



Regular Board of Trustees Meeting Thursday, April 25, 2024

El Paso Community College

9050 Viscount Blvd, Boardroom A200

Apr 25, 2024 4:30 PM - 5:30 PM MDT

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1. General Functions - AMENDED/EMERGENCY Agenda

A REGULAR/EMERGENCY MEETING of the Board of Trustees of the El Paso County Community College District will be held on Thursday, April 25, 2024 beginning at 4:30 p.m. to, in part, address an emergency and/or a matter of urgent public necessity related to certain security measures pursuant to Section 551.045 of the Texas Government Code. This meeting will be held at the Administrative Service Center located at 9050 Viscount Blvd; Board of Trustees Room - #A200, El Paso, TX 79925, and will be viewable through the EPCC YouTube channel refer to the link:
<https://www.youtube.com/user/goepcc>

1.1. CALL TO ORDER

1.2. ROLL CALL

1.3. EXECUTIVE & CLOSED SESSION

The Board of Trustees may conduct an executive or closed session pursuant to Chapter 551 of the Texas Government Code for one or more of the following reasons: (1) Consultation with its attorney to seek or receive legal advice or consultation regarding pending or contemplated litigation or for any purpose authorized by law; (2) discussion about the value or transfer of real property; (3) discussion about a prospective gift or donation; (4) consideration of specific personnel matters; (5) discussion about security, personnel or devices; or (6) discussion of certain economic development matters. The Board may also announce that it will go into executive session on any item listed on this agenda if the subject matter is permitted for a closed session by provisions of Chapter 551 of the Texas Government Code. Any vote regarding these items shall be taken in open session.

1.3.1. Discussion with legal counsel regarding the proposed

contract termination of employee in the Division of Research Accreditation and Planning, pursuant to Section 551.074 of the Texas Government Code.

1.3.2. Discussion with legal counsel regarding the proposed

contract termination of employee in the Division of Finance and Administration, pursuant to Section 551.074 of the Texas Government Code.

1.3.3. Discussion with legal counsel regarding the proposed

contract termination of employee in the Division of Instruction and Workforce Education, pursuant to Section 551.074 of the Texas Government Code.

1.3.4. Discussion with legal counsel regarding

utility easement to El Paso Electric Company for property adjacent to the Valle Verde campus, pursuant to Section 551.072 of the Texas Government Code.

1.3.5. Discussion with legal counsel to discuss College security measures, pursuant to Section 551.071 of the Texas Government Code.

1.4. APPROVAL of MINUTES - NONE

1.5. WELCOME to GUESTS & STAFF MEMBERS

1.6. OPEN FORUM

The El Paso Community College, TASB policies limit individual presentations for any individual to three minutes under TASB BDB (Local).

1.7. PRESENTATIONS by INDIVIDUALS, GROUPS, & ORGANIZATIONS

1.7.1. Optional presentations will be made by the presidents of the Classified Staff Association, the Professional Staff Association, the Faculty Association, and the Student Government Association.

1.8. COMMUNICATIONS

1.8.1. Discussion and review regarding data, statistics, policies, and general information related to El Paso Community College by the Board of Trustees.

1.9. BOARD of TRUSTEES BUSINESS

Action items

1.9.1. Discussion with legal counsel regarding utility easement to El Paso Electric Company for property adjacent to the Valle Verde campus.

1.9.2. Discussion and action to authorize the delegation of authority to Dr.

William Serrata, College President,

to make purchases that exceed \$50,000 within applicable procurement laws, revise necessary College policies and procedures, and authorize emergency initiatives related to College security measures.

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1.10.2. President's Report

1.10.2.1. Dr. William Serrata, College President, will update the Board of Trustees and audience on recent events that have transpired at El Paso Community College.

1.11. CONSENT DOCKET

Action item Note: Includes item 3.2

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EL PASO COMMUNITY COLLEGE

**TREASURER'S REPORT
MARCH 31, 2024**

EXHIBIT 1.10.1

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CURRENT UNRESTRICTED FUNDS
MARCH 31, 2024**

EL PASO COMMUNITY COLLEGE
CURRENT UNRESTRICTED FUNDS
BALANCE SHEET
MARCH 31, 2024

	Education & General	Student Activities	Auxiliary Services	Intercollegiate Athletics	Total Current Unrestricted
Assets:					
Cash	\$ 19,300	\$	\$	\$	\$ 19,300
Pooled investments	218,532,119	2,065,994	5,332,132	1,441,149	227,371,394
Property taxes receivable	5,947,643				5,947,643
Accrued interest receivable	1,492,634				1,492,634
Other receivables	7,604,910		400,860		8,005,770
Deferred Outflows-Pension	12,901,743				12,901,743
Deferred Outflows-OPEB	12,265,394				12,265,394
Due from restricted funds					0
Prepaid expenses	386,302				386,302
Total assets	\$ 259,150,045	\$ 2,065,994	\$ 5,732,992	\$ 1,441,149	\$ 268,390,180
Liabilities:					
Accounts payable & accrued expenditures	\$ 6,453,582	\$	\$	\$	\$ 6,453,582
Due to restricted funds	1,224,111				1,224,111
Accrued compensated absences	4,656,050				4,656,050
Student property deposits	548,327				548,327
Deferred Tuition and Fees	2,616,876				2,616,876
Deferred Inflows-Pension	5,316,218				5,316,218
Deferred Inflows-OPEB	30,477,642				30,477,642
Deferred Inflows-Leases	738,874				738,874
Net Pension Liability	33,105,265				33,105,265
Net OPEB Liability	70,636,060				70,636,060
Total liabilities	\$ 155,773,005	\$ 0	\$ 0	\$ 0	\$ 155,773,005
Fund balance:					
Beginning balance: September 1, 2023	\$ 39,175,922	\$ 1,807,420	\$ 5,618,681	\$ 737,296	\$ 47,339,319
Increase (decrease) in fund balance	64,201,118	258,574	114,311	703,853	65,277,856
Ending balance: March 31, 2024	\$ 103,377,040	\$ 2,065,994	\$ 5,732,992	\$ 1,441,149	\$ 112,617,175
Total liabilities and fund balance	\$ 259,150,045	\$ 2,065,994	\$ 5,732,992	\$ 1,441,149	\$ 268,390,180

