

Aledo Independent School District



Accountability Rating: A

2025-2026 District Improvement Plan

Mission Statement

Ensuring high levels of learning for all students.

Vision

Growing greatness through exceptional experiences that empower learners for life.

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Goals

Goal 1 How We Teach: Delivery of Instruction

Performance Objective 1 High Priority

Aledo ISD will implement three identified components of Fundamental 5 with fidelity that include Framing the Lesson, Critical Writing, Frequent Small Group Purposeful Talk into daily instruction, 100% of the time, by June 2026.

Evaluation Data Source: Data from Daily Impact Walks

Strategy 1

Teachers will implement Framing the Lesson in daily Instruction.

Strategy's Expected Result/Impact: 100% of teachers will utilize Framing the Lesson daily including: We Will, I Will, So that I Can with fidelity by June 2026.

Staff Responsible for Monitoring: Campus & District Administration

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 2

Teachers will implement Critical Writing in daily instruction (Weekly in Math).

Strategy's Expected Result/Impact: 100% of teachers will implement critical writing into daily/weekly instruction by June 2026.

Staff Responsible for Monitoring: Campus & District Administration

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 3

Teachers will implement Frequent Small Group Purposeful Talk in daily instruction.

Strategy's Expected Result/Impact: 100% of teachers will embed frequent small group purposeful talk into daily lessons by June 2026.

Staff Responsible for Monitoring: Campus & District Administration

Formative Reviews

Considerable Progress

December

February

April

June

Performance Objective 2 High Priority

Aledo ISD will implement clear classroom expectations/L.E.A.D Matrix 95% of classrooms, by June 2026.

Goal 2 Professional Learning Community Actions

Performance Objective 1 High Priority

By June 2026, 92% of the Aledo ISD collaborative teams district wide will rate at the "Developing" level on the Professional Learning Community at Work Continuum: Learning As Our Fundamental Purpose.

Strategy 1

Collaborative Teams will: Indicator #1: *Teachers will clarify essential learning standards for each unit and criteria for student mastery. *Collaborative teams will begin to adjust curriculum, pacing, and instruction based on evidence of student learning.

Strategy's Expected Result/Impact: 92% of Collaborative Teams district wide will rate at the "Developing" level in Indicator #1 by June 2026.

Staff Responsible for Monitoring: Collaborative Teams
Instructional Specialist
Campus Administration
District Administration

Formative Reviews

Moderate Progress

December

February

April

June

Performance Objective 2 High Priority

By June 2026, 96% of the Aledo ISD collaborative teams district wide will rate at the "Developing" level on the PLC at Work Continuum: Building a Collaborative Culture through high-performing teams.

Strategy 1

Collaborative Teams: Indicator #1: *Meet on a weekly basis and utilize guidelines, protocols, and processes (four critical questions of a PLC) to ensure collaborative time is focused on student learning. *Team Leaders are helping lead the collaborative process, and the work of teams is monitored closely so assistance can be provided when a team struggles. *Teams are working interdependently to achieve goals specifically related to higher levels of student achievement and are focusing efforts on better ways to achieve those goals.

Strategy's Expected Result/Impact: 96% of collaborative teams district wide will rate at the Developing level on Indicator #1 by June 2026.

Staff Responsible for Monitoring: Collaborative Teams
Instructional Specialists
Campus Administration
District Administration

Formative Reviews

Moderate Progress

December

February

April

June

Performance Objective 3 High Priority

By June 2026, 91% of the Aledo ISD collaborative teams district wide will rate at the "Developing" level on the PLC at Work Continuum: Focusing on Results

Strategy 1

Strategy 1: Collaborative Teams: Indicator #1: *Have established an annual SMART goal and assess progress toward reaching the goal. *Teams have established processes to continually monitor their progress, and members work together in an effort to identify strategies for becoming more effective at achieving the team's SMART goal.

Strategy's Expected Result/Impact: 91% of Collaborative Teams district wide will rate at the "Developing" level in Indicator #1 by June 2026.

Staff Responsible for Monitoring: Collaborative Teams
Instructional Specialists
Campus Administration
District Administration

Formative Reviews

Some Progress

December

February

April

June

Goal 3

Aledo ISD will continue to build upon our culture of excellence that supports our students and staff through a commitment to clear, consistent, and responsive communication that fosters trust, strengthens relationships, and ensures all stakeholders are informed, engaged, and empowered.

Performance Objective 1

Strengthen Communication with Fine Arts Staff

Strategy 1

Hold monthly meetings with Fine Arts Lead Teachers to share updates, gather feedback, and coordinate initiatives.

Formative Reviews

No Progress

December

February


April

June

Strategy 2

Distribute clear expectations and guidelines at the start of the year (handbooks, course fees, participation requirements, stipend information).

Formative Reviews

 Accomplished

December

February

April

June

Strategy 3

Provide timely follow-up after classroom visits and observations to support growth and build trust.

Formative Reviews

Considerable Progress

December

February

April

June

Performance Objective 2

Fine Arts Coordinator will improve communication with campus administrators

Strategy 1

Share annual performance expectations for Fine Arts teachers with campus principals at the start of the year.

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 2

Provide principals with updates on Fine Arts events, successes, and program needs.

Formative Reviews

Considerable Progress

December

February

April

June

Performance Objective 3

Fine Arts staff will increase communication with parents, students, and community

Strategy 1

Publish a monthly Fine Arts Newsletter featuring student achievements, program highlights, and upcoming events.

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 2

Maintain and regularly update the Fine Arts website and social media (Facebook, Fine Arts Fridays) to showcase programs and connect with families.

Formative Reviews

Moderate Progress

December

February

April

June

Strategy 3

Support campuses in promoting concerts, productions, and festivals to maximize attendance and community engagement.

Formative Reviews

Moderate Progress

December

February

April

June

Performance Objective 4

Fine Arts Coordinator will ensure clear and transparent budget communication.

Strategy 1

Provide teachers and campus staff with updated budget allocations, account numbers, and clear instructions for purchase requests.

Formative Reviews

Moderate Progress

December

February

April

June

Strategy 2

Review and share financial updates throughout the year so programs remain supported and aligned with district priorities.

Formative Reviews

Moderate Progress

December

February

April

June

Performance Objective 5

A 100% of head coaches of all athletic programs will nominate senior student athletes for Texas High School Coaches Association (THSCA) Academic All State Recognition.

Strategy 1

Ensure all head coaches are members of THSCA.

Formative Reviews



Accomplished

December



Accomplished

February



Accomplished

April

June

Strategy 2

Develop a system to support head coaches by providing timely reminders of Academic All-State nomination opening dates and submission deadlines.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Performance Objective 6

Increase intentional use of the 2Words Character Development program and implementation of The Texas Way initiative to strengthen team culture, student-athlete leadership, and community standards for behavior and sportsmanship.

Strategy 1

Athletic Director will provide coaches in weekly memo the link to the 2Words video of the week and a summary of the lesson for that week.

Formative Reviews

Considerable Progress

December

No Progress

February

April

June

Strategy 2

Create a student video highlighting the Texas Way to be shown at sporting events to establish the culture of expectations in Aledo ISD.

Formative Reviews



Accomplished



Accomplished



Accomplished

December

February

April

June

Strategy 3

In an effort to highlight athletes demonstrating characteristics outlined through 2Words and the Texas way the athletic director will create a form for coaches to be able to submit to acknowledge students who exhibit noted characteristics.

Formative Reviews

No Progress

December

No Progress

February

April

June

Performance Objective 7

The Aledo ISD Communications Department will increase stakeholder engagement and strengthen trust in the district by launching an ongoing multimedia campaign related to #AllInAledo and "Dream It, Do It" that focuses on spotlighting programs, student and staff opportunities and achievements, parent/community involvement, and the value of public education.

Strategy 1

Develop monthly content calendar outlining feature video/photo/social media topics aligned with #AllInAledo and "Dream It, Do It."

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

Identify and schedule interviews or features, collaborating with at least three different campus or department leaders/program coordinators per semester.

Formative Reviews

Moderate Progress

Considerable Progress

Strategy 3

Produce and publish at least one high-quality feature video per month and 1-2 video shorts per month that tell a compelling story about excellence, opportunity and tradition in Aledo ISD.

Formative Reviews

Moderate Progress

December

Considerable Progress

February

April

June

Strategy 4

Enhance Aledo ISD's YouTube page by adding videos and sharing YouTube links, when needed, to gain more followers.

Formative Reviews

Considerable Progress

December



Accomplished

February



Accomplished

April

June

Strategy 5

Monitor and analyze digital engagement (likes, shares, comments, reach, etc.) for each piece of content. Track this engagement and compare to establish benchmarks for campaign reach and effectiveness.

