNITY

NOTICE

The District shall notify the parent or guardian of a student who has failed to demonstrate proficiency on the first administration of a grade advancement test. This notification should be made within five working days of the District's receipt of student test results from this administration. This notice shall include the student's test results, a description of the District's grade advancement policy, the accelerated instruction to which the student has been assigned, and the possibility that the student might be retained at the same grade level for the next school year. In addition, the notice shall encourage parents or guardians to

meet immediately with the student's teacher to outline mutual responsibilities to support the student during accelerated instruction. *19 TAC 101.2009(c)*

AFTER SECOND
TESTING
OPPORTUNITY

NOTICE

Within five working days of the District's receipt of student test results for the second administration of the test required for grade advancement, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the test results. This notice shall include a description of the purpose and responsibilities of a GPC and the time and place for the first meeting of the GPC. *19 TAC 101.2007(c)*

GRADE
PLACEMENT
COMMITTEE

After a student fails to perform satisfactorily on an assessment instrument a second time, a GPC shall be established to prescribe the accelerated instruction the student is to receive before the assessment instrument is administered the third time.

Decisions by the GPC shall be made on an individual student basis to ensure the most effective way to support the student's academic achievement on grade level.

The GPC shall be composed of the principal or the principal's designee, the student's parent or guardian, and the student's teacher of the subject of the grade advancement test on which the student failed to perform satisfactorily. If this teacher is unavailable, the principal shall designate to serve on the committee a teacher certified in the subject of the assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

If more than one parent or guardian has the authority to make educational decisions regarding the student, a good faith effort must be made to notify both parents, but participation of any one parent or guardian is sufficient. Either parent or only one guardian may initiate an appeal. If both parents or guardians serve on the GPC but do not agree, either may agree to promote the student (if the remaining members of the GPC also agree to the promotion). The District may accept a parent's or guardian's written designation of another person to serve on the GPC for all purposes. The District may accept a parent's or guardian's written and signed waiver of participation in the GPC and designation of the remaining members of the GPC as the decision-making entity for all purposes.

If a parent or guardian or designee is unable to attend a meeting, the District may use other methods to ensure parent participation, including individual or conference telephone calls. The District may designate another person to act on behalf of the student in place of a parent, guardian, or designee if no such person can be located. A surrogate parent named to act on behalf of a student with a disability shall be considered a parent for this purpose. If the parent or guardian is unavailable, the remaining members of the GPC must convene as required by law and take any actions required.

Education Code 28.0211(c); 19 TAC 101.2007(a), (b)

ALTERNATE
ASSESSMENT

For the third testing opportunity, the Board may choose to use a state-approved alternate assessment instead of the statewide assessment instrument. If the Board adopts such a policy, the District shall select from a list provided annually by the Commissioner only one test for each applicable grade and subject. The alternate assessment must be given during the period established by the Commissioner in the assessment calendar to coincide with the date of the third administration of the statewide assessment. *19 TAC 101.2011(a)-(b)*

PARENTAL
WAIVER

The Superintendent shall establish a waiver process by which a parent or guardian may request that a student not participate in the third test opportunity due to potential harm to the student. The waiver must provide documentation of potential harm, student need, and other appropriate information. If a parental waiver is granted, the student must still participate in all required accelerated instruction and is subject to retention based on the failure on the second test administration. *19 TAC 101.2015*

AFTER THIRD
TESTING
OPPORTUNITY

NOTICE

The GPC must convene again if a student fails to demonstrate proficiency on the third administration of a test required for grade advancement and is thereby automatically retained at the same grade level. Within five working days of receipt of student test results for this administration, the District shall notify the campus principal of results for each student who fails to demonstrate proficiency. Upon receipt of this notice, the principal shall notify the teacher and parent or guardian of the time and place for the GPC to hold a meeting. This notice shall inform the parent or guardian of the opportunity to appeal the automatic retention of the student. The District shall establish a procedure to ensure a good faith effort is made toward securing the parent's or guardian's receipt of the retention notification. *19 TAC 101.2007(e)*

RETENTION
AND APPEAL

A student who fails to perform satisfactorily after at least three attempts on one of the grade advancement tests shall be retained at the same grade level for the next school year. The parent or guardian may appeal the retention by submitting a request to the GPC within five working days of receipt of the retention notification. *Education Code 28.0211(e); 19 TAC 101.2007(e)*

The GPC may not agree to promote a student unless a parent, guardian, or designee has appealed. *19 TAC 101.2007(b)(2)*

If an appeal is initiated by the parent or guardian, the GPC may decide in favor of promotion only if the GPC concludes, upon review of all facts and circumstances, and in accordance with standards adopted by the Board, that the student is likely to perform on grade level given additional accelerated instruction during the next school year. A student may be promoted only if the decision of the GPC is unanimous.

The review and decision of the GPC must be appropriately documented as meeting the standards adopted by the Board. These standards may include the following:

1. Evidence of satisfactory student performance, including grades,

portfolios, work samples, local assessments, previous state assessments, and individual reading and mathematics diagnostic tests or inventories;

2. Improvement in student test performance over the three testing opportunities;
3. Extenuating circumstances that may have adversely affected the student's participation in instruction, the student's participation in the required assessments, or the student's participation in accelerated instruction; and
4. Consideration of whether the student was not enrolled in a Texas public school for part of the school year. *19 TAC 101.2007(f)*

The placement decision by the GPC shall be made before the start of the next school year, or if applicable, upon re-enrollment of the student after this date. *19 TAC 101.2007(g)*

The committee's decision regarding placement is final and may not be appealed. *Education Code 28.0211(e)*

TRANSFER STUDENTS

The District shall determine a student's previous testing history and, if applicable, the accelerated instructional program he or she has received. *19 TAC 101.2003(g)*

A student who has been promoted upon completion of a school year in a school other than a Texas public school may be enrolled in that grade without regard to whether the student has successfully completed a grade advancement test. This does not limit the District's ability to appropriately place such a student. *19 TAC 101.2007(h)* [See FDA]

LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

The language proficiency assessment committee (LPAC) shall determine appropriate assessment and acceleration options for a limited English proficient (LEP) student who is administered a grade advancement test in English or Spanish. The GPC for a LEP student shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)*

SPECIAL EDUCATION STUDENTS

A student who is receiving special education services, including a LEP student, who is enrolled in grades 3, 5, or 8, and who is receiving instruction in the essential knowledge and skills in reading or mathematics is eligible for grade advancement testing. The student's admission, review, and dismissal (ARD) committee shall determine appropriate assessment and acceleration options for the student. *Education Code 28.0211(i); 19 TAC 101.2003(d), (f)*

DYSLEXIC STUDENTS

In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b); 19 TAC 101.2003(f)* [See policies at EHB, EKB, and FB]

AGE-APPROPRIATE ASSIGNMENT

The Board may establish a policy that provides for the placement of retained students in an age-appropriate learning environment. In accordance with local grade configurations for elementary, middle, and high school campuses, the Board may specify the age by which a retained student should be placed on the next level campus even though not yet promoted to the grade of that campus. *19 TAC 101.2019(b)*

TRANSPORTATION

The District shall provide students required to attend the accelerated programs

TO ACCELERATED INSTRUCTION PROGRAMS described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j); 19 TAC 101.2013 (c)*

OPTIONAL EXTENDED-YEAR PROGRAM A student who does not meet District standards or policies for promotion on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level shall be eligible for services under the optional extended-year program. *19 TAC 105.1001* [See EHBC]

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the District shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If the District provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e), (f) [See EHBC]

DATE ISSUED: 04/01/2005
UPDATE 75
EIE(LEGAL)-P

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CURRICULUM MASTERY	Promotion, grade-level advancement, 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/accelerated services. [See EHBC]
STANDARDS FOR MASTERY	Mastery shall be determined as follows: <ol style="list-style-type: none">1. Course assignments and unit evaluation shall be given 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, six-week, and final exams, or may be administered separately. Mastery of at least 70 percent of the objectives shall be required.
KINDERGARTEN	In kindergarten, the District shall give due consideration to the holistic development of each child. Because children at the kindergarten level typically have uneven growth, with language, emotional development, physical abilities, and cognitive growth progressing at varying rates within each child, promotion to grade 1 shall be based on a comprehensive assessment of academic indicators as well as other areas of development.
GRADES 1-2	In grades 1-2, promotion to the next grade level shall be based on the level of reading in the language of instruction and mastery of sufficient mathematics to be successful at the next grade level.
GRADES 3-5 OR 6	In grades 3-5 (or 6 when grade 6 is at the elementary level), promotion to the next grade level shall be based on an overall average of 70 (C-) on a scale of 100 for language arts, mathematics, social studies, and science. In addition, the student shall be required to maintain an average of 70 (C-) in language arts and in mathematics. The student's average shall be calculated by using the highest grade of the grade range for all grading period grades.
GRADES 6-8	In grades 6-8 (when grade 6 is at the middle school level), promotion to the next grade level shall be based on an overall average of 70 on a scale of 100 based upon course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in three of the following areas: language arts, mathematics, science, and social studies.
GRADES 9-12	Mastery of at least 70 percent of the objectives on District-approved tests shall be required. Grade-level advancement for students in grades 9-12 shall be earned by course credits. Changes in grade-level classification shall be made at the beginning of the fall semester. [See EI]
STUDENTS WITH	Promotion standards, as established by the individual education plan (IEP), or grade-level classification of students eligible for special education shall be

DISABILITIES determined by the ARD committee.

LIMITED ENGLISH PROFICIENCY STUDENTS In assessing students of limited English proficiency for mastery of the essential knowledge and skills, the District shall be flexible in determining methods to allow the students to demonstrate knowledge or competency independent of their English language skills in the following ways:

1. Assessment in the primary language.
2. Assessment using ESL methodologies.
3. Assessment with multiple varied instruments. [See EHBE]

RETENTION OF STUDENTS The District recognizes that the retaining of students is not an effective strategy. Therefore, the District shall establish procedures designed to reduce retention of students at a grade level by providing academic support to students, with the ultimate goal being elimination of the practice of retaining students. [See EHBC]

DATE ISSUED: 10/23/2000
NEWLPM
EIE(LOCAL)-X

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PLACEMENT, RETENTION, OR PROMOTION	The District will adhere to state standards for promotion. Therefore, the procedures outlined in this regulation for placement, retention, or promotion will not be used to replace the requirements delineated in state law and Board policy on these topics. [See EIE (LEGAL) and (LOCAL)]
PHILOSOPHY ON PLACEMENT / PROMOTION AND RETENTION OF STUDENTS	District philosophy concerning promotion, retention, and placement of students is based on the recognition that each child is a unique individual. When considering promotion or retention, attention must be given to all aspects of the student's development in order to accommodate individual needs and to promote the full development of the learner's potential.
GENERAL GUIDELINES: PLACEMENT / PROMOTION AND RETENTION	<p>Students will be assigned where their educational and personal needs will be met and success will be possible. Areas to be considered include achievement, chronological age, physical development, behavior, and language background. The following general guidelines will be used in determining assignments:</p> <ol style="list-style-type: none">1. Each student in the District will be taught the pre-defined curriculum at the student's instructional level.2. The principal, upon recommendations from teachers and following District guidelines and state law, will be responsible for making the final decision regarding placement, promotion, and retention of students as appropriate, except those in special education.3. The admission, review, and dismissal (ARD) committee will make the final decision in the placement of special education students, except those receiving only speech/language services and those whose IEP requires no academic modifications.4. The language background of these students will be considered in making an instructional placement.5. Students in kindergarten will be retained only in exceptional cases and with the approval of the school and the permission of the parent. If a student in kindergarten exhibits any of the following performance deficiencies, the circumstances should be documented and discussed by a campus local support team. The team will assist in making recommendations for auxiliary support services designed to better meet the needs of the student. <p>Areas to be examined include:</p> <ol style="list-style-type: none">a. Very poor gross and/or fine motor coordination.b. Inability to sustain attention for more than a few minutes (spring semester).c. Inability to function independently in any activity; seeking constant help and support from the teacher (spring semester).d. Serious deficits in the primary language; inability to express needs or

wants, inability to describe what he or she sees in a large picture or to retell a simple story he or she has heard.

- e. Inability to process simple directions and to carry them out.
 - f. Sustained absences (four to seven days or more at a time) that result in serious gaps in instruction and are evidenced by poor academic performance.
6. Except in extreme cases and in accordance with state law, no student should be retained more than one time in grades 1-4 and one time in grades 5-8. Under exceptional circumstances and in accordance with state law, with approval of the school and permission of the parent, a second retention within grades 1-4 or grades 5-8 may be allowed.

STUDENT PLACEMENT

The District expects that principals at all levels will ensure that the procedures for placement of students are followed. Placement procedures should be implemented expeditiously to accommodate the needs of the student and to enhance the student's opportunity for success in the new environment.

General guidelines include:

1. The student must enroll and attend classes at the current grade level until placement is decided.
2. The principals are expected to work together in the best interest of the students.
3. The student's placement must be decided within five school days of the date that the student first attempted to enroll in school.
4. All appropriate records for the student will be forwarded to the new school immediately after placement is determined.
5. Each principal will designate a person to facilitate all student placements at the campus and will communicate the name of the designee to other principals.
6. If the student has special needs (i.e., LEP, 504, etc.) both schools will involve the appropriate central District staff to address the special needs of the student. Placement of a special education student will be decided by the ARD committee.

DISTRICT TRANSFER PLACEMENT

The student's grade-level placement by the sending school will be the placement for the receiving school. In extenuating circumstances, a different grade placement may be considered only after a period of thorough observation and conferences with the parents.

OUT-OF- DISTRICT PLACEMENT

The student's initial placement shall be in the grade recommended by the sending school. If extenuating circumstances exist and/or the grade placement seems unsuitable, the following steps will be taken as soon as possible to determine proper placement:

1. Administering the appropriate placement tests in reading and mathematics.
2. Allowing of time for teacher observation and documentation.
3. Collecting of samples of the student's daily work.
4. Conducting conference with teacher and parents.

REQUIRED PROCEDURES FOR RETENTION

If the level and rate of skill development of a student are significantly below the accepted level for a specified grade, parents will be informed at a parent-teacher conference by the end of the first semester provided the student has been enrolled

OR PLACEMENT
OF
ELEMENTARY
STUDENT

three weeks. The teacher will make at least two attempts to schedule a conference. If, after these attempts, the parent fails to attend the conference, telephone contact may be made and notice will be mailed. The classroom teacher will identify strategies that will be employed in the classroom and appropriate activities that parents can use at home to assist the child.

Careful monitoring of each student will occur to ensure mastery of the District curriculum. Each student should progress toward the level of scholastic achievement generally expected for the assigned grade. The student's achievement or lack of achievement should be made known to parents throughout the year.

Whenever it becomes apparent that retention or placement is a probability, parents will be informed at a parent-teacher conference by the end of the third grading period. The teacher will make at least two attempts to schedule a conference. If, after these attempts, the parent fails to attend a conference, telephone contact may be made and notice will be mailed.

The teacher, the principal, and/or a counselor should counsel with parents of children who are not achieving to help the parents and the child avoid feelings of guilt or poor self-concept.

Special attention and consideration are to be given to a student who is retained or placed. The receiving teacher is to study the information in the student folder and provide for continuous progress of the student. The student is not to "start over" in the grade and automatically repeat material that has been learned. Alternative methods of instruction and alternative programs for providing accelerated assistance shall be implemented.

A student who is retained will be placed with a different teacher, if possible. Only when it is considered to be definitely to the student's advantage will the student be assigned to the same teacher the second year.

SUMMARY OF
PROCEDURES
FOR RETENTION
OR PLACEMENT
OF
ELEMENTARY
STUDENTS

If a student is under consideration for retention or placement, the steps below are to be followed and documented.

1. Determine if the student was retained previously.
2. Conduct a parent-teacher conference during the first semester and inform parents that the student is performing below grade-level.
3. Continue to keep parents informed about the student's achievement or lack of achievement.
4. Conduct a parent-teacher conference by the end of the third grading period to inform parents if retention or placement is a probability.
5. Provide all relevant information to the principal who will make a final decision regarding the student's retention or placement.

[See Board Policy FD(LOCAL) and FD(REGULATION), Admission and Attendance, regarding initial and final placement of students]

ALTERNATIVES
TO RETENTION
FOR
ELEMENTARY
SCHOOLS

The District will provide alternatives to retention of students who are not able to meet the established standards for promotion to the next grade. A student may be placed in the next grade level if the student is achieving to his or her maximum ability, subject to the following requirements:

1. A student who is placed in the next grade level will be placed in an

alternative program that will meet the student's identified needs.

Procedures include:

- a. Assessment of the student's needs;
 - b. Determination of the appropriate alternative program for providing the student with accelerated assistance. Alternative programs include but are not limited to:
 1. Specialized academic interventions
 2. Tutorial support
 3. Mentoring
 4. An extended school day
 5. An extended school year
 6. A summer or intersession program
 - c. Notification to the parent that the student was not promoted but placed in an alternative program at the next grade level. The report card will indicate the placed student's instructional level.
 - d. Provision for students to exit the program when appropriate.
2. Students who have been retained or placed in alternative programs who still fall two years or more below grade level in reading or mathematics, or both, will be placed in an intensive, accelerated program designed for rapid progress in language arts, reading, and mathematics. Time and subject requirements may be adjusted for other subjects.