EL PASO COMMUNITY COLLEGE
EDUCATION AND GENERAL
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

	Budget		Actual		Open Commitments	Budget Balance Available	Percent Used
	Original	Revised	Current Month	Year To Date			
Revenues:							
State Appropriations	\$ 40,675,854	\$ 40,675,854	\$ 2,630,932	\$ 31,637,822	\$	\$ 9,038,032	78%
Fed Appr/Grants	785,604	785,604	65,622	418,876		366,728	53%
Tuition & fees	39,820,343	39,820,343	370,774	34,039,862		5,780,481	85%
Property tax	70,122,166	70,122,166	41,278	73,127,021		(3,004,855)	104%
Interest income	5,000,000	5,000,000	1,145,603	6,699,342		(1,699,342)	134%
Other income	1,750,223	1,750,223	65,146	769,891		980,332	44%
Total revenues	<u>\$ 158,154,190</u>	<u>\$ 158,154,190</u>	<u>\$ 4,319,355</u>	<u>\$ 146,692,814</u>	<u>\$ 0</u>	<u>\$ 11,461,376</u>	<u>93%</u>
Expenditures:							
Instruction	\$ 56,602,781	\$ 56,602,781	\$ 4,577,118	\$ 31,592,491	\$ 754,630	\$ 24,255,660	57%
Research	208,758	208,758	17,906	87,167	5,672	115,919	44%
Public service	5,455,954	5,455,954	266,548	1,986,495	355,828	3,113,631	43%
Academic support	18,963,097	18,963,097	1,437,951	10,185,144	604,194	8,173,759	57%
Student Services	11,327,180	11,327,180	713,612	4,635,115	361,698	6,330,367	44%
Institutional support	44,731,087	44,731,087	3,188,275	20,797,702	2,173,729	21,759,656	51%
Physical plant, operation & maintenance	13,257,078	13,257,078	841,933	6,410,247	2,292,728	4,554,103	66%
Total expenditures	<u>\$ 150,545,935</u>	<u>\$ 150,545,935</u>	<u>\$ 11,043,343</u>	<u>\$ 75,694,361</u>	<u>\$ 6,548,479</u>	<u>\$ 68,303,095</u>	<u>55%</u>
Transfers:							
TPEG	\$ 1,948,652	\$ 1,948,652	\$ (1,907)	\$ 1,618,322	\$	\$ 330,330	83%
Student Activities	524,906	524,906		421,036		103,870	80%
Athletics	1,833,868	1,833,868		1,457,148		376,720	79%
Plant fund	3,300,829	3,300,829		3,300,829		0	100%
Total transfers	<u>\$ 7,608,255</u>	<u>\$ 7,608,255</u>	<u>\$ (1,907)</u>	<u>\$ 6,797,335</u>	<u>\$ 0</u>	<u>\$ 810,920</u>	<u>89%</u>
Net increase/(decrease) in fund balance	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (6,722,081)</u>	<u>\$ 64,201,118</u>			

EL PASO COMMUNITY COLLEGE
STUDENT ACTIVITIES FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

	<u>Budget</u>	<u>Actual</u>	<u>Budget Balance Available</u>
Revenues:			
Student activity fee	\$ 475,906	\$ 423,791	\$ 52,115
Interest income		62,049	(62,049)
Other income		<u>415</u>	<u>(415)</u>
Total revenues	<u>\$ 475,906</u>	<u>\$ 486,255</u>	<u>\$ (10,349)</u>
Expenditures:			
Salaries & benefits	\$ 271,584	\$ 47,758	\$ 223,826
Supplies & services	179,322	132,495	46,827
Travel	13,000	31,792	(18,792)
Club support	<u>12,000</u>	<u>15,636</u>	<u>(3,636)</u>
Total expenditures	<u>\$ 475,906</u>	<u>\$ 227,681</u>	<u>\$ 248,225</u>
Revenues over (under) expenditures:		\$ 258,574	
Increase (decrease) in fund balance		<u>\$ 258,574</u>	

**EL PASO COMMUNITY COLLEGE
AUXILIARY ENTERPRISE FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024**

Revenues:		
Vehicle Registration	\$ 472,191	
Bookstore Commissions	112,540	
Vending Commissions	32,729	
Pepsi Cola Commissions	27,953	
GECU	21,371	
The Basil Garden Commissions	17,281	
Subway Commissions	10,198	
ATM Commissions	1,398	
A/R Returned Checks	<u>798</u>	\$ 696,459
Expenditures:		
Vehicle Registration Expense	\$ 233,799	
Staff Scholarships	196,523	
Memberships	70,766	
Bookstore/Cafeteria Utilities Expense	37,917	
Advocacy Expense	21,257	
Staff Educational Assistance	9,000	
Cafeteria Maint. Expenses	7,039	
Professional Staff Association	3,481	
Faculty Association	1,360	
Copy Machine Expenses	727	
Classified Staff Association	<u>279</u>	\$ 582,148
Revenues over (under) expenditures		\$ 114,311
Increase (decrease) in fund balance		<u><u>\$ 114,311</u></u>

EL PASO COMMUNITY COLLEGE
INTERCOLLEGIATE ATHLETICS FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

Revenues:		
Athletic Fee	\$ 1,457,148	
Interest Income	38,798	
Softball Fund Raising	135	
Baseball Fund Raising	<u>90</u>	\$ 1,496,171
Expenditures:		
Baseball	\$ 267,684	
Softball	248,392	
Cross Country	146,050	
Athletic Administration	<u>130,192</u>	\$ 792,318
Revenues over (under) expenditures:		\$ 703,853
Increase (decrease) in fund balance		<u><u>\$ 703,853</u></u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CURRENT RESTRICTED FUNDS
MARCH 31, 2024**