Formative Reviews

Moderate Progress

December

Considerable Progress

February

April

June

Performance Objective 8

By June 2025, the Human Resources Department will complete a full audit of current HR processes in order to create consistency and transparency in how employees access HR services.

Strategy 1

Track evidence of backward mapping through a monthly departmental planning calendar to proactively schedule key HR events, deadlines, and initiatives. This will allow the team to monitor deadlines, solidify logistics, assign responsibilities, and streamline workflow in advance.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

Dedicate at least 15 minutes in every weekly HR team meeting to review one or more internal processes, document updates, and track procedural changes to ensure consistency and accountability across the department. A running log of updates will be maintained in the HR Shared Drive as Standard Operating Procedure documents are developed or revised.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Performance Objective 9

Develop and launch an internal communication campaign to highlight Human Resources services and high impact policies.

Strategy 1

Meet with the Communications Department monthly to ensure that the HR page is updated and that frequently used and high leverage services (ie: FMLA, Sick Leave Bank, Employee Wellness Program) are easily accessible.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

Establish monthly virtual "HR Office Hours" where employees can ask questions about services and policies.

Formative Reviews

Some Progress

No Progress

Strategy 3

Provide information weekly to District staff via weekly campus/department newsletter inserts and BLT Weekly.

Formative Reviews

Some Progress

December

Considerable Progress

February

April

June

Performance Objective 10

Decrease the number of PEIMS submission errors by 5% for the 2025-2026 school year.

Strategy 1

Communicate weekly suggestions for campus Data Integrity (DIT) team meetings via BLT Weekly and the PEIMS/Attendance Weekly newsletters. The suggestions will include specific data reviews for accurate PEIMS coding.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

District PEIMS Coordinator will attend at least one DIT meeting at each campus during the school year to ensure campus staff is reviewing/updating PEIMS coding as necessary.

Formative Reviews

Moderate Progress

December

Considerable Progress

February

April

June

Strategy 3

District PEIMS Coordinator will train campus staff to accurately code student data throughout the school year. This will be accomplished through PEIMS weekly and monthly meetings.

Formative Reviews

Moderate Progress

December

Considerable Progress

February

April

June

Strategy 4

District PEIMS Coordinator will communicate coding errors to campus administrators/department heads and PEIMS staff as these are identified throughout the school year with instructions on how to correct coding errors. This will be communicated at the end of each nine week grading cycle.

Formative Reviews

Moderate Progress

December

Considerable Progress

February

April

June

Performance Objective 11

The Child Nutrition Department will reduce the number of no-charge alternate meals distributed to students with account balances exceeding the \$15.00 charge limit by increasing communication with parents.

Strategy 1

Campus managers daily will report the number of alternate meals provided to students to the Child Nutrition Department office.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

Make daily personal calls and send text messages from the Child Nutrition Department office to parents whose student has received or is at risk of receiving an alternate meal.

Formative Reviews

Considerable Progress

Considerable Progress

Strategy 3

The Child Nutrition Department will send letters and emails to parents of students with negative account balances.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 4

Promote the MySchoolBucks platform to parents, highlighting features such as low-balance alerts and automatic payments (no fee).

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Performance Objective 12

The Transportation Department will strengthen employee morale and improve communication by fostering a culture of respect, transparency, and collaboration between transportation leadership and staff.

Strategy 1

Hold monthly staff meetings to share department updates, celebrate successes, and provide an open forum for questions and feedback.

Formative Reviews

Some Progress

December

Moderate Progress

February

April

June

Strategy 2

Establish a consistent system of two-way communication (e.g., newsletters, group texts, bulletin boards) to ensure staff receive timely information.

Formative Reviews

Moderate Progress

December

Moderate Progress

February

April

June

Strategy 3

Implement a recognition program to highlight employees who demonstrate exceptional service, teamwork, or dedication.

Formative Reviews

Some Progress

December

No Progress

February

April

June

Strategy 4

Conduct anonymous surveys twice a year to gather staff input on morale and communication and use results to guide improvements.

Formative Reviews

Moderate Progress

December

Moderate Progress

February

April

June

Performance Objective 13


Through consistent and intentional communication with students, staff, and parents, Aledo ISD will reduce Chromebook damage costs by 20% during the 2025-2026 school year.

Evaluation Data Source: Chromebook repair budget reports will show a 20% reduction compared to the 2024-2025 school year.

Strategy 1

Provide students and parents with the Aledo ISD Technology Department Chromebook Care video by September 15, 2025, to establish clear expectations for device use and handling.

Formative Reviews

 Accomplished

December

February

April

June

Strategy 2

Provide quarterly campus-level reminders to staff throughout the year to reinforce Chromebook care expectations.

Formative Reviews

Moderate Progress

December

February

April

June

Strategy 3

Track and analyze repair requests monthly to identify trends and provide targeted reminders or supports where damage is occurring most frequently.

Formative Reviews

Moderate Progress

December

February

April

June

Strategy 4

Share quarterly Chromebook repair data and cost reports with principals and publish a district wide recognition update highlighting campuses with the lowest Chromebook damage incidents.

Formative Reviews

Considerable Progress

December

February

April

June

Performance Objective 14

To provide more timely and effective traffic management processes in order to: a, Get our students into classes on time; b. Reduce public complaints about traffic delays; and c. Be a better community partner to nearby businesses impacted by school-related traffic issues.

Strategy 1

Update traffic plans at campuses to facilitate more efficient flow of traffic to reduce ingress and egress times.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 2

Obtain information from stakeholders through a variety of sources to obtain feedback on current traffic patterns.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Strategy 3

Conduct community contacts/meetings to ensure our partners are included and feel supported by the impact of traffic patterns at our schools.

Formative Reviews

No Progress

December

February

April

June

Performance Objective 15

Improve police department communications with police department staff to increase staff participation in departmental oversight of operations.

Strategy 1

Officers will identify a professional goal for their campus as it relates to safety and security of their campus.

Formative Reviews

Some Progress

December

Considerable Progress

February

April

June

Strategy 2

Involve officers in decision-making by providing regular opportunities for them to take the lead on departmental operations and initiatives.

Formative Reviews

Considerable Progress

December

Considerable Progress

February

April

June

Performance Objective 16

Aledo ISD will improve student attendance rates by strengthening communication systems and partnerships with families to ensure clear, consistent, and responsive information that fosters trust, promotes engagement, and supports student success to increase overall district attendance rate from 95.85% to 96% for the 2025-2026 school year.

Strategy 1

Conduct at least one parent information campaign per semester, for a total of two for the year, through social media and newsletters focused on the importance of attendance.

Formative Reviews

Considerable Progress

December

No Progress

February

April

June

Strategy 2

Provide monthly, easy-to-understand updates on attendance expectations, policies, and student progress through newsletters and communication from the campus to both staff and parents.

Formative Reviews

Moderate Progress

December

Moderate Progress

February

April

June

Strategy 3

Develop and implement a tiered system of support for absences to be implemented at the campus level that includes a clear protocol of an escalation process that ensures parents receive personal outreach from teachers, counselors, and administrators when attendance patterns become concerning.

Formative Reviews

Moderate Progress

December

Moderate Progress

February

April

June

Performance Objective 17

The Business Office will offer timely help and clear guidance in the areas of training and communication, so that every staff member can easily access the resources they need to follow procedures, stay compliant, and contribute to smooth, successful operations.

Strategy 1

Conduct a stakeholder survey in September (baseline) to gather feedback, identify areas of frustration, and implement changes and again in March (follow-up) to measure whether implemented changes have resulted in improvement.

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 2

Review current written procedures and research best practices in staff & student travel procedures and the credit card check in/out process.

Formative Reviews

Some Progress

December

February

April

June

Strategy 3

Offer a series of Business Office workshops throughout the year for all staff, covering a variety of topics.

Formative Reviews

Some Progress

December

February

April

June

Strategy 4

Bi-annual meetings with campus principals in an effort to positively impact the working relationship between the campuses and the business office.

Formative Reviews

Moderate Progress

December

February

April

June

Performance Objective 18

By May of 2026 the Aledo ISD CTE will work to increase visibility and partnerships in the greater Aledo ISD community

Strategy 1

We will increase business and industry partnerships by 20% by the end of the 2025-26 school year.

Formative Reviews



Accomplished

December

February

April

June

Strategy 2

We will increase stakeholder awareness of CTE program opportunities through multiple communication modalities.

Formative Reviews

Considerable Progress

December

February

April

June

Performance Objective 19

By May of 2026 the Advanced Academics program will create and distribute at least 3 clear and visually engaging communications (charts, brochures, infographics) that explain the differences among the various Advanced Academic programs (i.e. dual credit, AP, OnRamps, etc.)