PLACEMENT OF
ELEMENTARY
SCHOOL
STUDENTS TO
MIDDLE /
JUNIOR HIGH
SCHOOL

The following procedures will be implemented for placement of an elementary school student at middle school:

The elementary school principal or designee will:

1. Create a profile of the student that will include:
 - a. A brief definition of the instructional needs of the student.
 - b. An outline of intervention strategies that have been done with the student.
 - c. A summary of assessment information, which will include but not be limited to state-mandated test results, ITBS results, Reading Inventories data, and Limited English Proficiency (LEP) data.
2. Provide a written recommendation for placement and information to support the recommendation to the receiving middle/junior high school principal. A copy of the student's profile must accompany this recommendation and supporting information. [See EIE(EXHIBIT)]
3. Schedule a meeting between the elementary school representative and the middle/junior high school representative to discuss the student.

Once agreement for placement is reached, the following will occur immediately:

1. Representatives from the two schools will meet to schedule the student's enrollment at the new campus.
2. The elementary school principal or designee will notify the parent or guardian of the student's placement and the reason for the placement and

explain the interventions that will be provided for the student to ensure success.

If agreement between the two school representatives is not reached, the respective area superintendents and the two principals will meet and decide placement.

**MIDDLE /
JUNIOR HIGH
SCHOOL
PROMOTION /
RETENTION**

In order to be promoted from one grade to another, a middle/junior high student must have an overall grade average of 70. In addition, the student must attain an average of 70 or above in three of the four following subjects: language arts, mathematics, social studies, and science.

Calculating Overall Year Averages for Promotion/Retention

The following example illustrates how to calculate an overall year average for promotion and retention purposes. (Note: the calculation for the year overall average should always be done by dividing the total weighted course average by the total course value.)

		Course Value		Course Grade		Weighted Course Average
	P.E. (1st semester)	.5	X	70	—	35
	Theatre Arts (1st semester)	.5	X	70	—	35
	English 7	1.0	X	70	—	70
	Math 7	1.0	X	70	—	70
	Social Studies	1.0	X	70	—	70
	Life Science 7	1.0	X	70	—	70
	Reading Improvement	1.0	X	70	—	70
	Art	1.0	X	70	—	70
	Band	1.0	X	70	—	70
		8.0				8)560
	Year Overall Average: 560 divided by 8 = 70					
	A semester course = .5 value and a two-semester (year-long) course = 1.0 value.					

Calculation for Three of Four Required Courses

If the student's standardized test score is below the 40th percentile or if the student has not passed the reading portion of the state-mandated accountability test and the student is enrolled in reading improvement, then the student's language arts grade average will be a combination of the reading improvement course grade and the English course grade.

		Course Value		Course Grade		Weighted Course Average
	Reading Improvement 8	.5	X	69	—	34.5

	English 8	.5	X	74	—	+37.0	
						71.5	Pass
	Earth Science 8	1.0	X	70	—	70	Pass
	Social Studies 8	1.0	X	72	—	72	Pass
	Math 8	1.0	X	56	—	56	Fail
	This student would be eligible for promotion.						

		Course Value		Course Grade		Weighted Course Average	
	Reading Improvement 8	.5	X	69	—	34.5	
	English 8	.5	X	67	—	+33.5	
						68.0	Fail
	Earth Science 8	1.0	X	70	—	70	Pass
	Social Studies 8	1.0	X	72	—	72	Pass
	Math 8	1.0	X	41	—	41	Fail
	This student would not be eligible for promotion.						

ALTERNATIVE TO RETENTION FOR MIDDLE SCHOOL STUDENTS

A student may be placed in the next grade level if the student is achieving his or her maximum ability, subject to the following requirements:

1. A student who is placed in the next grade level will be placed in an alternative program that will meet the students identified needs. Procedures should include:
 - a. Assessment of the student's needs;
 - b. Determination of the appropriate alternative program for providing the student with accelerated assistance. Alternative programs include but are not limited to:
 1. Specialized academic interventions
 2. Tutorial support
 3. Mentoring
 4. An extended school day
 5. An extended school year
 6. A summer or intercession program
 - c. Notification to the parent that the student was not promoted but placed in an alternative program at the next grade level. The report card will indicate the placed student's instructional level.
 - d. Provision for students to exit the program when appropriate.
2. Students who have been retained or placed in alternative programs and who still fall two years or more below grade level in reading or mathematics, or both, will be placed in an intensive acceleration program designed for rapid progress in language arts, reading, and mathematics. Time and subject requirements may be adjusted for other subjects.

PLACEMENT OF MIDDLE /

The following procedures will be implemented for placement of a middle/junior high school student at high school:

JUNIOR HIGH
SCHOOL
STUDENTS TO
HIGH SCHOOL

The middle/junior high school principal or designee will:

1. Create a profile of the student, which will include:
 - a. A brief definition of the instructional needs of the student.
 - b. An outline of intervention strategies that have been done with the student.
 - c. A summary of assessment information, which will include but not be limited to TAKS results, ITBS results, Informal Reading Inventories data, and Limited English Proficiency (LEP) data.
2. Provide a written recommendation for placement and information to support the recommendation to the receiving middle/junior high school principal. A copy of the student's profile must accompany this recommendation and supporting information. [See EIE(EXHIBIT)]
3. Schedule a meeting between the middle/junior high school representative and high school representative to discuss the student.

Once agreement for placement is reached, the following will occur immediately:

1. Representatives from the two schools will meet to schedule the student's enrollment at the new campus.
2. The middle/junior high school principal or designee will notify the parent or guardian of the student's placement and the reason for the placement and explain the interventions that will be provided for the student to ensure success.

If agreement between the two school representatives is not reached, the respective area superintendents and the two principals will meet and decide placement.

DATE ISSUED: 08/26/2002
LDU-34-02
EIE(REGULATION)-X

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Austin ISD
227901

ACADEMIC ACHIEVEMENT:
RETENTION AND PROMOTION

EIE
(EXHIBIT)

The following exhibits are used by the District:

EXHIBIT A: Recommendation for Placement of Elementary School Students to Middle/
Junior High School-1 page

EXHIBIT B: Recommendation for Placement of Middle/Junior High School Students to
High School-1 page

EXHIBIT A

RECOMMENDATION FOR PLACEMENT OF
ELEMENTARY SCHOOL STUDENTS TO MIDDLE/JUNIOR HIGH SCHOOL

Student _____ ID # _____ DOB _____

Grade _____ Current Elementary School _____

Proposed Middle/Junior High School _____

1. Briefly define the instructional needs of the student:

2. List interventions completed and outcomes:

_____ Tutorial support/outcome _____

_____ Mentoring/outcome _____

____Extended school day/outcome _____

____Extended school year/outcome _____

____Summer or intersession program/outcome _____

____Other _____

Attach the following most recent records:

Assessment information; attendance summary; report card; scores on state mandated tests; other documentation

ELEMENTARY SCHOOL PRINCIPAL'S RECOMMENDATION:

I recommend the student be placed at _____ middle/junior high school.

Principal _____ Sending School _____ Date _____

Middle/Junior High School Principal's Acknowledgement:

I am knowledgeable of the student and accept placement at ninth grade.

Principal _____ Receiving School _____ Date _____

Note: Elementary schools should attach the student withdrawal document to this form.

C: Middle School Data Clerk

Elementary Attendance Clerk

RECOMMENDATION FOR PLACEMENT OF
MIDDLE/JUNIOR HIGH SCHOOL STUDENTS TO HIGH SCHOOL

Student _____ ID # _____ DOB _____

Grade _____ Current Middle/Junior High School _____

Proposed High School _____

1. Briefly define the instructional needs of the student:

2. List interventions completed and outcomes:

____ Tutorial support/outcome _____

____ Mentoring/outcome _____

____ Extended school day/outcome _____

____ Extended school year/outcome _____

____ Summer or intersession program/outcome _____

____ Other _____

Attach the following most recent records:

Assessment information; attendance summary; report card; scores on state mandated tests; other documentation

MIDDLE/JUNIOR HIGH SCHOOL PRINCIPAL'S RECOMMENDATION:

I recommend the student be placed at _____ high school.

Principal _____ Sending School _____ Date _____

High School Principal's Acknowledgement:

I am knowledgeable of the student and accept placement at ninth grade.

Principal _____ Receiving School _____ Date _____

Note: Middle schools should attach the student withdrawal document to this form.

C: Middle School Data Clerk

Elementary Attendance Clerk

DATE ISSUED: 08/26/2002
LDU-34-02
EIE(EXHIBIT)-X

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A student may graduate and receive a diploma only if the student successfully completes:

1. The curriculum requirements identified by the State Board of Education and has performed satisfactorily on the exit-level assessment instruments identified in Education Code 39.025; or
2. An individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

DIPLOMA /
TRANSCRIPT /
CERTIFICATE OF
COURSEWORK
COMPLETION

Graduates of each high school are awarded the same type of diploma. The academic achievement record (transcript), rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. *19 TAC 74.11(a), 74.41(a), 74.51(a)* [See EI for provisions regarding certificate of coursework completion]

EXIT-LEVEL
ASSESSMENT

A student may not receive a high school diploma until the student has performed satisfactorily on the secondary exit-level instruments for English language arts, mathematics, social studies, and science. A student is not required to demonstrate readiness to enroll in an institution of higher education. *Education Code 39.023(c), 39.025(a); 19 TAC 101.7(a)*

To fulfill the testing requirements for graduation, a student must be tested by either a Texas school district, Texas education service center, open-enrollment charter school, the Texas Education Agency (TEA), or other individual or organization designated by the Commissioner of Education.

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner.

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level testing requirement.

19 TAC 101.7

IMPLEMENTATION
SCHEDULE

A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the

test.

STUDENTS WHO TAKE TAKS

Students who were enrolled in grade 8 or a lower grade on January 1, 2001, and who did not complete all coursework required to graduate by September 1, 2004, must fulfill testing requirements for graduation with the exit-level Texas Assessment of Knowledge and Skills (TAKS) tests. "Coursework necessary to graduate" means all coursework required under the student's graduation plan.

STUDENTS WHO TAKE TAAS

Students who were enrolled as follows shall fulfill testing requirements for graduation with the exit-level Texas Assessment of Academic Skills (TAAS):

1. In grade 9 or higher on January 1, 2001, regardless of when they are scheduled to graduate; or
2. In grade 8 or lower on January 1, 2001, if they were on an accelerated track and fulfilled all coursework necessary to graduate by September 1, 2004. Notwithstanding the above, students who pass all required exit-level TAKS tests have fulfilled their testing requirements for graduation.

STUDENTS WHO TAKE END- OF- COURSE EXAMS

Students who passed the Algebra I, English II, and either Biology or U.S. History end-of-course exams by spring 2002 have fulfilled their testing requirements for graduation, regardless of their enrolled grade level on January 1, 2001.

19 TAC 101.3003

SPECIAL EDUCATION STUDENTS

A student receiving special education services who successfully completes the requirements of his or her IEP shall receive a high school diploma. *19 TAC 101.7(c)*

LEP STUDENTS

Limited English proficiency (LEP) students are not eligible for an exemption from the exit-level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone one time the initial administration of the exit-level test. The term "recent immigrant" is defined as an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005* [See EKB]

NOTICE OF GRADUATION REQUIREMENTS

In order to provide timely and full notification of graduation requirements, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7-12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and the student's parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.13

PERSONAL
GRADUATION
PLAN (PGP)

A principal shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in a junior high, middle, or high school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the District.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

A student's IEP developed under Education Code 29.005 [see EHBAB] may be used as the student's PGP.

Education Code 28.0212

EARLY
GRADUATION

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of the Board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), 26.003(b)* [See FMH, FNG]

STATE
GRADUATION
REQUIREMENTS

All credit for graduation must be earned no later than grade 12. *19 TAC 74.11(b); 74.41(b), 74.51(b)*

NINTH
GRADERS IN
1998-99
THROUGH 2000-
01

To receive a high school diploma, a student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years must pass the exit-level test and complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.11(c), (d), 74.12-.13*

NINTH
GRADERS IN
2001-02
THROUGH 2003-

To receive a high school diploma, a student entering grade 9 in the 2001-02, 2002-03, or 2003-04 school year must pass the exit-level test and complete the requirements of the Minimum High School Program, the Recommended High School Program, or the Distinguished Achievement Program. *19 TAC 74.41*

NINTH GRADERS IN 2004-05 AND THEREAFTER	The District shall ensure that each student entering the ninth grade in the 2004-05 school year and thereafter enrolls in the courses necessary to complete the curriculum requirements identified by the State Board for the Recommended or Advanced High School Program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree that the student should be permitted to take courses under the Minimum High School Program. <i>Education Code 28.025(b); 74 TAC 74.51(d), 74.52-.54</i>
MINIMUM HIGH SCHOOL PROGRAM	A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years must earn at least 22 credits to complete the Minimum High School Program and demonstrate proficiency in the program requirements listed at 19 TAC 74.11(c), (d). A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 22 credits to complete the Minimum High School Program. A student must demonstrate proficiency in the program requirements listed at EIF (EXHIBIT A). <i>19 TAC 74.42, 74.52</i>
RECOMMENDED HIGH SCHOOL PROGRAM	A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years who wishes to complete the Recommended High School Program and have the accomplishment recognized on the academic achievement record must complete the requirements listed at 19 TAC 74.12. A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 24 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT B). <i>19 TAC 74.43, 74.53</i>
DISTINGUISHED ACHIEVEMENT PROGRAM	A student entering grade 9 in the 1998-99, 1999-2000, or 2000-01 school years who wishes to complete an advanced high school program, called the Distinguished Achievement Program, and to have that accomplishment recognized and distinguished on the academic achievement record (transcript) shall complete the requirements listed at 19 TAC 74.13(a). A student entering grade 9 in the 2001-02 school year or thereafter must earn at least 24 credits to complete the Distinguished Achievement Program. A student must demonstrate proficiency in the program requirements listed at EIF(EXHIBIT C). <i>19 TAC 74.44, 74.54</i>
SUBSTITUTIONS	No substitutions are allowed for high school graduation requirements in the Recommended and Distinguished Achievement Programs, except as provided by State Board rule. <i>19 TAC 74.12(d), 74.13(a)(4), 74.43(d), 74.44(e), 74.53(d), 74.54(e)</i>
CREDIT BY EXAMINATION	Credit may be awarded with or without prior instruction if the student has earned credit by examination [see EEJA, EEJB]. <i>19 TAC 74.11(d), 74.24(c)</i>
AP OR IB COURSES	College Board Advanced Placement and International Baccalaureate courses may be substituted for required courses in appropriate areas. Students entering grade 9 in the 2001-02 school year may use these courses as electives in all three high school graduation programs. <i>19 TAC 74.11(d), 74.41(g), 74.51(h)</i>
READING	The District may offer a maximum of 3 credits of reading for state graduation

elective credit for identified students if the District:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.11(e), 74.41(d), 74.51(e)

**PRIVATE OR
COMMERCIALY
SPONSORED
PHYSICAL
ACTIVITY
PROGRAMS**

For students who entered grade 9 in the 1997-98 through 2000-01 school years, see 19 TAC 74.11(d)(7)(C), 74.12(b)(9)(B), and 74.13(a)(1)(I)(ii).

For students entering grade 9 in the 2001-02 school year or thereafter, the Board may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted either on or off campus. The District must apply to the Commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. *19 TAC 74.11(d)(7)(C), 74.43(b)(7)(C), 74.52(b)(7)(C), 74.53(b)(7)(C), 74.54(b)(7)(C)*

**TRANSFERS FROM
OUT-OF-STATE OR
NONPUBLIC
SCHOOLS**

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive a Texas diploma but shall complete all high school graduation requirements under 19 TAC 74.11, 74.41, or 74.51, as applicable, to satisfy state graduation requirements. Any course credits required for graduation that are not completed before enrollment in the District may be satisfied by credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 TAC 74.26. *19 TAC 74.11(f), 74.41(e), 74.51(f)* [See EEJA, EEJB, EEJC, EHDE, and EI]

**CLASSIFICATION
FOR PHYSICAL
EDUCATION**

The District shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted-not limited in activities.
2. Restricted-excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent-A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
 - b. Temporary-Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial-specific activities prescribed or prohibited for

students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

**GRADUATION OF
SPECIAL
EDUCATION
STUDENTS**

**COMPLETION OF
GENERAL
EDUCATION
REQUIREMENTS** A student receiving special education services may graduate and be awarded a high school diploma if:

1. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education, including satisfactory performance on the exit-level assessment instrument; or
2. The student has satisfactorily completed the state's or District's (whichever is greater) minimum curriculum and credit requirements for graduation applicable to students in general education and has been exempted from the exit-level assessment instrument under Education Code 39.027(a)(2)(B).

**COMPLETION OF
IEP** A student receiving special education services may also graduate and receive a regular high school diploma when the student's ARD committee has determined that the student has successfully completed:

1. The student's IEP and met one of the following conditions:
 - a. Full-time employment, based on the student's abilities and local employment opportunities, in addition to sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the District;
 - b. Demonstrated mastery of specific employability skills and self-help skills which do not require direct ongoing educational support of the District; employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment; or
 - c. Access to services which are not within the legal responsibility of public education, or employment or educational options for which the student has been prepared by the academic program;
2. The state's or District's (whichever is greater) minimum credit requirements for students without disabilities; and
3. The state's or District's minimum curriculum requirements to the extent possible with modifications/substitutions only when it is determined necessary by the ARD committee for the student to receive an appropriate education.