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS
BALANCE SHEET
MARCH 31, 2024**

	<u>Total Other Restricted</u>	<u>Total Sponsored Programs</u>	<u>Current Restricted Funds</u>
Assets:			
A/R federal agencies	\$	\$ 657,548	\$ 657,548
A/R state agencies	687,618		687,618
A/R county/local agencies	254,267		254,267
A/R students		578,202	578,202
A/R other	2,000		2,000
Due from unrestricted fund	2,382,600	(1,158,489)	1,224,111
Net OPEB Asset	<u>19,963</u>		<u>19,963</u>
Total assets	<u>\$ 3,346,448</u>	<u>\$ 77,261</u>	<u>\$ 3,423,709</u>
Liabilities & fund balance:			
Accounts payable	\$	\$ 25,401	\$ 26,153
A/P state agencies	752		1,654
A/P private	1,654		2,024
Deferred income	2,024		
Fund balance	<u>1,486,606</u>	<u>51,860</u>	<u>1,538,466</u>
	<u>1,855,412</u>		<u>1,855,412</u>
Total liabilities & fund balance	<u>\$ 3,346,448</u>	<u>\$ 77,261</u>	<u>\$ 3,423,709</u>

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS - OTHER
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024**

	Fund Balance 09/01/23	Revenues Additions	Expenditures Deductions	Fund Balance 03/31/24
Gifts:				
Scholarships/donations	\$ 1,518,977	\$ 1,849,025	\$ 1,890,572	\$ 1,477,430
Clubs and Associations	309,804	78,100	29,885	358,019
Grants & contracts:				
State	19,963	5,157,371	5,157,371	19,963
Local		954,114	954,114	0
Total	<u>\$ 1,848,744</u>	<u>\$ 8,038,610</u>	<u>\$ 8,031,942</u>	<u>\$ 1,855,412</u>

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS - SPONSORED PROGRAMS
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024**

	Projected Budget	Current Month	Current Year	Project Year	Open Commitments	Balance Available
Revenues:	\$ 99,887,471	\$ 881,750	\$ 45,784,503	\$ 92,015,522	\$ 291,569	\$ 7,580,380
Expenditures:						
2017-2018						
Early Alert Case Management FY 2018	\$ 520,245	\$ 1,140	\$ 108,961	\$ 518,519	\$ 270	\$ 1,456
2019-2020						
USDOJ La Tuna HVAC & Welding Opt 2	112,875			107,136		5,739
2020-2021						
CCAMPIS 2021	367,872		53,723	101,958	94,340	171,574
DOL - Job Corps Scholars Programs	1,186,900		27,715	648,617		538,283
GREEN Advantage Emissary Program	185,474	4,540	27,413	127,634	4,592	53,248
2021-2022						
Emergency SEOG			(6,827)	(6,827)		6,827
DOE IREPO - Curriculum Development	538,907		33,386	413,257	500	125,150
DOE IREPO - Distance Learning Support	498,452	914	7,863	298,107	97,151	103,194
DOE IREPO - Dual Credit	204,634		41,940	204,634		0
DOE IREPO - IT	355,993		91,821	355,993		0
DOE IREPO - CBE Registrar	23,575		2,389	23,575		0
Contract Opportunity Center 2022	373,377			365,130		8,247
CCAMPIS 2022	382,127		1,355	22,911		359,216
DOE - Accelerate@EPCC Title V Yr 1	541,622	570	182,388	509,822	10,897	20,903
PELL 2021/2022			(2,344)	(2,344)		2,344
2022-2023						
Ft. Bliss EMT Training	114,544		6,096	108,456		6,088
Contract Opportunity Center 2023	500,567	35,467	236,375	465,851	6,664	28,052
SSS Prog. 2023	707,647	12	10,383	652,401	1,343	53,903
DOE - Accelerate@EPCC Title V YR 2	498,873	16,180	300,974	325,388	2,440	171,045
DOE HEP 2022 YR 2	474,785		1,297	474,785		0
DOE HEP 2023 YR 3	474,987	52,201	296,983	368,185	4,368	102,434
PELL 2022/2023	41,425,470		(6,232)	41,366,636		58,834
DOL - Susan Harwood Training Prog	160,000		5,251	159,846		154
2023-2024						
Rise to the Challenge Bridge 2023	264,380	20,821	111,779	111,779	52,017	100,584
USDOJ La Tuna Welding Prog. 2023	520,332					520,332
SSS Prog. 2024	735,953	37,082	285,475	285,475	5,470	445,008
Tejano Pollworker Fellows	49,000					49,000
DOE HEP 2023 YR 4	237,234					237,234
DOE CAMP 2023 YR 3	442,330	38,146	286,709	313,652	2,064	126,614
Federal Work-Study FY 2023/2024	848,776	43,538	142,784	142,784		705,992
SEOG 2023/2024	1,095,502	319,987	1,050,221	1,050,221		45,281
PELL 2023/2024	45,000,000	294,339	42,301,787	42,301,787		2,698,213
NSF - ATE Grant	349,990	2,432	25,224	40,540	8,167	301,283
DOE - Accelerate@EPCC Title V YR 3	535,048		88,161	88,161	426	446,461
DOL - Susan Harwood Training Prog	160,000	14,381	71,453	71,453	860	87,687
Total	\$ 99,887,471	\$ 881,750	\$ 45,784,503	\$ 92,015,522	\$ 291,569	\$ 7,580,380

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
LOAN FUNDS
MARCH 31, 2024**

