

# MIDLOTHIAN INDEPENDENT SCHOOL DISTRICT

## District Improvement Plan 2023-2024



**Board Approval Date: November 13, 2023**

## The Mission of Midlothian ISD is to:

educate students by empowering them to maximize their potential.

### Vision:

The Vision of the Midlothian ISD is inspiring excellence today to change the world tomorrow.

### As MISD We **BELIEVE:**

- Safe, engaging, rigorous, and diverse learning environments provide the best opportunity for students to reach their fullest potential.
- A high quality staff with appropriate resources is essential to creating educational experiences that promote student success.
- Effective communication, purposeful collaboration, and strong partnerships create an atmosphere of trust and a strong sense of community vital to student achievement.

### District Cultural Tenets

In Midlothian ISD, we believe our culture is the heart and soul of our schools. Our culture provides more than a legacy of excellence - it's something much more meaningful. Our culture speaks to how much we truly care for every child, teacher, and staff member along with their families. The six cultural tenets are:

- In MISD, **we are family.**
- We believe we must **celebrate the power of diversity.**
- We value and **honor all relationships.**
- We believe in the **unlimited potential** of everyone.
- We believe in **excellence through purpose.**
- When our parents and community are behind us, **we are Midlothian Strong.**

### Midlothian Balanced Scorecard Priorities

Priority 1: Student Success

Priority 2: Capacity Building and Effective Leadership

Priority 3: Culture, Climate, and Safety

Priority 4: District Operations and Financial Stewardship

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## DISTRICT EDUCATIONAL IMPROVEMENT COUNCIL MEMBERS 2023-2024

LAST NAME	FIRST NAME	POSITION		LAST NAME	FIRST NAME	POSITION		LAST NAME	FIRST NAME	POSITION
Adkins	Elizabeth	Counseling Representative		Henderson	Shareisa	Classroom Teacher		Smith	Darla	Classroom Teacher
Allen	Zachary	Classroom Teacher		Hereid	Ashley	Classroom Teacher		Sullivan	Dawn	Classroom Teacher
Allen	Keelee	Parent		Jett	Emily	Administrator		Sweeny	Kristen	Classroom Teacher
Autry	Mendy	Administrator		Johnson	Dr. Phil	Business Representative		Thomas	Holly	Administrator
Bagby	Melonie	Classroom Teacher		Johnson	Courtney	Classroom Teacher		Thompson	Shannon	Administrator
Baird	Brent	Classroom Teacher		Kelly	Joseph	Non-Classroom Professional		Vaughn	David	Classroom Teacher
Blake	Shannon	Non-Classroom Professional		Kennedy	Mkale	Classroom Teacher		Vernon	Kristopher	Administrator
Blaylock	Shelle	Administrator		Kinateder	Kyle	Business Representative		Waddill	Jean	Classroom Teacher

Borden	Ray	Administrator	Kinateder	Nichole	Business Representative	Wadsworth	Mischa	Classroom Teacher
Brezeale	Sheri	Parent	Krsnak	Becki	Administrator	Walts	Nancy	Classroom Teacher
Bundrick	Sandy	Administrator	Meister	Michelle	Classroom Teacher	Wendell	Kara	Non-Classroom Professional
Burke	Candace	Non-Classroom Professional	Mitchell	Adrienne	Classroom Teacher	Williams	Aaron	Administrator
Chase	Terrance	Community Member	Mitchell	Stacy	Classroom Teacher	Williams	Josephfer	Administrator
Colon	Vanessa	Administrator	Mooney	Karen	Classroom Teacher	Williams	Renee	Specialized Lng Rep
Corbin	Christi	Classroom Teacher	Morris	Sarah	Specialized Lng Rep	Wright	Kecia	Non-Classroom Professional
Crawford	Tracy	Classroom Teacher	Parker	Ethan	Classroom Teacher			
Cunningham	Alisha	Non-Classroom Professional	Pearson	Megan	Non-Classroom Professional			
Dearing	Caty	Non-Classroom Professional	Perry	Monica	Classroom Teacher			
Demar	Debbie	Classroom Teacher	Peterman	Tiffany	Non-Classroom Professional			
Dyer	Kelsey	Classroom Teacher	Pollard	Jonathon	Non-Classroom Professional			
Escobar	Brianna	Non-Classroom Professional	Pratt	Demi	Classroom Teacher			
Flores	Brittany	Classroom Teacher	Ray	Stephanie	Classroom Teacher			
Fontenot	David	Non-Classroom Professional	Reynolds	Amberly	Classroom Teacher			
Golden	Sabra	Administrator	Rogers	Emily	Counseling Representative			
Hall	Diana	Classroom Teacher	Rollins	Megan	Classroom Teacher			
Handlin	Cassie	Classroom Teacher	Shelton	Christy	Non-Classroom Professional			

## Comprehensive Needs Assessment Summary

### Data Used for District Comprehensive Needs Assessment

504 Data	Demographic Data	Circle	Prior Year Data	TAPR (Texas Academic Performance Report)
Accountability Report	District Benchmark Assessments	GT Demographics and Performance	Professional Development Feedback	T-TESS
ACT	District Survey	HB3 Board Goals	Progress Reports	Teacher Retention
Administrator Input	Dual Credit	Homeless and Foster Care	RDA Report	Teacher/Student Ratio
AP (Advanced Placement)	Data	HR Complaints and Grievance data	SAT	Technology Help Tickets
Attendance	Educator Evaluations	MISD Values and Cornerstones	School City	Technology Input from Stakeholders
	Equity Data	MISD Vision	Special Education Data	TELPAS
Cambium	Extra Funding Request	MAP Data	STAAR	Twitter Analytics
Counselor Input on Mental Health	Facebook Analytics	MTSS (RtI) Data	Safety Data	CKH Survey Data
CTE Participation and Certifications Earned	Failure Rates	New Teacher Survey	Staff Title I Survey	
Curriculum Documents	Federal Report Card	Parent Surveys	Strategic Plan	
	FitnessGram	PEIMS Discipline	SuccessED	

# Comprehensive Needs Assessment

**Student Demographics** *The Demographics of Midlothian Independent School District are:*

**Student Data: (as of Monday, October 9, 2023 or most recent TAPR (Texas Academic Performance Report))**

## **Grade Level Breakdown:**

- *Early Childhood Students: 90*
- *Pre-Kindergarten Students: 193*
- *Kindergarten Students: 716*
- *First Grade Students: 746*
- *Second Grade Students: 745*
- *Third Grade Students: 754*
- *Fourth Grade Students: 825*
- *Fifth Grade Students: 826*
- *Sixth Grade Students: 827*
- *Seventh Grade Students: 889*
- *Eighth Grade Students: 894*
- *Ninth Grade Students: 989*
- *Tenth Grade Students: 901*
- *Eleventh Grade Students: 812*
- *Twelfth Grade Students: 783*

## **Ethnicity:** (percents and number of students)

- *American Indian or Alaskan Native: 0.4% (43 students)*
- *Asian: 1% (111 students)*
- *Black or African American: 13% (1,391 students)*
- *White: 57% (6,277 students)*
- *Hispanic/Latino: 24% (2,603 students)*
- *2 or More Races: 5% (559 students)*

## **Gender:** (percents and number of students)

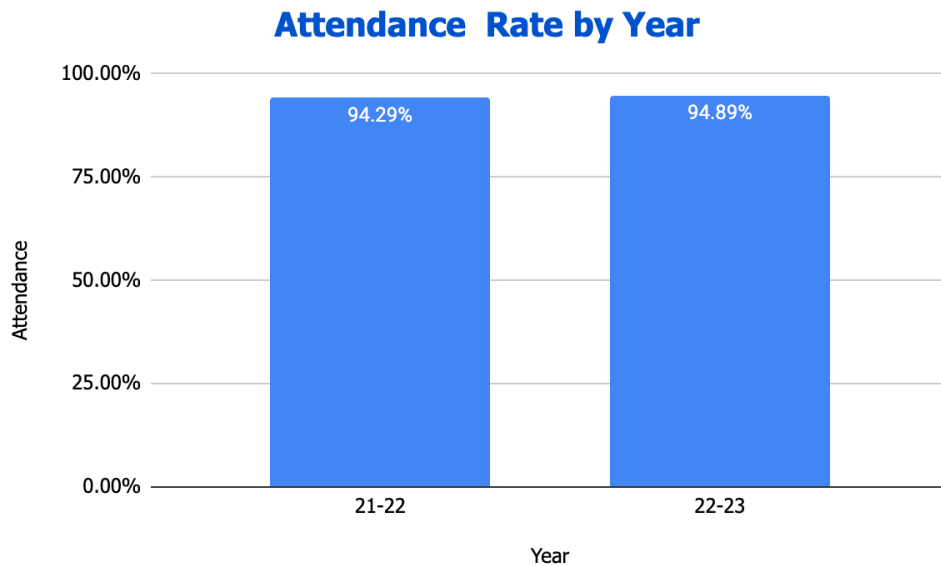
- *Female: 48% (5,295 students)*
- *Male: 52% (5,695 students)*

**Special Populations:** (percents and number of students)

- Gifted and Talented: 6% (613 students)
- English Language Learner: 5% (526 students)
- Economically Disadvantaged: 30% (3,269 students) \*
- Special Education: 14% (1,576 students)
- At Risk: 41% (4,552 students)
- 504 Services: 11% (1,207 students)

\* Students are identified as economically disadvantaged based on an application for free or reduced meals that is approved by the district snapshot day. Campus Title I eligibility is determined when the percentage of economically disadvantaged students at a campus is greater than or equal to the district poverty level and meets the minimum of 40% for a school wide program and 35% for a targeted assistance program (with additional consideration given to other eligibility criteria as applicable).

**Student Attendance Rate:**



## Teacher Demographics:

### **Teacher Ethnicity:** (percents and number of students)

- *White: 87.2% (544)*
- *Hispanic: 8.3% (52)*
- *Black or African American: 3.3% (20)*

### **Teacher by Gender:** (percents and number of students)

- *Female: 77.8% (486)*
- *Male: 22.2% (139)*

### **Teachers by Years of Experience:** (percents and number of students)

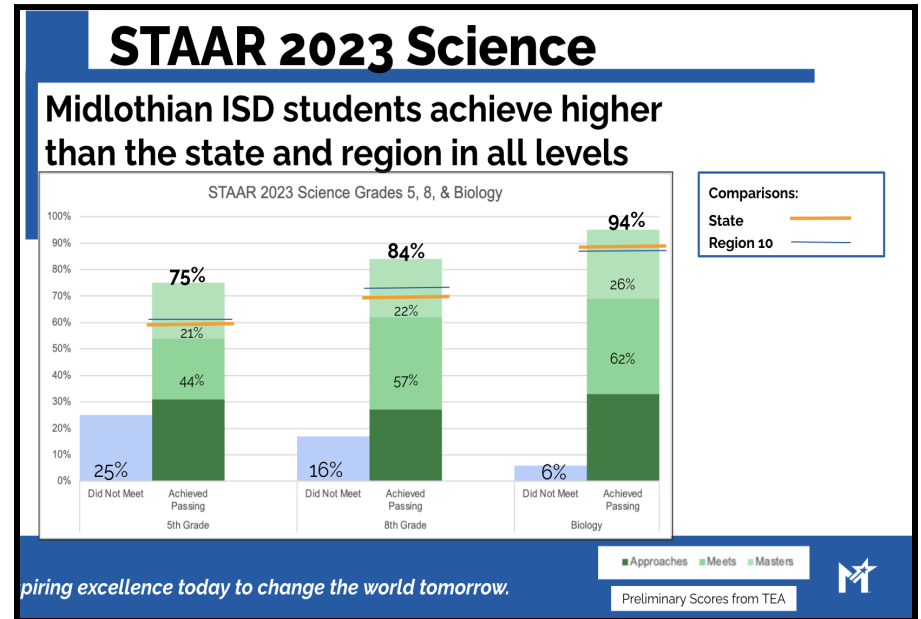
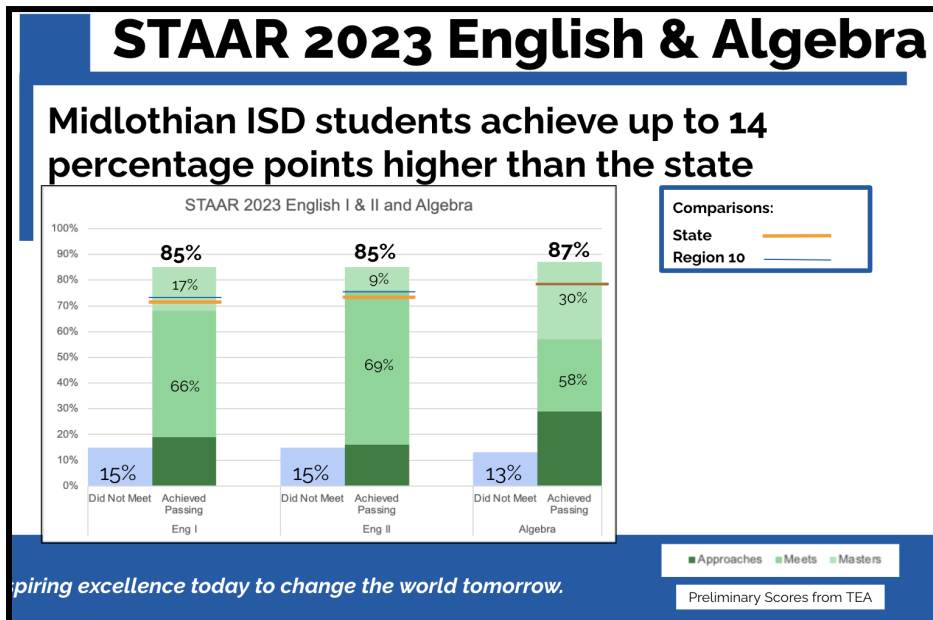
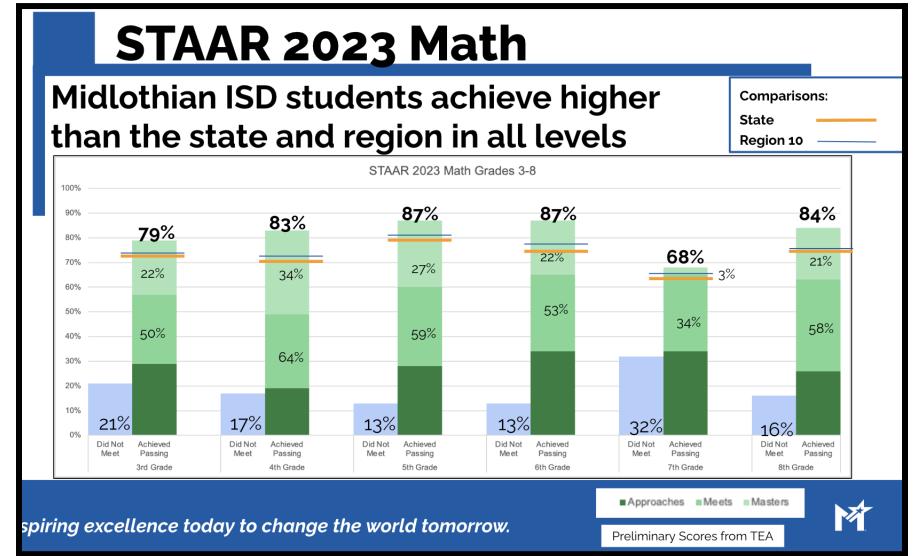
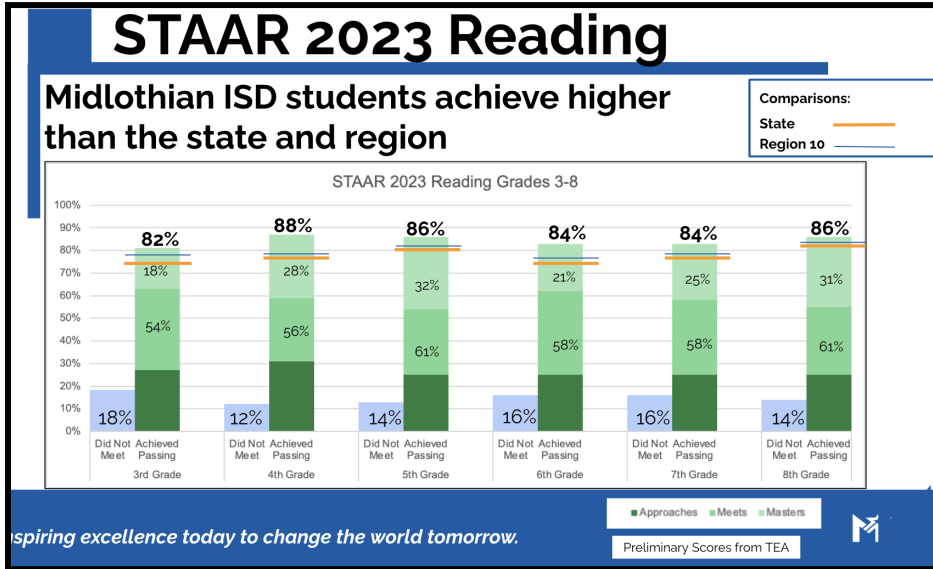
- *Beginning Teachers: 3.3% (21)*
- *1-5 Years: 18.9% (118)*
- *6-10 Years: 25.4% (159)*
- *11-20 Years: 33.9% (212)*
- *21-30 Years: 15.2% (95)*
- *Over 30 Years: 3.4% (21)*