When considering a student's graduation under this provision, the student shall be evaluated before graduation as required by 34 CFR 300.534(c), and the ARD committee shall consider the evaluation, the views of the parent and/or student as appropriate, and, when appropriate, seek in writing and consider

written recommendations from adult service agencies.

Students who participate in graduation ceremonies but who are not graduating and who will remain in school to complete their education do not have to be evaluated.

In addition, the ARD committee shall determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

AGING OUT

A student receiving special education services may also graduate and receive a regular high school diploma upon the ARD committee determining that the student no longer meets age eligibility requirements and has completed the requirements specified in the IEP.

19 TAC 89.1070

DATE ISSUED: 04/01/2005

UPDATE 75

EIF(LEGAL)-P

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STUDENTS ENTERING NINTH GRADE IN 2001-2002 AND THEREAFTER Effective for students entering ninth grade in school year 2001-2002, the District shall require, in addition to the state minimum requirements for graduation as described by EIF(LEGAL), completion of the revised state Minimum High School Program with District Modification, the revised state Recommended High School Program, or the revised state Distinguished Achievement High School Program approved by the State Board of Education in 2000 and as outlined in Exhibits 1, 2, and 3. [See EIF(EXHIBIT)]

STUDENTS ENTERING NINTH GRADE IN 2000-2001 For students who entered ninth grade in school year 2000-2001, the District shall require, in addition to the state minimum requirements for graduation as described in EIF(LEGAL), completion of one of the following District graduation programs.

1. District-designated Plans I, II, and III, with local District requirements as outlined in Exhibits 4, 5, and 6;
2. The state Recommended High School Program with District Modification or the state Distinguished Achievement High School Program with District Modification (based upon the state programs approved by the State Board of Education in 1998) as outlined in Exhibits 7 and 8; or
3. The revised state Minimum High School Program with District Modification, the revised state Recommended High School Program or the revised state Distinguished Achievement High School Program approved by the State Board of Education in 2000 and as outlined in Exhibits 1, 2 and 3.

NINTH GRADERS PRIOR TO SCHOOL YEAR 2000-2001 For students who entered ninth grade prior to school year 2000-2001, the District shall require, in addition to the state minimum requirements for graduation as described in EIF(LEGAL), completion of one of the following graduation programs.

1. District-designated Plans I, II, and III, with local District requirements as outlined in Exhibits 4, 5, and 6;
2. The state Recommended High School Program with District Modification or the state Distinguished Achievement High School Program with District Modification (based upon the state programs approved by the State Board of Education in 1998) as outlined in Exhibits 7 and 8; or
3. The revised state Recommended High School Program or the revised state Distinguished Achievement High School Program approved by the State Board of Education in 2000 and as outlined in Exhibits 2 and 3.

[See EIF(EXHIBIT)]

PHYSICAL In all graduation programs, the District shall allow students to substitute certain

EDUCATION SUBSTITUTIONS physical activities for the 1.5 required credits of physical education. Such substitutions shall be based on the physical activity involved in:

1. Drill team, marching band, and cheerleading during the fall semester
2. Junior Reserve Officer Training Corps (JROTC)
3. Athletics
4. Dance I-IV
5. Two- or three-credit career and technology work-based training courses

OTHER PHYSICAL ACTIVITY PROGRAMS The District shall award state graduation credit for physical education for appropriate private or commercially-sponsored physical activity programs conducted either on or off campus, upon approval by the Commissioner of Education.

READING CREDITS The District shall offer elective credits of reading for state graduation credit. The Superintendent or designee shall be responsible for establishing procedures to assess individual student needs and evaluate student progress, and shall monitor instructional activities to ensure that student needs are met. Students shall be identified as eligible to earn reading credit based on:

1. Recommendation by teacher or counselor.
2. Scores on assessment instruments and/or achievement tests.

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SPECIAL NOTE REGARDING POLICY EIF(LEGAL)

Please disregard the references in policy EIF(LEGAL) – Academic Achievement: Graduation regarding various exhibits. These exhibit references do not match the District’s exhibits describing the graduation plans required for the Graduating Class of 2003 and thereafter. Exhibits A through F referenced in policy EIF(LEGAL) are not included in the Austin ISD policy information. Instead, Austin ISD–approved graduation plans are described in Exhibits 1–8 as follows:

Specifically, students entering Grade 9 in fall 2001 and thereafter can graduate under the following plans:

- Exhibit 1: Minimum High School Program with Austin ISD Modification
- Exhibit 2: Recommended High School Program (As approved by the State Board of Education in 2000)
- Exhibit 3: Distinguished Achievement High School Program — (As approved by the State Board of Education in 2000)

[See EIF Exhibits]

Students entering Grade 9 in fall 2000 (Graduating Class of 2004) can graduate under the following plans:

- Exhibit 1: Minimum High School Program with Austin ISD Modification
- Exhibit 2: Recommended High School Program (As approved by the State Board of Education in 2000)
- Exhibit 3: Distinguished Achievement High School Program (As approved by the State Board of Education in 2000)
- Exhibit 4: Austin ISD’s Plan I
- Exhibit 5: Austin ISD’s Plan II
- Exhibit 6: Austin ISD’s Plan III
- Exhibit 7: Recommended High School Program with Austin ISD Modification (Based upon the state program approved by the State Board of Education in 1998)
- Exhibit 8: Distinguished Achievement High School Program with Austin ISD Modification (Based upon the state program approved by the State Board of Education in 1998)

Further, students entering Grade 9 in fall 1999 (Graduating Class of 2003) and earlier can graduate under the following plans:

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

- Exhibit 2: Recommended High School Program (As approved by the State Board of Education in 2000)
- Exhibit 3: Distinguished Achievement High School Program (As approved by the State Board of Education in 2000)
- Exhibit 4: Austin ISD's Plan I
- Exhibit 5: Austin ISD's Plan II
- Exhibit 6: Austin ISD's Plan III
- Exhibit 7: Recommended High School Program with Austin ISD Modification (Based upon the state program approved by the State Board of Education in 1998)
- Exhibit 8: Distinguished Achievement High School Program with Austin ISD Modification (Based upon the state program approved by the State Board of Education in 1998)

EXHIBIT 1

MINIMUM HIGH SCHOOL PROGRAM WITH AUSTIN ISD MODIFICATION

[For students entering the ninth grade in 2000–01 (graduating class of 2004) and thereafter]

Core Courses

Students must demonstrate proficiency in the following:

	Credit Equivalent
<u>English Language Arts</u>	4.0
Must consist of English I, II, and III. (English I for Speakers of Other Languages and English II for Speakers of Other Languages may be substituted for English I and II only for immigrant students with limited English proficiency.) The fourth credit may be English IV, Research/Technical Writing, Creative/Imaginative Writing, Practical Writing Skills, Literary Genres, Business Communication, Journalism, or concurrent enrollment in a college English course.	
<u>Mathematics</u>	3.0
Must include Algebra I and Geometry.	
<u>Science</u>	2.0
Must consist of Biology (1 credit) and Integrated Physics and Chemistry (IPC) (1 credit). A student may substitute chemistry or physics for IPC but then must use the second of these two courses as the academic elective credit identified below. Note: Students must take one full credit of the same course.	
<u>Social Studies</u>	2.5
Must consist of World History Studies (1 credit) or World Geography Studies (1 credit), United States History Studies Since Reconstruction (1 credit), and United States Government (0.5 credit).	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5
<u>Academic Elective</u>	1.0
Must be selected from World History Studies (1 credit), World Geography Studies (1 credit), or any science course approved by the State Board of Education for science credit under 19 TAC 112 (relating to Essential Knowledge and Skills for Science). If a student elects to replace IPC with either chemistry or physics as described in Science above, the academic elective must be the other of these two science courses.	

Physical Education 1.5

Must include Foundations of Personal Fitness (0.5 credit). Students may earn no more than 2 credits toward state graduation requirements in physical education. Students may substitute certain physical activities for the required credits of physical education, including the 0.5 credit for Foundations of Personal Fitness. Substitutions must be based on physical activity involved in drill team, marching band, and cheerleading during the fall semester, Junior Reserve Officer Training Corps (JROTC); athletics; Dance I–IV; 2- or 3-credit career and technology work-based training courses; and off-campus physical education. The District may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted on or off campus, with approval by the Commissioner.

19 TAC 74.42, 74.52(b)(7)

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Fine Arts 1.0

Note: Students must take one full credit of the same course. This requirement may be satisfied by any course in 19 TAC 117, Subchapter C (relating to Texas Essential Knowledge and Skills for Fine Arts), except for any Speech course.

Speech 0.5

Must consist of Communication Applications.

Technology Applications 1.0

Note: Students must take one full credit of the same course. This requirement may be satisfied by:

The following courses in 19 TAC 126 (relating to Essential Knowledge and Skills for Technology Applications): Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications;

The following courses in 19 TAC 120 (relating to Essential Knowledge and Skills for Business Education): Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia; or

The following courses in 19 TAC 123 (relating to Essential Knowledge and Skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology.

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Electives: (Total) 4.5

Must be selected from the list of courses approved by the SBOE for grades 9–12 as specified in 19 TAC 74.1 or 19 TAC 51(g), as applicable (relating to Essential Knowledge and Skills for the Foundation and Enrichment Curriculum), state-approved innovative courses as specified in 19 TAC 74.27 (relating to Innovative Courses and Programs), Junior Reserve Officer Training Corps (JROTC) (1 to 4 credits), or Driver Education (0.5 credit).

A maximum of 3 credits of Reading I, II, or III for elective credit may be offered by local policy to identified students.

Total Credits for Minimum High School Program with Austin ISD modification 22

Derived from 19 TAC 74.42, 74.52

Substitutions/Alternatives

College Board Advanced Placement and International Baccalaureate courses may be substituted for courses required in appropriate areas. Credit may also be awarded without prior instruction through credit by examination. 19 TAC 74.41(g), 74.24, 74.51(h)

EXHIBIT 2

RECOMMENDED HIGH SCHOOL PROGRAM
(As approved by the State Board of Education in 2000)

[For students entering Grade 9 in fall 1999 (graduating class of 2003), fall 2000 (graduating class of 2004), and thereafter]

Core Courses

Students must demonstrate proficiency in the following:

	Credit Equivalent
<u>English Language Arts</u>	4.0
Must consist of English I, English II, English III, and English IV. (English I for Speakers of Other Languages and English II for Speakers of Other Languages may be substituted for English I and II only for immigrant students with limited English proficiency.)	
<u>Mathematics</u>	3.0
Must consist of Algebra I, Algebra II, and Geometry.	
<u>Science</u>	3.0
1 credit must be a biology credit (Biology, Advanced Placement (AP) Biology, or International Baccalaureate (IB) Biology). Students must choose the remaining 2 credits from the following three areas (not more than 1 credit may be chosen from each of the areas to satisfy this requirement). Note: Once the area is chosen, students must take one full credit of the same course.	
Integrated Physics and Chemistry (IPC)	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, Principles of Technology I, AP Physics, or IB Physics	
Students on the Recommended High School Program are encouraged to take courses in biology, chemistry, and physics to complete the science requirements.	
<u>Social Studies</u>	3.5
Must consist of World History Studies (1 credit), World Geography Studies (1 credit), United States History Studies Since Reconstruction (1 credit), and United States Government (0.5 credit).	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5
<u>Languages Other Than English</u>	2.0
Must consist of Level I and Level II of the same language.	

Physical Education 1.5

Must include Foundations of Personal Fitness (0.5 credit). Students may earn no more than 2 credits toward state graduation requirements in physical education. Students may substitute certain physical activities for the required credits in physical education, including the 0.5 credit for Foundations of Personal Fitness. Substitutions must be based on physical activity involved in drill team, marching band, and cheerleading during the fall semester; Junior Reserve Officer Training Corps (JROTC); athletics; Dance I–IV; and 2- or 3-credit career and technology work-based training courses. The District may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted on or off campus, with approval by the Commissioner. 19 TAC 74.43, 74.53(b)(7)

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Speech 0.5

Must consist of Communication Applications.

Technology Applications 1.0

May be satisfied by:

(1) The following courses in 19 TAC 126 (relating to essential knowledge and skills for Technology Applications): Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, Independent Study in Technology Applications, and, for students entering ninth grade in the 2004–05 school year or thereafter, state-approved technology applications innovative courses;

(2) The following courses in 19 TAC 120 (relating to essential knowledge and skills for Business Education): Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia; or

(3) The following courses in 19 TAC 123 (relating to essential knowledge and skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology.

Students entering ninth grade in the 2004–05 school year or thereafter may satisfy the Technology Applications requirement through the completion of three credits (for students participating in a coherent sequence of career and technology courses or who are enrolled in a Tech Prep high school plan of study) consisting of two or more state-approved career and technology courses in 19 TAC 119–125 and 127. Districts shall ensure that career and technology courses, including innovative courses, in a coherent sequence used to meet the technology applications credit are appropriate to collectively teach the knowledge skills found in any of the approved courses listed in items (1)–(3), above. Students pursuing the technology applications option described in this paragraph must demonstrate proficiency in technology applications before beginning grade 11 through credit by examination as described in 19 TAC 74.14 (relating to Credit by Examination).

Fine Arts 1.0

Note: Students must take one full credit of the same course. This requirement may be satisfied by any course in 19 TAC 117, Subchapter C (relating to Essential Knowledge and Skills for Fine Arts).

Electives: (Total) 3.5

May be selected from the list of courses approved by the SBOE for grades 9–12 as specified in 19 TAC 74.1 or 74.51(g), as applicable (relating to Essential Knowledge and Skills for the Foundation and Enrichment Curriculum), state-approved innovative courses as specified in 19 TAC 74.27 (relating to Innovative Courses and Programs), Junior Reserve Officer Training Corps (JROTC) (1 to 4 credits), or Driver Education (0.5 credit). All students who wish to complete the Recommended High School Program are encouraged to study each of the four foundation curriculum areas (English language arts, mathematics, science, and social studies) every year in high school.

A maximum of 3 credits of Reading I, II, or III for elective credit may be offered by local policy to identified students.

Total Credits for Recommended High School Program 24

Derived from 19 TAC 74.43, 74.53

Substitutions/Alternatives

No substitutions shall be allowed in the Recommended High School Program, except as allowed by State Board rule and local policy. College Board Advanced Placement and International Baccalaureate courses may be substituted for requirements in appropriate academic areas. Credit may be awarded for core courses without prior instruction through credit by examination.

Derived from 19 TAC 74.41(g), 74.24, 74.44(e), 74.51(h)

EXHIBIT 3

DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM
(As approved by the State Board of Education in 2000)

[For students entering grade 9 in fall 1999 (graduating class of 2003), fall 2000 (graduating class of 2004), and thereafter]

Core Courses

Students must demonstrate proficiency in the following:

	Credit Equivalent
<u>English Language Arts</u>	4.0
Must consist of English I, English II, English III, and English IV. (English I for Speakers of Other Languages and English II for Speakers of Other Languages may be substituted for English I and II only for immigrant students with limited English proficiency.)	
<u>Mathematics</u>	3.0
Must consist of Algebra I, Algebra II, and Geometry.	
<u>Science</u>	3.0
1 credit must be a biology credit (Biology, Advanced Placement (AP) Biology, or International Baccalaureate (IB) Biology).	
Students must choose the remaining 2 credits from the following areas (not more than 1 credit may be chosen from each of the areas to satisfy this requirement. Note: Once the area is chosen, students must take one full credit of the same course):	
Integrated Physics and Chemistry (IPC)	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, Principles of Technology I, AP Physics, or IB Physics	
Students on the Distinguished Achievement High School Program are encouraged to take courses in biology, chemistry, and physics to complete the science requirements.	
<u>Social Studies</u>	3.5
Must consist of World History Studies (1 credit), World Geography Studies (1 credit), United States History Studies Since Reconstruction (1 credit), and United States Government (0.5 credit).	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5
<u>Languages Other Than English</u>	3.0
Must consist of Level I, Level II, and Level III of the same language.	

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Physical Education 1.5

Must include Foundations of Personal Fitness (0.5 credit). Students may earn no more than 2 credits toward state graduation requirements in physical education.

Students may substitute certain physical activities for the required credits in physical education, including the 0.5 credit for Foundations of Personal Fitness. Substitutions must be based on physical activity involved in drill team, marching band, and cheerleading during the fall semester; Junior Reserve Officer Training Corps (JROTC); athletics; Dance I–IV; and 2- or 3-credit career and technology work-based training courses. The District may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted on or off campus, with approval by the Commissioner. 19 TAC 74.44, 74.54(b)(7)

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Speech 0.5

Must consist of Communication Applications.

Technology Applications 1.0

May be satisfied by:

(1) The following courses in 19 TAC 126 (relating to essential knowledge and skills for Technology Applications): Computer Science I, Computer Science II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, or Independent Study in Technology Applications and, for students entering ninth grade in the 2004–05 school year or thereafter, state-approved technology applications innovative courses;

(2) The following courses in 19 TAC 120 (relating to essential knowledge and skills for Business Education): Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia; or

(3) The following courses in 19 TAC 123 (relating to essential knowledge and skills for Technology Education/Industrial Technology Education): Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology.