EL PASO COMMUNITY COLLEGE
LOAN FUNDS
BALANCE SHEET
MARCH 31, 2024

	<u>Nursing</u>	<u>Other</u>	<u>Loan Fund</u>
Assets:			
Cash & pooled investments	\$ 1,387	\$ 1,541,896	\$ 1,543,283
Loans receivable (net)	<u>13,371</u>	<u>2,028,829</u>	<u>2,042,200</u>
Total assets	<u>\$ 14,758</u>	<u>\$ 3,570,725</u>	<u>\$ 3,585,483</u>
Liabilities and Fund Balance:			
Accounts payable general	\$	\$ 482	\$ 482
Nursing alumni loan fund		2,448	2,448
Emergency loan fund		3,511,687	3,511,687
Ed Alvarez emergency loan fund		5,000	5,000
Alternative Loans (Elm)		3,000	3,000
Direct Loan Program Subsidized		3,107	3,107
Direct Loan Program Unsubsidized		9,303	9,303
SGA Emergency Book Loan Program		35,698	35,698
Federal capital contribution	13,939		13,939
Institutional capital contribution	1,549		1,549
Interest collected	8,645		8,645
Investment income	10,585		10,585
Federal canceled reimbursement	1,320		1,320
Penalty collected	2,906		2,906
Principal cancelled	(19,001)		(19,001)
Collection cost	<u>(5,185)</u>		<u>(5,185)</u>
Total liabilities & fund balance	<u>\$ 14,758</u>	<u>\$ 3,570,725</u>	<u>\$ 3,585,483</u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
ENDOWMENT FUNDS
MARCH 31, 2024**

**EL PASO COMMUNITY COLLEGE
ENDOWMENT FUNDS
BALANCE SHEET
MARCH 31, 2024**

Assets:	
Cash & Pooled Investments	\$ 33,298,484
Total assets	<u>\$ 33,298,484</u>
Fund Balance:	
Fund Balance	\$ 841,350
Student Success Endowment:	
Fund balance temporarily restricted	2,457,134
Fund Balance	30,000,000
Total fund balance	<u>\$ 33,298,484</u>

**EL PASO COMMUNITY COLLEGE
ENDOWMENT FUNDS
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024**

	Fund Balance 09/01/23	Revenues Additions	Expenditures Deductions	Fund Balance 03/31/24
Albert Horwitz	\$ 30,640	\$ 956	\$	\$ 31,596
Jose Cisneros	103,431	3,226		106,657
Amado Peña	104,508	3,260		107,768
Cecilia Ochoa Levine	32,950	1,028		33,978
Mack Quintana	55,847	2,988		58,835
Adair Margo	37,920	1,284		39,204
George W.S. Abbey	35,986	1,123		37,109
P. & B. Moreno Memorial	29,125	892	1,161	28,856
Lucy Scarbrough	38,212	1,192		39,404
Diane D. Rath	35,449	1,106		36,555
Bob Wingo	34,772	1,085		35,857
Raymond Paredes	33,451	1,044		34,495
María A. Peña	59,588	1,859		61,447
Michael W. Smith	38,156	1,190		39,346
Gerardo de los Santos	34,044	1,062		35,106
Augustine D. Gallego	28,067	876		28,943
James Vasquez	27,950	872		28,822
Diana S. Natalicio	27,827	868		28,695
Mark David Milliron	27,809	868		28,677
Student Success Endowment Fund	31,475,260	981,874		32,457,134
Total	\$ 32,290,992	\$ 1,008,653	\$ 1,161	\$ 33,298,484

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
PLANT FUNDS
MARCH 31, 2024**

EL PASO COMMUNITY COLLEGE
PLANT FUNDS
BALANCE SHEET
MARCH 31, 2024

	Unexpended Plant	Renewals & Replacements	Debt Retirement	Investment In Plant	Total Plant Funds
Assets:					
Pooled investments	\$ 43,727,508	\$ 1,065,270	\$ 29,197,672	\$	\$ 73,990,450
Property taxes receivable			32,552		32,552
Deferred Outflow-Bond Insurance Cost			214,785		214,785
Accrued interest			55,331		55,331
Land				13,702,219	13,702,219
Land improvements				21,249,067	21,249,067
Accum. Depr. - Land Improv./Infra				(12,575,263)	(12,575,263)
Buildings - EPCC				268,316,516	268,316,516
Buildings - federal				9,958,316	9,958,316
Construction in progress				3,215,255	3,215,255
Accum. Depr. - Buildings				(76,005,285)	(76,005,285)
Furniture & Equipment				15,544,325	15,544,325
Furniture & Equipment - federal				8,031,722	8,031,722
Accum. Depr. - Furniture & Equip.				(19,232,429)	(19,232,429)
Capital lease asset GASB 87				445,876	445,876
Capital lease asset GASB 96-SBITA				7,422,934	7,422,934
Accum. Depr. Leases GASB 87				(145,134)	(145,134)
Accum. Depr. Leases GASB 96 - SBITA				(4,084,681)	(4,084,681)
Library books EPCC				6,266,672	6,266,672
Library books - grant				63,151	63,151
Accum. Depr. - Library Books				(4,431,109)	(4,431,109)
Total assets	<u>\$ 43,727,508</u>	<u>\$ 1,065,270</u>	<u>\$ 29,500,340</u>	<u>\$ 237,742,152</u>	<u>\$ 312,035,270</u>
Liabilities:					
Revenue bonds 2016	\$	\$	\$	\$ 105,140,000	\$ 105,140,000
Unamortized Bond premium 2016				10,589,787	10,589,787
Revenue bonds 2017				4,070,002	4,070,002
Deferred Inflow-Gain on Bond Refunding			153,528		153,528
Accrued interest - Bonds				308,750	308,750
Capital lease obligation GASB 87				3,354,161	3,354,161
Capital lease obligation GASB 96 - SBITA					
Total liabilities	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 153,528</u>	<u>\$ 123,462,700</u>	<u>\$ 123,616,228</u>
Fund balance:					
Designated fund balance	\$ 43,727,508	\$ 1,065,270	\$ 29,346,812	\$	\$ 74,139,590
Invested in plant	\$	\$	\$	\$ 114,279,452	\$ 114,279,452
Total fund balance	<u>\$ 43,727,508</u>	<u>\$ 1,065,270</u>	<u>\$ 29,346,812</u>	<u>\$ 114,279,452</u>	<u>\$ 188,419,042</u>
Total liabilities & fund balance	<u>\$ 43,727,508</u>	<u>\$ 1,065,270</u>	<u>\$ 29,500,340</u>	<u>\$ 237,742,152</u>	<u>\$ 312,035,270</u>