Strategy 1

We will produce 3 distinct communications items for Advanced Academics

Formative Reviews

Considerable Progress

December

February

April

June

Strategy 2

We will track views and analytics on Advanced Academics communications via the website traffic, Blackboard, Smore and Canva as well as the various social media outlets

Formative Reviews

No Progress

December

February

April

June

Performance Objective 20

Reduce average open ticket resolution time from 7 days to 6 days by June 1, 2026.

Strategy 1

Improve communication practices, including consistent and timely assignment of properly submitted tickets.

Formative Reviews

Some Progress

December

Considerable Progress

February

April

June


Strategy 2

Structure a 2 response system for incomplete tickets.

Formative Reviews

No Progress

December

 Discontinue

February

 Discontinue

April

June



Title I Summary

Title I

Descriptor 1: Student Progress Monitoring and Supports

1.1 Developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

Aledo ISD collaborative teams use the four questions of the Professional Learning Community process to identify students in need of intervention and/or extension.

1. What is it we want all students to know and be able to do?
2. How will we know if each student has learned it?
3. How will we respond when some students do not learn it?
4. How will we extend the learning for some students who have demonstrated proficiency?

Formative data is used to make decisions on which students need targeted intervention and which students would benefit from extensions on essential grade level standards. Teachers provide this instruction either in small groups during the work period or through flex time provided outside of Tier 1 classroom instruction. This is an ongoing, recursive cycle of analysis and action based on collaborative planning.

District-wide monitoring systems, including instructional rounds, daily impact walks and quarterly collaborative team evaluations, provide valuable data to inform ongoing decisions for continued professional development.

1.2 Identifying students who may be at risk for academic failure;

Student learning is monitored frequently and on a timely basis through a systematic process that takes place within weekly collaborative team meetings. Collaborative teams guide their work around the four critical PLC questions and use student assessment data, such as common formative assessments (CFAs), to identify students who need intervention and extension during flex time. In addition to CFAs, teachers also monitor student progress through exit tickets, student goal tracking, writing tasks, and performance tasks to ensure that student instructional needs are being met. Ultimately, the PLC process ensures that no students fall through the cracks and that we are responding in real time to meet student academic needs.

In addition to the ongoing PLC process, BOY data is reviewed each year to determine which students may be at-risk according to the TEA at-risk criteria or math and reading. Student support is reviewed for each student meeting the at-risk criteria to determine what additional supports need to be implemented. Student progress is monitored throughout the year using local and state data.

1.3 Providing additional educational assistance to individual students the LEA or school determines need help in meeting the challenging State academic standards;

Campus administrators design master schedules that maximize instructional time across all content areas. Teachers implement a workshop model to deliver core instruction, allowing for targeted small-group learning within the regular classroom setting. Lessons are built around clear daily objectives and emphasize rigor, relevance, and a supportive learning environment. In addition, the daily schedule includes a daily flex period during which students receive targeted intervention or extensions on essential standards based on common formative assessment data. This ensures that instructional time is used efficiently and that each student receives support based on their specific learning needs.

The PLC process plays a critical role in monitoring individual student progress throughout the year. Each

week, Collaborative Teams examine student data through the lens of the four guiding PLC questions: *What do we expect students to learn? How will we know if they have learned it? What will we do if they haven't learned it? What will we do if they already know it?* Based on individual student data, teachers and interventionists provide timely, targeted support to ensure all students meet or exceed grade-level expectations. Teacher teams analyze common formative assessment data and district assessment data using a campus data analysis protocol on a weekly basis, with a specific focus on student performance by essential standards. Using this data, targeted intervention and extension student groups are formed according to identified needs related to specific essential standards. Teachers also review teacher performance data and individual instructional strengths to strategically assign staff to lead intervention or extension lessons. This intentional alignment ensures that students receive high-quality instruction tailored to their learning needs while maximizing staff expertise and instructional effectiveness.

1.4 Identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

The Aledo ISD District Wide Effectiveness Improvement Committee (DWEIC) met on May 14, 2025 to review district needs prior to engaging in the 25-26 ESSA grant applicaiton and again on September 17, 2025 to discuss and update the district comprehensive needs assessment based on current data and needs. Multiple forms of data are used to evaluate and prioritize district needs, including but not limited to, state and local assessment data and parent and staff surveys. The district needs assessment guides decisions on prioritizing strategies and allocating funding. Campus comprehensive needs assessments for the three Title I campuses, Annetta Elementary, Coder Elementary and McCall Elementary, are located in each of the Title I Campus Improvement Plans. Below are the district entitlements for the 2025-2026 school year.

Title I \$165,380
Title I Homeless Reservation \$1,800
Title I Migrant Shared Agreement with Region 11 \$769
Tite I Immigrant \$2,338
Title II \$122,630
Title III \$22,226
Title IV \$12,558*

*DWEIC met on May 14, 2025 to review needs for the 25-26 school year prior to the ESSA grant application. It was voted to transfer 100% of Title IV funds next year to Title I to use on additional tutoring at the three schoolwide Title I campuses.

[Title I Program Plan](#)

Descriptor 2: Teacher Quality

All AISD staff are highly qualified. AISD conducts an annual review of campus staff to identify teachers with 0-3 years of experience in order to provide targeted professional learning. The district talent plan addresses strategies for ensuring success for all students including low-income and minority students.

Descriptor 3: School Improvement and Support Activities

Aledo ISD does not have any campuses identified as a Comprehensive or Targeted Support campus.

Descriptor 4: Measure of Poverty

Aledo ISD District-Wide Effectiveness and Improvement Committee (DWEIC) uses the free and reduced percentages for each elementary campus to determine which elementary campuses fall above the district elementary grade span economically disadvantaged percentage.

Descriptor 5: Nature of Programs

Programs on a Schoolwide Title I campus are designed to meet the needs of all students on campus while ensuring each student is meeting or exceeding proficiency on state standards.

Descriptor 6: Services to Homeless Children and Youth

Aledo ISD offers enrollment support including interpretation when needed, transportation services, school supplies, hygiene supplies and targeted intervention embedded in the school day to ensure homeless students are able to attend and succeed in school.

Descriptor 7: Parent and Family Engagement Strategy

Aledo ISD uses a variety of methods to gather parent and family input to inform decisions around parent and family engagement including but not limited to parent and student committees, verbal and electronic communications, and surveys. The Parent and Family Engagement Policy is distributed to all parents at Title I campuses in order to gather feedback and revise if needed. The plan is made available to the community via the campus web pages. The Parent and Family Engagement policy is reviewed and updated annually.

Descriptor 8: Early Childhood Education Programs and Transition Plans

The Aledo ISD Early Childhood Academy houses all Prekindergarten students for the district. We follow the same PLC process at the ECA as implemented at all elementary campuses. This coordination of district-wide systems for professional learning, instruction and evaluation ensure all students are meeting at least proficiency in the state Prekindergarten guidelines for Prekindergarten and the state standards for K-5th grade. Decisions for students receiving support through special programs are housed in the same platform as elementary campuses ensuring a smooth transition of support.

Descriptor 9: Identification of Eligible Children – Targeted Assistance Program

Students who are coded under the “RTI Intervention Strategy” in PEIMS, are eligible for services under Title I, Part A for targeted assistance campuses. In Aledo ISD, students are coded under the RTI Intervention Strategy if they have an individual accelerated education plan (AEP) or if they are receiving Tier 3 level of support.

Descriptor 10: Middle to High School/High School to Postsecondary Transitions

10.1 Coordination with institutions of higher education, employers, and other local partners;

Aledo ISD puts an emphasis on developing College Career Military Readiness from Pk-12 grade by focusing on growth for all students and preparing our students to take the SAT/ACT/TSIA tests needed for postsecondary education in addition to offering dual credit and on-Ramps courses where students may earn credit during high school. AISD hosts a College Fair, Job Fair, and has evenings dedicated to help students with the FAFSA., the financial aid process and college application tips.

Descriptor 11: Discipline Disproportionality

AISD implements Positive Behavior and Intervention Support (PBIS) at all levels across the district. Discipline data reviews occur each six weeks and Results Driven Accountability (RDA) data is reviewed annually to monitor the percentage of student groups placed in disciplinary settings.

Descriptor 12: Coordination and Integration

12.1 Academic and career and technical education content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State;

Aledo ISD offers multiple Practicum opportunities in our Programs of Study that allow students to go into the community and work with dozens of different business/industry partners. Additionally, many of our Career and Technical Student Organizations (CTSO) have business and industry sponsors who spend time with our students as they work on projects for various competitions.