Students entering ninth grade in the 2004–05 school year or thereafter may satisfy the Technology Applications requirement through the completion of three credits (for students participating in a coherent sequence of career and technology courses or who are enrolled in a Tech Prep high school plan of study) consisting of two or more state-approved career and technology courses in 19 TAC 119–125 and 127. Districts shall ensure that career and technology courses, including innovative courses, in a coherent sequence used to meet the technology applications credit are appropriate to collectively teach the knowledge skills founds in any of the approved courses listed in items (1)–(3), above. Students pursuing the technology applications option described in this paragraph must demonstrate proficiency in technology applications before beginning grade 11 through credit by examination as described in 19 TAC 74.14 (relating to Credit by Examination).

Fine Arts 1.0

Note: Students must take one full credit of the same course. This requirement may be satisfied by any course listed in 19 TAC 117, Subchapter C (Essential Knowledge and Skills for Fine Arts).

Electives: (Total) 2.5

May be selected from the list of courses approved by the SBOE for grades 9–12 as specified in 19 TAC 74.41 or 19 TAC 74.51(g), as applicable (relating to Texas Essential Knowledge and Skills for the Foundation and Enrichment Curriculum), state-approved innovative courses as specified in 19 TAC 74.27 (relating to Innovative Courses and Programs), Junior Reserve Officer Training Corps (JROTC) (1 to 4 credits), or Driver Education (0.5 credit). All students who wish to complete the Distinguished Achievement Program are encouraged to study each of the four foundation curriculum areas (English language arts, mathematics, science, and social studies) every year in high school.

A maximum of 3 credits of Reading I, II, or III for elective credit may be offered by local policy to identified students.

Total Credits for Distinguished Achievement High School Program 24

Advanced Measures

A student also must achieve any combination of four of the following advanced measures. The measures must focus on demonstrated student performance at the college or professional level. Student performance on advanced measures must be assessed through an external review process. The advanced measures are as follows:

1. An original research/project that is:
 - a. Judged by a panel of professionals in the field that is the focus of the project; or
 - b. Conducted under the direction of mentor(s) and reported to an appropriate audience; and
 - c. Related to the required curriculum set forth in 19 TAC 74.1 (relating to Essential Knowledge and Skills).

Original research/projects may not be used for more than two of the four advanced measures.

2. Test data in which a student receives:
 - a. A score of three or above on the College Board Advanced Placement examination;
 - b. A score of four or above on an International Baccalaureate examination; or
 - c. A score on the Preliminary Scholastic Assessment Test (PSAT) that qualifies a student for recognition as a Commended Scholar or higher by the National Merit Scholarship Corporation; as part of the National Hispanic Scholar Program of the College Board; or as part of the National Achievement Scholarship Program for Outstanding Negro Students of the National Merit Scholarship Corporation. The PSAT score may count as only one advanced measure regardless of the number of honors received by the student.
3. A grade of 3.0 or higher in courses that count for college academic credit, including tech-prep articulated college courses.

Derived from 19 TAC 74.44, 74.54

Substitutions/Alternatives

No substitutions shall be allowed, except as allowed by State Board rule and local policy. College Board Advanced Placement and International Baccalaureate courses may be substituted for requirements in appropriate academic areas. Credit may also be awarded without prior instruction through credit by examination. 19 TAC 74.41(g), 74.24, 74.44(e), 74.54(e)

EXHIBIT 4

AUSTIN ISD's PLAN I

[Effective for students entering grade 9 in fall 1999 (graduating class of 2003) and earlier, as well as students entering grade 9 in fall 2000 (graduating class of 2004)]

The required 22 credits shall include the following specified subjects:

	Credit Equivalent
<u>English Language Arts</u>	4.0
English I, II, III, and IV	
The fourth level of English credit can be earned by completing English IV, Research/Technical Writing, Creative/Imaginative Writing, Practical Writing Skills, Literary Genres, Journalism, Business Communication, concurrent enrollment in a college English course or College Board Advanced Placement Literature and Composition course, or International Baccalaureate English IV.	
A maximum of two of the four credits in English required for graduation may be English for Speakers of Other Languages (ESOL). All credit earned in ESOL not counted toward the graduation requirement in English language arts may be counted as elective credit to meet graduation requirements.	
<u>Mathematics</u>	3.0
Two credits must be Algebra I and Geometry. The third credit of mathematics may be satisfied by Algebra II, Mathematical Modeling, or other mathematics courses.	
<u>Science</u>	2.0
1 credit of Biology I	
1 credit of another science course	
<u>Social Studies</u>	2.5
1 credit from World History or 1 credit from World Geography	
1 credit from U.S. History	
0.5 credit from U.S. Government	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Physical Education 1.5

Students may substitute certain physical activities for physical education based upon the physical activity involved. Approved activities include drill team, marching band, and cheerleading during the fall semester; Reserve Officer Training Corps (ROTC); athletics; Dance I–IV and certain 2- or 3-hour block career and technology courses. Credit may be awarded for appropriate private, commercially-sponsored or Olympic-type physical activity programs conducted either on or off campus.

Students may earn no more than 2 credits of credit in physical education toward state graduation requirements. Any physical education course taken beyond 2 credits will not count for credit toward graduation requirements.

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Technology Applications 1.0

Select from:

- Computer Science I or II
- Business Computer Information Systems I or II
- Business Computer Programming I or II
- Desktop Publishing
- Computer Applications
- Independent Study in Technology Applications
- Telecommunications and Networking
- Computer Multimedia/Animation Technology
- Digital Graphics Animation
- Multimedia
- Video Technology
- Web Mastering
- Business Image Management and Multimedia
- Technology Systems (Modular computer lab-based)
- Communications Graphics (Modular computer lab-based)

Languages Other Than English none

Fine Arts 1.0

Courses may be selected from Art, Theatre Arts, Music, or Dance. Speech may not be used to meet this requirement.

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

<u>Speech</u>	0.5
Selected from Speech Communication, Public Speaking, Debate, Oral Interpretation, or Communication Applications.	
<u>Electives: (Total)</u>	5.5
Including a required academic elective consisting of World Geography (1.0 credit), World History (1.0 credit), or science.	
<u>Total Credits for Austin ISD's Plan I</u>	22

EXHIBIT 5

AUSTIN ISD's PLAN II

[Effective for students entering grade 9 in fall 1999 (graduating class of 2003) and earlier, as well as students entering grade 9 in fall 2000 (graduating class of 2004)]

In Graduation Plan II, all students will complete the same requirements as Plan I except as follows. Also, approved Advanced Placement (AP), International Baccalaureate (IB), or college courses may substitute.

	Credit Equivalent
<u>English Language Arts</u>	4.0
English I, II, III, and IV	
A maximum of two of the four credits in English required for graduation may be English for Speakers of Other Languages (ESOL). All credit earned in ESOL not counted toward the graduation requirement in English language arts may be counted as elective credit to meet graduation requirements.	
<u>Mathematics</u>	3.0
Algebra I, Geometry, and Algebra II	
<u>Science</u>	3.0
1 credit of Biology I, AP Biology, or IB Biology	
2 additional credits of science from the following three areas (only 1 credit per area)	
Integrated Physics and Chemistry	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, AP Physics, IB Physics, or Principles of Technology	
<u>Social Studies</u>	3.5
1 credit of World Geography	
1 credit of World History	
1 credit of U.S. History	
0.5 credit of U.S. Government	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Physical Education 1.5

Students may substitute certain physical activities for physical education based upon the physical activity involved. Approved activities include drill team, marching band, and cheerleading during the fall semester; Reserve Officer Training Corps (ROTC); athletics; Dance I–IV and certain 2- or 3-hour block career and technology courses. Credit may be awarded for appropriate private, commercially-sponsored or Olympic-type physical activity programs conducted either on or off campus.

Students may earn no more than 2 credits of credit in physical education toward state graduation requirements. Any physical education course taken beyond 2 credits will not count for credit toward graduation requirements.

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Technology Applications 1.0

Select from:

- Computer Science I or II
- Business Computer Information Systems I or II
- Business Computer Programming I or II
- Desktop Publishing
- Computer Applications
- Independent Study in Technology Applications
- Telecommunications and Networking
- Computer Multimedia/Animation Technology
- Digital Graphics Animation
- Multimedia
- Video Technology
- Web Mastering
- Business Image Management and Multimedia
- Technology Systems (Modular computer lab based)
- Communications Graphics (Modular computer lab based)

Languages Other Than English 3.0

Credits earned must be from the same language. Students who complete Level I of a language in grades 7 and 8 shall use the credits to satisfy 1 credit of this requirement for grades 9–12. Grades are included in the high school GPA.

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Fine Arts 1.0

Courses may be selected from Art, Theatre Arts, Music, or Dance.
Speech may not be used to meet this requirement.

Speech 0.5

Selected from Speech Communication, Public Speaking, Debate, Oral Interpretation, or Communication Applications.

Electives: (Total) 2.5

Students must choose one of the following options:

Option I: (Total) 2.5

1. Mathematics: (1 credit) consisting of Precalculus or higher math
2. Science: (1 credit)

Any science course selected from Integrated Physics and Chemistry, Biology, Environmental Systems, Chemistry, Aquatic Science, Physics, Astronomy, Geology, Meteorology and Oceanography, AP Biology, AP Chemistry, AP Physics, AP Environmental Science, IB Biology, IB Chemistry, IB Physics, IB Environmental Systems, Scientific Research and Design, Anatomy and Physiology of Human Systems, Medical Microbiology, Pathophysiology, Principles of Technology I, or Principles of Technology II

Elective: (0.5 credit)

OR

Option II: (Total)

Career and Technology: (Must include 2.5 credits in a coherent sequence for career and technology preparation.)

OR

Option III: (Total)

Academic: (Students may choose all 2.5 credits from one of the disciplines, or they may select courses from among the listed disciplines — language arts, mathematics, science, social sciences, languages other than English, fine arts, and/or computer technology.)

Total Credits for Austin ISD's Plan II 24

EXHIBIT 6

AUSTIN ISD's PLAN III

[Effective for students entering grade 9 in fall 1999 (graduating class of 2003) and earlier, as well as students entering grade 9 in fall 2000 (graduating class of 2004)]

In Graduation Plan III, all students will complete the same requirements as Plan II except as follows. Also, approved Advanced Placement (AP), International Baccalaureate (IB), or college courses may substitute.

	Credit Equivalent
<u>English Language Arts</u>	4.0
English I, II, III, and IV	
A maximum of two of the four credits in English required for graduation may be English for Speakers of Other Languages (ESOL). All credit earned in ESOL not counted toward the graduation requirement in English language arts may be counted as elective credit to meet graduation requirements.	
<u>Mathematics</u>	3.0
Algebra I, Geometry, and Algebra II	
<u>Science</u>	3.0
1 credit of Biology I, AP Biology, or IB Biology	
2 additional credits of science from the following three areas (only 1 credit per area)	
Integrated Physics and Chemistry	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, AP Physics, IB Physics, or Principles of Technology	
<u>Social Studies</u>	3.5
1 credit of World Geography	
1 credit of World History	
1 credit of U.S. History	
0.5 credit of U.S. Government	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Physical Education 1.5

Students may substitute certain physical activities for physical education based upon the physical activity involved. Approved activities include drill team, marching band, and cheerleading during the fall semester; Reserve Officer Training Corps (ROTC); athletics; Dance I–IV and certain 2- or 3-hour block career and technology courses. Credit may be awarded for appropriate private, commercially-sponsored, or Olympic-type physical activity programs conducted either on or off campus.

Students may earn no more than 2 credits of credit in physical education toward state graduation requirements. Any physical education course taken beyond 2 credits will not count for credit toward graduation requirements.

Health Education 0.5

0.5 credit of Health Education or 1 credit of Health Science Technology

Technology Applications 1.0

Select from:

- Computer Science I or II
- Business Computer Information Systems I or II
- Business Computer Programming I or II
- Advanced Journalism Newspaper II (H) Desktop Publishing
- Computer Applications
- Independent Study in Technology Applications
- Telecommunications and Networking
- Computer Multimedia/Animation Technology
- Digital Graphics Animation
- Multimedia
- Video Technology
- Web Mastering
- Business Image Management and Multimedia
- Technology Systems (Modular computer lab-based)
- Communications Graphics (Modular computer lab-based)

Languages Other Than English 3.0

Credits earned must be from the same language. Students may substitute 1 credit of advanced math or science for a third credit of foreign language.

Fine Arts 1.0

Courses may be selected from Art, Theatre Arts, Music, or Dance. Speech may not be used to meet this requirement.

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

<u>Speech</u>	0.5
Selected from Speech Communication, Public Speaking, Debate, Oral Interpretation, or Communication Applications.	
<u>Electives: (Total)</u>	4.5
Students must choose one of the following options:	
<u>Option I: (Total)</u>	4.5
1. <u>Mathematics:</u> (1 credit) consisting of Precalculus or higher math	
2. <u>Science:</u> (1 credit)	
Students may select any science course selected from Integrated Physics and Chemistry, Biology, Environmental Systems, Chemistry, Aquatic Science, Physics, Astronomy, Geology, Meteorology and Oceanography, AP Biology, AP Chemistry, AP Physics, AP Environmental Science, IB Biology, IB Chemistry, IB Physics, IB Environmental Systems, Scientific Research and Design, Anatomy and Physiology of Human Systems, Medical Microbiology, Pathophysiology, Principles of Technology I, or Principles of Technology II.	
<u>Elective:</u> (2.5 credits)	
OR	
<u>Option II: (Total)</u>	4.5
<u>Career and Technology:</u> (Must include 3.5 credits in a coherent sequence for career and technology preparation.)	
OR	
<u>Option III: (Total)</u>	4.5
<u>Academic:</u> (Students may choose all 4.5 credits from one of the disciplines, or they may select courses from among the listed disciplines – language arts, mathematics, science, social sciences, languages other than English, fine arts, and/or computer technology.)	
<u>Total Credits for Austin ISD’s Plan III</u>	26

EXHIBIT 7

RECOMMENDED HIGH SCHOOL PROGRAM WITH AUSTIN ISD MODIFICATION
(Based upon the state program approved by the State Board of Education in 1998)

[For students entering grade 9 in fall 1999 (graduating class of 2003) and earlier, as well as students entering grade 9 in fall 2000 (graduating class of 2004)]

Academic Core Components

	Credit Equivalent
<u>English Language Arts</u>	4.0
Must consist of English I, English II, English III, English IV. (English I for Speakers of Other Languages and English II for Speakers of Other Languages may be substituted for English I and II only for immigrant students with limited English proficiency.)	
<u>Mathematics</u>	3.0
Must consist of Algebra I, Algebra II, and Geometry	
<u>Science</u>	3.0
1 credit must be a biology credit (Biology, Advanced Placement (AP) Biology, or International Baccalaureate (IB) Biology).	
Students must choose the remaining 2 credits from the following three areas (not more than 1 credit may be chosen from each of the areas to satisfy this requirement):	
Integrated Physics and Chemistry	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, Principles of Technology I, AP Physics, or IB Physics	
Students on the Recommended High School Program are encouraged to take courses in biology, chemistry, and physics to complete the science requirements.	
<u>Social Studies</u>	3.5
World History Studies (1 credit)	
World Geography Studies (1 credit)	
United States History Studies Since Reconstruction (1 credit)	
United States Government (0.5 credit)	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5
<u>Languages Other Than English</u>	2.0
Must consist of Level I and Level II of the same language.	
<u>Health</u>	0.5
May be satisfied by 0.5 credit of Health or 1 credit of Health Science Technology	

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Fine Arts 1.0

Any course listed in 19 TAC 117, Subchapter C (TEKS for Fine Arts)

Physical Education 1.5

Must include Foundations of Personal Fitness (0.5 credit). Students may earn no more than 2 credits toward state graduation requirements in physical education. Students may substitute certain physical activities for the required credits of physical education, including the 0.5 credit for Foundations of Personal Fitness. Substitutions must be based on physical activity involved in drill team, marching band, and cheerleading during the fall semester, Reserve Officer Training Corps (ROTC); athletics; Dance I-IV; 2- or 3-credit career and technology work-based training courses. The District may award up to 2 credits for physical education for appropriate private or commercially-sponsored physical activity programs conducted on or off campus, with approval by the Commissioner.

Technology Applications 1.0

All courses in 19 TAC Chapter 126: Computer Science I or II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, Independent Study in Technology Applications;

The following courses in 19 TAC 120: Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia; or

The following courses in 19 TAC 123: Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology.

Speech 0.5

Students must select from either Communication Applications, Speech Communication, Public Speaking, Debate, or Oral Interpretation.

Additional Components

Students must choose one of the following options for additional components.

Option I: (Total) 3.5

1. Mathematics: (1 credit) consisting of Precalculus
2. Science: (1 credit)

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Students may select any science course selected from Integrated Physics and Chemistry, Biology, Environmental Systems, Chemistry, Aquatic Science, Physics, Astronomy, Geology, Meteorology and Oceanography, AP Biology, AP Chemistry, AP Physics, AP Environmental Science, IB Biology, IB Chemistry, IB Physics, IB Environmental Systems, Scientific Research and Design, Anatomy and Physiology of Human Systems, Medical Microbiology, Pathophysiology, Principles of Technology I, or Principles of Technology II.

Elective: (1.5 credits)

OR

Option II: (Total) 3.5

Career and Technology: (Must include 3.5 credits in a coherent sequence for career and technology preparation.)