EL PASO COMMUNITY COLLEGE
UNEXPENDED PLANT FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>2016 Revenue Bond</u>	<u>Other</u>	<u>Total</u>	<u>Budget Balance</u>
Revenues:						
Transferred from current unrestricted	\$ 3,190,829	\$ 3,190,829	\$	\$ 3,190,829	\$ 3,190,829	\$ 0
Intrafund transfers	12,536,199	12,536,199		4,502,565	4,502,565	8,033,634
2016 Revenue Bond Interest	9,841	9,841	9,841		9,841	0
Interest income	1,360,000	1,360,000		1,428,362	1,428,362	(68,362)
Total revenues	<u>\$ 17,096,869</u>	<u>\$ 17,096,869</u>	<u>\$ 9,841</u>	<u>\$ 9,121,756</u>	<u>\$ 9,131,597</u>	<u>\$ 7,965,272</u>
Expenditures:						
Intrafund transfers	\$ 12,536,199	\$ 12,536,199	\$	\$ 4,502,565	\$ 4,502,565	\$ 8,033,634
Interfund transfers	664,000	664,000		674,000	674,000	(10,000)
Repairs and rehabilitation	23,093,119	23,093,119		3,293,659	3,293,659	19,799,460
Equipment	6,768,829	6,768,829		2,939,680	2,939,680	3,829,149
2016 RB - Master Plan Phase I						
Buildings	94,446	94,446	92,148		92,148	2,298
Proj. Reserve Master Plan Phase I						
Furniture and Equipment	16,347	16,347			0	16,347
Total expenditures	<u>\$ 43,172,940</u>	<u>\$ 43,172,940</u>	<u>\$ 92,148</u>	<u>\$ 11,409,904</u>	<u>\$ 11,502,052</u>	<u>\$ 31,670,888</u>
Revenues over/(under) expenditures	\$ (26,076,071)	\$ (26,076,071)	\$ (82,307)	\$ (2,288,148)	\$ (2,370,455)	
Beginning balance - September 1, 2023	46,097,963	46,097,963	84,605	46,013,358	46,097,963	
Ending balance - March 31, 2024	<u>\$ 20,021,892</u>	<u>\$ 20,021,892</u>	<u>\$ 2,298</u>	<u>\$ 43,725,210</u>	<u>\$ 43,727,508</u>	

**EL PASO COMMUNITY COLLEGE
RENEWALS & REPLACEMENTS FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024**

	<u>Original Budget</u>	<u>Revised Budget</u>	<u>Actual</u>	<u>Total</u>	<u>Budget Balance Available</u>
Revenues:					
Transfer from unexpended plant funds	\$ 664,000	\$ 664,000	\$ 674,000	\$ 674,000	\$ (10,000)
Transfer from unrestricted current funds	110,000	110,000	110,000	110,000	0
Transfer from auxiliary enterprises	75,000	75,000		0	75,000
Other Income	40,000	40,000		0	40,000
Interest income	60,000	60,000	47,921	47,921	12,079
Total revenues	<u>\$ 949,000</u>	<u>\$ 949,000</u>	<u>\$ 831,921</u>	<u>\$ 831,921</u>	<u>\$ 117,079</u>
Expenditures:					
Replacements and Renovations	\$ 1,991,622	\$ 1,991,622	\$ 809,273	\$ 809,273	\$ 1,182,349
Total expenditures	<u>\$ 1,991,622</u>	<u>\$ 1,991,622</u>	<u>\$ 809,273</u>	<u>\$ 809,273</u>	<u>\$ 1,182,349</u>
Revenues over (under) expenditures	\$ (1,042,622)	\$ (1,042,622)	\$ 22,648	\$ 22,648	
Beginning balance - September 1, 2023	<u>1,042,622</u>	<u>1,042,622</u>	<u>1,042,622</u>	<u>1,042,622</u>	
Ending balance - March 31, 2024	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 1,065,270</u>	<u>\$ 1,065,270</u>	

EL PASO COMMUNITY COLLEGE
DEBT RETIREMENT FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

	Original Budget	Actual				Budget
	Debt Service	Revenue Bonds	G.O. Bonds 1975	Capital Leases	Total	Balance Available
Revenues:						
Property tax interest	\$	\$	122	\$	122	\$ (122)
General use fees	8,800,000	8,321,553			8,321,553	478,447
Interest income	471,000	374,173			374,173	96,827
Intrafund transfers	8,991,982				0	8,991,982
Capital leases	52,783			8,067	8,067	44,716
Tuition	786,000	708,495			708,495	77,505
Total revenues	\$ 19,101,765	\$ 9,404,221	\$ 122	\$ 8,067	\$ 9,412,410	\$ 9,689,355
Expenditures:						
Bond principal	\$ 3,985,000	\$ 3,985,000	\$		\$ 3,985,000	\$ 0
Bond interest	5,081,897	2,984,685			2,984,685	2,097,212
Capital lease interest expense	52,783			8,067	8,067	44,716
Intrafund transfers	8,991,982				0	8,991,982
Agents fee	5,800	1,000			1,000	4,800
Other bond costs	5,745	4,583			4,583	1,162
Amortization of bond insurance	11,304				0	11,304
Loss (gain) on bond refunding	(76,764)				0	(76,764)
Total expenditures	\$ 18,057,747	\$ 6,975,268	\$ 0	\$ 8,067	\$ 6,983,335	\$ 11,074,412
Revenues over/(under) expenditures	\$ 1,044,018	\$ 2,428,953	\$ 122	\$	\$ 2,429,075	
Beginning balance - September 1, 2023	26,917,737	26,875,220	42,517		26,917,737	
Ending balance - March 31, 2024	\$ 27,961,755	\$ 29,304,173	\$ 42,639	\$ 0	\$ 29,346,812	

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CUSTODIAL FUNDS
MARCH 31, 2024**