Assurances

Statutorily Required Assurances

The LEA Plan must include assurances that the LEA will:

1. Ensure migratory children and formerly migratory children eligible to receive services are selected to receive services on the same basis as other children [Section 1112(c)(1)].
2. Provide services to eligible children attending private schools in accordance with section 1117, and timely and meaningful consultation with private school officials [Section 1112(c)(2)].
3. Participate, if selected, in the National Assessment of Educational Progress in reading and math in grades 4 and 8 [Section 1112(c)(3)].
4. Coordinate and integrate services with other English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths to increase program effectiveness, eliminate duplication, and reduce fragmentation [Section 1112(c)(4)].
5. Collaborate with State or local child welfare agency to—
 - Designate a point of contact if the corresponding child welfare notifies the LEA, in writing, that the agency has designated an employee to serve as a point of contact for the LEA;
 - Develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin (when in their best interest) will be provided, arranged, and funded for the duration of the time in foster care. [Section 1112(c)(5)]. (For details of what these procedures must ensure, see Children in Foster Care.)
6. Ensure all teachers and paraprofessionals working in Title I, Part A, supported programs meet applicable State certification and licensure requirements [Section 1112(c)(6)].
7. For LEAs using Title I, Part A funds to provide early childhood education services to low-income children, ensure that services comply with performance standards of the Head Start Act [Section 1112(c)(7)].
8. Notify the parents of each student attending any school receiving Title I, Part A funds of the Parents' Right-To-Know [Section 1112(e)(1)].
9. Notify the parents of each student attending any school receiving Title I, Part A funds of Testing Transparency [Section 1112(e)(2)].
10. Implement an effective means of outreach to parents of English learners [Section 1112(e)(3)(C)].

Signature indicates the 10 assurances are included in the LEA Plan Signature of Assurance



Policies, Procedures, and Requirements

Policies, Procedures, and Requirements

Title	Person Responsible	Review Date	Addressed By	Addressed On
Bullying Prevention	Kimberly Raymond	12/16/2025	Kim Raymond	2/18/2026

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	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.
Student Report	

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	<p>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.</p> <p>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.</p>
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	
<i>Bullying</i>	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.
<i>Discipline</i>	<p>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.</p> <p>The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.</p>
<i>Corrective Action</i>	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.
<i>Transfers</i>	The principal or designee shall refer to FDB for transfer provisions.
<i>Counseling</i>	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.
<i>Improper Conduct</i>	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.

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]

Note: [Minimum Standards for Bullying Prevention](#)¹ are available on TEA's website.

Internet Posting

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

Education Code 37.0832

¹ TEA Minimum Standards for Bullying Prevention:
<https://tea.texas.gov/texas-schools/health-safety-discipline/student-discipline/minimum-standards-for-bullying-prevention>

**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)

[For more information on mental health training for district employees, see DMA.]

**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.

**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 that is not available digitally through an instructional material parent portal under Education Code 31.154, must be available for a parent or guardian to preview during school hours. Materials or curriculum not included in the materials on an instructional materials parent portal or 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, including career readiness and workforce training opportunities and a link to the My Texas Future internet website and information regarding how to create a profile on that website;
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;
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);
12. Opportunities to complete career training and obtain a post-secondary credential while enrolled in high school, whether at the student's campus, another campus in the district, or an educational institution that partners with the district, including information regarding program costs, program completion rates, and the average wages of students who complete the program and the availability of information regarding those opportunities on the My Texas Future website; and
13. The outcomes of graduates from the campus and district in which the student is enrolled, including completion rates and average wages based on postsecondary pathways available to those graduates at the campus or district using data posted under Education Code 7.0405(a) or available on the My Texas Future internet website.

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.

The Texas Education Agency or the Texas Higher Education Coordinating Board shall make available to school counselors an annual online training regarding statewide trends identified in the data posted under Education Code 7.0405(a) that includes information to assist school counselors in identifying the postsecondary outcomes for students at the counselor's campus and school district for purposes of performing the counselor's duties identified under item 13.

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 78.2001

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;
2. Teach for Texas Grant programs;
3. Future Texas Teachers Scholarship programs;
4. The eligibility requirements of each program;
5. The need for students to make informed curriculum choices to be prepared for success beyond high school; and
6. Sources of information on higher education admissions and financial aid.

Education Code 56.308(b)(1)

STUDENT DISCIPLINE
REMOVAL BY TEACHER OR BUS DRIVER

FOA
(LEGAL)

**Mandatory Removal
by a Teacher**

A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program (DAEP) or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

Routine Referral

A teacher may send a student to the campus behavior coordinator's (CBC) office to maintain effective discipline in the classroom. The CBC shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the CBC shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the CBC in the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

**Discretionary
Removal**

A teacher may remove from class a student who:

1. Repeatedly interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;
2. Demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or
3. Engages in conduct that constitutes bullying, as defined by Education Code 37.0832 [see FFI].

Education Code 37.002(b)

Subject to requirements related to teaching and discussing certain debated and controversial topics under Education Code 28.0022(a)(2) and (d) [see EMB], a teacher may remove a student from class based on a single incident of behavior described above. *Education Code 37.002(b-3)*

Reporting
Classroom
Removals

A student who is sent to the campus behavior coordinator's or other administrator's office under a routine referral or a discretionary removal, as described above, is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law. *Education Code 37.002(e)*

[See DNA for information about teacher evaluations and disciplinary referrals.]

STUDENT DISCIPLINE
REMOVAL BY TEACHER OR BUS DRIVER

FOA
(LEGAL)

	<p>A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent of a student of the removal of a student from class described above. <i>Education Code 37.002(b-2)</i></p>
Placement of Student	<p>If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or DAEP [see FOC]. <i>Education Code 37.002(c)</i></p>
Conference by Third Day Required	<p>Not later than the third class day after the day on which a student is removed from class by the teacher under the above provision or by the school principal or other appropriate administrator under the Student Code of Conduct, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the mitigating factors (see below), shall order the placement of the student for a period consistent with the Student Code of Conduct. <i>Education Code 37.009(a)</i></p>
Appeals	<p>A student may appeal the student's removal from class described above to:</p> <ol style="list-style-type: none">1. The school's placement review committee [see Placement Review Committee, below]; or2. The campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to the team. <p><i>Education Code 37.002(f)</i></p> <p>If district policy allows a student to appeal to the board or the board's designee, a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. <i>Education Code 37.009(a)</i></p>
Placement Length	<p>The period of the placement may not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees. The student may</p>

STUDENT DISCIPLINE
REMOVAL BY TEACHER OR BUS DRIVER

FOA
(LEGAL)

not be returned to the regular class pending the required conference. *Education Code 37.009(a)*

Mitigating Factors

The CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. *Education Code 37.009(a)*

[See Student Code of Conduct, item 4, at FO(LEGAL) for mitigating factors.]

Prohibitions on Activities

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.002(c)*

Note: A power granted to a campus principal under Education Code Chapter 37, Subchapter A may be exercised by the CBC.

Return to Class

The principal may not return the student to the class of the teacher who removed the student without the teacher's written consent, unless the placement review committee determines that such placement is the best or only alternative available and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held. [See Conference by Third Day Required, above]

Return to Class Plan

The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. A return to class plan must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

The commissioner of education shall adopt a model return to class plan for use by a district in creating a return to class plan for a student.

Education Code 37.002(c), (c-1), (c-2)

Return After Assault

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.007(a)(2)(A) or (a)(4) (assault, sexual assault, assault against a district employee or volunteer) against the teacher, the student

STUDENT DISCIPLINE
REMOVAL BY TEACHER OR BUS DRIVER

FOA
(LEGAL)

may not be returned to the teacher's class without the teacher's written consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)

**Placement Review
Committee**

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the district regarding readmission of expelled students.

Composition

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
2. The principal shall choose one member from the professional staff of a campus.

The teacher refusing to readmit the student may not serve on the committee.

Education Code 37.003

Right to Appeal

The principal, campus behavior coordinator, or other appropriate administrator shall notify a student who has been removed from class and the student's parent of the student's right to appeal the decision of the committee. [See Appeals, above] *Education Code 37.002(f-1)*

**Removal by School
Bus Driver**

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus.

The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

Education Code 37.0022

Note: See FOF for provisions concerning students with disabilities.

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]

PLANNING AND DECISION-MAKING PROCESS

BQ
(LEGAL)

Dating Violence	A district shall adopt and implement a dating violence policy to be included in the district improvement plan. <i>Education Code 37.0831</i> [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. <i>Education Code 37.0832(d)(2)</i> [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. <i>Education Code 38.351(k)(2)</i> [See FFEB]
Campus-Level Plan	<p>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. <i>Education Code 11.253(c)</i></p> <p>Each campus improvement plan must:</p> <ol style="list-style-type: none">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(d)

PLANNING AND DECISION-MAKING PROCESS

BQ
(LOCAL)

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.