OR

Option III: (Total) 3.5

Academic: 3.5 credits in state-approved courses from language arts, science, social studies, mathematics, languages other than English, fine arts, or technology applications. Students may choose all 3.5 credits from one of the disciplines, or they may select courses from among the listed disciplines.

Total Credits for Recommended High School Program with Austin ISD Modification 24

No substitutions shall be allowed in the Recommended High School Program. College Board Advanced Placement and International Baccalaureate courses may be substituted for requirements in appropriate academic areas. Credit may also be awarded for academic core components without prior instruction through credit by examination.

19 TAC 74.12

EXHIBIT 8

DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM WITH
AUSTIN ISD MODIFICATION

(Based upon the state program approved by the State Board of Education in 1998)

[For students entering grade 9 in fall 1999 (graduating class of 2003) and earlier, as well as students entering grade 9 in fall 2000 (graduating class of 2004)]

Academic Core Components

	Credit Equivalent
<u>English Language Arts</u>	4.0
Must consist of English I, English II, English III, English IV. (English I for Speakers of Other Languages and English II for Speakers of Other Languages may be substituted for English I and II only for immigrant students with limited English proficiency.)	
<u>Mathematics</u>	3.0
Must consist of Algebra I, Algebra II, and Geometry	
<u>Science</u>	3.0
1 credit must be a biology credit (Biology, Advanced Placement (AP) Biology, or International Baccalaureate (IB) Biology).	
Students must choose the remaining 2 credits from the following areas (not more than 1 credit may be chosen from each of the areas to satisfy this requirement):	
Integrated Physics and Chemistry	
Chemistry, AP Chemistry, or IB Chemistry	
Physics, Principles of Technology, AP Physics, or IB Physics	
Students on the Distinguished Achievement High School Program are encouraged to take courses in biology, chemistry, and physics to complete the science requirements.	
<u>Social Studies</u>	3.5
World History Studies (1 credit), World Geography Studies (1 credit), United States History Studies Since Reconstruction (1 credit), and United States Government (0.5 credit).	
<u>Economics with Emphasis on the Free Enterprise System and Its Benefits</u>	0.5
<u>Languages Other Than English</u>	3.0
Level I, Level II, and III of the same language.	
<u>Health</u>	0.5
May be satisfied by 0.5 credit of Health or 1 credit of Health Science Technology	

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Fine Arts 1.0

Any course listed in 19 TAC 117 (TEKS for Fine Arts)

Physical Education 1.5

Must include Foundations of Personal Fitness (0.5 credit). Students may earn no more than 2 credits toward state graduation requirements in physical education. Students may substitute certain physical activities for the required credits of physical education, including the 0.5 credit for Foundations of Personal Fitness. Substitutions must be based on physical activity involved in drill team, marching band, and cheerleading during the fall semester, Reserve Officer Training Corps (ROTC); athletics; Dance I-IV; 2- or 3-credit career and technology work-based training courses; and off-campus physical education. The District may award up to 2 credits for physical education for appropriate private or commercially sponsored physical activity programs conducted on or off campus, with approval by the Commissioner.

Technology Applications 1.0

All courses in 19 TAC Chapter 126: Computer Science I or II, Desktop Publishing, Digital Graphics/Animation, Multimedia, Video Technology, Web Mastering, Independent Study in Technology Applications;

The following courses in 19 TAC 120: Business Computer Information Systems I or II, Business Computer Programming, Telecommunications and Networking, or Business Image Management and Multimedia; or

The following courses in 19 TAC 123: Computer Applications, Technology Systems (modular computer laboratory-based), Communication Graphics (modular computer laboratory-based), or Computer Multimedia and Animation Technology.

Speech 0.5

Students must select from with Communication Applications, Speech Communication, Public Speaking, Debate, or Oral Interpretation.

Additional Components

All students who wish to complete the Distinguished Achievement Program are encouraged to study each of the foundation curriculum areas every year in high school as provided in Option I. Options II and III are provided for students who want to focus on a particular career exploration or the development of an academic interest or artistic talent.

The student must choose one of the following options for additional components.

Option I: (Total) 2.5

1. Mathematics: (1 credit) consisting of Precalculus
2. Science: (1 credit)

ACADEMIC ACHIEVEMENT:
GRADUATION

EIF
(EXHIBIT)

Students may select any science course selected from Integrated Physics and Chemistry, Biology, Environmental Systems, Chemistry, Aquatic Science, Physics, Astronomy, Geology, Meteorology and Oceanography, AP Biology, AP Chemistry, AP Physics, AP Environmental Science, IB Biology, IB Chemistry, IB Physics, IB Environmental Systems, Scientific Research and Design, Anatomy and Physiology of Human Systems, Medical Microbiology, Pathophysiology, Principles of Technology I or Principles of Technology II.

Elective: (0.5 credits)

OR

Option II: (Total) 2.5

Career and Technology: (Must include 2.5 credits in a TEA-approved coherent sequence for career and technology preparation.)

OR

Option III: (Total) 2.5

Academic: (2.5 credits in state-approved courses from language arts, science, social studies, mathematics, languages other than English, fine arts, or technology applications. Students may choose all 2.5 credits from one of the disciplines, or they may select courses from among the listed disciplines.)

Total Credits for Distinguished Achievement High School Program with Austin ISD Modification 24

No substitutions shall be allowed in the Recommended High School Program. College Board Advanced Placement and International Baccalaureate courses may be substituted for requirements in appropriate academic areas. Credit may also be awarded for academic core components without prior instruction through credit by examination.

Derived from 19 TAC 74.12

Advanced Measures

A student also must achieve any combination of four of the following advanced measures. The measures must focus on demonstrated student performance at the college or professional level. Student performance on advanced measures must be assessed through an external review process. The advanced measures are as follows:

1. An original research/project that is:
 - a. Judged by a panel of professionals in the field that is the focus of the project; or
 - b. Conducted under the direction of mentor(s) and reported to an appropriate audience; and
 - c. Related to the required curriculum set forth in 19 TAC 74.1 (relating to essential knowledge and skills).

Original research/projects may not be used for more than two of the four advanced measures.

2. Test data in which a student receives:
 - a. A score of three or above on the College Board Advanced Placement examination;
 - b. A score of four or above on an International Baccalaureate examination; or
 - c. A score on the Preliminary Scholastic Assessment Test (PSAT) that qualifies a student for recognition as a Commended Scholar or higher by the National Merit Scholarship Corporation; as part of the National Hispanic Scholar Program of the College Board; or as part of the National Achievement Scholarship Program for Outstanding Negro Students of the National Merit Scholarship Corporation. The PSAT score may count as only one advanced measure regardless of the number of honors received by the student.
3. A grade of 3.0 or higher in courses that count for college academic credit, including tech-prep articulated college courses.

19 TAC 74.13

HIGHER
EDUCATION
COUNSELING

Each counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of higher education, coursework designed to prepare students for higher education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during a student's senior year, a counselor shall provide information about higher education to the student and the student's parent or guardian. The information must cover:

1. The importance of higher education;
2. The advantages of completing the recommended or advanced high school program;
3. The disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. Financial aid eligibility;
5. Instruction on how to apply for federal financial aid;
6. The center for financial aid information established under Education Code 61.0776;
7. The automatic admission of certain students to general academic teaching institutions as provided by Education Code 51.803; and
8. The eligibility and academic performance requirements for the TEXAS Grant.

Education Code 33.007; 19 TAC 61.1071

NOTICE OF
GRANT
PROGRAMS

The District shall notify students in middle school, junior high school, and high school and those students' teachers, counselors, and parents of:

1. The Toward Excellence, Access, and Success (TEXAS) program and the Teach for Texas program;
2. The eligibility requirements of each program;
3. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
4. Sources of information on higher education admissions and financial aid in a manner that assists the District in implementing its strategies, contained in the District improvement plan, for resources needed to implement identified strategies.

NOTATION ON
TRANSCRIPT
OR DIPLOMA

In addition, the District shall ensure that each student's official transcript or diploma indicates:

1. Whether the student has completed or is on schedule to complete the recommended or the advanced high school curriculum required for grant eligibility.
2. That the District has certified to the Commissioner of Education that the high school did not offer all the necessary courses for a student to complete all parts of the recommended or advanced high school curriculum, but that the student completed all courses offered at the District's high school that would apply toward the completion of the recommended or advanced high school curriculum.

Education Code 56.308

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

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

**GUIDANCE AND
COUNSELING
SERVICES**

The District's guidance and counseling services shall be designed primarily to provide ongoing assistance to enhance the educational development of all students and shall be included in and monitored through the District and campus planning process. [See BQ series]

The program shall also be developmental and include sequential activities designed to address the needs of all students by helping them to acquire competencies in career planning and exploration, knowledge of themselves and others, and educational development.

Counselors shall work with all students, parents, teachers, administrators and the community through a balanced program of direct and indirect services. Services to students shall be provided through individual, small-group, personal, and crisis counseling.

The services shall include, but shall not be limited to, the following:

1. Improving academic achievement;
2. Improving school attendance;
3. Improving school attitudes;
4. Obtaining information to assist in choosing a potential career;
5. Developing self-confidence;
6. Developing healthy interpersonal relationships; and
7. Developing life satisfaction. Guidance services shall be coordinated with the regular instructional program so that they contribute to a unified educational program. Large and small group-structured learning units shall provide systematic instruction for all students in all grades. Guidance services shall operate with central coordination and shall be a cooperative project of the entire professional staff. Teachers shall use opportunities in the classroom, in extracurricular activities, and in contacts with parents to achieve guidance objectives. Qualified counselors shall supervise the standardized testing program and provide personal, academic, and career guidance to students who need such services. [See FFE]

DATE ISSUED: 02/21/2000
NEWLPM
EJ(LOCAL)-X

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LOCAL
ACHIEVEMENT
TESTING

In addition to the state-administered assessment instruments, the District may adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level, but shall not use the same form of an assessment instrument for more than three years. A locally adopted norm-referenced assessment instrument must be economical, nationally recognized, and state-approved. *Education Code 39.026, 39.032; 19 TAC 101.101*

To maintain security and confidential integrity of group-administered achievement tests, the District shall follow the procedures for test security and confidentiality set forth in 19 TAC Chapter 101, Subchapter C. [See EKB]

HIGH SCHOOL
EQUIVALENCY
PROGRAM

The District may apply for authorization to operate a High School Equivalency Program (HSEP). *Education Code 29.087(b); 19 TAC 89.1405(a)*

A cooperative of districts may apply for permission to operate a cooperative HSEP if it operates pursuant to a written agreement. The fiscal agent of a cooperative HSEP is responsible for complying with the requirements of 19 TAC Chapter 89, Subchapter DD. *19 TAC 89.1405(b)*

A district authorized by the Commissioner on or before August 31, 2003, to operate an HSEP may continue to operate the program. Beginning with the 2003-04 school year, a student enrolled in such an HSEP cannot take any portion of the GED test after September 1, 2003, without meeting the assessment requirements specified below. *Education Code 29.087(b-1); 19 TAC 89.1417(b), (e)*

OPERATION
OF PROGRAM

A district that operates an HSEP must comply with all assurances in the program application. Approved HSEPs shall be required to submit annually one progress report on a form to be provided by the General Educational Development Testing Service (GEDTS) to the TEA. The data in the progress reports must be disaggregated by ethnicity, age, gender, and socioeconomic status. *19 TAC 89.1417(a)*

Enrollment in an HSEP may not exceed by more than five percent the total number of students enrolled in a similar program operated by the District during the 2000-01 school year. *19 TAC 89.1417(c)*

A student enrolled in an HSEP must be offered a seven-hour school day and a 180-day instructional year calendar. *19 TAC 89.1417(d)*

STUDENT
ELIGIBILITY

A student is eligible to participate in the HSEP if:

COURT-
ORDERED

1. The student has been ordered by a court under Code of Criminal Procedure 45.054, or by the Texas Youth Commission, to:

- a. Participate in a preparatory class for the high school equivalency examination; or
 - b. Take the high school equivalency examination administered under Education Code 7.111; or
- STUDENT AT RISK
- 2. The following conditions are satisfied:
 - a. The student is at least 16 years of age at the beginning of the school year or semester;
 - b. The student is a student at risk of dropping out of school [see EHBC];
 - c. The student and the student's parent or guardian agree in writing to the student's participation;
 - d. At least two school years have elapsed since the student first enrolled in ninth grade and the student has accumulated less than one third of the credits required to graduate under the minimum graduation requirements of the District. For students who left school before grade 9, at least three years have elapsed since the student last enrolled in grade 9, or four years since the student last enrolled in grade 7, or five years since the student last enrolled in grade 6; and
 - e. Any other conditions specified by the Commissioner. *Education Code 29.087(d); 19 TAC 89.1403*

ASSESSMENT A student participating in an HSEP must:

- 1. Take the assessment instruments specified by Education Code 39.023(a) for grade 9 before entering the program. If the student took a higher grade level assessment before enrollment, the student has met this requirement.
- 2. Take each grade level assessment instrument administered during the period in which the student is enrolled in the HSEP.
- 3. Take the assessments listed above before taking the high school equivalency examination.

A student entering an HSEP by order of the court or the Texas Youth Commission is exempt from these assessment requirements.

Education Code 29.087(f); 19 TAC 89.1409(a), (b), (e)

GED TEST The District must inform each student who has completed the program of the time and place at which the student may take the high school equivalency examination. The District must present to the General Education Development (GED) testing center, on a form provided by the TEA, proof that a student has been administered the assessment instruments. *19 TAC 89.1409(c), (d)*

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 UPDATE 73
 EK(LEGAL)-P

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manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

STATE ASSESSMENT
OF ACADEMIC
SKILLS

The statewide assessment program shall be primarily knowledge and skills based to ensure accountability for student achievement that achieves the state goals for public education. The state-adopted criterion-referenced assessment program shall be designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. Assessment instruments shall include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.

The state-adopted exit-level assessment instrument shall be designed to be administered to students in grade 11 to assess essential knowledge and skills in mathematics, English language arts, social studies, and science.

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced tests, as required by Education Code 39.023(a), (b), (c), (l) and 39.027(e).

Education Code 39.022, 39.023(a), (c), (f); 19 TAC 101.1, 101.5(a)

To be eligible to receive a high school diploma, a nonexempt student must demonstrate satisfactory performance on the exit-level test. *Education Code 39.025(b); 19 TAC 101.7(a)* [See EIF]

ADMINISTRATION

The District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for:

1. Maintaining the integrity of the test administration process; and
2. Ensuring that every test administrator receives at least annual training in these procedures as provided by TEA through the education service centers.

19 TAC 101.27

SCHEDULE

The Commissioner shall specify the schedule for testing. The Superintendent shall be responsible for administering tests. The Commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state. *19 TAC 101.25*

All students, except students who are exempted, who are in special education programs, and whose ARD committees determine the assessment instrument would not provide an appropriate measure of achievement [see ALTERNATIVE ASSESSMENT, below], shall be assessed in:

1. Mathematics, annually in grades 3 through 7 without the aid of technology and in grades 8 through 11 with the aid of technology on any assessment instruments that include algebra;
2. Reading, annually in grades 3-9;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. English language arts in grade 10;
5. Social studies in grades 8 and 10; and
6. Science in grades 5, 8, and 10.

Education Code 39.023(a)

NOTICE TO PARENTS
AND STUDENTS

In order to provide timely and full notification of graduation requirements and of testing requirements for advancement at certain grades, the Superintendent shall be responsible for:

1. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7-12 new to the District and the student's parent or guardian in writing of the testing requirements for graduation;
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing;
4. Notifying each student and the student's parent or guardian in writing no later than the beginning of the student's first-grade year or no later than the beginning of the student's kindergarten year, for students attending kindergarten in the District, of the testing requirements for grade advancement as specified in Education Code 28.0211 [see EIE];
5. Notifying each student in grades 1-8 who is new to the District and his or her parent or guardian in writing of the testing requirements for grade advancement; and
6. Notifying each student required to take the grade advancement tests of the dates, times, and locations of testing.

19 TAC 101.13

RETAKES

According to procedures specified in the applicable test administration materials, an eligible student or out-of-school individual who has not met graduation requirements may retest on a schedule determined by the Commissioner. A student who has been denied a diploma because the student failed to meet standards of performance on any sections of the instrument may retake the sections each time the instrument is administered. A student shall not be required to demonstrate performance at a standard higher than the one in effect when the student was first eligible to take the test. *Education Code 39.025(b); 19 TAC 101.7(a)(2), (d)*

STUDENTS WITH
DISABILITIES

A student receiving special education services enrolled in grades 3-8 and who is receiving instruction in the essential knowledge and skills shall take the assessment of academic skills unless the student's ARD committee determines that it is an inappropriate measure of the student's academic progress as outlined in the student's IEP. If the ARD committee determines

that the assessment is an inappropriate measure of the student's academic progress in whole or part, the student shall take the alternative assessment of academic skills in whole or part. Each testing accommodation shall be documented in the student's IEP in accordance with federal law. Beginning with the 2004-05 school year when alternative assessment of academic skills is available for grades 9-10, this provision also applies to students enrolled in these grades. *19 TAC 101.5(b)*

The ARD committee shall determine the level of performance considered to be satisfactory on the assessment instruments administered to that student in accordance with TEA rules. *Education Code 39.024(a)*

ALTERNATIVE ASSESSMENT

TEA shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program who receives modified instruction in the essential knowledge and skills identified under Education Code 28.002 for the assessed subject but for whom an assessment instrument, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee.