## **Student Discipline Data from 2022-2023**

<b>Discipline Action</b>	<b>Total Count (Days out of Placement)</b>
<i>In School Suspension (ISS)</i>	<i>5155</i>
<i>Out of School Suspension (OSS)</i>	<i>638</i>
<i>DAEP (District Alternative Educational Placement)</i>	<i># of days served</i>

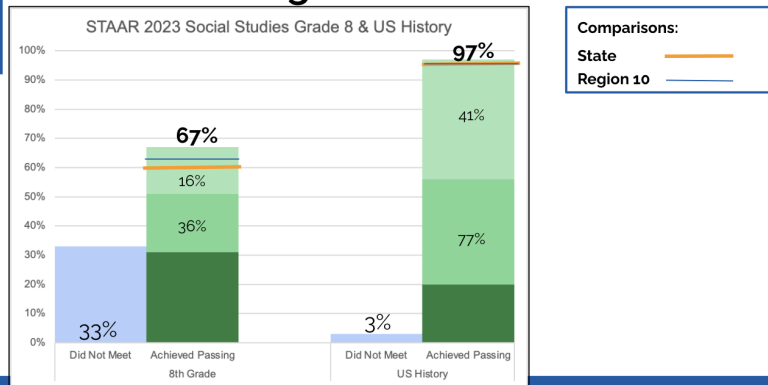
## STAAR Data from 2023

(STAAR Data by Demographic is waiting for release of final scores and ratings from TEA)



# STAAR 2023 Social Studies

Midlothian ISD students achieved higher than the state and region



*Inspiring excellence today to change the world tomorrow.*

Approaches Meets Masters

Preliminary Scores from TEA

## High Priorities from 2023 CNA Process

- Responding to growing demographic changes by responding to family cultures and training/support for staff
- Preparing all students for college and career readiness
- Building trust and relationships among all staff, starting with district-level, and with community
- Continuing to push for systems and processes to be written down and communicated effectively, including fiscal and operational procedures
- Welcoming new students in the system and how to best support them and their families
- Extending more support for new teachers
- Focusing on compensation and benefits for all teachers
- Building leadership opportunities for all staff
- Building classroom support systems for teachers with more MCLs and/or iCoaches or model teachers, especially in the 4 core areas to increase student achievement
- Ensuring clear and effective communication from top down and across district
- Increasing family engagement opportunities
- Refining and monitoring all safety and discipline protocols

## DISTRICT - Midlothian ISD Strategic Plan - Balanced Scorecard 2023-24 Annual Performance Measures

PRIORITY:	PERFORMANCE OBJECTIVES:	KEY STRATEGIC ACTIONS:	DISTRICT 2023-2024 PERFORMANCE OBJECTIVES:
<b>Priority 1: Student Success</b>	<b>1.1 Multiple Pathways for All Students to Belong</b>	1.1.a Career & Technical Education (CTE) - Increase the number of students who demonstrate workforce readiness	<b>Future Metric:</b> By May 2023, a <i>baseline will be developed</i> for growth of the number of students in CTE programs that meet concentrator and continuer status.  By 2024, the percentage of students receiving industry-based certifications will rise from <b>8% in 2023 to 16%</b> .
		1.1.b Fine Arts & Athletics - Extracurricular Program Recruitment and Retention	By 2024, the percentage of 8th graders in their second year of <b>athletics</b> will rise from 65% to 67%.  By 2024, the percentage of 8th graders in <b>fine arts</b> will rise from 57% to 59%.  By 2024, the percent of 11th-12th grade students with 3 or more years in <b>athletics</b> will rise from <b>27% to 29%</b> .  By 2024, the percent of 11th-12th grade students with 3 or more years of <b>fine arts</b> will rise from <b>18% to 20%</b> .  By 2024, high schools will increase the Lone Star Cup indicators from the average of 39 in 2023 to 42.
		1.1.c Scholastic <i>Experiences</i> - Provide opportunities for all students to maximize their potential through rigorous learning and challenging experiences	By 2024, the number of students performing at or above criterion on SAT/ACT results will increase from 44.36% to 52.66%. (waiting on Texas Academic Performance Report (TAPR))  By 2024, the percentage of students who are College Ready will increase from 52.8% to 62%. (waiting on Texas Academic Performance Report (TAPR))  By the fall of 2024, the percentage of students continuing JROTC into a second year will increase from 54% in the fall of 2023 to 60%. →
	<b>1.2 All Students Exhibit Yearly Growth in Core Areas</b>	1.2.a Annually increase the percentage of students reading at or above grade level by grade 3	By 2024, the percentage of kindergarten and first grade students performing at benchmark or above on mClass assessment Reading will increase from 78% in 2023 to 80%.  By 2024, the percentage of students in grades 2-3 who met their growth projection on MAP Student Growth Summary End of Year Report will increase from 53% in 2023 to 60%.  By 2024, the number of students performing at Meets Grade Level or above in reading will rise from 60% in 2023 to 67%.

		1.2.b Provide data driven, research-based practices in Tier 1 instruction in all reading, math, science and social studies	By 2024, the number of students performing at Meets Grade Level or above in math will rise from 54% in 2023 to 64%.  By 2024, the number of students performing at Meets Grade Level or above in science will rise from 54% in 2023 to 65%.
		1.2.c Continuous data analysis and progress monitoring through a variety of assessment tools to impact instruction	By 2024, the number of students performing at Meets Grade Level or above in social studies will rise from 57% in 2023 to 67%.  By 2024, Closing the Gap score will increase from a score of an 86 to a score of an 88.  By 2024, the total number of Closing the Gaps Continuously Enrolled indicators met by the district will remain at <b>100% annually</b> . (reading and math only).
	<b>1.3 Continuous Improvement of Curriculum, Professional Development, and the Art and Science of Teaching</b>	1.3.a Provide high-quality professional development aligned to student/teacher needs	By 2024, teachers performing an average at the accomplished level or higher on Domain 4 in the T-TESS evaluation system will increase from <b>3.6 score in 2023 to 3.8</b> .  By 2024, Closing the Gap score will increase from a score of an 86 to a score of an 88.
		1.3.b Ensure a guaranteed viable curriculum with evidence-based resources is fully integrated (written, taught and assessed) in all courses	By 2024, teachers performing an average at the accomplished level or higher on Domain 1 in the T-TESS evaluation system will increase from 3.4 score in 2023 to 3.7.  By 2024, Closing the Gap score will increase from a score of an 86 in 2023 to a score of an 88.  <b>Future Metric:</b> By May 2024, an internal audit process <i>will be developed</i> to measure courses and aligned content in grades PK-12 in all areas.
		1.3.c Enhance student learning through innovative instructional practices and tools	<b>Future Metric:</b> By May 2024, teachers will average in the overall T-TESS score from 3.5 score in 2023 to 3.7.
	<b>Priority 2: Capacity Building and Effective Leadership</b>	<b>2.1 Recruit and Retain High-potential Talent</b>	2.1.a Develop and deliver competitive benefit programs that attract and retain high-quality talent and enhance overall employee well-being
2.1.b Support employees throughout onboarding and other employment transitions within MISD			Annually, new-to-district staff satisfaction regarding overall impact and quality of support in onboarding will be maintained at or above 90%.

			By 2024, returning staff satisfaction regarding overall impact and quality of support in intra-district transitions will increase from 66.7% to 75%.
<b>2.2 Systematic Management of Individual Talent</b>	2.2.a Define leadership roles through the development of exemplary profiles aligned to role responsibilities in order to identify high-potential leaders		<p><b>FUTURE METRIC:</b> By the fall of the 2024-2025 school year, a stakeholder group will <i>develop</i> a leadership definition within MISD.</p> <p><b>FUTURE METRIC:</b> By the fall of 2025-2026 school year, a stakeholder group will revise job descriptions of campus leadership positions and develop readiness indicators aligned to each position and the district definition of leadership.</p> <p><b>FUTURE METRIC:</b> By 2026, 'readiness scorecards' <i>will be developed</i> for 100% of school leaders for the purpose of identifying "ready" leaders based on T-PESS, readiness indicators and the district definition of leadership</p>
	2.2.b Develop and Implement a talent pipeline that retains and incentivizes the highest quality staff to ensure student success		<p><b>FUTURE METRIC:</b> By 2026, TIA (Teacher Incentive Allotment) eligible teachers will perform at or above the State target (Recognized 30%, Exemplary 20%, Master 5%) in the MISD local designation.</p> <p>By 2024, the annual attrition rate of campus leadership (Principals, Associate Principals, Assistant Principals) will decrease from 20.0% to 18% excluding intra-district advancement.</p> <p>Annually, MISD will maintain a teacher turnover rate <b>lower than</b> the State rate as reported in the Texas Academic Performance Report (TAPR).</p>
	2.2.c Establish systems of support and development opportunities for all staff aligned to their estimated potential		By 2024, an annual survey of staff will show an increase from 46.7% to 65% that professional development was favorably aligned to their own perceived needs.
<b>2.3 Development of a High -performing Organizational System</b>	2.3.a Develop and implement a comprehensive organizational plan designed to appropriately align people and resources to accomplish the mission, goals, and objectives of MISD		<p><b>FUTURE METRIC:</b> By the fall of 2024-2025, a system will be implemented aligning effective teachers to positions with the highest student need.</p> <p><b>FUTURE METRIC:</b> By 2026, ___ % of employees will be placed in positions locally-determined to be aligned based on teacher effectiveness and student need (<i>baseline established in 2022-2023 school year audit</i>).</p>
	2.3.b Organize systems for all job groups that provide growth opportunities and pathways for internal advancement within MISD		<p><b>FUTURE METRIC:</b> By the fall of the 2025-2026 school year, individual pathways and support systems for teachers, leaders, and other staff <i>will be developed</i> with multiple entry points for staff of all ability levels</p> <p>By 2024, the percentage of in-district advancement among overall annual job placements will increase from 12.1% to 17% of annual job placements.</p>
	2.3.c Define and develop a comprehensive evaluation instrument to measure the effectiveness of organizational systems related to capacity and leadership		<p><b>FUTURE METRIC:</b> By the fall of 2024-2025 school year, a comprehensive evaluation instrument <i>will be developed</i> by leadership stakeholders to measure the effectiveness of organizational systems related to capacity and leadership.</p> <p><b>FUTURE METRIC:</b> By the fall of 2024-2025 school year, survey items <i>will be developed</i> to measure the alignment of the needs of the organization to the growth and development needs of campus/district leadership.</p>

			<b>FUTURE METRIC:</b> By 2026 organizational systems related to capacity and leadership will show an <i>increase of ____ %</i> in alignment to the growth and development needs of campus/district leadership and the overall working capacity of the organization.
<b>Priority 3: Culture, Climate and Safety</b>	<b>3.1 Commit to MISD Cultural Tenets in a Way that Ensures Staff and Student Well-being</b>	3.1a Establish and evaluate systems of support to ensure school safety	<p>Annually, maintain 100% compliance with completion by campuses of state-mandated emergency drills including safety procedure training forms.</p> <p>Annually, maintain 100% compliance with the state developed safety and security audit process.</p> <p>Annually, maintain 100% or better compliance of conducting annual physical risk assessment and safety audits of campuses.</p> <p>Annually, maintain a 100% compliance rate of addressing the total number of reported suicide and threat assessment safety incident types.</p>
		3.1b Provide resources and services to support student and staff mental health	<p>Maintain at minimum two external counseling service resources for staff to ensure access to mental health and wellness.</p> <p>By May 2024, a baseline will be established to show counseling related program services to students percentage of time at Elementary, Middle School, and High School.</p>
		3.1c Foster a culture of belonging among students and staff	<p>Annually, 100% of MISD schools will participate in and implement Capturing Kids' Hearts (CKH).</p> <p>Annually, at least 40% of students and 20% of families will complete the Capturing Kids' Hearts (CKH) climate and culture surveys (fall and spring).</p> <p>Maintain a 90% or higher score for a Leader Capturing Kids' Hearts (CKH) for using a social contract with conflict.</p> <p>By August 2024, 11 or more campuses (80%) will score "progressing" or higher on the Capturing Kids' Hearts (CKH) implementation rubric.</p> <p>By August 2024, each domain of the Capturing Kids' Hearts (CKH) Implementation Rubric will meet "Sometimes: 40-74%" standard in no less than 60% of the indicators.</p> <p>By 2024, a baseline will be established measuring the number of incidents and contributing factors/details aligned to the use of Capturing Kids' Hearts (CKH) protocols to address classroom behavior management found in T-TESS (2.3.3.1, 3.2 &amp; 3.3)</p> <p>By 2024, <i>Implement</i> a district wide attendance educational series that educates and uses Capturing Kids' Hearts (CKH) protocols to engage student and community stakeholders</p>
	<b>3.2 Strive to Be a Listening and Learning Organization Aligned with Stakeholder Engagement</b>	3.2.a Provide opportunities for student engagement	<p>By 2024, a reporting mechanism will be developed to collect student membership or participation in leadership/empowerment groups and create a standard of feedback for student voice.</p> <p>Annually, all campuses will support required celebrations and recognitions, maintaining 90% or better compliance.</p>

		3.2.b Provide opportunities for staff engagement	<p>By 2024, a reporting mechanism will be developed to collect staff membership or participation in leadership/empowerment groups and create a standard of feedback for staff voice.</p> <p>By 2024, viewership rate of staff newsletter will increase from 51% to 56%.</p>
		3.2 c Provide opportunities for parent and community engagement	<p>By 2024, a reporting mechanism will be developed to collect parent and community membership or participation in leadership/empowerment groups and create a standard of feedback for parent and community voice.</p> <p>By 2024, viewership rate of parent/community newsletter will increase from 28% to 35%.</p>
<p><b>Priority 4:</b> <b>District Operations and Financial Stewardship</b></p>	<p><b>4.1 Systematic Long-range Facility Management</b></p>	4.1.a Establish a maintenance cycle for the current facilities	<p>By 2024, a baseline for written campus facility audits will be established.</p> <p>By 2024, annual <u>Campus Facilities Audits</u> will increase from 35% to 100% completion in order to assess campus/district needs.</p> <p><b>FUTURE METRIC:</b> By 2026, alignment of Maintenance and Operations projects and additions to campus facility rating assessments will increase from 0% to 95%.</p> <p>By May 2024, OSHA (Occupational Safety and Health Administration) certification rate among all maintenance staff will increase from 6.25% to 100%.</p> <p><b>FUTURE METRIC:</b> By 2025, annual review of OSHA (Occupational Safety and Health Administration) certifications will show renewal rate of certifications at 95% or better.</p> <p><b>FUTURE METRIC:</b> By 2026, trades staff training for specific skill sets (certifications) will increase from 12.5% to 25% in order to perform maintenance refurbishment/preventative maintenance to decrease outside contracted services costs.</p> <p><b>FUTURE METRIC:</b> By 2026, the use rate of the CENTRAL FACILITIES review form to document district facility needs will increase from ___% to 95%.</p>
		4.1.b Commit to the stewardship of future bonds in partnership with community oversight	<p><b>FUTURE METRIC:</b> By 2026, MISD will increase community participation for the growth management committee from _____ to _____ by conducting three meetings per year. Baseline established in 2023-2024 school year.</p> <p><b>FUTURE METRIC:</b> By 2026, fulfillment of voter approved bond projects will be:</p> <ul style="list-style-type: none"> <li>• 90% delivered along the contracted project timeframe.</li> <li>• 95% delivered within the scope of the contracted project budget.</li> </ul> <p><b>FUTURE METRIC:</b> By 2026, MISD will identify and purchase land sites to fulfill 100% of anticipated building projects forecasted for future growth through 2032.</p>

		<p>4.1.c Assess and maintain district technology infrastructure and support systems</p>	<p>By 2024, baseline data will be collected to determine district technology status along an established replacement schedule.</p> <p><b>FUTURE METRIC:</b> Annually, MISD will maintain/upgrade 80% of data center equipment (core switches, internet router, wireless network, filters, firewalls.) as specified on the school year replacement schedule.</p> <p>By 2024, MISD intranet will house 20% of instructional video/communication for operations procedures.</p> <p><b>FUTURE METRIC:</b> By 2026, MISD Technology percent of work orders completed within 7 business days will increase from ___% to 85%.</p> <p><b>FUTURE METRIC:</b> By 2026, MISD Maintenance will increase the percentage of tickets closed within 5 days from ____% to __%.</p> <p>By 2024, endpoint protection for all <b>managed MISD devices</b> (laptop, desktops, servers) will increase from 0% to 100%.</p>
<p><b>4.2 Effective and Efficient Cross-departmental Work Processes</b></p>		<p>4.2.a Annually review district (local) policy and regulations to ensure alignment and relevancy to district goals and strategic plan</p>	<p>By 2024, a baseline will be established measuring the timeliness of departmental/campus review of regularly scheduled TASB policy updates.</p> <p><b>FUTURE METRIC:</b> Annually, ___% of policies up for review (according to the TASB policy review timeline) will be reviewed within three (3) months.</p> <p>Annually, 95% of new staff/program/budget items will be aligned to Balanced Scorecard Card (BSC) priorities.</p>
		<p>4.2.b Develop departmental systems and processes that require cross-departmental functionality and expeditiously meet the needs of campuses, staff, students</p>	<p>By 2024, 30% of all MISD departments will develop and implement guidelines and/or handbooks that describe processes, procedures, and expectations.</p> <p>By 2024, the average satisfaction rating of all MISD District departments will increase from 73.8% to 85.0%.</p>
		<p>4.2.c Annually audit existing resources to evaluate the effectiveness and Return On Investment (ROI) of district purchases and initiatives aligned to district strategic goals</p>	<p>By 2024, MISD will establish a baseline aligning purchases over \$50,000 by Balanced Scorecard (BSC) Priorities.</p> <p><b>FUTURE METRIC:</b> By 2026, Departments/Campus leadership evaluation of the effectiveness of the purchases \$50,000 and their alignment to Balanced Scorecard (BSC) Priorities will increase from ___% yo ____%.</p> <p><b>FUTURE METRIC:</b> Annually, beginning in 2025, MISD Cabinet will evaluate 100% of purchases over \$50,000 for effectiveness or strategic abandonment based on rating reports.</p> <p><b>FUTURE METRIC:</b> By 2026, effective purchases will increase from ____% to ____%. OR strategically abandoned purchases will decrease by ___%.</p>

<b>4.3 Commitment to Financial Stewardship</b>	4.3.a Transparency of financial processes and decisions	Annually, MISD will earn a superior rating on the FIRST Report. Annually, MISD will earn from an external auditor, an unmodified opinion.
	4.3.b Demonstrate financial stewardship to community	Annually, fund balance will remain at or above 25%. Annually, MISD will maintain a 10% additional homestead exemption for taxpayers.
	4.3.c Build system capacity to ensure intentional financial solvency for maximization of district resources	Annually, MISD will manage funds so that defease of bonds may occur to save interest on bond payments. Annually, MISD will use quarterly demographic updates to ensure we are forecasting total students in MISD and facility needs.