**EL PASO COMMUNITY COLLEGE
CUSTODIAL FUNDS
BALANCE SHEET
MARCH 31, 2024**

	Custodial Funds
Assets:	
Cash and cash equivalents	\$ 298,092
Total assets	<u>\$ 298,092</u>
Liabilities:	
Accounts payable and other liabilities	\$ 0
Total liabilities	<u>\$ 0</u>
Fund balance:	
Beginning balance: September 1, 2023	\$ 462,391
Increase (decrease) in fund balance	<u>(164,299)</u>
Ending balance: March 31, 2024	<u>\$ 298,092</u>
Total liabilities & fund balance	<u>\$ 298,092</u>

EL PASO COMMUNITY COLLEGE
CUSTODIAL FUNDS
STATEMENT OF CHANGES IN FUND BALANCE
FOR THE SEVEN MONTHS ENDED MARCH 31, 2024

	Custodial Funds
Additions:	
Miscellaneous	\$ 280,553
Total additions	<u>\$ 280,553</u>
Deductions:	
Scholarship payments to students	\$ 444,852
Total deductions	<u>\$ 444,852</u>
Net increase (decrease) in fund balance	<u><u>\$ (164,299)</u></u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
TEMPORARY INVESTMENTS
MARCH 31, 2024**

PORTFOLIO SUMMARY
EL PASO COMMUNITY COLLEGE
MARCH 31, 2024

PORTFOLIO	Book Value		Market Value	
	Beginning Balance	Change	Ending Balance	Change
Pooled Investments	\$ 334,510,535	\$ 1,977,902	\$ 336,488,437	\$ 1,977,902
Debt Service Reserve Fund	12,338,370	(2,037,785)	10,300,585	(2,037,785)
Total Portfolio	<u>\$ 346,848,905</u>	<u>\$ (59,883)</u>	<u>\$ 346,789,022</u>	<u>\$ (59,883)</u>

Effective yield for March 31, 2024 = 5.2754%

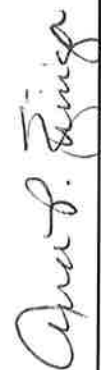
Benchmark: Average 13-week T-Bill rate for March = 5.2413%

The undersigned acknowledge that the College's investment portfolio is in compliance with Generally Accepted Accounting Principles and the policies and strategies as contained in the College's Investment Policy for El Paso Community College and also in compliance with the Public Funds Investment Act of the State of Texas.

Fernando Flores, CPA
Vice President
Finance & Administration/CFO



Ana P. Zúñiga, CPA
Interim Associate Vice President
Budget & Financial Services



EL PASO COMMUNITY COLLEGE
TEMPORARY INVESTMENTS
MARCH 31, 2024

Pooled Investments		Amount	Rate	Duration	Purchase	Maturity	Earned YTD	Accrued YTD
	TexPool	\$ 211,574,254.26	5.3160	31	02/29/24	03/31/24	\$	\$ 938,013.26
	Texas Daily	121,057,970.36	5.3100	31	02/29/24	03/31/24		551,514.15
	Wells Fargo	1,878,309.96	1.1500	1	02/28/24	02/29/24		60.00
	Balance 3/1/2024	\$ 334,510,534.58					\$ 6,404,026.06	\$ 1,489,587.41
Purchases & Transfers in March 2024								
	TexPool	\$ 4,153,300.95	5.3160	31	02/29/24	03/31/24	\$	\$ 892,203.90
	Texas Daily	5,410,623.63	5.3100	31	02/29/24	03/31/24		510,623.63
	Wells Fargo	68,014,675.65	1.1500	28	02/28/24	03/27/24		3,883.00
								3,046.26
		\$ 77,578,600.23					\$ 1,406,710.53	\$ 3,046.26
Maturities & Transfers in March 2024								
	TexPool	\$ 16,573,381.00	5.3160	31	02/29/24	03/31/24	\$	\$ 0.00
	Wells Fargo	59,027,317.30	1.1500	28	02/28/24	03/27/24		0.00
		\$ 75,600,698.30					\$ 0.00	\$ 0.00
	Balance 3/31/2024	\$ 336,488,436.51					\$ 7,810,736.59	\$ 1,492,633.67
Revenue Bond								
	Balance 3/1/2024						\$ 9,841.01	0.00
	Balance 3/31/2024	\$ 0.00					\$ 9,841.01	\$ 0.00

**EL PASO COMMUNITY COLLEGE
TEMPORARY INVESTMENTS
MARCH 31, 2024**

	Amount	Rate	Duration	Purchase	Maturity	Earned YTD	Accrued YTD
Debt Reserve							
Balance 3/1/2024	\$ 12,338,370.12					\$ 266,771.80	\$ 55,331.01
Purchases & Transfers in March 2024	\$ 2,482,185.73	5.3160	31	02/29/24	03/31/24	\$ 8,804.73	\$ 0.00
	43,265.46	5.3100	31	02/29/24	03/31/24	43,265.46	0.00
Maturities & Transfers in March 2024	\$ 2,525,451.19					\$ 52,070.19	\$ 0.00
Balance 3/31/2024	\$ 4,563,236.00	5.3160	31	02/29/24	03/31/24	\$	\$ 0.00
	\$ 4,563,236.00					\$ 0.00	\$ 0.00
All Funds	\$ 346,789,021.82					\$ 8,139,419.59	\$ 1,547,964.68

BOARD POLICY ABSTRACT

Policy to be Considered: Appropriations and Revenue Sources (Investments Policy).		Policy: CAK (Local)
Policy Section: C (Business and Support Services)	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Revision
Action: <input checked="" type="checkbox"/> For information only (<input checked="" type="checkbox"/> 1 st Reading) <input type="checkbox"/> For Adoption (<input type="checkbox"/> and Approval)		
Resource Persons: Fernando Flores, Ana Zúñiga		
Purpose: To submit the Investments Policy, contained in CAK (Local), to the Board of Trustees for annual review in compliance with the Public Funds Investment Act (PFIA). Explanation: The Public Funds Investment Act (PFIA) and the District’s Investments Policy require the Investments Policy be submitted to the Board of Trustees for annual review. The District’s Investments Policy is currently certified by the Government Treasurers’ Organization of Texas (GTOT) through July 31, 2024. The GTOT certification validates that the District is maintaining an investments policy that meets the requirements of the PFIA and the standards for prudent public investing established by GTOT. There were no changes in the PFIA that required any changes in the current policy.		
Recommendation: Review and comment by the Board of Trustees.		