The alternative assessment instrument must assess essential knowledge and skills and growth in the subjects of reading, mathematics, and writing and shall be administered on the same schedule as the assessment instruments administered to all other students.

Education Code 39.023(b)

The alternative assessment of academic skills will measure annual growth based on appropriate expectations for each special education student, as determined by the student's ARD committee in accordance with criteria established by the Commissioner. *19 TAC 101.23(b)*

PERMISSIBLE ACCOMMODATIONS

Testing accommodations on the assessments administered are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction.

For a student receiving special education services, the ARD committee shall determine the allowable accommodations necessary for the student to take the assessments and shall document them in the student's IEP. Permissible testing accommodations shall be described in the appropriate test administration materials.

19 TAC 101.29

EXEMPTIONS - SPECIAL EDUCATION

A student may be exempted from the administration of:

1. The state assessment instrument or an alternate assessment if the student is eligible for special education and the student's IEP does not include instruction in the essential knowledge and skills at any grade level;

2. Exit-level exams if the student is eligible for special education, and:
 - a. The student's IEP does not include instruction in the essential knowledge and skills at any grade level; or
 - b. The assessment instrument, even with allowable modifications, would not provide an appropriate measure of the student's achievement as determined by the student's ARD committee.

Education Code 39.027(a)(1), (2)

A student receiving special education services enrolled in grades 3-10, according to the grade implementation schedule stated at STUDENTS WITH DISABILITIES, and who is not receiving any instruction in the essential knowledge and skills, shall be considered exempt. Each exemption shall be documented in the student's IEP in accordance with federal law. Each exempted student shall take an appropriate locally selected assessment, as determined by the student's ARD committee, in accordance with procedures developed by TEA. Student performance results on these alternate assessments must be reported to TEA. *19 TAC 101.5(c)*

LEP STUDENTS
IN SPECIAL
EDUCATION

Decisions regarding the selection of assessments for LEP students who receive special education services shall be made by the ARD committee, which includes a member of the language proficiency assessment committee (LPAC) to ensure that issues related to the student's language proficiency are duly considered. *19 TAC 101.1009(a)*

An LEP student who receives special education services may be exempted from the English language proficiency assessments only if the ARD committee determines that these assessments cannot provide a meaningful measure of the student's annual growth in English language proficiency for reasons associated with the student's disability. *19 TAC 101.1009(c)*

The provisions at LEP STUDENTS AT OTHER GRADES apply to the assessment of academic skills and the state-developed alternative assessment of academic skills. *19 TAC 101.1009(d)*

An LEP student who receives special education services and whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], is not eligible for an exemption on the basis of limited English proficiency. *19 TAC 101.1009(e)*

STUDENTS
WITH
DYSLEXIA

TEA shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess the ability of and to be administered to each student who is determined to have dyslexia or a related disorder and who is an individual with a disability under 29 U.S.C. 705(20), for whom the assessment instruments, even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the committee established by the Board to determine the placement of students with dyslexia or related disorders. The committee shall determine whether any allowable modification is necessary in administering to a student an assessment instrument required under this provision. *Education Code 39.023(n)*

LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS	In grades 3-12, an LEP student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the assessment of academic skills in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA. In grades 3-6, the LPAC [see EHBE] shall determine whether a nonexempt LEP student whose primary language is Spanish will take the assessment of academic skills in English or in Spanish. The decision as to the language of the assessment shall be based on the assessment that will provide the most appropriate measure of the student's academic progress. <i>19 TAC 101.5(d)</i>
ACADEMIC PROGRESS EVALUATION	An LEP student who is exempt from the administration of an assessment instrument who achieves reading proficiency in English as determined by the assessment system shall be administered the appropriate assessment instrument. <i>Education Code 39.027(e)</i>
TESTING IN SPANISH	Each LEP student whose primary language is Spanish, other than a student eligible for special education services, may be assessed using assessment instruments in Spanish for up to three years or assessment instruments in English. The LPAC shall determine which students are to be administered assessment instruments in Spanish. <i>Education Code 39.023(l), (m)</i>
ENGLISH LANGUAGE PROFICIENCY TESTS	In kindergarten through grade 12, LEP students shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill the state requirements for the assessment of academic skills and federal requirements under the No Child Left Behind Act. <i>19 TAC 101.1001</i>
LANGUAGE PROFICIENCY ASSESSMENT COMMITTEE	The LPAC shall select the appropriate assessment option for each LEP student in accordance with this policy at LEP STUDENTS AT THE EXIT LEVEL and LEP STUDENTS AT OTHER GRADES. Assessment decisions must be made on an individual student basis in accordance with administrative procedures established by TEA. The LPAC must document the reason for the postponement or exemption in the student's permanent record file. The District shall make a reasonable effort to determine a student's previous testing history. <i>19 TAC 101.1003</i>
EXEMPTIONS	A student may be exempted from the administration of the state assessment of academic skills: <ol style="list-style-type: none"> 1. For up to one year if the student is of limited English proficiency and has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an LEP student; or 2. For an additional two years if the student received the one year exemption and is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available. <p style="padding-left: 40px;">"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment of academic</p>

skills and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. [See EHBE] To the extent authorized by federal law, a child's prior enrollment in a school in the United States shall be determined on the basis of documents and records required for enrollment. [See FD]

Education Code 39.027(a)(3), (4), (g)

LEP STUDENTS
AT THE EXIT
LEVEL

LEP students are not eligible for an exemption from the exit-level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone one time the initial administration of the exit-level test. "Recent immigrant" means an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. *19 TAC 101.1005*

LEP STUDENTS
AT OTHER
GRADES

In grades 3-6, the LPAC shall determine whether an LEP student is administered the assessment of academic skills in English or in Spanish. An LEP student may be administered a Spanish version of the assessment of academic skills for a maximum of three years. If the LEP student is an immigrant, the number of LEP exemptions and administrations of the assessment in Spanish must not exceed three.

IMMIGRANT
STUDENTS

Certain immigrant LEP students who have had inadequate schooling outside the U.S. may be eligible for an exemption from the assessment of academic skills during a period not to exceed their first three school years of enrollment in U.S. schools. "Immigrant" is defined as a student who has resided outside the 50 United States for at least two consecutive years.

1. An immigrant LEP student who achieves a rating of advanced high on the state-administered reading proficiency tests in English during the student's first school year of enrollment in U.S. schools is not eligible for an exemption in the second or third school year of enrollment in U.S. schools. An immigrant LEP student who achieves a rating of advanced or advanced high on this assessment during the student's second school year of enrollment in U.S. schools is not eligible for an exemption in the third school year of enrollment in U.S. schools.
2. During the first school year of enrollment in U.S. schools, the immigrant student may be granted an LEP exemption if the LPAC determines that the student has not had the schooling outside the U.S. necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the subjects assessed.
3. During the second and third school year of enrollment in U.S. schools, the immigrant student whose schooling outside the U.S. was inadequate and for whom a primary language assessment is not available may be granted an LEP exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner.
4. During the second and third school year of enrollment in U.S. schools,

the immigrant student whose schooling outside the U.S. was inadequate and for whom a Spanish-version assessment is available is not eligible for an LEP exemption and must take the assessment in either English or Spanish unless:

- a. The student is in an English as a second language program that does not call for instruction in Spanish and the LPAC determines that the student lacks the language proficiency in English and the academic instruction and/or literacy in Spanish for the assessment in either English or Spanish to measure the student's academic progress in a valid, reliable manner; or
- b. The student is in a bilingual education program and the LPAC has documentation, including signed verification by the parent or guardian whenever possible, that there was an extensive period of time outside the U.S. in which the student did not attend school and that this absence of schooling resulted in such limited academic achievement and/or literacy that assessment in either English or Spanish is inappropriate as a measure for school accountability. The term "extensive period of time outside the U.S.," as used in this paragraph, shall be defined in the test administration materials. Students exempted under the above provisions shall be administered assessments in subjects and grades required by federal law and regulations as delineated in the test administration materials. Exempt students assessed only for federal accountability purposes shall not be subject to the grade advancement requirements under the Student Success Initiative.

An LEP student whose parent or guardian has declined the services required by Education Code Chapter 29, Subchapter B [see EHBE], is not eligible for an exemption under the above provisions. The student shall take the assessments of academic skills in English and the English Language Proficiency Assessments.

The District may administer the assessment of academic skills in Spanish to a student who is not identified as LEP but who participates in a two-way bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. However, the student may not be administered the Spanish-version assessment for longer than three years.

19 TAC 101.1007

FOREIGN
EXCHANGE
STUDENTS
REPORTING
RESULTS

A foreign exchange student who has waived in writing his or her intention to receive a Texas high school diploma may be excused from the exit-level assessment requirement. *19 TAC 101.7(a)(3)*

TO THE PUBLIC

Overall student performance data, aggregated by ethnicity, sex, grade level,

subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of the Board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

TO THE BOARD	The Superintendent shall accurately report all test results with appropriate interpretations to the Board according to the schedule in the applicable test administration materials.
TO PARENTS AND STUDENTS	The District shall notify each of its students and his or her parent or guardian of test results, observing confidentiality requirements stated at CONFIDENTIALITY. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. [See BQ series, FD, and FL] <i>19 TAC 101.81; No Child Left Behind Act, 20 U.S.C. 6311(h)(6)</i>
PARENTAL ACCESS	A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. <i>Education Code 26.005, 26.006(a)(2)</i>
SECURITY	The statewide assessment program is a secure testing program. Procedures for maintaining security shall be specified in the appropriate test administration materials. Secure test materials must be accounted for before, during, and after each test administration. Only authorized personnel may have access to secure test materials. <i>19 TAC 101.61</i>
CONFIDENTIALITY	The contents of each test booklet and answer document are confidential in accordance with state and federal law. Individual student performance results are confidential and may be released only in accordance with the Family Education Rights and Privacy Act of 1974. <i>Education Code 39.030 (b); 19 TAC 101.63</i> [See FL and GBA]
PENALTIES	Violation of security or confidential integrity of any test shall be prohibited. A person who engages in prohibited conduct may be subject to sanction of credentials. Procedures for maintaining the security and confidential integrity of a test shall be specified in the appropriate test administration materials. Conduct that violates the security and confidential integrity of a test is defined as any departure from the test administration procedures established by the Commissioner. Conduct of this nature may include the following acts and omissions: <ol style="list-style-type: none">1. Duplicating secure examination materials;2. Disclosing the contents of any portion of a secure test;3. Providing, suggesting, or indicating to an examinee a response or answer to a secure test item or prompt;4. Changing or altering a response or answer of an examinee to a secure test item or prompt;5. Aiding or assisting an examinee with a response or answer to a secure test item or prompt;6. Encouraging or assisting an individual to engage in the conduct

described in 1-5 above; or

7. Failing to report to an appropriate authority that an individual has engaged in conduct outlined in 1-6 above.

Any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to the following penalties:

1. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
2. Issuance of an inscribed or non-inscribed reprimand;
3. Suspension of a Texas teacher certificate for a set term; or
4. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

The Superintendent and campus principal shall develop procedures to ensure the security and confidential integrity of the tests and shall be responsible for notifying TEA in writing of conduct that violates the security or confidential integrity of a test. Failure to report can subject the person responsible to the applicable penalties specified above.

19 TAC 101.65

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**ADOPTION OF
READING
INSTRUMENTS**

The Commissioner shall adopt a list of reading instruments that the school District may use to diagnose student reading development and comprehension. The District-level committee may adopt a list of reading instruments for use in the District in addition to the reading instruments on the Commissioner's list. Each reading instrument adopted by the Commissioner or the District-level committee shall be based on scientific research concerning reading skills development and reading comprehension. A list of adopted reading instruments shall provide for diagnosing the reading development and comprehension of students participating in a bilingual or special language program.

The District shall administer, at the kindergarten and first- and second-grade levels, a reading instrument on the list adopted by the Commissioner or by the District-level committee. The District shall administer the reading instrument in accordance with the Commissioner's recommendations.

REPORTS

The Superintendent shall report to the Commissioner and the Board the results of the reading instruments and shall report, in writing, to a student's parent or guardian the student's results on the reading instrument.

The results of reading instruments may not be used for purposes of appraisals, incentives, or accountability.

The reading instruments specified in this policy are required only if funds are appropriated for administering them. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the Commissioner.

**NOTICE TO
PARENTS**

The District shall notify the parent or guardian of each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The District shall make a good-faith effort to ensure that this notice is provided in person or by regular mail, is clear and easy to understand, and is written in English and in the parent or guardian's native language.

**ACCELERATED
READING
INSTRUCTION
PROGRAM**

The District shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. [See ACCELERATED READING INSTRUCTION PROGRAM at EHBC(LEGAL)]

Education Code 28.006

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UPDATE 67

EKC(LEGAL)-P

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**MATHEMATICS
DIAGNOSIS** The Commissioner shall develop and make available or contract for the development and dissemination of assessment instruments that the District may use to diagnose student mathematics skills.

The results of such assessment instruments may not be used for purposes of appraisals and incentives under Education Code Chapter 21 or accountability under Chapter 39.

Education Code 28.007

**END-OF-COURSE
ASSESSMENT-
ALGEBRA I** The Commissioner shall develop a standardized end-of-course assessment instrument in Algebra I.

**SPECIAL
EDUCATION
STUDENTS** The ARD committee of a student in a special education program shall determine whether any allowable modification is necessary in administering the student an end-of-course assessment or whether the student should be exempted.

Education Code 39.023(j)

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DEFINITION	For the purpose of this policy, "parent" is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. <i>Education Code 12.051(1), 12.052(b), 12.053(b)</i>
POLICY	<p>The District shall adopt a campus charter and program charter policy, which shall specify the:</p> <ol style="list-style-type: none">1. Process for approval of a campus charter or program charter;2. Statutory requirements with which a campus charter or program charter must comply; and3. Items that must be included in a charter application. <p><i>Education Code 12.058</i></p>
CREATION BY PETITION	<p>The Board may grant a charter to parents and teachers for a campus or a program on a campus if the Board is presented with a petition signed by:</p> <ol style="list-style-type: none">1. The parents of a majority of the students at that campus; and2. A majority of the classroom teachers at that campus. <p>The Board may not arbitrarily deny a charter.</p> <p><i>Education Code 12.052</i></p>
CREATION WITHOUT PETITION	<p>The Board may grant a charter for:</p> <ol style="list-style-type: none">1. A new District campus; or2. A program that is operated:<ol style="list-style-type: none">a. By an entity that has entered into a contract with the District under Education Code 11.157 [see EEL] to provide educational services to the District through the campus or program; andb. At a facility located in the boundaries of the District.
ENROLLMENT	The District may not assign a student to the charter campus or program unless the student's parent or guardian has voluntarily enrolled the student.
REMOVAL	A student's parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.
TEACHER ASSIGNMENT	<p>The District may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment.</p> <p><i>Education Code 12.0521</i></p>

COOPERATIVE CHARTER PROGRAM The Board may grant a charter to parents and teachers at two or more campuses in the District for a cooperative charter program if the Board is presented with a petition signed by:

1. The parents of a majority of the students at each school; and
2. A majority of the classroom teachers at each school.

Education Code 12.053

STUDENT ELIGIBILITY Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

EXEMPTION A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the Board from which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

CHARTER CONTRACT A charter shall be in the form and substance of a written contract signed by the Board President and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs;
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification the Board requires.

Education Code 12.061

CONTENT OF CHARTER Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be placed on probation or revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;

6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees;
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

REVISION

A charter created by petition or a cooperative charter program may be revised with Board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

APPLICABILITY OF LAWS

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055*

EDUCATION CODE

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
 - a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
 - b. Criminal history records under Subchapter C, Chapter 22;
 - c. High school graduation under Section 28.025;
 - d. Special education programs under Subchapter A, Chapter 29;
 - e. Bilingual education under Subchapter B, Chapter 29;
 - f. Prekindergarten programs under Subchapter E, Chapter 29;
 - g. Extracurricular activities under Section 33.081 (i.e., "no pass-no play");
 - h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors); and
 - i. Public school accountability under Subchapter B, C, D, and G, Chapter 39.

Education Code 12.056

OPEN

With respect to the operation of a campus or program charter, the governing body

MEETINGS AND PUBLIC INFORMATION ACTS of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act).

TEACHER RETIREMENT SYSTEM An employee of a charter campus or program who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system in the same manner and to the same extent as a qualified employee employed on a regularly operating campus or in a regularly operating program. This provision does not apply to an employee of a charter campus or program that is operated by an entity that has entered into a contract with the District to provide educational services through the charter campus or program.

LIABILITY The charter campus or program, and its employees and volunteers, are immune from liability to the same extent as the District, its employees, and volunteers, respectively.

Education Code 12.057

PLACEMENT ON PROBATION OR REVOCATION The Board may place on probation or revoke a charter it grants if the Board determines that the campus or program:

1. Committed a material violation of the charter;
2. Failed to satisfy generally accepted accounting standards of fiscal management;
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action the Board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

PROCEDURE Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

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EL(LEGAL)-P

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

The Board shall consider an application for a campus charter or program charter if the applicant:

1. Complies with the statutory requirements for a campus charter or program charter;
2. Follows the application process established by the District; and
3. Supplies evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter or program charter.