## Required Elements to Address BQ(LEGAL)

### Provisions:

- By 2024, the percentage of Emergent Bilingual (EB) students in kindergarten and first grade performing at benchmark or above on Amplify mClass Reading Assessment will increase from 74% from 2023 to 77%.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  - Strategy: Additional professional development will be provided for teachers to ensure they understand best practices for ESL learners.
  
- By 2024, the percentage of Economically Disadvantaged (Eco Dis) students in kindergarten and first grade performing at benchmark or above on Amplify mClass Reading Assessment will increase from 79% from 2023 to 82%.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  
- By 2024, the percentage of Special Education (SpEd) students in kindergarten and first grade performing at benchmark or above on Amplify mClass Reading Assessment will increase from 52% from 2023 to 55%.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  
- By 2024, the number of Emergent Bilingual/English Learner (EB/EL) current students performing at Meets Grade Level or above in reading will rise from 33% from 2023 to 38%.
  - Strategy: Additional professional development will be provided for teachers to ensure they understand best practices for ESL learners.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.

- By 2024, the number of Emergent Bilingual/English Learner (EB/EL) current students performing at Meets Grade Level or above in math will rise from 39% from 2023 to 44%.
  - Strategy: Additional professional development will be provided for teachers to ensure they understand best practices for ESL learners.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  
- By 2024, the number of Special Education (SpEd) students performing at Meets Grade Level or above in reading will rise from 17% from 2023 to 22%.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  
- By 2024, the number of Special Education (SpEd) students performing at Meets Grade Level or above in math will rise from 19% from 2023 to 29%.
  - Strategy: By analyzing data at each benchmark and through progress monitoring, teachers and students will track their data and provide lessons to meet their individual needs.
  
- By May 2024, District Instructional Guides will be updated annually before the start of school for each core content.
  - Strategy: Annually a committee of teachers and curriculum coordinators will analyze the district instructional guides to ensure they are aligned with state standards and best practices for each core content.
  
- Annually maintain 95% or above compliance with providing Suicide Prevention Curriculum with parental notification as approved by the School Health Advisory Council (SHAC) committee.
  - Strategy: Evidenced-based Suicide Prevention Curriculum will be presented to 7th and 10th graders on an annual basis by campus counselors.
  - Strategy: MISD initiative Capturing Kids' Hearts (CKH) is part of the suicide prevention by building relationships and making connections for students helping create a place for everyone to belong.
  
- Annually maintain 95% or above compliance with providing conflict resolution and violence prevention programs through the School Health Advisory Council's (SHAC) chosen curriculum and MISD initiative of Capturing Kids' Hearts (CKH).
  - Strategy: Evidence-based curriculum is presented to various grades depending on developmentally appropriateness on an annual basis by outside vendors as approved by the School Health Advisory Council (SHAC).
  - Strategy: MISD use of Capturing Kids' Hearts to build relationships and increase conflict resolution skills in every classroom on every campus.

Grade	Program	Topic(s)
K-2	Super Powers for Super Friends	Bullying
3-5	Empowered	Bullying
6	Radical	Bullying
7	Abstinence-Based Presentation	Human Sexuality (Requires Affirmative Consent per HB 1525)
8	Focus on Success	Technology / Teens / Sexting / Pornography / Healthy Relationships
9	Navigate	Mental health
10	Power to Succeed	Drugs and Alcohol
11	Abstinence-Based Presentation	Human Sexuality (Requires Affirmative Consent per HB 1525)
12	Focus on Success	Technology / Teens / Sexting / Pornography / Healthy Relationships

- By 2024, gather data for a baseline of the number of students using Xello for college and career education.
  - Strategy: We will identify a baseline of the number of students for each campus who are using inventories and searches in the Xello platform.
  
- Annually maintain 98% or above compliance with trauma informed care and maltreatment of children.
  - Strategy: Staff are annually trained on trauma informed care and identifying maltreatment of children through compliance training through Region 10. Staff are also provided opportunities during the year for professional development in these areas.
  
- By 2024, 98% or above compliance with providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information regarding Higher Education and Financial Aid.
  - Strategy: Information is updated at least annually via the district/campus websites, digital updates, parent newsletters, campus newsletters, and/or presentations for all stakeholders regarding information about Personal Graduation Plans, Academic Planning Guide, and sources for information on Higher Education and Financial Aid.
  
- Annually maintain 100% compliance in serving students with dyslexia in an evidenced based reading program as prescribed in the Dyslexia Handbook.
  - Strategy: All teachers will be trained in the district dyslexia program that is evidence based for dyslexia and will use the program with fidelity, Maintaining a schedule of instructing students.
  
- By 2024, teachers and administrators will utilize technology for instructional and administrative programs in 100% of all areas where appropriate.
  - Strategy: iTechs will become certified in microsoft products to be able to train teachers and administrators in best practices in using these products.

- By 2024, 80% of all students identified for accelerated instruction per the state rules will complete their total hours of accelerated instruction.
  - Strategy: Schools will track each student's hours on a daily basis and will share with the district for monitoring.
  
- By 2024, reduce the number of dropout/unknown leavers from 0.7% to 0.5% at the secondary level.
  - Strategy: MISD LEAP program provides the opportunity for students who are at-risk of dropping out to finish their high school career in a nontraditional setting in accordance with required criteria.
  - Strategy: MISD initiative Capturing Kids' Hearts (CKH) is part of the dropout prevention by building relationships and making connections for students increasing their desire to be at school.
  - Strategy: Mentor's Care programming makes connections for students with community members who are able to provide insight to students on the value of completing their education.

## **Mandatory Policies and Procedures Required by Policy BQ(LEGAL)**

# **BULLYING PREVENTION**

## **FFI — Student Welfare: Freedom from Bullying**

### **Legal Framework**

Local Policy

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### **Definitions**

#### Bullying

"Bullying":

1. Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements below and that:
  - a. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
  - b. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
  - d. Infringes on the rights of the victim at school; and
2. Includes cyberbullying.

#### Cyberbullying

"Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

### **Applicability**

These provisions apply to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;

2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
  - a. Interferes with a student's educational opportunities; or
  - b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

## Policy

The board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prevents and mediates bullying incidents between students that:
  - a. Interfere with a student's educational opportunities; or
  - b. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;
3. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
4. Establishes a procedure for providing notice of an incident of bullying to:
  - a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
  - b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
5. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
6. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
7. Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
8. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying;
9. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and
10. Complies with the minimum standards adopted by the Texas Education Agency (TEA) for a district's policy.

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the district improvement plan under Education Code 11.252. [See BQ]

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**Note:** [Minimum Standards for Bullying Prevention](#) are available on TEA's website.

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## Internet Posting

The procedure for reporting bullying must be posted on a district's internet website to the extent practicable.

**Note:** *This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.*

*For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.*

**Bullying Prohibited**

*The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.*

*Examples*

*Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.*

**Minimum Standards**

*In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.*

**Retaliation**

*The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.*

*Examples*

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

**False Claim**

*A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.*

**Timely Reporting**

*Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.*

## **Reporting Procedures**

### *Student Report*

*To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.*

### *Employee Report*

*Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.*

### *Report Format*

*A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.*

### *Periodic Monitoring*

*The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.*

## **Notice of Report**

*When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.*

## **Prohibited Conduct**

*The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.*

## **Investigation of Report**

*The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.*

## **Concluding the Investigation**

*Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.*

*The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.*

## **Notice to Parents**

*If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.*

## **District Action**

### *Bullying*

*If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.*

### *Discipline*

*A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.*

*The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.*

### *Corrective Action*

*Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.*

### *Transfers*

*The principal or designee shall refer to FDB for transfer provisions.*

### *Counseling*

*The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.*

### *Improper Conduct*

*If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.*

### **Confidentiality**

*To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.*

### **Appeal**

*A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.*

### **Records Retention**

*Retention of records shall be in accordance with CPC(LOCAL).*

### **Access to Policy and Procedures**

*This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.*

*MIDLOTHIAN ISD  
FFI(LOCAL)-A  
UPDATE 121  
DATE ISSUED: 5/11/2023*

# **FDB — Admissions: Intradistrict Transfers and Classroom Assignments**

## **Legal Framework**

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### **Attendance Areas**

A student shall be assigned to a school in the attendance area in which he or she resides.

### **Class Changes**

The campus principal shall be authorized to investigate and approve the transfer of a student from one classroom to another on that campus.

### **Transfers Between Schools**

The Superintendent or designee shall be authorized to investigate and approve transfers between schools.

### **District Assignment**

The Superintendent or designee may assign a new student to a campus other than the campus for the attendance area of residence when a campus or grade level reaches capacity. An assignment shall be made to accommodate a sibling of an assigned student. A student who is assigned in this manner shall be placed on a waiting list and offered the opportunity to return to the campus for the attendance area of residence when space becomes available.

For the following school year, the student shall be assigned to the campus for the attendance area of residence unless an intradistrict transfer request has been submitted and approved. A student on a District-assigned transfer shall be given priority consideration to remain at the assigned campus. The District shall provide bus transportation only for a District-assigned transfer student, if required.

A student who moves to another District attendance zone during the school year shall be permitted to remain in attendance at the same campus for the remainder of the year so long as the parent provides transportation. Effective at the beginning of the next school year, the student shall be required to attend the school in the attendance zone in which he or she resides.

A student who has attended a District school for his or her entire junior year and has moved to another District attendance zone may complete his or her senior year at the same school where he or she completed his or her junior year.

### **Children of District Employees**

A child of a District employee may transfer from the assigned campus in the attendance zone in which he or she lives to a campus in which his or her employee/parent works provided that the parent is a full-time employee at a campus, and space for additional students is available at

the requested campus. In accordance with UIL rules, a student who requests a transfer under this policy at the first opportunity provided by the District shall retain his or her eligibility for varsity UIL competition.

### **Educational Services Transfer**

When required educational services for an eligible or qualified student are not offered at the campus in the attendance zone in which the student resides, the District shall provide an educational services transfer, which shall temporarily allow the student to attend the campus where the educational services are provided.

If more than one campus offers the program, the District shall determine which campus the student shall attend. When the student no longer qualifies or stops participating in the services, the educational services transfer shall be canceled; and the student shall be returned to the appropriate campus in the attendance area in which he or she resides at the beginning of the next grading period.

### **Other Types of Transfer Requests**

The Superintendent or designee shall be authorized to approve a written request from a parent for an intradistrict transfer, with transportation to be provided by the parent, for one school year only. The District shall grant for a student no more than one transfer per year.

Except as required by law and as provided in this policy, the reasons for which an intradistrict transfer may be granted shall be limited to the following:

1. The student was assigned to a new campus as a result of campus attendance zone boundary changes and will be entering the highest grade level for that campus in the next school year. Any younger sibling of the student previously granted an intradistrict transfer shall be permitted to remain at the same campus for one year only. For purposes of this transfer, the written request must be submitted by the annual deadline set by the administration to be effective for the following year.
2. There is an extreme hardship due to family circumstances.
3. The student has a serious medical condition documented by a qualified physician, and the student's identified needs cannot be met at the home campus.
4. The student resides in a different attendance zone from where a new residence is being built within the boundaries of the District.

### **Transfer Revocation**

The Superintendent may revoke a transfer of a student who is repeatedly tardy or absent or has multiple or severe disciplinary infractions in violation of the campus rules or the Student Code of Conduct.

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*Note:*For the transfer of a student who is the victim of bullying or who engaged in bullying, see FDB(LEGAL). For the transfer of a student who attends a persistently dangerous school, becomes a victim of a violent criminal offense, or becomes a victim of sexual assault, see FDE.

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## **CHILD NEGLECT**

### **FFG — Student Welfare: Child Abuse and Neglect**

#### **Legal Framework**

##### Local Policy

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#### **Policy and Program to Address Sexual Abuse, Trafficking, and Maltreatment**

A district shall provide child abuse antivictimization programs in elementary and secondary schools. Education Code 38.004

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. Education Code 38.0041(a)

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

#### **Definitions**

##### Child Abuse or Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

##### Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

##### Trafficking of a Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

## **Duty to Report**

### Report by Any Person

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. Family Code 261.101(a)

### Report by Any Professional

Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

Family Code 261.101(b)

### Abuse of Persons with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

### Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. Family Code 261.101(b-1)

## **Restrictions on Reporting**

### Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

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

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

## **Contents of Report**

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

## **Abuse and Neglect Involving School Personnel and Those Responsible for Care**

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or

4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)

"Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child's family or household as defined by Family Code Chapter 71;
3. A person with whom the child's parent cohabits;
4. School personnel or a volunteer at the child's school;
5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

### **Reporting Abuse, Neglect, or Exploitation in a JJAEP**

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. Family Code 261.405(a)(4)(A), (b)

### **Confidentiality of Report**

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. Family Code 261.201(a)–(a)(1)

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. Family Code 261.101(d)

### **Immunity from Liability**

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. Family Code 261.106

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. Family Code 261.110(b) [See DG]

## **Criminal Offenses**

### **Failure to Report**

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

### **False Report**

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. Family Code 261.107(a)

### **Coercion**

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. Penal Code 39.06

## **SBEC Disciplinary Action**

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). 19 TAC 249.15(b)(4)

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**Note:**The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

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## Investigations

### Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. Family Code 261.105(d)

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. Family Code 261.406(b)

### Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. Family Code 261.302(b) [See GRA]

### Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. Family Code 261.303(a)

### Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. Human Resources Code 42.004

## Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. 19 TAC 61.1051(b)

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. 19 TAC 61.1051(b)(1)

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;
2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:
  - a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and
  - b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.
3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;
4. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. 19 TAC 61.1051(c) [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

### **Required Poster**

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS [Texas Abuse Hotline website](#) for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

MIDLOTHIAN ISD

FFG(LEGAL)-P

UPDATE 120

DATE ISSUED: 1/5/2023

## **FFG — Student Welfare: Child Abuse and Neglect**

[Legal Framework](#)

**[Local Policy](#)**

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

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

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

4. Available counseling options for affected students.

## Training

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

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

## Reporting Child Abuse and Neglect

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

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

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

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

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

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

## Restrictions on Reporting

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

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

## **Making a Report**

Reports may be made to any of the following:

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

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

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

## **Confidentiality**

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

## **Immunity**

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

## **Failing to Report Suspected Child Abuse or Neglect**

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

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

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

### **Responsibilities Regarding Investigations**

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

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

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

MIDLOTHIAN ISD  
FFG(LOCAL)-A  
UPDATE 118

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## **COORDINATED HEALTH PROGRAM**

### **HAA — Basic Instructional Program: Required Instruction (All Levels)**

#### **Legal Framework**

Local Policy

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#### **Purpose**

As a condition of accreditation, a 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)

A 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

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

Education Code 28.002(h), (h-6)

## Required Curriculum

### Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

### Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. 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;
2. Health, with emphasis on:
  - a. Physical health, including the importance of proper nutrition and exercise;
  - b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
  - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

### Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

### Positive Character Traits

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

### Local Credit

A 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 28.002(f); 19 TAC 74.1(b)

### **Local Instructional Plan**

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

### Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and

3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

### **Common Core State Standards**

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. Education Code 28.002(b-1), (b-3), (b-4)

### **Scope and Sequence**

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. Education Code 28.0027(a)

### **Coordinated Health Programs**

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. Education Code 38.014

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. 19 TAC 102.1031(c)

## Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

### Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

### Classification for Physical Education

A 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

### **School Health Advisory Council**

A board shall establish a local school health advisory council (SHAC) 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 the SHAC and FFA regarding federal wellness requirements.]

#### Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
  - a. Health education in kindergarten through grade 8; and
  - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
  - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
  - b. Physical education and physical activity;
  - c. Nutrition services;
  - d. Parental involvement;
  - e. Instruction on substance abuse prevention;
  - f. School health services, including mental health services;
  - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - h. A safe and healthy school environment; and
  - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
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, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
  - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
  - c. A safe and healthy school environment; and
  - d. School employee wellness;
5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
  6. Strategies to increase parental awareness regarding:
    - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
    - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.
  7. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
  8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the State Board of Education.

Education Code 28.004(c), (n)

#### Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. Education Code 28.004(l)

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. Education Code 28.004(o)

#### Complaints

A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. Education Code 28.004(i-1)

#### Human Sexuality Instruction

##### Definitions

"Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

"Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

Education Code 28.004(p)

#### Board Selection

The board shall determine the specific content of a district's instruction in human sexuality. Education Code 28.004(h)

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 SHAC. 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)

#### Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
  - a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
  - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and

5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

#### Education Code 28.004(i)

#### Parent Consent Before Instruction

Before a student may be provided with human sexuality instruction, a district must obtain the written consent of the student's parent. A request for written consent may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Education Code 28.004(i), described above, and must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The requirements in this paragraph expire August 1, 2024. Education Code 28.004(i-2)–(i-3)

#### Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. Education Code 28.004(f)

#### Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. Education Code 28.004(g) [See FB regarding single-sex classes under Title IX.]

#### Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
  - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
  - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

## Abuse Prevention Instruction

### Adoption of Instructional Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The SHAC to:
  - a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
  - b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

### Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the State Board of Education.

Education Code 28.004(q)–(q-1), (q-3)–(q-4)

### Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;
3. A statement of the parent's right to:
  - a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];
  - b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
  - c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

#### Parent Consent Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and
2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Education Code 28.004(q-5)–(q-6)

#### **Availability of Materials for Human Sexuality Instruction and Abuse Prevention Instruction**

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:

- a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and
  - b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and
2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:
- a. Review the curriculum materials at the student's campus at any time during regular business hours;
  - b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or
  - c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

Education Code 28.004(e-2), (j)–(j-2), (q-2)

## **Character Education**

A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a 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  
MIDLOTHIAN ISD  
EHAA(LEGAL)-P UPDATE 120  
DATE ISSUED: 1/5/2023

## **FFA — Student Welfare: Wellness and Health Services**

[Legal Framework](#)

**[Local Policy](#)**

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The District shall support the general wellness of all students by implementing measurable goals to promote sound nutrition and student health and to reduce childhood obesity.

[See EHAA for information regarding the District's coordinated school health program.]

### **Development, Implementation, and Review of Guidelines and Goals**

The District shall develop nutrition guidelines and wellness goals in consultation with the local school health advisory council (SHAC) and with involvement from representatives of the student body, school food service, school administration, physical education teachers, the Board, parents, and the public.

[See BDF for required membership of the SHAC.]

#### Wellness Plan

The SHAC shall develop a wellness plan to implement the District's nutrition guidelines and wellness goals. The wellness plan shall, at a minimum, address:

1. Strategies for soliciting involvement by and input from persons interested in the wellness plan and policy;
2. Objectives, benchmarks, and activities for implementing the wellness goals;
3. Methods for measuring implementation of the wellness goals;
4. The District's standards for foods and beverages provided, but not sold, to students during the school day on a school campus; and
5. The manner of communicating to the public applicable information about the District's wellness policy and plan.

The SHAC shall review and revise the plan on a regular basis and recommend revisions to the wellness policy when necessary.

## **Nutrition Guidelines**

### Foods and Beverages Sold

The District's nutrition guidelines for reimbursable school meals and all other foods and beverages sold or marketed to students during the school day shall be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidance, except when the District allows an exemption for fundraising activities as authorized by state and federal rules. [See CO and FJ]

### Foods and Beverages Provided

The District shall establish standards for all foods and beverages provided, but not sold, to students during the school day. These standards shall be addressed in the District's wellness plan.

## **Wellness Goals**

### Nutrition Promotion and Education

The District shall implement, in accordance with law, a coordinated school health program with a nutrition education component. [See EHAA] The District's nutrition promotion activities shall encourage participation in the National School Lunch Program, the School Breakfast Program, and any other supplemental food and nutrition programs offered by the District.

The District establishes the following goal for nutrition promotion: The District's food service staff, teachers, and other District personnel shall consistently promote healthy nutrition messages in cafeterias, classrooms, and other appropriate settings.

The District establishes the following goal for nutrition education: The District shall deliver nutrition education that fosters the adoption and maintenance of healthy eating behaviors.

### Physical Activity

The District shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grades. [See BDF, EHAA, EHAB, and EHAC]

The District establishes the following goal for physical activity: The District shall provide an environment that fosters safe, enjoyable, and developmentally appropriate fitness activities for all students, including those who are not participating in physical education classes or competitive sports.

### Other School-Based Activities

The District establishes the following goal to create an environment conducive to healthful eating and physical activity and to promote and express a consistent wellness message through other school-based activities: The District shall allow sufficient time for students to eat meals in cafeteria facilities that are clean, safe, and comfortable.

### **Implementation**

The director of federal and special programs shall oversee the implementation of this policy and the development and implementation of the wellness plan and appropriate administrative procedures.

### **Evaluation**

The District shall comply with federal requirements for evaluating this policy and the wellness plan.

### **Public Notification**

The District shall annually inform and update the public about the content and implementation of the wellness policy, including posting on its website copies of the wellness policy, the wellness plan, and the required implementation assessment.

### **Records Retention**

The District shall retain all the required records associated with the wellness policy, in accordance with law and the District's records management program. [See CPC and FFA(LEGAL)]

MIDLOTHIAN ISD, FFA(LOCAL)-X, LDU 2019.01, DATE ISSUED: 2/13/2019

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## **DECISION-MAKING AND PLANNING POLICY EVALUATION**

### **BQ — Planning and Decision-Making Process**

#### **Legal Framework**

#### **Local Policy**

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#### **Planning and Decision-Making Process**

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. Education Code 11.251(b)

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g)

### **Evaluation**

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. Education Code 11.252(d)

### **Administrative Procedure**

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

Education Code 11.251(d)

### **Federal Requirements**

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. Education Code 11.251(f)

### **Required Plans**

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and

2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

### **Shared Services Arrangement for DAEP Services**

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b) [See FOCA]

### **District Improvement Plan**

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. Education Code 11.252(a) [See AIA]

#### *Availability to TEA*

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must make the plan available to TEA on request. Education Code 11.252(b)

#### *Required Provisions*

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status,

- sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.
2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.
  3. Strategies for improvement of student performance that include:
    - a. Instructional methods for addressing the needs of student groups not achieving their full potential.
    - b. Evidence-based practices that address the needs of students for special programs, including:
      1. Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEb];
      2. Conflict resolution programs;
      3. Violence prevention programs; and
      4. Dyslexia treatment programs.
    - c. Dropout reduction.
    - d. Integration of technology in instructional and administrative programs.
    - e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.
    - f. Staff development for professional staff of a district.
    - g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.
    - h. Accelerated education.
    - i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]
  4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:
    - a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.
    - b. The need for students to make informed curriculum choices to be prepared for success beyond high school.
    - c. Sources of information on higher education admissions and financial aid.
  5. Resources needed to implement identified strategies.
  6. Staff responsible for ensuring the accomplishment of each strategy.
  7. Timelines for ongoing monitoring of the implementation of each improvement strategy.
  8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.
  9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]
  10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

Education Code 11.252(a)

#### Law Enforcement Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. Education Code 37.081(d)(1) [See CKE]

#### Discipline Management

A district shall adopt and implement a discipline management program to be included in the district improvement plan. Education Code 37.083(a) [See FNC]

#### Dating Violence

A district shall adopt and implement a dating violence policy to be included in the district improvement plan. Education Code 37.0831 [See FFH]

#### Bullying Prevention

The policy and any necessary procedures adopted under Education Code 37.083(c) (concerning bullying) must be included in the district improvement plan. Education Code 37.0832(d)(2) [See FFI]

#### Mental Health, Substance Abuse, and Suicide

The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. Education Code 38.351(k)(2) [See FFEB]

### **Campus-Level Plan**

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. Education Code 11.253(c)

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.

5. Identify staff needed to implement the plan.
6. Set timelines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Include goals and methods for violence prevention and intervention on campus.
9. Provide for a program to encourage parental involvement at the campus.
10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:
  - a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
  - b. Student academic performance data;
  - c. Student attendance rates;
  - d. The percentage of students who are educationally disadvantaged;
  - e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and
  - f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253

(MIDLOTHIAN ISD, BQ(LEGAL)-A, UPDATE 121, DATE ISSUED: 5/11/2023)

## **BQ — Planning and Decision-Making Process**

**Legal Framework**

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The Board shall approve and periodically review the District's vision, mission, and goals to improve student performance. The vision, mission, goals, and the approved District and campus objectives shall be mutually supportive and shall support the state goals and objectives under Education Code, Chapter 4. [See AE]

### **District Improvement Planning Process**

The District's planning process to improve student performance includes the development of the District's educational goals, the legal requirements for the District and campus improvement plans, all pertinent federal planning requirements, and administrative procedures. The Board shall approve the process under which the educational goals are developed and shall ensure that input is gathered from the District-level committee. [See BQA]

### **Parent and Family Engagement Plan**

The Board shall ensure that the District and campus improvement plans, as applicable, address all elements required by federal law for receipt of Title I, Part A funds, including elements pertaining to parent and family engagement. The District-level and campus-level committees shall involve parents

and family members of District students in the development of such plans and in the process for campus review and improvement of student academic achievement and campus performance. [See EHBD]

### **Administrative Procedures and Reports**

The Board shall ensure that administrative procedures are developed in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization; adequately reflect the District's planning process; and include implementation guidelines, time frames, and necessary resources. The District-level and campus-level committees shall be involved in the development of these procedures. [See BQA and BQB]

The Superintendent shall report periodically to the Board on the status of the planning process, including a review of the related administrative procedures, any revisions to improve the process, and progress on implementation of identified strategies.

### **Evaluation**

The Board shall ensure that data are gathered and criteria are developed to undertake the required biennial evaluation to ensure that policies, procedures, and staff development activities related to planning and decision-making are effectively structured to positively impact student performance.

MIDLOTHIAN ISD, BQ(LOCAL)-A1, UPDATE 105, DATE ISSUED: 7/3/2016

## **BQA — Planning and Decision-Making Process: District-Level**

**Legal Framework**

**Local Policy**

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### **Committee**

A district's policy and procedures shall establish a district level planning and decision-making committee as provided by Education Code 11.251(b)–(e).

The committee shall include representative professional staff, parents of students enrolled in the district, business representatives, and community members. Education Code 11.251(b)

### **Professional Staff**

A board shall adopt a procedure, consistent with Education Code 21.407(a) [see DGA], for the professional staff to nominate and elect the professional staff representatives who shall serve on the district-level committee. If practicable, the committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities.

At least two-thirds of the elected professional staff representatives must be classroom teachers. The remaining staff representatives shall include both campus- and district-level professional staff members.

Education Code 11.251(e)

## **Parents**

Board policy shall provide procedures for the selection of parents to the district-level committee.

For purposes of establishing the composition of the committee:

1. A person who stands in parental relation to a student is considered a parent.
2. A parent who is an employee of a district is not considered a parent representative on the committee.
3. A parent is not considered a representative of community members on the committee.

Education Code 11.251(c), (e)

## **Business Representatives and Community Members**

Board policy must provide procedures for the selection of community members and business representatives to serve on the district-level committee in a manner that provides for appropriate representation of the community's diversity.

The committee shall include a business representative without regard to whether the representative resides in the district or whether the business the person represents is located in the district.

Community members must reside in the district and must be at least 18 years of age.

Education Code 11.251(b), (c), (e)

## **Meetings**

A board shall establish a procedure under which the district-level committee holds regular meetings. The board or designee shall periodically meet with the district-level committee to review the committee's deliberations. Education Code 11.251(b)

## **Public Meetings**

The district-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from TEA for the purpose of discussing the performance of a district and the district performance objectives. Education Code 11.252(e)

## **Communications**

District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. Education Code 11.252(e)

## **Consultation**

A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program. Education Code 11.252(f)

## **Responsibilities**

### District Plan

The district-level committee shall assist the superintendent with the annual development, evaluation, and revision of the district improvement plan. Education Code 11.252(a) [See District Improvement Plan at BQ(LEGAL)]

Each school district and campus shall use the results from the teaching and learning conditions survey required by Education Code 7.065(a) to review and revise, as appropriate, the district-level or campus-level improvement plan, and for other purposes, as appropriate to enhance the district and campus learning environments. Education Code 7.065(e)

### Dropout Prevention Review

A district-level committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
  - a. Do not complete the program,
  - b. Complete the program but do not take the high school equivalency examination, or
  - c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;

4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in a district.

Each district-level committee shall use the information in developing the district improvement plan.

Education Code 11.255

#### Staff Development

For staff development under Education Code 21.451(a), a district may use district-wide staff development developed and approved through the district-level decision process. Education Code 21.451(c) [See DMA]

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**Note: See BF for information on the committee's role in requesting waivers.**

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MIDLOTHIAN ISD, BQA(LEGAL)-A, UPDATE 115, DATE ISSUED: 7/9/2020

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## **DROPOUT PREVENTION**

### **BQA Legal**

#### Dropout Prevention Review

A district-level committee of a district with a junior high, middle, or high school campus shall analyze information related to dropout prevention, including:

1. The results of the audit of dropout records;
2. Campus information related to graduation rates, dropout rates, high school equivalency certificate rates, and the percentage of students who remain in high school more than four years after entering grade 9;
3. The number of students who enter a high school equivalency certificate program and:
  - a. Do not complete the program,
  - b. Complete the program but do not take the high school equivalency examination, or
  - c. Complete the program and take the high school equivalency examination but do not obtain a high school equivalency certificate;
4. For students enrolled in grades 9 and 10, information related to academic credit hours earned, retention rates, and placements in disciplinary alternative education programs and expulsions under Chapter 37; and
5. The results of an evaluation of each school-based dropout prevention program in a district.

Each district-level committee shall use the information in developing the district improvement plan.

Education Code 11.255

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## **Dyslexia Treatment Program**

### **EHB — Curriculum Design: Special Program**

#### **Legal Framework**

#### **Local Policy**

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#### **Parental Notice of Assistance for Learning Difficulties**

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;
2. Be written in English or, to the extent practicable, the parent's native language; and
3. Include:
  - a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
  - b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;
  - c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
  - d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and
  - e. A copy of the explanation provided under Education Code 26.0081(c). [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

Education Code 26.0081(d)–(e)

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. Education Code 26.004(a)

#### **Dyslexia and Related Disorders**

Districts shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services. A board must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to students are implemented in the district.

District procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders available on [TEA's Dyslexia and Related Disorders webpage](#). Districts shall provide a copy or a link to the electronic version of the Dyslexia Handbook to parents of children suspected to have dyslexia or a related disorder.

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28.

19 TAC 74.28(a)–(c), (l)–(m)

### **Compliance Monitoring**

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). 19 TAC 74.28(n)

### **Screening, Testing, and Identification**

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. Education Code 38.003(a)

A process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available, as outlined in the Dyslexia Handbook. A district may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.

Screening, as described in the Dyslexia Handbook, and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.

19 TAC 74.28(d), (j)

### **Parent Notification**

At least five school days before any identification or evaluation procedure is used selectively with an individual student, a district must provide written notification of the proposed identification or evaluation to the student's parent or guardian or another person standing in parental relation to the student. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:

1. A reasonable description of the evaluation procedure to be used with the individual student;
2. Information related to any instructional intervention or strategy used to assist the student prior to evaluation;
3. An estimated time frame within which the evaluation will be completed; and

4. Specific contact information for the campus point of contact, relevant parent training and information projects, and any other appropriate parent resources.

### *IDEA Notice*

Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), a district must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, provide all the information required in the above notice, and provide an opportunity for written consent for the evaluation. The district must also provide a copy of the IDEA procedural safeguards notice required under 34 C.F.R. 300.504 and a copy of Section 504 information required under Education Code 26.0081. [See EHBAE and FB]

### *Options and Services*

Parents or guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by Education Code 26.0081(d), and options under federal law, including IDEA, and the Rehabilitation Act, Section 504.

19 TAC 74.28(f)–(h)

### **Parent Education**

A district shall provide a parent education program for parents and guardians of students with dyslexia and related disorders. This program must include:

1. Awareness and characteristics of dyslexia and related disorders;
2. Information on testing and diagnosis of dyslexia and related disorders;
3. Information on effective strategies for teaching students with dyslexia and related disorders;
4. Information on qualifications of those delivering services to students with dyslexia and related disorders;
5. Awareness of information on accommodations and modifications, especially those allowed for standardized testing;
6. Information on eligibility, evaluation requests, and services available under IDEA and Section 504 and information on the response to intervention process; and
7. Contact information for the relevant regional and/or district specialists.

