

POTH INDEPENDENT SCHOOL DISTRICT

District Administration

Dr. Albert Byrom, Superintendent
Laura Kroll, Asst. Supt. Of Curriculum & Instruction
Braden Lyssy, Chief Financial Officer
Jeff Luna, Athletic Director



Campus Administration

Ricardo Contreras, High School Principal
Michelle Scheffler, Junior High Principal
Lorelei Rodgers, Elementary Principal

NOTICE TO EMPLOYEES, CONTRACTORS, VENDORS, and SERVICE PROVIDERS

DATE: September 14, 2026
TO: All District Contractors, Independent Service Providers, Volunteers and Vendors
FROM: Dr. Albert "Lee" Byrom, Jr., Superintendent of Schools
SUBJECT: Prohibitions against Discrimination and Diversity, Equity, and Inclusion (DEI) Activities

This memorandum serves as notice to all employees, contractors, vendors and service providers of the District of important changes in state law and District policy prohibiting the consideration of race, color, national origin, sex, disability, or age in connection with District operations and decision-making.

All District employees, vendors, service providers and contractors are required to:

1. Review this memorandum in its entirety;
2. Disseminate its contents to all personnel assigned to District accounts; and
3. Maintain operations in strict conformity with District policy.

By performing services under any current or future District agreement, you acknowledge and agree to these contract terms.

A. Discrimination Prohibited

The District prohibits discrimination on the basis of race, color, national origin, religion, sex or disability. Additionally, Texas Education Code § 11.005 and District policy prohibit District employees, contractors, vendors, and service providers from performing, carrying out, or assigning certain responsibilities or job duties at, for, or on behalf of the District. This notice clarifies District policy prohibiting the consideration of race, sex, color, or ethnicity in District operations and decision-making. Consistent with Texas Education Code § 11.005, the District prohibits certain activities related to Diversity, Equity and Inclusion (DEI) initiatives. The District's policies may be accessed [online here](#) or on our District website. Employees, contractors, vendors and service providers are required to comply with all District policies while providing services to the District.

B. Diversity, Equity and Inclusion Duties Defined

For purposes of District policy, "Diversity, Equity, and Inclusion (DEI) Duties" means the following activities:

1. Influencing hiring, recruitment, selection, promotion, compensation, or other employment practices with respect to race, sex, color, or ethnicity, except as necessary to comply with applicable state or federal antidiscrimination laws.
2. Promoting differential treatment of, or providing special benefits to, individuals on the basis of race, color, or ethnicity.
3. Developing or implementing policies, procedures, trainings, activities, or programs that reference race, color, ethnicity, gender identity, or sexual orientation, except:
 - a. Student recruitment efforts conducted by historically black colleges and universities in collaboration with a school district; or
 - b. As necessary to comply with state or federal law.

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4. Compelling, requiring, inducing, or soliciting any employee, applicant, contractor, vendor, service provider, or other individual to provide a diversity, equity, and inclusion statement, or granting preferential consideration based on the provision or content of such a statement.

C. District Policies

The following District policies are of particular importance in regulating the District's prohibition against DEI duties:

1. [Board Policy BJA \(LEGAL\)](#): Requires the Superintendent to certify to the Commissioner of Education the District's compliance with Texas Education Code Sections 39.008, 11.005 and 28.0022.
2. [Board Policy BJCF \(LOCAL\)](#): Provides that violation of the District's prohibition against engaging in or delegating to another DEI duties are good cause for a Superintendent contract nonrenewal.
3. [Board Policy BT \(LEGAL\)](#): Provides that except as explicitly required by state or federal law, the District shall not assign DEI duties to any person and must proactively prohibit independent contractors from engaging in such activities.
4. [Board Policy CJ \(LEGAL\)](#) and [\(LOCAL\)](#): Govern contracted services and provide that a District contract is subject to termination if a contractor or vendor intentionally or knowingly engages in DEI duties or assigns such duties to another individual. It also establishes the appeal process through which an affected contractor may appeal an adverse contract action.
5. [Board Policy CMD \(LEGAL\)](#): Governs the acquisition of instructional materials.
6. [Board Policy DF \(LEGAL\)](#): Addresses the appropriate discipline, including termination, of a District employee or contractor who intentionally or knowingly engages in or assigns to another person prohibited diversity, equity, and inclusion duties.
7. [Board Policy DG \(LEGAL\)](#): Provides that a teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs.
8. [Board Policy DH \(LOCAL\)](#): Outlines employee standards of conduct, including the prohibition against engaging in or delegating to another DEI duties.
9. [Board Policy EMB \(LEGAL\)](#): Addresses the teaching of controversial topics, and prohibiting instruction, guidance, activities, or programming regarding sexual orientation and gender identity to students.

D. Consequences for Violation of Policies

Employees and District contractors are on notice that violation of these District policies may result in disciplinary action, up to and including termination of employees, or termination of third-party contracts with vendors and service providers:

1. [Mandatory Termination of Contracts](#): Policy CJ (LOCAL) requires the District to terminate a contract if a contractor intentionally or knowingly violates these provisions. If an administrative review or investigation finds that a contractor engaged in prohibited DEI-related activities, assigned such activities to another person, or provided prohibited instruction or guidance, the contract will be terminated. This requirement applies to all contractors, vendors, and service providers. Contractors are accountable for actions taken by their executives, employees, and any third parties acting on their behalf.
2. [Employee Discipline](#): Employees who violate the District's policies and standards of professional conduct may be subject to discipline, up to and including possible termination of employment.

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E. Certain Practices Exempted

BT (LEGAL) specifically states that these prohibitions are not intended to limit or change certain essential educational, operational, and business functions. Contractors and employees may engage in the following activities without concern that they will violate the District's anti-discrimination requirements:

1. Historically Underutilized Businesses (HUBs): The policy does not limit or prohibit the District from actively contracting with historically underutilized businesses in accordance with applicable Texas procurement statutes.
2. Commemorative and Holiday Instruction: Contractors may acknowledge, reference, or teach the historic significance of state and federal holidays, or celebrate federally designated commemorative months, provided the curriculum aligns with the Texas Essential Knowledge and Skills (TEKS) frameworks.
3. Constitutional Protections: Nothing in these guidelines shall be construed to infringe upon or affect a student's core constitutional rights under the First Amendment to the United States Constitution or Article I, Section 8, of the Texas Constitution.
4. Academic Achievement and Data Reporting: Data collection, standard monitoring, or state reporting are not impacted by the District's policies. Practices, procedures, or programs designed to eliminate unlawful discriminatory patterns, address academic achievement gaps, or enhance postgraduate student success are not impacted by these policies.

These programs are structured and implemented entirely without regard to race, sex, color, or ethnicity.

Thank you for your attention to these important policy changes. Anyone wishing to receive a printed copy of any or all of the policies referenced in this memorandum may access the policies from the District's [online policy manual available here](#) on the District's website, or by contacting Braden Lyssy, Chief Financial Officer, at blyssy@pothisd.us or 830-484-3330 ext. 1006.

Sincerely,

Dr. Albert "Lee" Byrom, Jr.
Superintendent of Schools

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