**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 the Texas Education Agency (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)

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 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)

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, cot-tage 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;
15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548;
16. Is a chronically absent student as defined by Education Code 48.009; or
17. Is required to attend school, is not exempted from compulsory school attendance, and fails to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year.

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 10 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 or education management organization to provide alternative education programs for students at risk of dropping out of school. The program may be offered in person at a campus, remotely, or through a hybrid of in-person and remote instruction. An in-person campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)-(5). A remote or hybrid dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)-(9).

A student who successfully completes a course offered through a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)-(e-2), (f)

Operation

A dropout recovery education program may be operated only by an entity that is accredited by the agency or a regional accrediting agency, must offer or provide referrals for mental health services to students enrolled in the program, and may not market directly to students enrolled in a traditional education program.

A district may operate one campus-based dropout recovery education program for all students in the district.

Referral

A district administrator or school counselor may refer a student to a dropout recovery education program if the administrator or counselor determines that enrollment in the program could prevent the student from dropping out of school.

Required Website Report

Each year, a district shall post on the district's website a report on measurable outcomes for each dropout recovery education program offered by the district. The report must include the percentage of students enrolled in the program during the preceding school year who attained each of the following outcomes:

1. Transfer to a traditional education program;
2. Successful completion of the program;
3. Dual credit; or
4. A credential of value.

Education Code 29.081(e-3)-(e-6)

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 10 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 pro-

moted 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

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]

SPECIAL PROGRAMS
COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

EHBC
(LEGAL)

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)*

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) of the options and requirements for students who have learning difficulties or who need or may need special education. [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

Definitions

“Screening a student for dyslexia or a related disorder” means the administration of a universal screening instrument required for students in kindergarten and grade 1.

“Testing a student for dyslexia or a related disorder” means a comprehensive evaluation as required under the Individuals with Disabilities Education Act (IDEA) [see EHBA], and includes evaluation components as stated in the [*Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*](#),¹ for the identification of dyslexia or a related disorder.

“Treatment for a student identified with dyslexia or a related disorder” means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student’s individualized education program (IEP).

“Direct dyslexia instruction, or dyslexia instruction” means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the *Dyslexia Handbook* and as described by a student’s IEP.

“Provider of dyslexia instruction (PDI)” means a provider who meets the requirements of Education Code 29.0032, see below.

19 TAC 74.28(a)

IDEA Requirements

Dyslexia is an example of and meets the definition of a specific learning disability under the IDEA [see EHBA]. If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Education Codes 28.006 [see EKC] or 38.003 [see below], and that the student may be a child with a disability under IDEA, the district must:

1. Provide to the student’s parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available under the IDEA that may be additional to the rights available under Section 504 [see FB];
2. Comply with all federal and state requirements, including the *Dyslexia Handbook*, as adopted by the State Board of Education (SBOE), and its subsequent amendments, regarding any evaluation of the student; and

3. If the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.

Education Code 29.0031(a)

Board Action
Required

The board must adopt and implement a policy requiring the district to comply with 19 Administrative Code 74.28, inclusive of the *Dyslexia Handbook* and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee.

A district's policy must be implemented according to the *Dyslexia Handbook*.

19 TAC 74.28(b)-(c); Education Code 38.003(b)

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(g)*

Special Education
Evaluation

The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services [see EHBAA] must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

1. Hold a licensed dyslexia therapist license under Occupations Code Chapter 403;
2. Hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Education Code 7.102 and 38.003; or
3. If a person qualified under item 1 or 2 is not available, meet the applicable training requirements adopted by the SBOE in the *Dyslexia Handbook*.

A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must sign a document describing the member's participation in the evaluation of the student and any

resulting individualized education program developed for the student.

Education Code 29.0031(b)-(c); 19 TAC 74.28(h)

Screening, Testing,
and Identification

The SBOE shall identify the necessary criteria and elements that provide for universal screening for dyslexia and related disorders for students in kindergarten and first grade. The criteria and elements identified by the SBOE must be included in the reading instrument adopted or approved under Education Code 28.0063. [See EKC] *Education Code 38.003(a)-(a-1)*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in kindergarten and each student in grade 1. *19 TAC 74.28(e)*

Parent Education

A district shall provide to parents of students enrolled in the district information on:

1. Characteristics of dyslexia and related disorders;
2. Evaluation and identification of dyslexia and related disorders;
3. Effective instructional strategies for teaching students with dyslexia and related disorders;
4. Qualifications of and contact information for PDIs at each campus or school;
5. Instructional accommodations and modifications;
6. The steps in the special education process, as described in the form developed by TEA explaining the rights available under the IDEA that may be additional to the rights available under Section 504; and
7. How to request a copy and access the electronic version of the *Dyslexia Handbook*.

19 TAC 74.28(f)

Instruction

A district must provide evidence-based dyslexia instruction by a PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components found *Dyslexia Handbook*. *19 TAC 74.28(d)*

Progress Reports

At least once each grading period, and more often if provided for in a student's individualized education program, a district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the

student's progress as a result of the student receiving that instruction. *Education Code 29.0031(d)*

Providers of
Dyslexia Instruction

A PDI to students with dyslexia and related disorders must be fully trained in the district's adopted instructional materials for students with dyslexia and is not required to hold a certificate or permit in special education issued under Education Code Chapter 21, Subchapter B unless the provider is employed in a special education position that requires the certification.

The completion of a literacy achievement academy under Education Code 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of this provision.

Education Code 29.0032

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)*

Talking Book
Program
Notification

A district shall notify the parent of a student identified with dyslexia or a related disorder of the Talking Book Program administered by the Texas State Library and Archives Commission and other available audio book services. *Education Code 29.0031(e)*

¹ *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*: <https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders>

Dyslexia and Related Disorders

The District shall comply with all applicable state rules regarding students with dyslexia and related disorders, including the “Dyslexia Handbook” and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student’s admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

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Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

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3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

**Telehealth in
Medicaid Covered
Services**

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). 1 TAC 354.1432(5)

**Administering
Medication**

Immunity

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and
2. When administering prescription medication, the medication is administered either:
 - a. From a container that appears to be the original container and to be properly labeled; or
 - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

Nonprescription
Medication

A policy adopted concerning the administration of medication to students by district employees may permit a district employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health-care provider if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;
2. The medication is unexpired and administered from a container that appears to be the original container and properly labeled; and

3. The dose administered is consistent with the instructions on the container's label.

By Volunteer
Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's health-care provider.

Education Code 22.052(a)-(b)

Rules Applicable to
Nurses

The Texas Board of Nursing may not adopt or enforce a rule in conflict with Education Code 22.052. *Occupations Code 301.151*

[See DG regarding protection of nurses for refusal to perform acts.]

**Self-Administration
of Asthma or
Anaphylaxis
Medicine**

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
 - a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
 - b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
 - (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
 - (2) The name and purpose of the medicine;
 - (3) The prescribed dosage for the medicine;
 - (4) The times at which or circumstances under which the medicine may be administered; and

(5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of
Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

**Prescription
Medication and
Special Education
Students**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or

school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, storage, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Concussions

Concussion
Response Policy

A school district shall adopt and implement a policy regarding how to respond to a concussion believed to have been sustained by a student while on school property or participating in a school-sponsored or school-related activity on or off school property.

Definition

For purposes of this policy, “concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may:

1. Include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns; and
2. Involve loss of consciousness.

Application

This section does not apply to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity. [See FM for requirements related to a concussion sustained during an interscholastic activity.]

Requirements

A district’s concussion response policy must provide for:

1. The immediate removal of a student from a school-sponsored or school-related activity if a school district employee or volunteer believes the student might have sustained a concussion;
2. Notice to the student’s parent or guardian or another person with legal authority to make medical decisions for the student of the student’s suspected concussion and removal; and
3. The student’s return to a school-sponsored or school-related activity following the student’s removal for a suspected concussion only after the requirements under Education Code 38.157(a) have been satisfied. [See FM for the applicable requirements regarding return to play.]

Education Code 38.171-.173

Academic
Accommodations

The Texas Education Agency (TEA) shall develop a list of nonmedical academic accommodations a school district may offer to a student diagnosed with a concussion or other brain injury.

TEA shall develop a form for use by school districts describing the accommodations a district may offer and make the form available on TEA's website for use by districts, district educators or administrators, students, and parents or guardians.

A school district that provides accommodations under Education Code 38.0051 must make the form described above available to:

1. A district employee as soon as practicable after receiving notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury or a request from the employee; and
2. A student enrolled in the district or the student's parent or guardian as soon as practicable after receiving notice that the student has been diagnosed with a concussion or other brain injury or a request from the student or parent or guardian.

Education Code 38.0051 may not be construed to require a district to provide any accommodations under that section.