Education Code 38.003; 19 TAC 74.28(l)

### **Treatment**

Each school must provide each identified student access at his or her campus to instructional programs required at Reading Program, below, and to the services of a teacher trained in dyslexia and related disorders. A 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. 19 TAC 74.28(i)

### **Reading Program**

A district shall purchase a reading program or develop its own reading program that is aligned with the descriptors in the Dyslexia Handbook.

Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the Dyslexia Handbook. The professional development activities specified by the district- and/or campus-level committees shall include these instructional strategies.

19 TAC 74.28(e)

### **Reassessment**

Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. Education Code 38.003(b-1)

### **Audiobook Program Notification**

A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. Education Code 28.006(g-2)

**MIDLOTHIAN ISD, EHB(LEGAL)-P, UPDATE 115, DATE ISSUED: 7/9/2020**

## **EKC — Testing Programs: Reading Assessment**

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#### **Reading Instruments**

The commissioner of education shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension.

For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall adopt a multidimensional assessment tool that includes a reading instrument and tests at least three developmental skills. A multidimensional assessment tool is considered to be a reading instrument.

The district-level committee may adopt a list of reading instruments in addition to the reading instruments on the commissioner's list for a grade level other than kindergarten. Each reading instrument adopted by 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.

Education Code 28.006(a)–(b)

### **Kindergarten**

Each district shall administer at the kindergarten level a reading instrument adopted by the commissioner or an alternative reading instrument approved by the commissioner. The district shall administer the reading instrument in accordance with the commissioner's recommendations.

The commissioner may approve an alternative reading instrument for use in diagnosing the reading development and comprehension of kindergarten students that complies with the requirements above.

The commissioner by rule shall determine the performance on the reading instrument that indicates kindergarten readiness.

Education Code 28.006(b-1), (c-2)–(c-3)

### **First and Second Grades**

A district shall administer, at first- and second-grade levels, a reading instrument on the list adopted by the commissioner or by the district-level committee. A district shall administer the reading instrument in accordance with the commissioner's recommendations.

### **Seventh Grade**

A district shall administer a diagnostic reading instrument during the first six weeks of the school year to each student in grade 7 whose performance on the grade 6 state reading assessment did not meet the passing standard. If a student was administered the modified state assessment in reading, the admission, review, and dismissal (ARD) committee may determine if the diagnostic assessment is appropriate for use with that student.

A student in grade 7 who does not have a score for the state reading assessment in grade 6 may be given an equivalent comprehension assessment. If that student does not meet the passing standard, the student must be administered the diagnostic reading assessment.

A district must use the Texas Middle School Fluency Assessment and/or an alternate diagnostic reading instrument. A district must submit an alternate diagnostic reading instrument to the Texas Education Agency (TEA) for approval. An alternate diagnostic instrument must:

1. Be based on published scientific research in reading;
2. Be age and grade-level appropriate, valid, and reliable;
3. Identify specific skill difficulties in word analysis, fluency, and comprehension; and
4. Assist the teacher in making individualized instructional decisions based on the assessment results.

## **Reports**

A superintendent shall:

1. Report to the commissioner and the board the results of the reading instruments;
2. Not later than the 60th calendar day after the date on which a reading instrument was administered, report, in writing, to a student's parent or guardian the student's results on the reading instrument; and
3. Using the school readiness certification system, report each student's raw score on the reading instrument to TEA using the school readiness certification system.

## **Cost**

**TEA shall ensure at least one reading instrument for each grade level for which a reading instrument is required to be administered is available to districts at no cost.**

## **Notice to Parents**

**A 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. A 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**

**A 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; 19 TAC 101.6001**

# EHBC — Special Programs: Compensatory Services and Intensive Programs

## Legal Framework

### Local Policy

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### Designing and Implementing Services

A 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 perform at grade level at the conclusion of the next regular school term. Education Code 29.081(a)

[See EHBCA for information regarding acceleration instruction and accelerated learning committees.]

### Intensive Program of Instruction

#### State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
  - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
  - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

#### Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

#### Use of State Funds

A 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.

## No Cause of Action

A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.

Education Code 28.0213

## Compensatory Education Allotment

### Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. Education Code 48.104(i)

### Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
  - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
  - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

### Dropout Prevention Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:
  - a. High-quality, college readiness instruction with strong academic and social supports;
  - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
  - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

## Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. 19 TAC 109.25(a)

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see At-Risk Student, below]. 19 TAC 109.25(b)

## Educationally Disadvantaged Students

### Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

#### Virtual School Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. 19 TAC 61.1027(b)(3)(B)

#### **At-Risk Student**

"Student at risk of dropping out of school" includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student's parent;
2. If the student is in grades 7–12, 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. 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;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;

7. Has been expelled in accordance with Education Code 37.007 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 an emergent bilingual student, as defined by Section 29.052;
11. Is in the custody or care of the Department of Family and Protective 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 [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or
15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." Education Code 29.081(d)(2)

### **Local Eligibility Criteria**

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. 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(g)

### **Dropout Recovery Education Programs**

A 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 program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

### **Communities in Schools**

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. Education Code 33.157

### **Optional Extended Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. Education Code 29.082(a); 19 TAC 105.1001

### **Optional Flexible Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. Education Code 29.0821; 19 TAC 129.1029

### **Optional Flexible School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

### **Tutorial Services**

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A 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

### **Basic Skills Programs**

A district may apply to the commissioner for funding of basic skills 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, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

### **After-School and Summer Intensive Mathematics and Science Programs**

A 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, a 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.

Education Code 29.088, .090; 19 TAC 102.1041

### **Mentoring Services Program**

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

### **Accelerated Reading Instruction Program**

A 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 the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1)

### **College Preparatory Courses**

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
  - a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
  - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.

### **Faculty**

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

### **Notice**

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

### **Credit Earned**

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

### **Dual Credit**

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners. [See EHDD]

### **Instructional Materials**

Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

### **End-of-Course Exam**

A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. Education Code 39.025(a-1)

MIDLOTHIAN ISD, EHBC(LEGAL)-P, UPDATE 121, DATE ISSUED: 5/11/2023

## **EHBC — Special Programs: Compensatory Services and Intensive Programs**

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**Adopted: Date not found**

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

**Accelerated Instruction**

The District shall provide accelerated instruction in accordance with law if a student fails to perform satisfactorily on a state-mandated assessment.

**Accelerated Learning Committee**

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

A parent complaint about the content or implementation of the educational plan shall be filed in accordance with FNG.

**MIDLOTHIAN ISD, EHBC(LOCAL)-A, UPDATE 118, DATE ISSUED: 10/27/2021**

**Pregnancy Related Services****Pregnancy Related Services**

Pregnancy Related Services (PRS) are a combination of Support Services and Compensatory Education Home Instruction (CEHI). These services are available to a pregnant student during pregnancy prenatal and postpartum periods to help her adjust academically, mentally and physically and to remain in school.

Support Services are provided during the prenatal period of pregnancy and while the student is still attending school, as well as during the prenatal or postpartum period while the student is at home or hospital for a valid medical necessity or recovering from delivery and being served with PRS CEHI. Examples of Support Services the student may access are counseling, health services provided by school nurse, case management and service coordination.

Compensatory Education Home Instruction (CEHI) is academic instruction offered to the student in the home or hospital. The number of hours per week of instruction by a certified teacher varies according to student needs and attendance is reported according to TEA formula. This service is provided under different circumstances:

- 1) Prenatal Confinement. If the student cannot attend school on campus due to a valid medical necessity documented by a nurse practitioner or licensed physician licensed to practice in the United States. A medical release must be obtained by the medical or nurse practitioner to return to campus for any reason, including to take standardized tests. There is no limit to the number of events or the length of each event.
- 2) Postpartum Confinement. A student who has delivered a live, aborted, or stillborn baby, suffered a miscarriage or death of a newborn, or placed a baby up for adoption can be served, beginning the day of or the day after delivery for up to six consecutive weeks at home or hospital.
- 3) Extended Postpartum Confinement. Four additional weeks of CEHI may be provided a student when a valid medical necessity of the mother or child exists as documented by a licensed physician licensed to practice in the United States.
- 4) Break-In-Service Confinement. This service is for a maximum of ten weeks in length, divided into two periods in instances when the infant remains hospitalized after delivery. The student may return to school while the infant is hospitalized, then return to CEHI when the infant is home. When the student returns to school between the two CEHI periods, the student will not be coded PRS. A medical release will be required for the student to return to campus.

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## **COMPREHENSIVE SCHOOL COUNSELING PROGRAM**

### **FFEA — Counseling and Mental Health: Counseling**

#### **Legal Framework**

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#### **Parental Consent and Review**

A board shall adopt guidelines to ensure that written consent is obtained from the parent, legal guardian, or other person entitled to enroll the student under Education Code 25.001(j) for the student to participate in those activities for which parental consent is required. Education Code 33.003

Each school shall obtain, and keep as part of the student's permanent record, this written consent by the parent or legal guardian. The consent form shall include specific information on the content of the program and the types of activities in which the student will be involved.

Each school, before implementing a comprehensive school counseling program, shall annually conduct a preview of the program for parents and guardians. All materials, including curriculum to be used during the year, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials available on the campus for preview may not be used.

Education Code 33.004

### **Child Consent to Counseling**

A child may consent to counseling for:

1. Suicide prevention,
2. Chemical addiction or dependency; or
3. Sexual, physical, or emotional abuse.

Family Code 32.004(a)

[For more information about consent for mental health treatment, see FFEB.]

### **Comprehensive School Counseling Program**

A school counselor shall work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

The school counselor shall design the developmental guidance and counseling program to include:

1. A guidance curriculum to help students develop their full educational potential, including the student's interests and career objectives.
2. A responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk.
3. An individual planning system to guide a student as the student plans, monitors, and manages the student's own educational, career, personal, and social development.
4. System support to support the efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.

Education Code 33.005

### **Higher Education Counseling**

Each school counselor at an elementary, middle, or junior high school shall advise students and their parents or guardians regarding the importance of postsecondary education, coursework designed to prepare students for postsecondary education, and financial aid availability and requirements.

During the first school year a student is enrolled in high school, and again during each year of a student's enrollment in high school, a school 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 postsecondary education;
2. The advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation 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;
8. The eligibility and academic performance requirements for the TEXAS Grant;
9. The availability of programs in a district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
10. The availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Education Code 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services; and
11. The availability of college credit awarded by institutions of higher education to veterans and military servicemembers for military experience, education, and training obtained during military service as described by the information materials developed by the commissioner in cooperation with the Texas Higher Education Coordinating Board under Labor Code 302.0031(h).

When providing information under item 10, above, the school counselor must report to the student and the student's parent or guardian the number of times the counselor has provided the information to the student.

When providing information under item 11, the school counselor must explain to any student who is enlisted or intends to enlist in the armed forces of the United States the informational materials developed under Labor Code 302.0031.

### **Automatic Admission**

At the beginning of grades 10 and 11, a certified school counselor shall explain the requirements of automatic admission to a general academic teaching institution to each student who has a grade point average in the top 25 percent of the student's high school class. [See EIC]

Education Code 33.007; 19 TAC 61.1071

### **Notice of Grant Programs**

In a manner that assists the district in implementing the district improvement plan, a district shall notify students in middle school, junior high school, and high school and those students' teachers, school counselors, and parents of:

1. The TEXAS Grant and the Teach for Texas Grant programs;
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.

Education Code 56.308(b)(1)

**MIDLOTHIAN ISD**

**FFEA(LEGAL)-P**

**UPDATE 115**

**DATE ISSUED: 7/9/2020**

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**STUDENT WELFARE AND SUICIDE PREVENTION**



# Suicide Prevention Plan

## Suicide Prevention Plan

# Midlothian ISD

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# MISD Suicide Prevention Protocol

## Purpose

The purpose of this prevention plan is to protect the health and emotional well-being of all students by setting forth procedures, training, and mitigation efforts in order to prevent, assess, intervene and respond to suicide.

At Midlothian ISD, we:

- Recognize that the safety and security of all students includes physical health and mental health.
- Recognize that social, emotional and behavioral support is a vital part of the educational process.
- Acknowledge that suicide is a leading cause of death among young people.
- Acknowledges the school is responsible for taking a proactive approach in the prevention and intervention of deaths by suicide.

# Prevention

## District Level Suicide Prevention Coordinator

The district will designate a suicide prevention coordinator who will be responsible for planning and coordinating implementation of prevention programs, oversee protocols, and implementation of staff development. The district suicide prevention coordinator is Sabra Golden, Director of Guidance and Counseling.

## School Suicide Prevention Coordinator

Each campus will have a school suicide prevention coordinator to act as the point of contact for issues relating to suicide prevention. The campus counselor will act as the school suicide prevention coordinator. All staff members shall report students they believe to be elevated risk for suicide to the campus counselor.

## Staff Professional Development

All staff will receive annual professional development on risk factors, warning signs, protective factors, response procedures, referrals, postvention, and resources regarding youth suicide prevention.

- All staff will complete suicide training through district compliance training annually.
- All staff will receive face-to-face training provided by the campus counselor within the first 30 days of school to review campus procedures for reporting students believed to be at elevated risk for suicide and protocols for referral.
- The professional development must include: risk factors, warning signs, protective factors, response procedures, referrals, postvention, resources, and groups of students who are at elevated risk (those living with mental and/or substance use disorders, those who engage in self-harm or have attempted suicide, those in out-of-home settings, those experiencing homelessness, American Indian/Alaska Native students, LGBTQIA students, students bereaved by suicide, and those with medical conditions or certain types of disabilities).

## Youth Suicide Prevention Programming

Developmentally-appropriate, student-centered education materials will be integrated into the guidance and counseling curriculum to include: the importance of safe and healthy choices and coping strategies focused on resiliency building; how to recognize risk factors and warning signs of suicide in oneself and others; and help-seeking strategies for oneself or others, including how to reach school resources to refer peers for help.

- Kinder-4th - Direct guidance lessons for healthy choices and coping strategies
- 5th Grade - Riding the Waves Curriculum

- 6th - 12th Grade - SOS Curriculum

## Identification and Intervention

When a student is identified by a peer, educator or other source as potentially suicidal, the student must be seen by a school-employed mental health professional to assess risk and facilitate a referral if necessary. School staff members should:

- Immediately escort the student to the school counselor. In the event a school counselor is not on campus, the student should be escorted to a campus administrator. Students are not to be sent alone to that location.
- Under no circumstances should the student be allowed to leave school alone or be alone.
- Supervise the student until a 24/7 caregiving resource can assume responsibility.

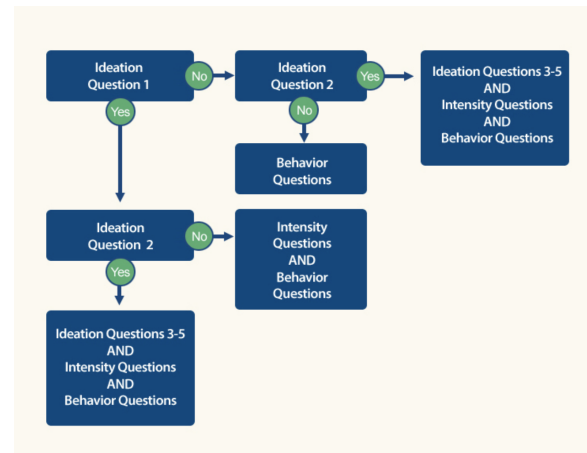
Suicide behavior may include but is not limited to; expression of suicide either in writing or verbally, presenting overt risk factors such as agitation or self-harm, expression of non-specific thoughts of wanting to end one's life, or endorsing thoughts about a wish to be dead. Students who have received a severe discipline consequence should be assessed. Counselors and/or campus administrators will utilize the [Suicide Risk Report](#) form to document all steps. A completed copy of this form will be sent to Executive Director of Student Services, Krista Tipton and Director of Guidance and Counseling, Sabra Golden.

## Suicide Risk Assessment

The counselor will conduct a suicide risk assessment to determine the level of risk and to identify the most appropriate actions to ensure the immediate and long-term safety and well-being of the student.

- [C-SSRS Recent](#)
- [C-SSRS Very Young/Cognitively Impaired](#)
- [C-SSRS Lifetime \(full scale\)](#)
- <http://cssrs.columbia.edu/training/training-options/> Select interactive C-SSRS training module

C-SSRS Content	
Screening Version	Full Version
<ul style="list-style-type: none"> <li>• Ideation Severity</li> <li>• Behaviors (One consolidated question)</li> </ul>	<ul style="list-style-type: none"> <li>• Ideation Severity</li> <li>• Ideation Intensity</li> <li>• Behaviors</li> <li>• Lethality of Attempts</li> </ul>



## Develop a Safety Plan

Following the completion of the risk assessment, helping the student develop a written list of coping strategies and sources of support that can be of assistance when he or she is having thoughts of suicide is required. A safety plan developed with the caregiver is best practice. Counselors and/or designee will use the [MISD Safety Plan Form](#). A [Parent Conference Guide](#) is available with talking points, including discussing the removing and off-site storage of lethal means which include but are not limited to; firearms, ammunition, and medications.