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LOCAL)

Policy

The College District manages and invests financial assets as set forth below and follows these guidelines, which have been developed in accordance with Government Code 2256.

Scope

This investments policy applies to all financial assets of the College District. These funds are accounted for in the College District's audited financial statements, including, but not limited to, the following:

1. Unrestricted Fund;
2. Restricted Fund;
3. Endowment Fund;
4. Agency Fund; and
5. Plant Funds.

The College District will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. In addition to this policy, the investment of unexpended plant funds, debt service funds, and reserve funds shall be managed by their respective bond covenants and federal legislation.

Investment Authority

The College President or other person designated by Board resolution shall serve as the investment officer of the College District and shall invest College District funds as directed by the Board and in accordance with the College District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

The vice president financial and administrative operations, the associate vice president budget and financial services, and the comptroller are designated as primary investment officers and are responsible for investment decisions and activities.

An Investment Advisory Committee shall be responsible for monitoring, reviewing, and making recommendations regarding the College District's cash management and investment program. The Investment Advisory Committee will consist of the vice president, financial and administrative operations, associate vice president, budget and financial services, comptroller, and additional members appointed by those three administrators.

**Approved
Investment
Instruments**

From those investments authorized by law and described further in CAK(LEGAL) under Authorized Investments, the Board shall permit investment of College District funds, including bond proceeds

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
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and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds as permitted by Government Code 2256.014.
5. Public funds investment pools as permitted by Government Code 2256.016.

Safety

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

**Investment
Management**

In accordance with Government Code 2256.005(b)(3), the quality and capability of investment management for College District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Standard of Care

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. According to the "prudent person" standard, investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment officers acting in accordance with the written procedures and the investments policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

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(LOCAL)

Training

Each member of the Board and investment officer shall attend at least one training session within six months after taking office or assuming duties relating to responsibilities under Government Code 2256.

The primary investment officers shall attend not less than once in a two-year period an investment training session relating to investment responsibilities from an independent source approved by the Board. The independent sources may include:

1. Coordinating Board;
2. Center for Public Management at the University of North Texas;
3. Government Treasurer's Organization of Texas; and
4. PFM Asset Management LLC.

Ethics and Conflicts
of Interest

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the College President any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the College District, particularly with regard to the time of purchase and sale. An investment officer has a personal relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or
3. The investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

An investment officer of the College District who has a personal business relationship with an organization seeking to sell an investment to the College District shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity and seeking to sell an investment to the College District shall file a statement

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

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disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the College District.

Investment Adviser

Pursuant to the Act, the College District may, at its discretion, contract with an investment management firm registered under the Investment Advisers Act of 1940 and with the State Securities Board to provide for investment and nondiscretionary management of its public funds or other funds under its control.

An appointed investment adviser shall act solely in an advisory and administrative capacity, within the guidelines of this policy. At no time shall the adviser take possession of investments or funds or otherwise be granted authority to transact business on behalf of the College District. Any contract awarded by the College District for investment advisory services shall be approved by the Board and shall not exceed two years, with an option to extend by mutual consent of both parties.

The investment adviser contracted by the College District shall abide by the "prudent expert rule," whereby investment advice shall, at all times, be given with the judgment and care, under circumstances then prevailing, which persons paid for their special prudence, discretion, and intelligence in such matters exercised in the management of their client's affairs, not for speculation by the client or production of fee income by the adviser or broker, but for investment by the client with emphasis on the probable safety of the capital while considering the probable income to be derived.

Chapter 2263 of the Government Code mandates certain actions by governing boards of state entities involved in the management and investment of state funds and adds disclosure requirements for outside financial advisers and service providers. Ethics and disclosure requirements for outside financial advisers and service providers are in Chapters 2263.01 through 2263.06 of the Government Code.

**Liquidity and
Maturity**

Any internally created pool fund group of the College District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the College District shall not exceed one year from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The College District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

To the extent possible, the College District will attempt to match its investments with anticipated cash flow requirements. Unless

APPROPRIATIONS AND REVENUE SOURCES
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matched to a specific cash flow, the College District will not directly invest in securities maturing more than two years from the date of purchase. However, the College District may collateralize its repurchase agreements using longer-dated investments that either:

1. Have a term to maturity not to exceed ten years; or
2. Are marked-to-market at least weekly and require any valuation deficiencies below the required collateral margin to be cured within one business day.

The composite portfolio will have a weighted average maturity of one year or less. This dollar weighted average maturity will be calculated using the stated final maturity dates of each security.

Diversity

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the College District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

The College District is not required to liquidate investments that were authorized investments at the time of purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

Collateralization

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the College District to require full collateralization of all College District investments and funds on deposit with a depository bank, other than investments, which are obligations of the U.S. Government and its agencies and instrumentalities. The collateralization level will be at not less than 100 percent of market value of the principal and accrued interest, reduced by that portion of funds insured by the Federal Deposit Insurance Corporation (FDIC). Securities pledged as collateral shall be held by an inde-

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

CAK
(LOCAL)

pendent third party with whom the College District has a current custodial agreement and will be of any type permitted by the provisions of the Public Funds Collateral Act, Title 10, Chapter 2257 of the Texas Government Code. The vice president for financial and administrative operations is responsible for entering into collateralization agreements with third-party collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities and the method of valuation of securities. A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the College District and retained.

Funds / Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on the following in order of priority: an understanding of the suitability of an investment to the financial requirements of the College District, consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

The College District's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, consistent with the College District's investment risk constraints and the cash flow needs projected.