Education Code 38.0051

**Dextromethorphan
(Certain Cold
Medication)**

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

**Maintenance and
Administration of
Opioid Antagonists**

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;
2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;

3. Establish the number of opioid antagonists that must be available at each campus at any given time; and
4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c); 19 TAC 103.1103

Definitions

“Authorized health-care provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

“Campus” means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

“Opioid antagonist” as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

“Opioid-related drug overdose” as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid.

25 TAC 40.82(2)-(3), (5)-(6)

Maintenance

Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.

Prescription

A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists).

The campus must renew this prescription or obtain a new prescription annually.

The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority.

25 TAC 40.85(a)-(b)

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*

Storage of Medication

The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.

Disposal

Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's blood-borne pathogen control policy.

Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district.

25 TAC 40.85(d)-(f)

Reporting Requirement

The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;

2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the opioid antagonist was administered;
4. The number of doses of opioid antagonist administered;
5. The title of the person who administered the opioid antagonist; and
6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;
2. Responding to an opioid-related drug overdose and administering an opioid antagonist;
3. Implementing emergency procedures, after administering an opioid antagonist;
4. Understanding the medical purpose and misuse of opioids; and
5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and
2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers

who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and
Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

**Maintenance and
Administration of
Epinephrine Delivery
Systems**

Note: The following provisions apply only to a district that adopts an unassigned epinephrine delivery system policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine delivery systems at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine delivery system present during all hours the campus is open. The supply of epinephrine delivery systems at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine delivery system.

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine delivery system policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Ed-

Education Code 38.0151 [see FFAF]. *Education Code 38.0151(f); 25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *Education Code 38.208(b); 25 TAC 40.65(a)(2)*

Definitions

*Epinephrine
Delivery System*

“Epinephrine delivery system” means a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including:

1. An epinephrine auto-injector; and
2. An epinephrine nasal spray.

Education Code 38.201

*All Hours the
Campus Is Open*

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

*Unassigned
Epinephrine
Delivery System*

An “unassigned epinephrine delivery system” is an epinephrine delivery system prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine delivery system, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine delivery system is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine delivery system before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine

delivery system is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine delivery system and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine delivery system policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.125 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine delivery system in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine delivery system; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine delivery system;
2. Whether the person who received the administration of the epinephrine delivery system was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine delivery system was administered;
4. The number of doses of epinephrine delivery system administered;
5. The title of the person who administered the epinephrine delivery system; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

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Assignment of
Trained Individuals

At each campus in which a school adopts an unassigned epinephrine delivery system policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine delivery systems or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine delivery systems.

In order to increase the number of trained individuals in the administration of unassigned epinephrine delivery systems, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine delivery system to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with a delivery system.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine delivery system must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine delivery system to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine delivery system written policy is responsible for training school personnel and school volunteers in the administration of an unassigned delivery system.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine delivery system;
3. Implementing emergency procedures, if necessary, after administering an epinephrine delivery system; and
4. Properly disposing of used or expired epinephrine delivery systems.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

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1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine delivery systems for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine delivery system trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine delivery system on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine delivery systems in the name of a district in accordance with law. An order issued must contain the quantity and types of epinephrine delivery systems to be obtained and maintained under the order. *Education Code 38.211(a), (c)(3)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine delivery system pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine
Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine delivery systems. Throughout the school calendar year, the designated school personnel must coordinate with each campus to ensure that the unassigned epinephrine delivery systems are checked monthly for expi-

ration and usage and the findings are documented. *25 TAC 40.65(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of epinephrine delivery systems, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212*

A district shall provide electronic or written notice to the parent or guardian of each student.

If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days.

25 TAC 40.69

Storage

Unassigned epinephrine delivery systems shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine delivery systems on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*

Replacement

The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine delivery system that is used or close to expiration. *25 TAC 40.65(i)*

Disposal

Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy.

Expired unassigned epinephrine delivery systems shall be disposed of according to the school's medication disposal policy.

25 TAC 40.65(j)-(k) [See DBB]

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

**Maintenance and
Administration of
Medication for
Respiratory Distress**

Note: The following provisions apply only to a district that adopts a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of unassigned medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1); 25 TAC 40.44(a)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1); 25 TAC 40.44(a)(1)(C)*

In developing the policy, a district may consider performing a review to include:

1. Consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being;
2. Campus geography; and
3. Student population size.

25 TAC 40.44(b)

An adopted unassigned medication for respiratory distress policy must be publicly available. *25 TAC 40.44(d)*

Definitions

“School personnel” means an employee of a district. The term includes a member of the board.

“School volunteer” means a person providing services for or on behalf of a district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses.

“Unassigned medication for respiratory distress” means albuterol, levalbuterol, or another medication based on the best available medical evidence for the treatment of respiratory distress that is:

1. Delivered by metered-dose inhaler (MDI) with a spacer (valved holding chamber) or by a nebulizer as a rescue medication;
2. Prescribed by an authorized health-care provider in the name of the district;

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3. Issued with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress; and
4. Issued by an authorized health-care provider.

Education Code 38.201(3-a), (6), 22.053(b); 25 TAC 40.42(8), (10), (12)

Each Campus
During Regular
School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer unassigned medication for respiratory distress present during regular school hours, which means at least 30 minutes before the first bell to 30 minutes after the last bell of the school day. *Education Code 38.208(d-1); 25 TAC 40.42(5), 40.44(a)(1)(C)*

A “campus” is defined as a geographic unit of a district that:

1. Has an assigned administrator;
2. Has enrolled students who are counted for average daily attendance;
3. Has assigned instructional staff;
4. Provides instructional services to students;
5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and
6. Is subject to Texas laws.

25 TAC 40.42(2)

Medication
Inventory

Subject to the availability of funding, a district that adopts a policy must allow for treatment of multiple students and secure or obtain at least:

1. One MDI with appropriate spacers (valved holding chambers) to accommodate the developmental needs of the student population; or
2. At least five vials of nebulizer solution with appropriate nebulizer-required equipment to accommodate the developmental needs of the student population.

25 TAC 40.44(a)(2)

In addition to the minimum number of doses described above, the number of additional doses may be determined by an individual campus review led by an authorized health-care provider. *25 TAC 40.45(b)(2)*

Designated
Campus
Administrator

A district that adopts a policy must include in the policy the designated campus administrator to coordinate and manage policy implementation for each campus, which includes:

1. Conducting a review at the campus to determine the need for additional doses;
2. Training school personnel and school volunteers;
3. Acquiring or purchasing, maintaining, storing, and using unassigned medication for respiratory distress, subject to available campus funding; and
4. Disposing of expired unassigned medication for respiratory distress.

25 TAC 40.44(c)(1)

Notification
Procedures

Each district that adopts a policy must include in the policy the procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned medication for respiratory distress is administered. *25 TAC 40.44(c)(4)*

Referral Required

If unassigned medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name and dosage of the unassigned medication for respiratory distress administered to the student;
3. Any patient care instructions given to the student; and
4. Information about the purpose and use of an asthma action plan and medical authorization for schools, including a blank copy of the plan and authorization the provider completes and returns to the school.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student's parent or guardian must receive information to assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3); 25 TAC 40.44(c)(6)-(7)

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Storage	<p>The supply of medication for respiratory distress at each campus must be stored in accordance with the manufacturer's guidelines and local policy of the district in a secure location and be easily accessible to authorized school personnel and school volunteers. <i>Education Code 38.208(e-1); 25 TAC 40.45(d)</i></p> <p>The location of the unassigned medication for respiratory distress must be specified in the policy. <i>25 TAC 40.44(c)(3)</i></p>
Disposal	<p>The policy must include a plan to check inventory of unassigned medication for respiratory distress for expiration at least twice during the school year, to replace, as soon as reasonably possible, and to document the findings. <i>25 TAC 40.44(c)(5)</i></p> <p>Expired unassigned medication for respiratory distress and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district. <i>25 TAC 40.45(e)</i></p>
Records Retention	<p>Records relating to implementing and administering the district's unassigned medication for respiratory distress policy must be retained per the campus record retention schedule. <i>25 TAC 40.47(a)</i></p>
Training	<p>Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. Each authorized school personnel or school volunteer must receive initial training and an annual refresher training. The training must:</p> <ol style="list-style-type: none">1. Include information on recognizing the signs and symptoms of respiratory distress;2. Include information on administering medication for respiratory distress;3. Include information on implementing emergency procedures, if necessary, after administering medication for respiratory distress;4. Include information on proper sanitization, reuse, and disposal of medication for respiratory distress;5. Cover the authorized health-care provider's standing order;6. Include processes to follow-up with the prescribing authorized health-care provider and the student's primary health-care provider;7. Provide information on the report required after administering unassigned medication [see below];

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8. Include information on the district's adopted unassigned medication for respiratory distress policy;
9. Incorporate hands-on training with unassigned medication for respiratory distress; and
10. Inform school personnel or school volunteers of the purpose and use of asthma action plans.