## Caregiver Notification

The appropriate caregiver(s) **must always be notified** when signs of suicidal thinking and behavior are observed. If child abuse is suspected, child protective services must be contacted.

- Even if a student is to be judged as low risk for suicidal behavior, caregivers must be contacted.
- If a student is in imminent danger, the student must be picked up by the appropriate caregiver. The student should not be allowed to leave the building alone or on a school bus.
- When appropriate, it may be necessary to call emergency services.
- Whether a student is in imminent danger or not, it is strongly recommended that lethal means are removed or made inaccessible (i.e. guns, poisons, medications, and sharp objects).
- All caregiver notifications must be documented using the [Suicide Risk Report](#).

## Parent Acknowledgement Form

If the student is deemed in imminent danger, the appropriate caregiver should be informed of the outcome of the risk assessment, safety plan, and given a copy of both. The parent should also sign the *Parent Acknowledgement Form for Student at Risk of Suicide*. Again, the student must be picked up by the appropriate caregiver and is not to leave the building alone or on a school bus.

[\*Parent Acknowledgement Form for Student at Risk of Suicide\*](#).

## Referral

The counselor will refer students who are critical or in imminent danger to mental health services outside of school and will coordinate that effort with the caregiver(s). If the caregiver(s) do not seek help for their child, MISD will be obligated to contact the Texas Department of Family and Protective Services. Counselors can utilize the [Community Resource Guide](#) or other resources as deemed necessary.

## Release of Information

It may be necessary for a [Release of Information Form](#) to be signed so that the school counselor and principal can communicate directly with an outside mental health or medical provider for the student. It is best to obtain release from the primary caregiver to facilitate the sharing of information.

## Administrative Notification

The counselor will notify the campus administrator of students in imminent danger, and forward any medium/high level risk assessments to the Student Services Administrator, Krista Tipton/Sabra Golden..

## When to Engage Law Enforcement

When a student is actively suicidal and the immediate safety of the student or others is at-risk (such as when a weapon is in possession of the student), school staff shall contact the campus SRO and call 911 immediately. School staff should tell the dispatcher that the student is a suicidal emotionally disturbed person, or "suicidal EDP" to allow for the dispatcher to send officers with specific training.

Another situation in which the campus shall notify law enforcement would be in the case that a student is actively suicidal, the immediate safety of the student is at-risk, and the parent reports a lack of resources, such as transportation, to get the student to a behavioral health facility.

## School Reentry

Once the student returns to school, the principal and counselor will meet with the student and the student's caregiver(s) to discuss reentry steps needed to ensure the student has a successful return to school.

- [Reentry from Treatment Facility or Reentry of Suicidal Student](#) form should be used. The parent or guardian will provide documentation from a mental health care provider acknowledging that the student has undergone examination and they are no longer a danger to themselves or others.
- The counselor will also meet with the student and set up a plan to regularly check-in and monitor the student to assess his/her adjustment and future needs..
- Staff responsible for the safety and welfare of the student should be provided with the information necessary to work with the student and preserve the safety of the student. School staff members do not need clinical information about the student or detailed history of his/her suicidal risk behavior. Discussion among staff should be restricted to the student's treatment and support needs.

## Documentation

Counselors will use the [Suicide Risk Report](#) form to document that all protocols were followed. A completed copy of this form will be sent to Director of Student Services, Dr. Al Hemmle.

## Monitoring

The campus counselor will meet regularly to monitor ongoing suicidality of students who have already been assessed either by the campus counselor, an outside mental health professional, or in a hospital setting. Use the *Suicide Risk Monitoring Tool*.

- [Elementary/Middle](#)
- [Middle/High](#)

## COVID19 Suicide Prevention Procedures - Distance Learning

Just as would be done in a brick and mortar school, virtual suicide prevention service delivery should identify and assertively support vulnerable populations (e.g., those exposed to suicidal behavior; known to be challenged by mental illness, disabilities, and bullying/cyberbullying; with housing insecurity and who are homeless; with trauma histories; and with histories of nonsuicidal self-injury). LGBTQ+ students can be a high-risk group, especially if they view access to important social supports as no longer available, particularly if they are experiencing parental rejection or peer victimization.

- [NASP Prevention Checklist for Distance Learning](#)

National Association of School Psychologists (2020). Comprehensive suicide prevention in a time of distance learning

## COVID 19 - Provide Resources to Staff

Review with all school staff members suicide risk assessment referral procedures and any modifications to such made necessary by **distance learning**. School staff should understand how to quickly access support for, and refer, at risk students when providing distance learning activities.

- District Crisis Link
- [District COVID19 Counseling Resources](#)

## Procedures for Emergency Situations

If you have any questions, please call Sabra Golden 469-856-5084 or Commander Hicks 469-856-5029

- [Utilize this checklist for risk-assessment purposes for students distance learning.](#)
  - a. **Suicide or harm to self - If it's an emergency call 911**
    - i. Initial parent contact - first response

- ii. Provide resources and guidance regarding next steps
  - iii. Safety plan - walk parents through safety plan
  - iv. If you can't get a hold of a parent, call campus administrator AND call Sgt. Halbert @ 817-988-0716 (during the day Mon-Fri)
  - v. If need police response and it's evening/weekend/night - call dispatch and ask for welfare check @ 972-775-3333
  - vi. Follow up documentation to parent: email with recommendation and resources
  - vii. Contact campus principal regardless to keep them in the loop (cc campus admin on follow-up email with parent)
- b. **Harm to others - If it's an emergency call 911**
- i. Non Emergency - Contact campus principal and call Sgt. Halbert @ 817-988-0716

## Facts and Tips

1. According to the CDC, in a National study in 2017, 17.2% of students had seriously considered attempting suicide during the 12 months.
2. During the 12 months before the survey, 13.6% of students nationwide had made a plan about how they would attempt suicide and 7.4% of students had actually attempted suicide.
3. In 2016, leading causes of deaths among adolescents aged 15–19 years were:
  - a. Accidents (unintentional injuries)
  - b. Suicide
  - c. Homicide
4. Suicide is preventable. Youth who are contemplating suicide typically give warning signs of their distress. Most important is to never take these warning signs lightly or promise to keep them secret.
5. Talking about suicide does not cause someone to be suicidal.
6. Suicide occurs across all age, economic, social, racial and ethnic boundaries.
7. Suicide Warning Signs. Most suicidal youth demonstrate observable behaviors signalling suicidal thinking:
  - a. Suicidal threats in the form of direct (e.g., "I am going to kill myself") and indirect (e.g., "I wish I could fall asleep and never wake up again") statements
  - b. Suicide notes and plans (including online postings)
  - c. Making final arrangements (e.g., giving away prized possessions)
  - d. Preoccupation with death
  - e. Changes in behavior, appearance, thoughts, and/or feelings.
8. Schools have an important role in preventing youth suicide. Children and youth spend the majority of their day in school where caring and trained adults are available to help them. Schools need trained mental health staff and clear procedures for identifying and intervening with students at risk for suicidal behavior.

9. The entire school staff should work to create an environment where students feel safe. School mental health and crisis team members are responsible for conducting suicide risk assessment, warn/inform parents, provide recommendations and referrals to community services, and often provide follow up counseling and support at school.
10. Collaboration between schools and community providers is critical. Establishing partnerships with local community mental health agencies helps connect students to needed services in a timely manner and helps smooth re-entry to school.
11. Never ignore or keep information a secret. Peers should not agree to keep the suicidal thoughts of a friend a secret and instead should tell an adult, such as a parent, teacher, or school psychologist. Parents should seek help from school or community mental health resources as soon as possible. School staff should take the student to the designated school mental health professional or administrator.
12. Get immediate help if a suicide threat seems serious. Call 911 or the National Suicide Prevention Lifeline at 1-800-273-TALK (8255)

## **Suicide Risk Factors**

Suicide risk factors are characteristics or conditions that increase the chance that a person may try to take his/her life. Suicide tends to be highest when someone has several risk factors at the same time. [Risk and Protective Factors](#)

The most frequently cited risk factors for suicide are:

- Situational crises (e.g., the presence of a gun in the home, bullying and harassment, serious disciplinary action, death of a loved one, physical or sexual abuse, breakup of a relationship/friendship, family violence, suicide of a peer)
- Previous suicide attempt(s)
- Impulsivity and aggression, especially along with a mental disorder
- Isolation and aloneness
- Non-suicidal self-injury (e.g., cutting)
- Mental illness including depression, bipolar, conduct disorders, and substance abuse
- Family stress/dysfunction
- Personality traits that create a pattern of intense, unstable relationships or trouble with the law
- Family history of suicide
- Environmental risks, including presence of a firearm in the home

Student populations at an elevated risk for suicidal behavior based on various factors are:

- Youth living with mental and/or substance abuse disorders
- Youth who engage in self-harm or have attempted suicide
- Youth in out-of-home settings
- Youth experiencing homelessness
- American Indian/Alaskan Native youth

- LGBTQ (lesbian, gay, bisexual, transgender, or questioning) youth. LGB youth are 4 times more likely, and questioning are 3 times more likely.
- Youth bereaved by suicide
- Youth living with medical conditions and disabilities

## Protective Factors

Protective factors are characteristics or conditions that may help to decrease a person's suicide risk. While these factors do not eliminate the possibility of suicide, especially in someone with risk factors, they may help to reduce that risk.

- Receiving effective mental health care
- Positive connections to family, peers, community, and social institutions that foster resilience
- Ability to solve problems
- Positive parenting practices
- School connectedness
- Healthy parent-child relationships

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## ACEs

Adverse childhood experiences (ACEs) are a significant risk factor for substance use disorders and can impact prevention efforts. Adverse childhood experiences (ACEs) are stressful or traumatic events, including abuse and neglect. They may also include household dysfunction such as witnessing domestic violence or growing up with family members who have substance use disorders. ACEs are strongly related to the development and prevalence of a wide range of health problems throughout a person's lifespan, including those associated with substance misuse.

ACEs include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Physical neglect
- Emotional neglect
- Intimate partner violence
- Mother treated violently

- Substance misuse within household
- Household mental illness
- Parental separation or divorce
- Incarcerated household member

## ACEs Research and Behavioral Health

Research has demonstrated a strong relationship between ACEs, substance use disorders, and behavioral problems. When children are exposed to chronic stressful events, their neurodevelopment can be disrupted. As a result, the child's cognitive functioning or ability to cope with negative or disruptive emotions may be impaired. Over time, and often during adolescence, the child may adopt negative coping mechanisms, such as substance use or self-harm. Eventually, these unhealthy coping mechanisms can contribute to disease, disability, and social problems, as well as premature mortality.

## ACEs and Behavioral Problems

- Suicide attempts. ACEs in any category increased the risk of attempted suicide by 2- to 5-fold throughout a person's lifespan, according to a 2001 study. According to a recent [2017 article\(link is external\)](#), individuals who reported 6 or more ACEs had 24.36 times increased odds of attempting suicide.
- Lifetime depressive episodes. Exposure to ACEs may increase the risk of experiencing depressive disorders well into adulthood—sometimes decades after ACEs occur. Learn more from a [2015 study on ACEs and the risk of geriatric depressive disorders](#).
- Negative physical health outcomes. Experiencing adverse childhood family experiences may increase the risk for long-term physical health problems (e.g., diabetes, heart attack) in adults. Learn more from a [2015 study on long-term physical health consequences of adverse childhood experiences](#).
- Sleep disturbances in adults. People with a history of ACEs have a higher likelihood of experiencing self-reported sleep disorders, according to a [2015 systematic review of research studies on ACEs and sleep disturbances in adults](#).
- High-risk sexual behaviors. Women with ACEs have reported risky sexual behaviors, including early intercourse, having had 30 or more sexual partners, and perceiving themselves to be at risk for HIV/AIDS. Learn more from a [2001 study on ACEs and sexual risk behaviors in women](#). Sexual minorities who experience ACEs also demonstrate earlier sexual debut [according to a 2015 study](#).

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## Postvention

## **Development and Implementation of a Crisis Response Plan**

The crisis response team will develop an action plan to guide school response following a death by suicide. A meeting of the crisis team to implement the action plan should take place immediately following news of the suicide death. The action plan may include the following steps:

### **Get the Facts**

a) Verify the death. Staff will confirm the death and determine the cause of death through communication with a coroner's office, local hospital, the student's parent or guardian, or police department. Even when a case is perceived as being an obvious instance of suicide, it should not be labeled as such until after a cause of death ruling has been made. If the cause of death has been confirmed as suicide but the parent or guardian will not permit the cause of death to be disclosed, the school will not share the cause of death but will use the opportunity to discuss suicide prevention with students.

### **Assess the Situation**

b) The crisis team will meet to prepare the postvention response, to consider how severely the death is likely to affect other students, and to determine which students are most likely to be affected. The crisis team will also consider how recently other traumatic events have occurred within the school community and the time of year of the suicide. If the death occurred during a school vacation, the need for or scale of postvention activities may be reduced.

### **Share Information**

c) Before the death is officially classified as a suicide by the coroner's office, the death can and should be reported to staff, students, and parents/guardians with an acknowledgement that its cause is unknown. Inform the faculty that a sudden death has occurred, preferably in a staff meeting. Write a statement for staff members to share with students. The statement should include the basic facts of the death and known funeral arrangements (without providing details of the suicide method), recognition of the sorrow the news will cause, and information about the resources available to help students cope with their grief. Public address system announcements and school-wide assemblies should be avoided. The crisis team may prepare a letter (with the input and permission from the student's parent or guardian) to send home with students that includes facts about the death, information about what the school is doing to support students, the warning signs of suicidal behavior, and a list of resources available.

### **Avoid Suicide Contagion**

d) It should be explained in the staff meeting described above that one purpose of trying to identify and give services to other high risk students is to prevent another death. The crisis team will work with teachers to identify students who are most likely to be significantly affected by the death. In the staff meeting, the crisis team will review suicide warning signs and procedures for reporting students who generate concern.

## **Initiate Support Services**

e) Students identified as being more likely to be affected by the death will be assessed by a school employed mental health professional to determine the level of support needed. The crisis team will coordinate support services for students and staff in need of individual and small group counseling as needed. In concert with parents or guardians, crisis team members will refer to community mental healthcare providers to ensure a smooth transition from the crisis intervention phase to meeting underlying or ongoing mental health needs.

## **Develop Memorial Plans**

f) The school should not create on-campus physical memorials (e.g. photos, flowers), funeral services, or fly the flag at half-mast because it may sensationalize the death and encourage suicide contagion. School should not be canceled for the funeral. Any school-based memorials (e.g., small gatherings) will include a focus on how to prevent future suicides and prevention resources available.

## **External Communication**

A school designee will be the sole media spokesperson. Staff will refer all inquiries from the media directly to the spokesperson. The spokesperson will:

- a) Keep the district suicide prevention coordinator and superintendent informed of school actions relating to the death.
- b) Prepare a statement for the media including the facts of the death, postvention plans, and available resources. The statement will not include confidential information, speculation about victim motivation, means of suicide, or personal family information.
- c) Answer all media inquiries. If a suicide is to be reported by news media, the spokesperson should encourage reporters not to make it a front-page story, not to use pictures of the suicide victim, not to use the word suicide in the caption of the story, not to describe the method of suicide, and not to use the phrase "suicide epidemic" – as this may elevate the risk of suicide contagion. They should also be encouraged not to link bullying to suicide and not to speculate about the reason for suicide. Media should be asked to offer the community information on suicide risk factors, warning signs, and resources available.

## **Messaging and Suicide Contagion**

Research has shown a link between certain kinds of suicide-related media coverage and increases in suicide deaths. Suicide contagion has been observed when:

- the number of stories about individual suicides increases,
- a particular death is reported in great detail,
- the coverage of a suicide death is prominently featured in a media outlet, or
- when the headlines about specific deaths are framed dramatically (e.g., "Bullied Gay Teen Commits Suicide By Jumping From Bridge").

Research also shows that suicide contagion can be avoided when the media report on suicide responsibly, such as by following the steps outlined in "Recommendations for Reporting on Suicide" at [www.reportingonsuicide.org](http://www.reportingonsuicide.org). Contagion can also play a role in cases of self-harm behavior. These behaviors may originate with one student and can spread to other students through imitation.

Because adolescents are especially vulnerable to the risk of contagion, in the case of a suicide death, it is important to memorialize the student in a way that does not inadvertently glamorize or romanticize either the student or the death. Schools can do this by seeking opportunities to emphasize the connection between suicide and underlying mental health issues such as depression or anxiety that can cause substantial psychological pain but may not be apparent to others (or that may manifest as behavioral problems or substance abuse). However, schools should strive to treat all deaths in the same way. Having one approach for memorializing a student who died of cancer or in a car accident and a different approach for a student who died by suicide reinforces stigma and may be deeply and unfairly painful to the student's family and friends.

Finally, after a death by suicide it is important for schools to encourage parents/guardians to monitor their child's social networking pages. Students often turn to social networking websites as an outlet for communicating information and for expressing their thoughts and feelings about the death. Parents/ guardians should be advised to monitor the websites for warning signs of suicidal behavior.