The petition shall be due in the Superintendent's office on October 31 or on the next District business day if October 31 is not a District business day. The application process formally begins when the District has received and verified that the petition contains the required majorities. [See EL (REGULATION)]

COMPLIANCE
WITH LAW

Campus charters and program charters shall comply with all federal law and with state law governing such charters and shall be nonsectarian.

APPLICATION
PROCESS

Applications and petition forms for charter campuses and charter programs shall be available in the Superintendent's or designee's office.

Applicants shall present a draft of the application to the Superintendent or designee in accordance with a time line established in administrative regulations. The Superintendent or designee shall work with the applicants in completing the application process.

A public forum may be held to allow the applicants an opportunity to present their proposals to the Board and to the community prior to formal consideration by the Board. The applicants may request the forum by providing a written request to the Superintendent or designee in accordance with the time line in EL (REGULATION).

Final applications and petitions for campus charters or program charters shall be submitted to the Superintendent's office no later than January 15, or on the next District business day if January 15 is not a District business day, in order for a charter to be considered by the Board to begin the following school year.

CONTENT OF
FINAL
APPLICATION

A final application for a campus charter or program charter shall include the following:

1. The purpose and need for such a campus or program;
2. The unique distinction between the proposed program and the District's

- current program;
3. A mission and goals statement that includes goals regarding student achievement and upholds the District's mission and goals; [See AE and AF]
 4. The curriculum to be offered;
 5. A plan for measuring student achievement;
 6. A governance and decision-making plan, including a list of local Board policies which shall apply, as well as a list of local policies the applicant is requesting the Board to waive;
 7. An enrollment and withdrawal process;
 8. A plan for maintaining and reporting PEIMS data in accordance with state requirements;
 9. Discipline procedures;
 10. A safety and security plan that includes a crisis plan, staff training, safety and security drills, and procedures for handling bomb threats or other safety threats;
 11. A plan for providing facilities, food services, and student transportation;
 12. A facility and maintenance plan that includes routine maintenance as well as emergency procedures for managing potential danger to the health and safety of students and employees;
 13. An employment plan consistent with federal and applicable state guidelines, due process requirements, and contract nonrenewal and termination procedures; and
 14. A plan for budgeting that complies with state and District requirements for financial accounting and a budget based on an annual Board allotment;
 15. A plan for purchasing that complies with all bidding and purchasing laws and Board policies and that includes training regarding requisition procedures for ordering and stocking supplies;
 16. A plan for staff development;
 17. A proposed calendar, length of school day, and staff workday calendar;
 18. A plan for special populations programs required by law, including Section 504, special education, bilingual and ESL.
 19. A plan for student activities and counseling services; and
 20. The role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and other areas of management.

Applicants shall submit with the application the required petitions indicating evidence of support for the approval of a campus charter or program charter.

CONTENT OF CHARTER

A charter shall be a written contract signed by the Board President, the Superintendent, and the chief operating officer of the campus charter or program charter.

Each charter shall:

1. Satisfy the requirements of the law governing campus charters or program charters.
2. Include the items listed in the application, with any modifications required by the Board.
3. Stipulate a term length for the charter.
4. Establish a date for review or renewal of the charter.

The Board may revoke a charter if it finds that the charter campus or charter

PROVISIONS FOR REVOCATION program:

1. Violates a provision of applicable state or federal law.
2. Violates a provision of the charter.
3. Fails to meet state standards for student achievement and generally accepted accounting standards for fiscal management.
4. Violates a Board policy that is part of the charter contract.

REVOCATION PROCEDURE The Superintendent or designee shall investigate any allegation that a charter campus or charter program has violated federal or applicable state law or provisions of the charter or fails to meet generally accepted accounting standards for fiscal management. The Superintendent shall hold a conference with the chief operating officer and governing body of the charter campus or program to discuss any such allegation.

If the Superintendent or designee determines that a violation or mismanagement has occurred, the chief operating officer of the charter campus or program shall respond to the allegation at the next regularly scheduled Board meeting. The Superintendent or designee shall ensure that the issue is on the agenda.

The Board shall hear the presentation and take action, if necessary, to place the charter campus or program on probation.

If the Board decides to consider revocation of the charter, it shall schedule a public hearing to be held on the campus where the program is located.

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APPLICATION TIME LINE The Superintendent will conduct in September an informational meeting for anyone expressing interest in establishing a charter campus or charter program to begin the following school year. The potential applicants shall request the informational meeting by submitting a written request to the Superintendent or designee by August 31 or the next workday in the event August 31 is a non-workday.

Final applications for a campus charter or campus program charter must be submitted to the District prior to January 15 or the next workday in the event January 15 is a non-workday, for a charter to be considered for the following school year.

The Board will consider all charter applications and petitions and make a final decision by February 20.

ANNUAL BOARD ALLOTMENT The Board of Trustees' funding allotment referenced in EL(LOCAL) item #14 under CONTENT OF FINAL APPLICATION will be based upon the district average expenditure/student for the appropriate campus configuration, e.g., elementary, junior high school, middle school, or high school.

PETITION The District will supply the necessary application and petition forms upon request by any interested parties. Upon written request from a potential applicant, the District will provide a list of classroom teachers and families of students in attendance at the campus in question. These lists will be used to determine the majorities for petitions that must be provided to the Superintendent's office by October 31, or the next workday in the event October 31 is a non-workday. The verification of signatures will occur within ten workdays of the receipt of the petitions.

In the event a person wants his or her signature removed from the petition, a written request must be provided to the Superintendent's office prior to January 15 or the next workday in the event January 15 is a non-workday.

Only one parent or guardian will be permitted to sign a petition regardless of the number of children enrolled at the campus in question.

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CHARTER CAMPUS OR PROGRAM

EL
(EXHIBIT)

See the following pages for forms relating to applications for campus charters and campus program charters:

Exhibit A: Application for a Campus Charter or Campus Program Charter - 6 pages

Exhibit B: Parent Petition Supporting a Campus Charter or Campus Program Charter
- 1 page

Exhibit C: Teacher Petition Supporting a Campus Charter or Campus Program Charter
- 1 page

EXHIBIT A

APPLICATION FOR A CAMPUS CHARTER OR CAMPUS PROGRAM CHARTER

APPLICANT INFORMATION

Provide the name of the applicant(s) and, if applicable, the name of any organization(s) with which they are affiliated for purposes of this application.

Provide the name, address, and phone number of a primary contact person for this application.

PURPOSE AND NEED

State the purpose for the proposed charter campus or charter program.

Describe what distinguishes the proposed program from the District's current program.

Indicate the geographical area of intended service.

MISSION AND GOALS

Provide a copy of the mission statement of the proposed charter campus or program. State the proposed goals for the campus or program, including the number of students to be served and any applicable time lines.

CURRICULUM AND INSTRUCTIONAL PROGRAM

Provide a copy of the curriculum to be used in the proposed campus or program. List the objectives of the program and the materials to be used. Outline the methods of instruction for each subject for each grade level to be served, and specify any educational services the proposed program intends the District to provide.

STUDENT ACHIEVEMENT

Describe the student performance objectives of the proposed campus or program, and include a plan for implementation of the state accountability system.

Present a description of the plan for evaluating student performance, including the forms of assessment that will be used to measure student progress toward achievement of the school's performance standards, time lines for achievement of such standards, and procedures for corrective action in the event that student performance falls below such standards.

GOVERNANCE AND DECISION-MAKING PLAN

Describe the composition of the governing body of the proposed program and the process for selecting its members. Specify its duties. Include a detailed explanation of the governance and management relationship between the proposed charter campus or program and the District.

List the Board policies which will apply to the proposed program.

List the Board policies for which waivers are requested. Include the reason for each request and describe the alternate policies, if any, under which the program will operate.

Describe the nature and extent of parental and community involvement in the operation of the proposed school. Address the following:

1. Any provisions for a campus or program accountability committee.
2. A process for development of an annual school improvement plan.
3. The relationship of the proposed program to the District-level planning and decision-making process and to the District's goals and objectives.

Describe the procedures by which the program's activities and progress will be communicated to the Board and to the community.

ENROLLMENT AND WITHDRAWAL PROCEDURES

Outline the enrollment procedures, including any eligibility and selection criteria.

Outline the withdrawal procedures, including a process for students and teachers already assigned to the affected campus who do not choose to participate in the proposed program. (Such procedures must prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability, in accordance with federal and state law.)

PEIMS REPORTING PLAN

Explain how PEIMS data will be collected, maintained, and reported to the District

and to the Texas Education Agency.

DISCIPLINE PROGRAM AND PROCEDURES

Describe the proposed program's discipline plan and procedures, including the relationship, if any, to the District's adopted Student Code of Conduct and Alternative Education Program.

SAFETY AND SECURITY PLAN

Describe the proposed program's plans to ensure a safe and secure facility.

FACILITIES, FOOD SERVICE, AND TRANSPORTATION PLAN

Indicate what facilities are to be used for the proposed program. Describe any modifications proposed for existing District facilities. If the facilities are not currently District property, explain how they are to be acquired.

Outline a plan for routine maintenance of the facilities for the proposed program. Indicate whether such services are to be provided by the District or by some other means.

Describe the plan for providing food services to the students of the proposed campus or program and indicate whether such services are to be provided by the District, by a food services company, or by some other means.

Describe the plan for providing transportation of students to the proposed campus or program. Indicate whether such services are to be provided by the District, by a transportation company, or by some other means.

EMPLOYMENT PLAN

Describe the proposed employment practices of the campus or program, including a description of the qualifications and classifications of employees, a compensation schedule including any benefits to be granted, recruitment and selection procedures, hiring and dismissal procedures, and a process for handling employee complaints.

OPERATIONAL AND FINANCIAL PLAN

Describe the role of the chief operating officer responsible for personnel, the budget, purchasing, program funds, and any other areas of management.

Provide evidence that the proposal for the charter campus or program is economically sound for both the charter campus or program and the District.

Include a proposed budget for the term of the charter, taking into account the annual Board allotment.

Describe the manner in which an annual audit of the financial and administrative operations of the campus or program will be conducted.

Detail the plan for fiscal accountability, including procedures for purchasing and bidding that comply with state law.

List and describe the business services the proposed program intends the District to provide.

PLAN FOR STAFF DEVELOPMENT

Describe the proposed program's plan for staff development and how it relates to the District staff development plan.

CALENDAR, LENGTH OF SCHOOL DAY, AND STAFF WORKDAY CALENDAR

Outline the proposed calendar, length of school day, and staff workday calendar and how these relate to the District calendar, length of school day, and staff workday calendar.

PLAN FOR SPECIAL POPULATIONS

Describe how the proposed program will address the needs of special populations of students.

PLAN FOR STUDENT ACTIVITIES AND COUNSELING SERVICES

Describe the plan for addressing student activities and the counseling needs of students.

INDICATION OF SUPPORT

As the majority of classroom teachers' and parents' signatures are required for the application process to proceed, this section of the application may be used to indicate other forms of support. [See Exhibits B and C]

ADDITIONAL INFORMATION

Provide any additional information that might be helpful to the Board when considering this request for a campus charter or campus program charter.

EXHIBIT C

TEACHER PETITION SUPPORTING A CAMPUS CHARTER

OR CAMPUS PROGRAM CHARTER

This petition, signed by teachers at _____
(campus) school in Austin ISD, supports the application requesting the Board's
approval of _____ (name of
proposal) (campus charter or campus program charter).

DATE SIGNED

TEACHER SIGNATURE

PRINTED NAME

LDU-24-01
EL(EXHIBIT)-X

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MISCELLANEOUS INSTRUCTIONAL POLICIES:
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LEGAL)

EXEMPTION
FROM
INSTRUCTION

A parent or person standing in parental relation may remove the parent's child from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the class or other school activity.

LIMITATIONS

A parent or person standing in parental relation is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester. This policy does not exempt a child from satisfying grade level or graduation requirements in a manner acceptable to the District and TEA.

Education Code 26.002, 26.010

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MISCELLANEOUS INSTRUCTIONAL POLICIES:
TEACHING ABOUT CONTROVERSIAL ISSUES

EMB
(LOCAL)

	<p>The District shall address controversial topics in an impartial and objective manner. Teachers shall not use the classroom to transmit personal beliefs regarding political or sectarian issues. Students and educators shall ensure that, to the extent possible, discussions are conducted fairly and courteously.</p>
SELECTION OF TOPICS	<p>A teacher selecting topics for discussion in the classroom shall be adequately informed about the issue and capable of providing instruction on the subject, free from personal bias. In addition, the teacher shall be certain that:</p> <ol style="list-style-type: none">1. The issue in question is within the range, knowledge, maturity, and comprehension of the students.2. The issue is current and educationally significant.3. The consideration of the issue does not interfere with required instruction.4. Sufficient relevant information on all aspects of the issue is provided. <p>If a teacher is unsure about a topic of discussion or about the methods to employ, the teacher may discuss the issue with the principal.</p>
CLASSROOM DISCUSSION	<p>In guiding classroom discussion of controversial issues, teachers shall:</p> <ol style="list-style-type: none">1. Foster students' critical thinking skills.2. Encourage discussion based on rational analysis.3. Create an atmosphere in which students learn to respect others' opinions and disagree courteously.4. Ensure that multiple viewpoints about the issue are presented by introducing an unexpressed viewpoint when necessary.5. Avoid any attempt to coerce or persuade students to adopt the teacher's point of view.
STUDENT OR PARENT CONCERNS	<p>A student or parent with concerns regarding instruction about controversial issues shall be directed to the complaint policy at FNG.</p>

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EMB(LOCAL)-A

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SECULAR
PROGRAM

The District may instruct students in the study of comparative religion or the history of religion and its relationship to the advancement of civilization; the study of the Bible or of religion for its literary and historic qualities, when presented objectively as part of a secular program of education, is consistent with the First Amendment. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963).

ACADEMIC
FREEDOM

The District shall not require teaching and learning to be tailored to the principles or prohibitions of any religious sect or dogma. The District shall not adopt programs or practices that aid or oppose any religion. *Epperson v. Arkansas*, 393 U.S. 97, 89 S. Ct. 266 (1968) (holding unconstitutional a prohibition against teaching evolution); *Edwards v. Aguillard*, 482 U.S. 578, 107 S. Ct. 2573 (1987) (holding unconstitutional a requirement that creationism be taught with evolution)

RELIGIOUS
EXERCISES

The District shall not prescribe a religious exercise as part of the curricular activities of students even if the religious exercise is denominationally neutral or its observance on the part of the students is voluntary. *School Dist. of Abington v. Schempp*, 374 U.S. 203, 83 S. Ct. 1560 (1963) (holding unconstitutional a requirement of daily Bible readings and recitation of the Lord's Prayer); *Engel v. Vitale*, 370 U.S. 421, 82 S. Ct. 1261 (1962) (holding unconstitutional required recitation of state-adopted prayer)

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UPDATE 68
EMI(LEGAL)-P

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

TEACHING ABOUT RELIGION	<p>The inclusion of religion in the study of history, culture, literature, music, drama, and art is essential to a full and fair presentation of the curriculum. The inclusion of religious elements is appropriate as long as the material included is intrinsic to the field of study in which it is presented and as long as it is presented objectively.</p> <p>The District's approach to teaching about religion shall be academic, not devotional. Emphasis on religious themes in the arts, literature, and history shall be only as extensive as necessary for a balanced and thorough study of these areas. Such studies shall not foster any particular religious tenet nor demean any religious beliefs, but shall attempt to develop mutual respect among students and advance their knowledge and appreciation of the role that religious heritage plays in the social, cultural, and historic development of civilization.</p>
RELIGIOUS TEXTS	<p>Use of religious texts in instruction shall be guided by the principles set forth above. Other than texts used in an appropriate course of study, the District shall not distribute religious texts or materials to students. Such materials may be indexed, shelved, and circulated as library materials. [See FNAA regarding student distribution of nonschool literature and GKD regarding nonstudent distribution of nonschool literature.]</p>
RELIGIOUS MUSIC	<p>District music groups may perform or receive instruction regarding religious music as part of the secular program of instruction. The primary purpose of the inclusion of religious music in performances or instruction shall be academic, not devotional. Performances and instruction shall reflect religious diversity when appropriate.</p>
RELIGIOUS SYMBOLS	<p>Religious symbols may be displayed as a teaching aid. Their display shall be temporary and limited to specific teaching activities; such displays shall not be permitted for devotional purposes.</p>
RELIGIOUS ELEMENTS IN STUDENT WORK	<p>Students may choose to include religious elements in their schoolwork, such as papers, presentations, or artwork; however, students' work must fulfill the purpose of the assignment and be evaluated by secular academic standards.</p>

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UPDATE 68
EMI(LOCAL)-A

manual is available for inspection in the office of the Superintendent. [See BF (LOCAL) for further information.]

AUSTIN INDEPENDENT SCHOOL DISTRICT
2005-06 SALARY SCHEDULE
for
TEACHER & LIBRARIAN
(and all other employees on AISD pay grade P6)

IMPORTANT: This salary schedule is subject to complete revision annually and is not intended to provide any information about a potential step increase or any other form of salary increase in future years. If a step increase is provided in future years, the employee will move to the next STEP, not the next level of experience.