Education Code 38.210(a-1); 25 TAC 40.46(a)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

The policy must include a list of trained and authorized school personnel and school volunteers available to administer unassigned medication for respiratory distress. *25 TAC 40.44(c)(2)*

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers trained and authorized to administer unassigned medication for respiratory distress at the campus or at a school-sponsored event. *25 TAC 40.46(b)*

Reporting
Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;
2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;
3. The dosage of the medication for respiratory distress administered;
4. The title of the person who administered the medication for respiratory distress; and
5. Any other information required by the commissioner.

Notifications to the commissioner of state health services must be submitted on the designated electronic form available on the DSHS School Health Program website found at dshs.texas.gov.

Education Code 38.2091; 25 TAC 40.47

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Each district campus in a district that adopts a policy for the administration of medication for respiratory distress must obtain a prescription from an authorized health-care provider to stock, possess, and maintain unassigned medication for respiratory distress at each campus and any equipment necessary to administer the medication. The campus must renew this prescription or obtain a new prescription annually. *25 TAC 40.45(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written or electronic notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212; 25 TAC 40.48(a)*

If a district changes or discontinues the unassigned medication for respiratory distress policy, the campus must provide written or electronic notice detailing the change or discontinuation of the policy to a parent or guardian of each student within 15 calendar days after the change or discontinuation. *25 TAC 40.48(b)*

Vendor Contracts

The board may contract with a vendor to provide medication for respiratory distress and related equipment to the district and training to school personnel and school volunteers authorized to administer medication for respiratory distress under Education Code Chapter 38, Subchapter E. *Education Code 38.2115*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine delivery systems or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine

delivery systems or a policy for medication for respiratory distress.
Education Code 38.208(d-2)

**Immunity from
Liability**

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine delivery systems and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

Medication Provided by Parent

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication in accordance with legal requirements.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

Medication Provided by District

Except as required by law and provided by this policy, the District shall not purchase medication to administer to a student.

First-Aid

The District shall purchase certain topical nonprescription medications for use when administering first-aid to students in accordance with administrative regulations.

The Superintendent shall designate the employees who are authorized to administer nonprescription medication under this provision.

Athletic Program

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:

1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Opioid Antagonist

This provision shall be applicable to each campus that serves students in grades 6-12.

On Campus

The District authorizes school personnel who have been adequately trained to administer an opioid antagonist in accordance with law and this policy. Administration of an opioid antagonist shall

only be permitted when an authorized and trained individual reasonably believes a person is experiencing an opioid-related overdose.

Each applicable campus shall have at least one individual who is authorized and trained to administer an opioid antagonist present during regular school hours.

*Maintenance,
Availability,
Training, and
Reporting*

Each applicable campus shall have at least two unused, unexpired opioid antagonist doses available.

All opioid antagonists shall be stored in a secure location and shall be easily accessible by individuals who are authorized and trained to administer an opioid antagonist.

The Superintendent shall develop administrative regulations addressing acquisition, maintenance, expiration, and disposal of opioid antagonists in the District, as well as reporting, employee training, and emergency notification requirements.

Psychotropics

Except as permitted by law, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

**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 24 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 misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

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

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

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

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

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 law and the rules of the investigating agency.

Immunity

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

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

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

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

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

**Responsibilities
Regarding
Investigations**

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

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

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

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

**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 103.1401(b)(3)

Definitions

Child Abuse

“Abuse” includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, improper relationship between educator and student under Penal Code 21.12, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;
6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;
7. Compelling or encouraging the child to engage in sexual conduct as defined by Penal Code 43.01, compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.021, or compelling prostitution under Penal Code 43.05(a)(2);
8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code or pornographic;
9. The current use by a person of a controlled substance as defined by Health and Safety Code Chapter 481, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;
10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Health and Safety Code Chapter 481;
11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;
12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
13. Forcing or coercing a child to enter into a marriage.

Abuse does not include the refusal by a person responsible for a child's care, custody, or welfare to affirm a child's perception of the child's gender, including a refusal to use a child's preferred name

or pronouns, regardless of whether the child's name has been legally changed or to affirm a child's expressed sexual orientation.

Neglect

“Neglect” means an act or failure to act by a person responsible for a child’s care, custody, or welfare evidencing the person’s blatant disregard for the consequences of the act or failure to act that results in harm to the child or that creates an immediate danger to the child’s physical health or safety.

Neglect includes:

1. The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;
2. The following acts or omissions by a person:
 - a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child’s level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;
 - b. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;
 - c. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or
 - e. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse as defined above at items 5-9 committed against another child;
3. The failure by the person responsible for a child’s care, custody, or welfare to permit the child to return to the child’s home without arranging for the necessary care for the child after the child has been absent from the home for any reason,

including having been in residential placement or having run away; or

4. A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include:

1. The refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
 - a. The child has a severe emotional disturbance;
 - b. The person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
 - c. The person has exhausted all reasonable means available to the person to obtain the mental health services described at item b, above;
2. Allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
3. A decision by a person responsible for a child's care, custody, or welfare to:
 - a. Obtain an opinion from more than one medical provider relating to the child's medical care;
 - b. Transfer the child's medical care to a new medical provider;
 - c. Transfer the child to another health care facility;
4. The refusal by a person responsible for a child's care, custody, or welfare to administer or consent to the administration of a psychotropic medication to the child, or to consent to any other psychiatric or psychological treatment of the child, unless the refusal presents a substantial risk of death, disfigurement, or bodily injury to the child or results in an observable and material impairment to the growth, development, or functioning of the child;

5. Choosing a recognized alternative health-care treatment or therapy for the child that could be considered as new, emerging, or nonstandard, unless the treatment or therapy presents a substantial risk of death, disfigurement, or bodily injury to the child or results in an observable and material impairment to the growth, development, or functioning of the child; or
6. The refusal by a person responsible for a child's care, custody, or welfare to affirm a child's perception of the child's gender, including a refusal to use a child's preferred name or pronouns, regardless of whether the child's name has been legally changed or to affirm a child's expressed sexual orientation.

Family Code 261.001(1), (1-a), (4)

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

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

19 TAC 103.1401(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 24 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 individual 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;

3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
 - a. Home address; or
 - b. If the individual is a professional as defined by Family Code 261.101(b) [see Report by Any Professional, above], the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

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)*

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. A 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 103.1401(b)(1)-(2)

"Law enforcement agency" means:

1. The Department of Public Safety;
2. The police department of a municipality;
3. The sheriff's office of a county; or
4. A constable's office of a county.

Family Code 261.001(3-a)

"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)*

**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*

Civil Liability

A school district that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is failure to report suspected child abuse or neglect under Family Code 261.101 [see Duty to Report, above]. *Civil Practice and Remedies Code 118.001*

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 22A.051, 22A.052, 22A.301, and 19 Administrative Code 249.14(d)-(f). *19 TAC 249.15(b)(4)*

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.

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 103.1401(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 24 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 103.1401(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. Oral reports made to DFPS are recorded;
5. Confidentiality provisions relating to a report of suspected child abuse or neglect, including the following:
 - a. The requirement for the individual making the report to provide his or her name and telephone number;
 - b. The requirement for the individual making the report to provide his or her home address or, if the individual making the report is a school employee, agent, or contractor, provide his or her business address and profession; and
 - c. The limited circumstances under which the identity of the individual making a report may be disclosed;
6. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

7. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 103.1401(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 103.1401(b)(5)-(8)

Annual Distribution
and Staff
Development

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 103.1401(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](#)¹ 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 Pro-

ective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 103.1401(e)-(f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

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.

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 prac-

tices, 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 or contractor must obtain the written consent of a child's parent in the manner required by Education Code 26.009(a-2) before the employee or contractor may conduct a psychological or psychiatric 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)

[For more information regarding required parental consent for a psychological or psychiatric examination, test, or treatment, see FFA. For more information about consent to medical treatment, including psychological treatment under certain circumstances, 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]

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.

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 call-

ing, 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(LEGAL)]

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:

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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.

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District Investigation	<p>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.</p> <p>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.</p>
Criminal Investigation	<p>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.</p>
Concluding the Investigation	<p>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.</p> <p>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.</p>
<i>Notification of Outcome</i>	<p>Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.</p>
District Action <i>Prohibited Conduct</i>	<p>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.</p>
Corrective Action	<p>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</p>

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**

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

General Response

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.

**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)*

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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.