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## Resources

National Suicide Prevention Lifeline at 1-800-273-TALK (8255)

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

Crisis Text Line - Text HOME to 741741

<https://www.crisistextline.org/>

Trevor Project for Youth 1-866-488-7386

<http://www.thetrevorproject.org/>

American Foundation for Suicide Prevention

American Foundation for Suicide Prevention

<https://afsp.org/>

TEA - Suicide Prevention

[https://tea.texas.gov/About\\_TEA/Other\\_Services/Mental\\_Health/Suicide\\_Prevention/](https://tea.texas.gov/About_TEA/Other_Services/Mental_Health/Suicide_Prevention/)

Means Matter - Harvard School of Public Health

<https://www.hsph.harvard.edu/means-matter/>

ACEs

<https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>

International School Counseling Association

<https://iscainfo.com/>

Dr. Scott Poland Webinar on 13 Reasons Why

<https://www.keenan.com/Knowledge-Center/Webinars/Webinar-Details/responding-to-netflixs-13-reasons-why-recommendations-for-school-personnel>

Youth Risk Behavior Survey 2017

[https://www.cdc.gov/nchhstp/dear\\_colleague/2018/dcl-061418-YRBS.html](https://www.cdc.gov/nchhstp/dear_colleague/2018/dcl-061418-YRBS.html)

Self-Injury

<http://www.selfinjury.bctr.cornell.edu/>

Texas Suicide Safer School Plan

<https://texassuicideprevention.org/>

Montana CAST - Crisis Action School Toolkit

<http://www.bigskyaacap.org/cast-s.html>

[https://drive.google.com/file/d/1WTr5VB\\_R3Z48t7hkiw7xpgDTBpa8znu/view?usp=sharing](https://drive.google.com/file/d/1WTr5VB_R3Z48t7hkiw7xpgDTBpa8znu/view?usp=sharing)

Weekly Spark

Including brief on suicide and bullying

<https://www.sprc.org/news-and-highlights>

Jason Flatt Foundation

<http://jasonfoundation.com/about-us/jason-flatt-act/>

SOS - Middle and High School

<https://mentalhealthscreening.org/>

Riding the Waves - Elementary

<https://www.crisisconnections.org/get-training/schools/>

DBT - Cutting

<https://www.psychologytoday.com/us/therapy-types/dialectical-behavior-therapy>

<https://www.michaelshouse.com/dual-diagnosis/dialectical-behavior-therapy-cutting/>

Nova - Videos (suicide and self-harm)

<https://www.nova.edu/suicideprevention/training-videos.html>

Evan

<https://www.youtube.com/watch?v=A8syQeFtBKc>

Tomorrow's News

<https://www.youtube.com/watch?v=ZvRQ1StsYGw>

Columbia Suicide Severity Rating Scale

<http://cssrs.columbia.edu/>

<http://cssrs.columbia.edu/the-columbia-scale-c-ssrs/about-the-scale/>

After a Suicide: A Toolkit for Schools 2018

<https://www.sprc.org/resources-programs/after-suicide-toolkit-schools>

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## **CRISIS INTERVENTION - TRAUMA-INFORMED CARE**

### **FFBA — Crisis Intervention: Trauma-Informed Care**

**Legal Framework**

**Local Policy**

**[Table of Contents](#)**

**[Trauma-Informed Care Policy](#)**

A district shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. A district must include the policy in the district improvement plan required under Education Code 11.252 [see BQ].

The policy must address:

1. Using resources developed by the Texas Education Agency (TEA), methods for:
  - a. Increasing staff and parent awareness of trauma-informed care; and
  - b. Implementation of trauma-informed practices and care by district and campus staff; and
2. Available counseling options for students affected by trauma or grief.

Education Code 38.036(a)–(b)

### **Training**

The methods for increasing awareness and implementation of trauma-informed care must include training as provided below. The training must be provided:

1. Through a program selected from the list of recommended best practice-based programs and research-based practices established under Education Code 38.351;
2. In accordance with the district professional development policy [see DMA]; and
3. As part of any new employee orientation for all new district educators.

The training must address how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma. The training may include two or more listed topics together.

For any training under this provision, a district shall maintain records that include district staff members who participated in the training.

If a district determines that the district does not have sufficient resources to provide the training required under this provision, the district may partner with a community mental health organization to provide training that meets the requirements at no cost to the district.

Education Code 38.036(c)–(d), (f)

**MIDLOTHIAN ISD, FFBA(LEGAL)-P, UPDATE 118, DATE ISSUED: 10/27/2021**

## **FFBA — Crisis Intervention: Trauma-Informed Care**

### **Legal Framework**

**Local Policy**

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**Trauma-Informed Care Program**

The District's trauma-informed care program, as included in the District improvement plan, shall provide for the integration of trauma-informed care practices in the school environment, including increasing staff and parent awareness of trauma-informed care, implementation of trauma-informed practices and care by District and campus staff, and providing information about available counseling options for students affected by trauma or grief.

**Training**

The District shall provide training in trauma-informed care to District educators as required by law and the Board-approved District professional development plan. The District improvement plan shall specify required training for any other District employees as applicable.

**MIDLOTHIAN ISD**

**FFBA(LOCAL)-A**

**UPDATE 119**

**DATE ISSUED: 6/13/2022**

**FFEB — Counseling and Mental Health: Mental Health**

**Legal Framework**

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**Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. For personnel information about mental health professionals, see DP.**

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**Mental Health Condition**

"Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

## **Student Programs**

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

## **Subject Areas**

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

"School climate" means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

## **Practices and Procedures**

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
  - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and
  - b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

### **Immunity**

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. Education Code 38.352

### **Student Identification Cards**

Each student identification card issued by a public school to a student in grade six or higher must have printed on the card the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line. The student identification card may have printed on the card the contact information for a local suicide prevention hotline, if available. Education Code 38.353

## **Consent to Examinations, Tests, or Treatment**

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

## **Professional's Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

## **Exception: Court Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DP for more information about LSSP and school counselor responsibilities.]

## **Consent to LSSP**

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any Texas Behavioral Health Executive Council (TBHEC) rules, is necessary in this context.

Licensees providing psychological services under 22 Administrative Code 465.38(e)(2), however, must obtain informed consent as otherwise required by the TBHEC rules. 22 TAC 465.38(g)

### **Professional Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. Family Code 32.004(d)

### **Outside Counselors**

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

### **Psychotropics and Psychiatric Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or
2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

### **Child Abuse Reporting**

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

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

Education Code 26.0091; Family Code 261.111(a) [See FFG]

**MIDLOTHIAN ISD, FFEB(LEGAL)-P, UPDATE 118, DATE ISSUED: 10/27/2021**

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## **STUDENT WELFARE: DISCIPLINE/CONFLICT/VIOLENCE MANAGEMENT**

### **FFH — Student Welfare: Freedom from Discrimination, Harassment, and Retaliation**

**Legal Framework**

**Local Policy**

**Exhibit**

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**Note:The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.**

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## **Dating Violence**

### **Policy Requirements**

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

### **Student Resources**

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. Education Code 37.0831(c)

*Note:*References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

The U.S. Department of Education's Office for Civil Rights has issued a formal interpretation that discrimination on the basis of sex under Title IX includes discrimination on the basis of sexual orientation and gender identity.

## **Sexual Harassment**

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. Education Code 37.083 [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. 20 U.S.C. 1681 (Title IX)

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. 34 C.F.R. 106.45; 20 U.S.C. 1681 [See also FB regarding Title IX]

### **Designation of Title IX Coordinator**

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

### **Parties Entitled to Notice**

The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

34 C.F.R. 106.8(a)

### **Reporting**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. 34 C.F.R. 106.8(a)

### **Notification of Policy**

A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.2(d), .8(b)(1)

### **Publication Requirements**

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

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*Note:*To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

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### **Adopting and Publishing Complaint Procedures**

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)–(d)

### **Response to Sexual Harassment**

#### **Definitions**

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute

corrective measures on behalf of the district. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the

district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

### *Deliberate Indifference*

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

### *Education Program or Activity*

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

### **Title IX Coordinator Response**

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. 34 C.F.R. 106.44(b)(1)

### *Supportive Measures Required*

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

### *Constitutional Restrictions*

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

### Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. 34 C.F.R. 106.44(b)(1)

### Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

### Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. 34 C.F.R. 106.44(d)

### **Process for Title IX Formal Complaint**

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for handling formal complaints of sexual harassment must apply equally to both parties. 34 C.F.R. 106.45(b)

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services

described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;
3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;
4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;
5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;
6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;
8. Include the procedures and permissible bases for the complainant and respondent to appeal;
9. Describe the range of supportive measures available to complainants and respondents; and
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.
2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:
  - a. The identities of the parties involved in the incident, if known;
  - b. The conduct allegedly constituting sexual harassment; and
  - c. The date and location of the alleged incident, if known.

The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

#### Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

#### Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the

same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)–(4)

### Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
7. Create an investigative report that fairly summarizes relevant evidence and, at least ten days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. 34 C.F.R. 106.45(b)(6)(ii)

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. 34 C.F.R. 106.45(b)(7)(iv)

### Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Title IX Formal Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

### Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:

- a. The allegations;
  - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
  3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

### **Recordkeeping**

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

### **Retaliation Prohibited**

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohibited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)–(b)

### **Confidentiality**

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. 34 C.F.R. 106.71(a)

### **MIDLOTHIAN ISD**

### **FFH(LEGAL)-P**

### **UPDATE 119**

**DATE ISSUED: 6/13/2022**

## **FFH — Student Welfare: Freedom from Discrimination, Harassment, and Retaliation**

**Legal Framework**

**Local Policy**

## Exhibit

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**Adopted: Date not found**

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**Note: This policy addresses discrimination, including harassment, and retaliation against District students. For provisions regarding discrimination, including harassment, and retaliation against District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.**

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### **Prohibited Conduct**

In this policy, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Prohibited conduct also includes sexual harassment as defined by Title IX. [See FFH(LEGAL)]

### **Statement of Nondiscrimination**

The District prohibits discrimination, including harassment, against any student. Discrimination is defined as treating a student or group of students differently from similarly situated students on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. One type of harassment this policy prohibits is dating violence, as defined below. Retaliation against anyone exercising their rights under this policy is a violation of District policy and is prohibited.

### **Harassment**

Harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Harassment includes dating violence as defined by law and this policy.

### **Examples**

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name calling, slurs, or rumors; cyberharassment; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

### **Title IX Sexual Harassment**

As required by law, the District shall follow the procedures below at Response to Title IX Sexual Harassment upon a report of sex-based harassment, including sexual harassment, gender-based harassment, and dating violence, when such allegations, if proved, would meet the definition of sexual harassment in an education program or activity and against a person in the United States under Title IX. [See FFH(LLEGAL)]

### **Other Sexual Harassment**

#### **By an Employee**

Sexual harassment of a student by a District employee includes both welcome and 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. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or other inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

#### **By Others**

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

#### **Examples**

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communications, including electronic communication.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

### **Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

### **Examples**

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; cyberharassment; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

### **Dating Violence**

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

### **Examples**

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

## **Reporting Procedures**

### Student Report

Any student who believes that he or she has experienced prohibited conduct and any person who believes that a student has experienced prohibited conduct should immediately report the alleged acts to a teacher, school counselor, principal, other District employee, or the appropriate District official listed in this policy.

### Employee Report

Any District employee who suspects or receives direct or indirect notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate District official listed in this policy and take any other steps required by this policy.

### Definition of District Officials

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

#### Title IX Coordinator

Reports of discrimination based on sex, including sexual harassment, gender-based harassment, or dating violence, may be directed to the designated Title IX coordinator for students. [See FFH(EXHIBIT)]

#### ADA / Section 504 Coordinator

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator for students. [See FFH(EXHIBIT)]

#### Superintendent

The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

## **Alternative Reporting Procedures**

An individual shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

### **Timely Reporting**

To ensure the District's prompt investigation, reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act.

### **Notice to Parents**

The District official or designee shall promptly notify the parents of any student alleged to have experienced prohibited conduct by a District employee or another adult. [For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

When the District receives a report of prohibited conduct that includes dating violence, the appropriate District official shall immediately notify the parent or guardian of the student who has been identified in the report as the alleged victim or perpetrator.

### **Investigation of Reports Other Than Title IX**

The following procedures apply to all allegations of prohibited conduct other than allegations of harassment prohibited by Title IX. [See FFH(LEGAL)] For allegations of sex-based harassment that, if proved, would meet the definition of sexual harassment under Title IX, including sexual harassment, gender-based harassment, and dating violence, see the procedures below at Response to Title IX Sexual Harassment.

The District may request, but shall not require, a written report. If a report is made orally, the District official shall reduce the report to written form.

### **Initial Assessment**

Upon receipt or notice of a report, the District official shall determine whether the allegations, if proved, would constitute prohibited conduct as defined by this policy. If so, the District shall immediately undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proved, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

### **Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation.

### **District Investigation**

The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal 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.

### **Criminal Investigation**

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

### **Concluding the Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District 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 include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

### **Notification of Outcome**

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

### **District Action**

#### **Prohibited Conduct**

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

#### **Corrective Action**

Examples of corrective action may include a training program for those involved in the report, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any

instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.

### **Bullying**

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate notice to parents and District action. The District official shall refer to FDB for transfer provisions.

### **Improper Conduct**

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

### **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.

### **Appeal**

A student or parent who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level. A student or parent has the right to file a complaint with the United States Department of Education Office for Civil Rights.

## **Response to Title IX Sexual Harassment**

### **General Response**

For purposes of the District's response to reports of harassment prohibited by Title IX, definitions can be found in FFH(LEGAL).

When the District receives notice or an allegation of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the Title IX coordinator shall promptly contact the complainant to:

- Discuss the availability of supportive measures and inform the complainant that they are available, with or without the filing of a formal complaint;
- Consider the complainant's wishes with respect to supportive measures; and
- Explain to the complainant the option and process for filing a formal complaint.

The District's response to sexual harassment shall treat complainants and respondents equitably by offering supportive measures to both parties, as appropriate, and by following the Title IX formal complaint process before imposing disciplinary sanctions or other actions that are not supportive measures against a respondent.

If a formal complaint is not filed or dismissed, the District reserves the right to investigate and respond to prohibited conduct in accordance with Board policies and the Student Code of Conduct. The Title IX coordinator also reserves the right to sign a formal complaint, initiating the Title IX grievance process, if it would be deliberately indifferent not to investigate and respond to the prohibited conduct in accordance with Board policies and the Student Code of Conduct.

### Title IX Formal Complaint Process

To distinguish the process described below from the District's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of sexual harassment as the District's "Title IX formal complaint process."

The Superintendent shall ensure the development of a Title IX formal complaint process that complies with legal requirements. [See FFH(LEGAL)] The formal complaint process shall be posted on the District's website. In compliance with Title IX regulations, the District's Title IX formal complaint process shall address the following basic requirements:

1. Equitable treatment of complainants and respondents;
2. An objective evaluation of all relevant evidence;
3. A requirement that the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process not have a conflict of interest or bias;
4. A presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Title IX formal complaint process;
5. Time frames that provide for a reasonably prompt conclusion of the Title IX formal complaint process, including time frames for appeals and any informal resolution process, and that allow for temporary delays or the limited extension of time frames with good cause and written notice as required by law;
6. A description of the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility for the alleged sexual harassment;
7. A statement of the standard of evidence to be used to determine responsibility for all Title IX formal complaints of sexual harassment;
8. Procedures and permissible bases for the complainant and respondent to appeal a determination of responsibility or a dismissal of a Title IX formal complaint or any allegations therein;
9. A description of the supportive measures available to the complainant and respondent;
10. A prohibition on using or seeking information protected under a legally recognized privilege unless the individual holding the privilege has waived the privilege;
11. Additional formal complaint procedures in 34 C.F.R. 106.45(b), including written notice of a formal complaint, consolidation of formal complaints, recordkeeping, and investigation procedures; and
12. Other local procedures as determined by the Superintendent.

### Standard of Evidence

The standard of evidence used to determine responsibility in a Title IX formal complaint of sexual harassment shall be the preponderance of the evidence.

### Retaliation

The District prohibits retaliation by a student or District employee against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report of harassment or discrimination, files a complaint of harassment or discrimination, serves as a witness, or participates in an investigation. The definition of prohibited retaliation under this policy also includes retaliation against a student who refuses to participate in any manner in an investigation under Title IX. In the absence of a formal complaint, allegations of retaliation shall be investigated under Investigation of Reports Other Than Title IX, above.

### Examples

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

### False Claim

A student who intentionally makes a false claim or offers false statements in a District investigation regarding discrimination or harassment, including dating violence, shall be subject to appropriate disciplinary action in accordance with law.

### Records Retention

The District shall retain copies of allegations, investigation reports, and related records regarding any prohibited conduct in accordance with the District's records control schedules, but for no less than the minimum amount of time required by law. [See CPC]

[For Title IX recordkeeping and retention provisions, see FFH(LEGAL) and the District's Title IX formal complaint process.]

### Access to Policy and Procedures

Information regarding this policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and readily available at each campus and the District's administrative offices.