BACHELORS DEGREE						MASTERS DEGREE / Ph.D.					
STEP	Experience Prior to 7/01/05	Base Daily Rate	187-Day Annual Base Salary	+ \$1000 Spec Ed Stipend	+ \$2000 Bil Ed Stipend	STEP	Experience Prior to 7/01/05	Base Daily Rate	187-Day Annual Base Salary	+ \$1000 Spec Ed Stipend	+ \$2000 Bil Ed Stipend
0	00-01	\$187.594	\$35,080	\$36,080	\$37,080	0	00-01	\$191.978	\$35,900	\$36,900	\$37,900
1	02	\$188.128	\$35,180	\$36,180	\$37,180	1	02	\$192.513	\$36,000	\$37,000	\$38,000
2	03	\$188.663	\$35,280	\$36,280	\$37,280	2	03	\$193.048	\$36,100	\$37,100	\$38,100
3	04	\$189.733	\$35,480	\$36,480	\$37,480	3	04	\$194.119	\$36,300	\$37,300	\$38,300
4	05	\$191.337	\$35,780	\$36,780	\$37,780	4	05	\$195.722	\$36,600	\$37,600	\$38,600
5	06	\$192.941	\$36,080	\$37,080	\$38,080	5	06	\$197.326	\$36,900	\$37,900	\$38,900
6	07	\$194.545	\$36,380	\$37,380	\$38,380	6	07	\$198.931	\$37,200	\$38,200	\$39,200
7	08	\$197.754	\$36,980	\$37,980	\$38,980	7	08	\$202.139	\$37,800	\$38,800	\$39,800
8	09	\$200.963	\$37,580	\$38,580	\$39,580	8	09	\$205.348	\$38,400	\$39,400	\$40,400
9	10	\$204.171	\$38,180	\$39,180	\$40,180	9	10	\$208.557	\$39,000	\$40,000	\$41,000
10	11	\$207.380	\$38,780	\$39,780	\$40,780	10	11	\$211.765	\$39,600	\$40,600	\$41,600
11	12	\$210.588	\$39,380	\$40,380	\$41,380	11	12	\$214.974	\$40,200	\$41,200	\$42,200
12	13	\$213.797	\$39,980	\$40,980	\$41,980	12	13	\$218.182	\$40,800	\$41,800	\$42,800
13	14	\$217.005	\$40,580	\$41,580	\$42,580	13	14	\$221.391	\$41,400	\$42,400	\$43,400
14	15	\$220.214	\$41,180	\$42,180	\$43,180	14	15	\$224.599	\$42,000	\$43,000	\$44,000
15	16	\$223.422	\$41,780	\$42,780	\$43,780	15	16	\$227.808	\$42,600	\$43,600	\$44,600
16	17	\$226.631	\$42,380	\$43,380	\$44,380	16	17	\$231.016	\$43,200	\$44,200	\$45,200
17	18	\$229.840	\$42,980	\$43,980	\$44,980	17	18	\$234.225	\$43,800	\$44,800	\$45,800

18	19	\$233.048	\$43,580	\$44,580	\$45,580
19	20	\$236.257	\$44,180	\$45,180	\$46,180
20	21	\$239.465	\$44,780	\$45,780	\$46,780
21	22	\$242.674	\$45,380	\$46,380	\$47,380
22	23	\$245.882	\$45,980	\$46,980	\$47,980
23	24	\$249.091	\$46,580	\$47,580	\$48,580
24	25	\$252.299	\$47,180	\$48,180	\$49,180
25	26	\$255.508	\$47,780	\$48,780	\$49,780
26	27	\$258.717	\$48,380	\$49,380	\$50,380
27	28	\$261.925	\$48,980	\$49,980	\$50,980
28	29	\$265.134	\$49,580	\$50,580	\$51,580
29	30	\$268.342	\$50,180	\$51,180	\$52,180
30	31	\$271.551	\$50,780	\$51,780	\$52,780
31	32	\$274.759	\$51,380	\$52,380	\$53,380
32	(N/A)	\$277.968	\$51,980	\$52,980	\$53,980
33	(N/A)	\$281.176	\$52,580	\$53,580	\$54,580
34	33+	\$284.385	\$53,180	\$54,180	\$55,180

18	19	\$237.434	\$44,400	\$45,400	\$46,400
19	20	\$240.642	\$45,000	\$46,000	\$47,000
20	21	\$243.851	\$45,600	\$46,600	\$47,600
21	N/A	\$247.059	\$46,200	\$47,200	\$48,200
22	22	\$250.268	\$46,800	\$47,800	\$48,800
23	23	\$253.476	\$47,400	\$48,400	\$49,400
24	24	\$256.685	\$48,000	\$49,000	\$50,000
25	(N/A)	\$259.893	\$48,600	\$49,600	\$50,600
26	25-26	\$263.102	\$49,200	\$50,200	\$51,200
27	27	\$266.311	\$49,800	\$50,800	\$51,800
28	28	\$269.519	\$50,400	\$51,400	\$52,400
29	(N/A)	\$272.728	\$51,000	\$52,000	\$53,000
30	29	\$275.936	\$51,600	\$52,600	\$53,600
31	30	\$279.145	\$52,200	\$53,200	\$54,200
32	(N/A)	\$282.353	\$52,800	\$53,800	\$54,800
33	(N/A)	\$285.562	\$53,400	\$54,400	\$55,400
34	31+	\$288.770	\$54,000	\$55,000	\$56,000

SALARY SCALE BELOW IS FOR CONTINUING AISD EMPLOYEES ONLY (NOT FOR NEW HIRES)

35	A	\$287.594	\$53,780	\$54,780	\$55,780
36	(N/A)	\$290.802	\$54,380	\$55,380	\$56,380
37	B	\$294.011	\$54,980	\$55,980	\$56,980

35	A	\$291.979	\$54,600	\$55,600	\$56,600
36	(N/A)	\$295.188	\$55,200	\$56,200	\$57,200
37	B	\$298.396	\$55,800	\$56,800	\$57,800

NOTES:

- * Base salaries shown are only for positions on the AISD P6 salary schedule. Other positions are on different salary scales.
- * Base salaries shown on this schedule reflect the normal 187-day duty year. A longer duty period will mean a proportionately higher base salary.
- * The special ed stipend (\$1000) and bilingual ed stipend (\$2000) may only be earned by classroom teachers who meet all prescribed conditions.
- * Teachers who have documented completion of the National Board Certification will receive a stipend of \$2000 above and beyond all other compensation. National Board Certified Teachers may also earn \$1000 (above the standard stipend of \$2000) for completing additional prescribed duties.

- * Teachers who are newly hired to teach in the following content areas and meet all prescribed conditions will also be eligible for a one-time, \$1500 signing bonus: Special Ed, Elementary Bilingual Ed, Secondary Math.
- * Teachers performing other approved special duties will earn a stipend in addition to other compensation shown on this schedule.
- * Classroom Teachers who meet all prescribed conditions for the bilingual stipend may also earn \$150 (above the standard bilingual stipend) for 10 hours of attendance at an approved bilingual workshop.

2005 - 2006 Health Benefits Program Plan Summary

The following plan summary information is provided only to assist AISD employees in reviewing health plan coverage for 2005-2006. This comparison is not meant to replace the detailed description available from Blue Cross Blue Shield of Texas (BCBSTX). The BCBSTX plan coverage, payments, exclusions and benefit limitations will be determined solely on the basis of the detailed benefit description prepared and distributed by BCBSTX.

	HMO PLAN		PPO PLAN	
			In-Network	Out of Network
Lifetime Maximum	Unlimited		\$2,000,000 Annual	\$2,000,000 Annual
Calendar Year Deductible:				
<i>Individual</i>	N/A		\$500	\$500
<i>Family</i>	N/A		\$1,000	\$1,000
Coinsurance Percentage	N/A		90%	70%
Out of Pocket:				
<i>Individual</i>	\$2,000		\$1,000	\$3,000
<i>Family</i>	\$4,000		\$2,000	\$6,000
Physician Services				
<i>Primary Care and Specialist Office Visits</i>	Covered at 100% after \$20 copay per visit \$20 copay for initial visit; covered at 100% thereafter		Covered at 100% after \$20 copay per visit \$20 copay for initial visit; covered at 100% thereafter	Covered at 70% after deductible Covered at 70% after deductible
<i>Maternity</i>				
<i>Office Surgery</i>	Covered at 100% after \$20 copay per visit		Covered at 100% after \$20 copay per visit	Covered at 70% after deductible
<i>In-Hospital Visits</i>	Covered at 100%		Covered at 90% after deductible	Covered at 70% after deductible
Preventive Care				
<i>Adult Physicals</i>	Covered at 100% after \$20 copay per visit		Covered at 100% after \$20 copay per visit	Covered at 70% after deductible
<i>Well Baby Care</i>	Covered at 100% after \$20 copay per visit		Covered at 100% after \$20 copay per visit	Covered at 70% after deductible
<i>Immunizations</i>	Covered at 100% for ages 0 through 6; Covered at 100% after \$20 copay for ages 7+		Covered at 100% for ages 0 through 6; Covered at 100% after \$20 copay for ages 7+	Covered at 100% for ages 0 through 6; Covered at 70% after deductible for ages 7+
Allergy	Covered at 50% of Allowable Charges for Testing & Serum; Covered at 100% after \$20 copay for serum administration if seen by physician		Covered at 100% after \$20 copay per visit for serum, testing, or injection	Covered at 70% after deductible
Hospital Services				
<i>Inpatient, including Maternity</i>	Covered at 100% after \$150 copay per day up to max of \$750 per confinement		Covered at 90% after deductible	Covered at 70% after deductible
<i>Outpatient</i>	Covered at 100% after \$100 copay per procedure		Covered at 90% after deductible	Covered at 70% after deductible
Emergency Room Facility	Covered at 100% after \$75 copay per visit; copay waived if admitted directly to same facility as inpatient		Covered at 100% after \$75 copay per visit; copay waived if admitted directly to same facility as inpatient	Covered at 100% after \$75 copay per visit; copay waived if admitted directly to same facility as inpatient
<i>Urgent Care</i>	Covered at 100% after \$35 copay per visit		Covered at 100% after \$35 copay per visit	Covered at 70% after deductible
<i>Ambulance</i>	Covered at 100%		Covered at 90% after deductible	Covered at 90% after deductible
Diagnostic X-ray and Lab Charges	Covered at 100%		Covered at 90% after deductible	Covered at 70% after deductible
Outpatient Prescription Drugs				
<i>Generic</i>	Covered at 100% after \$10 copay per prescription		Covered at 100% after \$10 copay per prescription	Covered at 70% after \$50 deductible
<i>Brand</i>	Covered at 100% after \$25 copay per prescription		Covered at 100% after \$25 copay per prescription	Covered at 70% after \$50 deductible
<i>Non-Formulary</i>	Covered at 100% after \$40 copay per prescription		Covered at 100% after \$40 copay per prescription	Covered at 70% after \$50 deductible
<i>Mail Order - 90 Day Supply</i>	Covered at 100% after \$20 generic copay/\$50 brand copay/\$80 non-formulary copay per prescription		Covered at 100% after \$20 generic copay/\$50 brand copay/\$80 non-formulary copay per prescription	Not Covered
Standard Mental/Nervous Benefit*				
Inpatient (max of 30 days per calendar year)	Covered at 100% after \$100 copay per day up to max of \$700 per confinement		Covered at 90% after deductible for days 1 through 15; Covered at 70% after deductible for days 16 through 30	Covered at 70% after deductible for days 1 through 15; Covered at 50% after deductible for days 16 through 30
Outpatient (max of 20 visits per calendar year)	Covered at 100% after \$30 copay per visit		Covered at 100% after \$30 copay per visit	Covered at 70% after deductible
Monthly District Contribution	\$325.98		\$325.98	
Monthly Employee Cost	12 month employee	9 month employee	12 month employee	9 month employee
<i>Employee Only</i>	\$ 0.00	\$ 0.00	\$ 185.79	\$ 247.72
<i>Employee & Children</i>	\$325.97	\$434.63	\$ 697.57	\$ 930.10
<i>Employee & Spouse</i>	\$423.76	\$565.02	\$ 851.10	\$1,134.80
<i>Employee & Family</i>	\$651.95	\$869.27	\$1,209.34	\$1,612.46

*Serious mental illness, as defined in the Texas Insurance Code, is covered same as any other illness. Outpatient \$20 copay per visit. Inpatient \$150 copay per day; maximum \$750 per confinement. For the PPO Plan, eligible claims for services rendered out of network are subject to allowable expenses; deductibles and coinsurance payment apply separately to in-network and out of network benefits.



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Transfer Information

[Diversity Choice - Opción de Diversidad](#)

Transfer Information

Student Transfer Guidelines and Policy

UPDATE: [33 Schools Frozen to Transfer Requests](#)

THE TRANSFER REQUEST PROCESS

The parent should:

- **Secure a Transfer Request Form:** A transfer request form may be obtained at your child's school or from the Office of Student Services at 1111 West 6th Street, Austin, Texas, 78703 (414-1726). If your school is closed during a summer month, this office should be contacted for a form.
- **Complete All Required Information:** The request must include the student's name, address, date of birth, ethnicity, grade level for the year for which the transfer is being requested, desired school, and parents' home and work phone numbers. The type of transfer being requested also must be indicated.
- **Submit Form:** Submit form to the Office of Student Services at 1111 West 6th Street, Austin, Texas 78703-5399. **See the section below for dates and deadlines for priority transfers, general transfers in the fall and general transfers in the spring.**

DATES AND DEADLINES FOR 2006-2007

- February 4, 2006 First day to submit a transfer request for the fall semester of 2006-2007. Offices will be open from 7:00 a.m. until Noon.
- February 17, 2006 Last day to submit a request to receive consideration as a priority transfer (i.e., sibling, tracking or majority-to-minority transfer). Offices will be open from 7:45 a.m. until 4:45 p.m.
- August 1, 2006 Last day to submit a request for the fall semester. Offices will be open from 7:45 a.m. until 4:45 p.m.
- August 25, 2006 Last day to accept an approved transfer for the fall by enrolling in the transfer school. Failure to enroll will result in revocation of the transfer. (Exception: Transfers approved during the second week of the fall semester will be given an enrollment extension to the end of the third week of school.)



Contact

Student Services
1111 W. 6th St.
Austin, TX 78703
Phone: 512.414.1726

Related Information

- [View AISD Transfer Policy Online](#)
- [Diversity Choice - Opción de Diversidad](#)
- [Important Information Regarding 2006-2007 Transfer Requests and Magnet/Curriculum Program Applications](#)

November 15, 2006	Last day to submit a request for the spring semester. Offices will be open from 7:45 a.m. until 4:45 p.m.
January 12, 2007	Last day to accept an approved transfer for the spring by enrolling in the transfer school. Failure to enroll will result in revocation of the transfer. (Exception: Transfers approved during the second week of the spring semester will be given an enrollment extension to the end of the third week of school.)
February 3, 2007	The first day to accept transfers for the 2007-2008 school year will be Sat. Feb. 3 from 7:00 a.m. until noon. The deadline is August 1, 2007. Names of schools frozen to transfer requests will be released at a board meeting in January 2006.

PRIORITY IN PROCESSING REQUESTS

- Eligible priority requests will be processed first and granted on a space available basis after the priority deadline. All other requests for the fall semester will be processed on a first come, first-served, space available basis immediately after the processing of priority requests.
- Requests for the spring semester will be processed on a first come-first served, space available basis after November 15.

GENERAL INFORMATION

Approval/Denial Process: Initial processing of requests will be done by computer and letters will be sent to the parents. When a request is not approved, an appeal may be made to the Associate Superintendent who has the responsibility for the requested school. A final appeal may be made to the Superintendent and, if needed, a petition may be made to the Board of Trustees in accordance with state law.

Transfer Revocation: Parents and students must assume responsibility for satisfactory academic progress, attendance, discipline and cooperation with the school staff while at the transfer school. The transfer may be revoked by the principal if the responsibilities stated above are not met. If a transfer is revoked, a student may not at anytime request a transfer back to the same school.

Transportation: Transportation is not provided to students on a transfer except for students attending magnet programs at Fulmore, Kealing, and LBJ.

THE TRANSFER POLICY (FDB (L))

(Approved by the AISD Board of Trustees December 13, 2004)
(Due to change January 23, 2006)

[View AISD Transfer Policy Online](#)

OTHER INFORMATION

PUBLIC EDUCATION GRANT (PEG) TRANSFERS

A student enrolled in a school identified under the PEG program

has the right to request a transfer to another school in his/her current district or in another district. AISD students wanting transfers within the district should use the regular transfer request procedures. Students outside of the district should address their requests to the Superintendent of Austin ISD.

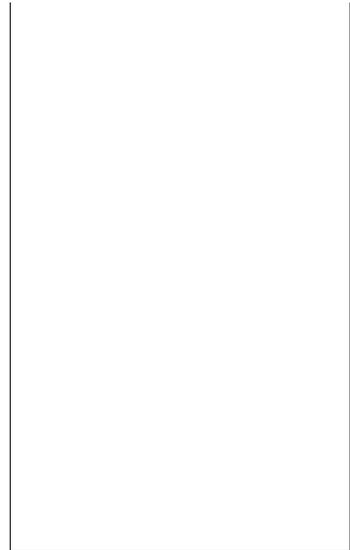
AISD DISCRIMINATION POLICY

The Austin Independent School District does not discriminate on the basis of race, color, religion, sex, national origin or disability in its programs and activities.

FOR MORE INFORMATION

For more information about Austin Independent School District's Student Transfer Policy, please contact the Office of Student Services at 414-1726.

Rev. 1/10/06



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1111 W. 6th Street - Austin, TX 78703 - 512.414.1700

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