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)*

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]

Civil Liability

A school district that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is sexual misconduct.

For purposes of this provision, "sexual misconduct" means sexual abuse or conduct described by Penal Code:

1. 20A.02 (trafficking of persons);
2. 21.02 (continuous sexual abuse of young child or disabled individual);
3. 21.07 (public lewdness);
4. 21.08 (indecent exposure);
5. 21.11 (indecent with a child);
6. 21.12 (improper relationship between educator and student);
7. 21.15 (invasive visual recording);
8. 21.16 (unlawful disclosure or promotion of intimate visual material);
9. 21.165 (possession or promotion of lewd visual material depicting child);
10. 21.17 (voyeurism);
11. 21.18 (sexual coercion);
12. 21.19 (bestiality);
13. 22.011 (sexual assault);
14. 22.012 (indecent assault);
15. 22.021 (aggravated sexual assault); and
16. 43.25 (sexual performance by a child).

For purposes of this provision, “professional school employee” includes:

1. A superintendent, principal, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a district;
2. A teacher employed by a company that contracts with a district to provide the teacher's services to the school;
3. A student in an education preparation program participating in a field experience or internship;
4. A school bus driver certified in accordance with standards and qualifications adopted by the Department of Public Safety of the State of Texas;
5. A member of the board; and
6. Any other person employed by the district whose employment requires certification and the exercise of discretion.

A district's governmental immunity to suit and from liability is waived to the extent of liability created above.

The professional school employee who committed the act of failure to report must be named as a defendant. The employee may not assert official immunity in such an action.

Civil Practice and Remedies Code 118.001, .002, .006

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)

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."

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 physi-

cian, 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 10 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 10 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.

34 C.F.R. 106.45(b)(5)

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 wit-

nesses, 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.

34 C.F.R. 106.45(b)(7)(i)-(ii)

*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)*

Note: For Board member use of District technology resources, see BBI. For student use of personal electronic devices, see FNCE.

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.

**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**

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

Definitions

Harmful to Minors

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 tech-

nology 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.

<i>Certification to U.S. Department of Education</i>	<p>A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.</p> <p><i>20 U.S.C. 7131</i></p>
Uniform Electronic Transactions Act (UETA)	<p>The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. <i>Business and Commerce Code 322.003(a)</i></p> <p>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. <i>Business and Commerce Code 322.005(a)–(c)</i></p> <p>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. <i>Business and Commerce Code 322.017(c)</i></p>
Records Retention	<p>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:</p> <ol style="list-style-type: none">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; and2. Remains accessible for later reference. <p>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.</p> <p><i>Business and Commerce Code 322.012(a), (f)</i></p> <p>[For more information on records management, see CPC.]</p>
Definitions	<p>"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.</p> <p>"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.</p>

"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).

**Armed Security
Officer Required**

The board shall determine the appropriate number of armed security officers for each district campus. The board must ensure that at least one armed security officer is present during regular school hours at each district campus.

For this purpose, a security officer must be:

1. A school district peace officer;
2. A school resource officer;
3. A commissioned peace officer employed as security personnel under Education Code 37.081;
4. A reserve deputy sheriff appointed under Local Government Code 85.004 who is a peace officer as described by Code of Criminal Procedure 2A.001;
5. A reserve police officer appointed under Education Code 37.0816 who is a peace officer as described by Code of Criminal Procedure 2A.001 [see CKEA]; or
6. An honorably retired peace officer, as that term is defined by Government Code 614.121, who has:
 - a. Kept their commission as a peace officer in active status; and
 - b. Fulfilled all applicable requirements under Occupations Code 1701.351 (continuing education), 1701.3525 (active shooter response training), and 1701.357 (weapons proficiency).

**Good Cause
Exception**

If the board is unable to comply with this requirement, the board may claim a good cause exception if the district's noncompliance is due to the availability of funding or personnel who qualify to serve as a security officer.

Expiration

A good cause exception claimed by the board expires on the first anniversary of the date the exception is claimed.

Renewal

On the expiration of the exception, the board must reevaluate whether the board is able to comply with this requirement and, if not, renew the claim for an exception and the alternative standard.

**Alternative
Standard**

A board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

1. A school marshal; or

2. A school district employee or a person with whom the district contracts who carries a handgun on school premises in accordance with written regulations or written authorization of the district under Penal Code 46.03(a)(1)(A) and who either:
 - a. Has completed school safety training provided by a qualified handgun instructor certified in school safety under Government Code 411.1901; or
 - b. Not later than the 90th day after the date on which the employee or person begins duties as a security officer, completes training deemed appropriate by the district, in consultation with the district's police department, or, if the district does not have a police department, a local law enforcement agency, in:
 - (1) Active shooter response, which must be provided by an instructor certified by the Advanced Law Enforcement Rapid Response Training Center at Texas State University — San Marcos;
 - (2) School safety and emergency management;
 - (3) Crisis intervention;
 - (4) Incident command;
 - (5) First aid administration;
 - (6) Mental health; and
 - (7) Qualifications relating to the carrying or use of a firearm.

Documentation

The board must develop and maintain documentation of the district's implementation of and compliance with this requirement, including documentation related to a good cause exception and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA.

Education Code 37.0814

**School District
Peace Officers,
School Resource
Officers, and
Security Personnel**

To carry out Education Code Chapter 37, Subchapter C (Law and Order), the board may:

1. Employ or contract with security personnel, including contracting with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by the Department of Public Safety;

2. Enter into a memorandum of understanding with a local law enforcement agency or a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers; and
3. Commission peace officers.

Jurisdiction

The jurisdiction of a peace officer, a school resource officer, or security personnel shall be determined by the board and may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board that employ or contract with, as applicable, the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

Education Code 37.081(a), (a-1); 37 TAC 35.141

Duties

The board shall determine the law enforcement duties of peace officers, school resource officers, and security personnel. The duties must be included in:

1. The district improvement plan under Education Code 11.252 [see BQ];
2. The student code of conduct adopted under Education Code 37.001 [see FO];
3. Any memorandum of understanding providing for a school resource officer; and
4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

In determining the law enforcement duties, the board shall coordinate with district campus behavior coordinators and other district employees to ensure that district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

Education Code 37.081(d), (d-1), (d-4)

<i>Prohibited Duties</i>	<p>A district may not assign or require as duties of a district peace officer, a school resource officer, or security personnel:</p> <ol style="list-style-type: none">1. Routine student discipline or school administrative tasks; or2. Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel. <p>This provision does not prohibit a district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:</p> <ol style="list-style-type: none">1. The assigned duties of the officer or security personnel; or2. An incident involving student behavior or law enforcement. <p><i>Education Code 37.081(d-2), (d-3)</i></p>
Refusal or Removal from District Property	<p>A school resource officer or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. <i>Education Code 37.105(a); 19 TAC 103.1207 [See GKA]</i></p>
Active Shooter Response Training	<p>A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE) at least once in each four-year period.</p> <p>A district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Occupations Code 1701.263.</p> <p>A district may not contract for the provision of active shooter response training unless the training provider is certified under Occupations Code 1701.2515 to provide the training.</p> <p><i>Education Code 37.0812</i></p>
School-Based Law Enforcement Proficiency	<p>School district peace officers or school resource officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district. <i>37 TAC 218.3(d)(5); Occupations Code 1701.263(b)</i></p>
Officer Providing Volunteer Security Services	<p>A peace officer providing volunteer security services on premises where an event sponsored or sanctioned by a public primary or secondary school is taking place may:</p> <ol style="list-style-type: none">1. With the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency; or

2. Wear another uniform or badge that gives the person the appearance of being a peace officer.

Occupations Code 1702.333(d)

Immunity from Liability

“Retired peace officer” has the meaning assigned by Occupations Code 1701.3161.

“Security personnel” includes:

1. A school district peace officer;
2. A school marshal;
3. A school resource officer; and
4. A retired peace officer who has been hired by a district to provide security services or volunteers to provide security services to the district.

A district is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

A district is immune from liability as provided above for any damages resulting from any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

Any security personnel employed by a district is immune from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

The statutory immunity provided by these provisions is in addition to and does not preempt the common law doctrine of official and governmental immunity. To the extent that another statute provides greater immunity to a district than these provisions, that statute prevails.

Education Code 37.087

Notice of Exposure to Communicable Disease

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice regarding work-related exposure to communicable disease in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

**Authorized
Handguns**

Under Education Code 11.151(b), a board may promulgate written regulations and authorization as provided by Penal Code 46.03(a)(1) (exception to places where weapons are prohibited).
Atty. Gen. Op. GA-1051 (2014)

Role of Persons
Carrying a Firearm

A person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

This prohibition does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Education Code 37.081(d) [see Duties, above].

Education Code 37.089