**MIDLOTHIAN ISD, FFH(LOCAL)-A, UPDATE 119, DATE ISSUED: 6/13/2022**

# FFH — Student Welfare: Freedom from Discrimination, Harassment, and Retaliation

[Legal Framework](#)

[Local Policy](#)

[Exhibit](#)

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## Title IX Coordinator

The District designates and authorizes the following person as the Title IX coordinator to be responsible for coordinating the District's efforts to comply with Title IX of the Education Amendments of 1972, as amended, for students:

Name: KKrista Tipton  
Position: EExecutive Director of Student Services  
Address: 1100 Walter Stephenson Road, Midlothian, TX 76065  
Email: [Title IX coordinator](mailto:Krista.Tipton@Midlothianisd.org) (Krista.Tipton@Midlothianisd.org)  
Telephor 4(469) 856-5000

:

## ADA/Section 504 Coordinator

The District designates and authorizes the following person as the ADA/Section 504 coordinator to be responsible for coordinating the District's efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for students:

Name: Shannon Thompson  
Position: Executive Director of Specialized Learning  
Address: 1100 Walter Stephenson Road, Midlothian, TX 76065  
Email: [ADA/Section 504 coordinator](mailto:Shannon.Thompson@Midlothianisd.org) (Shannon.Thompson@Midlothianisd.org)  
Telephor (469) 856-5000

:

**MIDLOTHIAN ISD, FFH(EXHIBIT)-A1, LDU 2023.07, DATE ISSUED: 7/7/2023**

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## **TECHNOLOGY INTEGRATION**

### **CQ — Technology Resources**

#### **Legal Framework**

#### **Local Policy**

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#### **Next Generation Technology**

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, robotic process automation, and artificial intelligence. Gov't Code 2054.601

#### **Children's Internet Protection Act**

##### Definitions

##### *Harmful to Minors*

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

##### *Technology Protection Measure*

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. 47 U.S.C. 254(h)(7)(I)

#### **Universal Service Discounts (E-Rate)**

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. 47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520

### Certifications to the FCC

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. 47 C.F.R. 54.520(b)

#### With Respect to Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;
2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and
3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

#### With Respect to Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and
2. Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

#### Disabling for Adults

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. 47 U.S.C. 254(h)(5)(D)

#### Internet Safety Policy

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including "hacking," and other unlawful activities by minors online;
4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)

#### Public Hearing

A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. 47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)

#### Inappropriate for Minors

A determination regarding what matter is inappropriate for minors shall be made by the board or designee. 47 U.S.C. 254(l)(2)

#### Noncompliance

A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)

#### **ESEA Funding**

No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and
2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

#### Certification to U.S. Department of Education

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131

#### **Uniform Electronic Transactions Act (UETA)**

The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. Business and Commerce Code 322.003(a)

The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. Business and Commerce Code 322.005(a)–(c)

Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. Business and Commerce Code 322.017(c)

#### **Records Retention**

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and
2. Remains accessible for later reference.

A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.

Business and Commerce Code 322.012(a), (f)

[For more information on records management, see CPC.]

#### **Definitions**

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

### **Digital Signature**

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. Gov't Code 2054.060(b) [See 1 Administrative Code Chapter 203 for DIR rules related to management of electronic transactions and signed records.]

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. Gov't Code 2054.060(e)(1)

### **Interception of Communications**

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

**MIDLOTHIAN ISD, CQ(LEGAL)-P, UPDATE 121, DATE ISSUED: 5/11/2023**

## **CQ — Technology Resources**

**Legal Framework**

**Local Policy**

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**Note: For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.**

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**For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.**

### **Availability of Access**

Access to the District's technology resources, including the internet, shall be made available to students and employees primarily for instructional and administrative purposes and in accordance with administrative regulations.

### **Limited Personal Use**

Limited personal use of the District's technology resources shall be permitted if the use:

1. Imposes no tangible cost on the District;
2. Does not unduly burden the District's technology resources; and
3. Has no adverse effect on an employee's job performance or on a student's academic performance.

### **Use by Members of the Public**

Access to the District's technology resources, including the internet, shall be made available to members of the public, in accordance with administrative regulations. Such use shall be permitted so long as the use:

1. Imposes no tangible cost on the District; and
2. Does not unduly burden the District's technology resources.

### **Acceptable Use**

The Superintendent shall develop and implement administrative regulations, guidelines, and user agreements consistent with the purposes and mission of the District and with law and policy.

Access to the District's technology resources is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the District's technology resources and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See DH, FN series, FO series, and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

### **Internet Safety**

The Superintendent shall develop and implement an internet safety plan to:

1. Control students' access to inappropriate materials, as well as to materials that are harmful to minors;
2. Ensure student safety and security when using electronic communications;
3. Prevent unauthorized access, including hacking and other unlawful activities;

4. Restrict unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; and
5. Educate students about cyberbullying awareness and response and about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms.

### **Filtering**

Each District computer with internet access and the District's network systems shall have filtering devices or software that blocks access to visual depictions that are obscene, pornographic, inappropriate for students, or harmful to minors, as defined by the federal Children's Internet Protection Act and as determined by the Superintendent.

The Superintendent shall enforce the use of such filtering devices. Upon approval from the Superintendent, an administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose.

### **Monitored Use**

Electronic mail transmissions and other use of the District's technology resources by students, employees, and members of the public shall not be considered private. Designated District staff shall be authorized to monitor the District's technology resources at any time to ensure appropriate use.

### **Disclaimer of Liability**

The District shall not be liable for users' inappropriate use of the District's technology resources, violations of copyright restrictions or other laws, users' mistakes or negligence, and costs incurred by users. The District shall not be responsible for ensuring the availability of the District's technology resources or the accuracy, age appropriateness, or usability of any information found on the internet.

### **Record Retention**

A District employee shall retain electronic records, whether created or maintained using the District's technology resources or using personal technology resources, in accordance with the District's record management program. [See CPC]

### **Electronically Signed Documents**

At the District's discretion, the District may make certain transactions available online, including student admissions documents, student grade and performance information, contracts for goods and services, and employment documents.

To the extent the District offers transactions electronically, the District may accept electronic signatures in accordance with this policy.

When accepting electronically signed documents or digital signatures, the District shall comply with rules adopted by the Department of Information Resources, to the extent practicable, to:

- Authenticate a digital signature for a written electronic communication sent to the District;
- Maintain all records as required by law;
- Ensure that records are created and maintained in a secure environment;
- Maintain appropriate internal controls on the use of electronic signatures;
- Implement means of confirming transactions; and
- Train staff on related procedures as necessary.

**MIDLOTHIAN ISD**

**CO(LOCAL)-A**

**UPDATE 114**

**DATE ISSUED: 11/14/2019**

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**STAFF DEVELOPMENT**

**DMA — Professional Development: Required Staff Development**

**Legal Framework**

Local Policy

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**Staff Development**

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

### **Requirements for Training**

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
  - a. Provides flexibility in the ways:
    1. Information is presented;
    2. Students respond or demonstrate knowledge and skills; and
    3. Students are engaged;
  - b. Reduces barriers in instruction;
  - c. Provides appropriate accommodations, supports, and challenges; and
  - d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and
2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

### **Optional Training**

Staff development may include training in:

1. Technology and digital learning; and
2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and
2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include 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(d)(1), (d-3), (g)

### Required Training

Staff development must include training on:

1. Suicide prevention;
2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and
3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board's professional development policy and use a best practice-based program recommended by the Health and Human Services Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

### *Instruction of Students with Disabilities*

#### Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(4)

## Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)–(f)

## *Suicide Prevention*

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. Education Code 21.451(d-2); 19 TAC 153.1013(d)

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

Education Code 38.351(e), (g), (h); 19 TAC 153.1013

#### Staff Development Account

A district that receives resources from the commissioner of education's staff development account 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(c)

#### **Child Abuse, Trafficking, and Maltreatment**

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)–(f); 19 TAC 61.1051(d)

#### **Trauma-Informed Care**

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] Education Code 38.036(c)

### **Student Discipline**

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

### **Test Administration Training**

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. Education Code 39.0304(a), (b-1), (b-2)

### **Cybersecurity Training**

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] Gov't Code 2054.5191(a-1); Education Code 11.175(g)

### **Special Programs Training**

Teacher Literacy Achievement Academies (Reading Academies)

A district shall ensure that:

1. Not later than the 2022–23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022–23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten–grade 3 reading standards.]

#### Gifted and Talented Education

A district shall ensure that:

1. Before assignment to the program for gifted students, teachers who provide instruction and services that are part of the program have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessment of 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 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

#### Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the commissioner's training under Education Code 21.459. Education Code 28.011(f)

#### Texas English Language Proficiency Assessment System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. Education Code 21.4571(b), (c)

## **Automated External Defibrillators**

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

## **Extracurricular Activity Safety Training**

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
  - a. Emergency action planning;
  - b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and
  - c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and
3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

## **Records**

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

### **Steroids**

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

### **Concussions**

At least once every two years, the following employees shall take a training course from an authorized provider in the subject matter of concussions:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course approved by the Texas Department of Licensing and Regulation (TDLR) or a course approved for continuing education credit by the licensing authority for athletic trainers.
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL, TDLR, or the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity.  
[See FM]

Education Code 38.158

### **Seizure Recognition and Related First Aid**

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

MIDLOTHIAN ISD

DMA(LEGAL)-P

UPDATE 119

DATE ISSUED: 6/13/2023

## **DMA — Professional Development: Required Staff Development**

[Legal Framework](#)

**[Local Policy](#)**

The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:

1. Be guided by the SBEC clearinghouse training recommendations;
2. Note any differences in the District's plan from the clearinghouse recommendations; and
3. Include a schedule of the required professional development for all District employees.

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DMA(LOCAL)-A

UPDATE 119

DATE ISSUED: 6/13/2022

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## **CAREER AND TECHNOLOGY**

### **EHBF — Special Programs: Career and Technical Education**

**[Legal Framework](#)**

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[Notice to Parents](#)

In accordance with Education Code 28.010 [see EHDD], a district shall notify the parent of each student enrolled in grade 9 or above of the availability of career and technology education programs or other work-based education programs. Education Code 28.010(a)(1)(B)

### **Career and Technology Program**

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. In developing a career and technology program, the board shall consider the state plan for career and technology education. 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 a 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.

Education Code 29.187

### **Insurance**

The board may provide insurance to protect a business that contracts with a district under this provision. [See CRB] Education Code 29.191

### **Applicability**

The following provisions apply only to districts receiving federal career and technical education funds. 19 TAC 75.1021

### **Federal CTE Funding**

An eligible secondary entity seeking financial assistance under the Carl D. Perkins Act of 2006 shall submit a local plan to the Texas Education Agency (TEA) as described in 20 U.S.C. 2354, in accordance with requirements established by TEA. Each eligible recipient that receives funding under the Carl D. Perkins Act of 2006 shall use the funds to improve career and technical education programs in compliance with 20 U.S.C. 2355. 19 TAC 75.1022

For information regarding federal career and technical funds under the "Strengthening Career and Technical Education for the 21st Century Act" (the reauthorization of the Carl D. Perkins Act of 2006), see 20 U.S.C. 2301 et seq.

### **Program Evaluation**

A district shall annually evaluate its career and technical education programs. 19 TAC 75.1025

### **Special Populations**

Members of special populations shall be provided career and technical services in accordance with all applicable federal and state laws, regulations, and rules. 19 TAC 75.1023(a)

### **Definition**

For purposes of this section, a "member of a special population" includes:

1. An individual with a disability [see EHBAB];
2. An individual from an economically disadvantaged family, including low-income youth and adults;
3. An individual preparing for nontraditional fields;
4. A single parent, including a single pregnant woman;
5. An out-of-workforce individual;
6. An English learner;
7. A homeless individual described in Section 725 of the McKinney-Vento Homeless Assistance Act;
8. Youth who are in, or have aged out of, the foster care system; and
9. Youth with a parent who is a member of the armed forces and is on active duty.

### **Students with Disabilities**

A student with a disability shall be provided career and technical education in accordance with all applicable federal law and regulations including the Individuals with Disabilities Education Act (IDEA) of 2004 and its implementing regulations, state statutes, and rules of the SBOE and the commissioner.

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 technical 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 technical education for students with disabilities (CTED). [See EHBA]

A student with a disability identified in accordance with IDEA of 2004 is an eligible participant in career and technical education when the following requirements are met:

1. The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in career and technical education program;
2. Planning for the student shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses;
3. A district shall monitor to determine if the instruction being provided a student with a disability in career and technical education classes is consistent with the student's IEP;
4. A district shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program, such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices;
5. A district shall help fulfill the transitional service requirements of the IDEA of 2004 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 technical education courses; and
6. When determining placement in a career and technical education 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 of 2004 and its implementing regulations.

19 TAC 75.1023

### **Student Organizations**

A district may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. A student shall not, however, be required to join a career and technical student organization. Student participation in career and technical student organizations shall be governed in accordance with 19 Administrative Code Chapter 76 (extracurricular activities).

The following career and technical student organizations are recognized by the U.S. Department of Education and TEA:

1. Business Professionals of America (BPA);
2. DECA;
3. Future Business Leaders of America (FBLA);
4. FFA;
5. Family, Career, and Community Leaders of America (FCCLA);
6. Health Occupations Students of America (HOSA);
7. Technology Student Association (TSA); and
8. SkillsUSA.

19 TAC 75.1024 [See FM]

### **Certification Subsidy**

A student is entitled to a subsidy for a certification exam if:

1. The student:
  - a. Successfully completes the career and technology program of a school district in which the student receives training and instruction for employment; or
  - b. Is enrolled in a special education program under Education Code Chapter 29, Subchapter A; and
2. The student passes a certification examination to qualify for a license or certificate that is an industry certification for purposes of state accountability [see AIA], administered while the student is enrolled in a school district.

A student may not receive more than one subsidy under Education Code 29.190.

To obtain reimbursement for a subsidy paid under this provision, a district must pay the fee for the examination and submit to the commissioner a written application on a form prescribed by the commissioner stating the amount of the fee paid for the certification examination.

Education Code 29.190

A district is entitled to reimbursement for the amount of a subsidy paid by the district for a student's certification examination under these provisions.  
Education Code 48.156

## **DISCIPLINE MANAGEMENT**

### **FNC — Student Rights and Responsibilities: Student Conduct**

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#### **Discipline Management Program**

Each school district shall adopt and implement a discipline management program to be included in the district improvement plan under Education Code 11.252. [See BQ] The program must provide for prevention of and education concerning unwanted physical or verbal aggression and sexual harassment in school, on school grounds, and in school vehicles. Education Code 37.083(a)

#### **MIDLOTHIAN ISD**

#### **FNC(LEGAL)-P**

#### **UPDATE 95**

#### **DATE ISSUED: 9/24/2012**

## **LAW ENFORCEMENT DUTIES**

### **[MISD Law Enforcement Duties](#)**



## 2023-2024 SRO Duties and Responsibilities

The duties of the Police Officers referenced in Section I(A) above shall include, but are not limited to, the following activities:

1. Protecting the safety and welfare of any person within the jurisdiction of the officer, and protecting the property of the District, as required by Texas Education Code §37.08(d);
2. Patrolling school property during and after school hours;
3. Answering calls for assistance from school officials;
4. Making reports on all criminal activities and filing of cases with the proper authorities;
5. Answering calls and facilitating dispute resolution between schools, schools and school authorities, parents and school authorities, or any other agreed upon disputes;
6. Answering alarms;
7. Answering calls for assistance with custody disputes;
8. Eating with the schools several times each month in order to give the schools the chance to know the officer as a friend and not someone to distrust;
9. Meeting with the school council, or other similar groups, whenever possible;
10. Assist with District Attendance Officer; Assist with home visits for verification of residency.
11. Providing testimony in school discipline conferences and hearings, as requested by the District; SRO Agreement, 2023-24 6/14/2023
12. Facilitating and maintaining good relations between the District and other law enforcement units and officers;
13. Providing traffic control and direction (flat rate \$55.00/hour) at locations and during times specified by the District;
14. Provide police and supervisory duties as requested by the District, and as authorized in the discretion of the Chief of Police;
15. Provide a positive image of law enforcement to students, parents and the community
16. Thoroughly familiar with laws relating to juveniles.

17. Serve as a resource to faculty and parents in developing workshops on violence prevention, drug awareness, gang involvement, gun safety, school safety, substance abuse, school safety, and other public safety topics as appropriate.
18. Be familiar with the school's crisis response plan and assist with crisis response drills;
19. Submit appropriate police department documents regarding incidents requiring documentation; and
20. Review student records as legally appropriate, understanding that these records are confidential and law enforcement-sensitive and cannot be shared with unauthorized persons.

The District recognizes that the assigned peace officers are classified as non-exempt employees. Any work that occurs within the work day that exceeds 8 hours is subjected to over-time pay at the rate of time and a half and the District shall be responsible for the total compensation for any time worked that is requested by the District and is considered over time. Peace officers shall seek prior written approval from their supervisor prior to working overtime hours.

**D. In carrying out the above duties, the Police Officers shall at all times endeavor to:**

1. Respect the confidentiality of school and education records, and shall seek access to such records only in accordance with the requirements of the Family Education Rights and Privacy Act, 20 U.S.C. §1232g; and
2. Interview and question students while at school or school related events in accordance with the following guidelines:
  - a. Reasonable efforts shall be made to notify the parents or other person having lawful control of the school, unless there is a valid objection to such notification;
  - b. The principal or a designee shall be present during the questioning or interview, unless there is a valid objection to a third Party's presence.