The College District's cash management portfolio shall be designed with the objective of equaling or exceeding the average returns on the 13-week U.S. Treasury bill rates.

Operating Funds	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Custodial Funds	Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Debt Service Funds	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
Plant Funds	Investment strategies for plant funds shall have as their primary objective sufficient investment liquidity to timely meet capital

APPROPRIATIONS AND REVENUE SOURCES
INVESTMENTS

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(LOCAL)

project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.

**Safekeeping and
Custody**

The College District shall retain clearly marked receipts providing proof of the College District's ownership. The College District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with College District funds by the investment pool.

Competitive Bidding

Competitive quotes must be taken from at least three qualifying institutions for any investment transaction requiring competitive bidding. Investment transactions may be done verbally but followed by electronic or written confirmation. Funds will be authorized to be released after notification that the purchased security has been received. Written confirmation shall be received from the financial institution or broker/dealer. All investments purchased will be held in the College District's name in safekeeping at a third-party custodial institution with a safekeeping receipt being sent to the College District investment officer.

Safekeeping
Agreement

All security transactions, including collateral for repurchase agreements, entered into by the College District shall be conducted on a delivery-versus-payment (DVP) basis, except those with investment pool funds and mutual funds. Securities will be held by a third-party custodian designated by the comptroller in the College District's name and evidenced by safekeeping receipts.

**Sellers of
Investments**

Prior to handling investments on behalf of the College District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law.

Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA).

If the College District chooses to invest in securities that require the services of brokers/dealers, the Board or the Investment Advisory Committee shall adopt a list of approved qualified brokers that are authorized to engage in investment transactions with the College District. This list should be reviewed and revised at least annually.

A written copy of the investments policy shall be presented to any person offering to engage in an investment transaction with the College District. The qualified representative of the business organization offering to engage in an investment transaction with the College District shall execute a written instrument in a form accept-

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able to the College District and the business organization substantially to the effect that the business organization has:

1. Received and reviewed the College District's investment policy; and
2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organizations that are not authorized by the College District's investments policy.

Soliciting Bids for CDs

In order to get the best return on its investments, the College District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the College District shall use final and weighted-average-maturity limits and diversification.

The College District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the College District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the College District's independent auditing firm.

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Reporting

A written report of the College District's funds and investment transactions shall be prepared not less than quarterly and signed by the investment officers for submittal to the Board. The report shall include a summary statement of investment activity prepared in compliance with generally accepted accounting principles and Government Code 2256 and will include the following:

1. A listing of individual securities held at the end of the reporting period;
2. Additions and changes to the market value during the period;
3. Listing of investments by maturity date;
4. Fully accrued interest for the reporting period;
5. Average weighted yield to maturity of portfolio as compared to applicable benchmark; and
6. Statement of compliance of the College District's investment portfolio with state law and the investment strategy and policy approved by the Board.

Market value of all securities in the portfolio will be determined on a quarterly basis if the nature of the investments warrants it. These values will be obtained from a reputable and independent source and reflected on the written report to the Board. A formal annual review of the quarterly reports will be performed by an independent auditor with the results reported to the Board.

The investment officer shall prepare a report on any changes in Government Code 2256 and deliver the report to the Board not later than the 180th day after the last day of each regular session of the legislature.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the College District shall perform a compliance audit of management controls on investments and adherence to the College District's established investment policies.

BOARD POLICY ABSTRACT

Policy to be Considered: TASB Legal Policies		Policy #: see list below
Policy Section:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision	
Action: <input checked="" type="checkbox"/> For information only (no action required) <input type="checkbox"/> For Adoption (<input type="checkbox"/> 2 nd Reading and/or Approval)		
Resource Person: Julie Penley		
Purpose:	To ensure El Paso County Community College District (EPCCCD) Board Policies remain current, the Board of Trustees authorized the College President at its October 2019 Regular Meeting to execute a Community College District Policy Updating Services Agreement with the Texas Association of School Boards' (TASB). This Agreement includes numbered Localized Policy Manual Updates in response to changing legal authority.	
Explanation:	<p>TASB (Legal) Policies compile federal and state laws, as well as court decisions, and provide a statutory context for TASB (Local) Policies. TASB (Legal) Policies are posted in EPCC's TASB Portal: https://pol.tasb.org/Home/Index/435</p> <p>Community College Policy Reference Manual (CCPRM) Update 47 provides the legal framework for key areas of college operations. TASB Community College Services continually monitors changes in the legal landscape and prepares numbered updates with new or revised legal policies that cite current legal requirements. Update 47 reflects revisions to legal frameworks which incorporate clarification of existing materials and new materials arising from the 88th Regular Legislative Session as well as amendments to federal rules, along with rule changes from the Texas Higher Education Coordinating Board and other state agencies.</p> <p>AFA(LEGAL) INSTITUTIONAL EFFECTIVENESS: PERFORMANCE AND INSTITUTION REPORTS. At Academic Reporting, language has been added to reflect new Coordinating Board rules adopted in response to HB 8, the comprehensive college finance bill, to require each community college to report the academic data needed to calculate state funding, provide timely data and analyses to inform decisions by the college's board, administer or evaluate the effectiveness of the college's educational program, or audit a program. At Required Information, language has been edited to reflect amended federal regulations. Newly adopted federal regulations addressing Financial Value Transparency have also been added. In addition, changes have been made to conform to TASB style.</p> <p>BI(LEGAL) REPORTS. The list has been updated to reference new and amended academic and financial reports in response to HB 8. It has also been expanded to reflect amended regulations addressing financial value transparency. In addition, changes have been made to conform to TASB style.</p>	

CAAA(LEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE. Language has been revised throughout this legal framework to reflect new Coordinating Board rules adopted in response to HB 8 related to Appropriations and the Texas community college finance program.

CDA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS. At Financial Accounting and Reporting, revisions have been made to reflect new Coordinating Board rules adopted in response to HB 8. Links have also been added to the Coordinating Board's *Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges*, the *Report of Fundable Operating Expenses (RFOE)*, and the *Integrated Fiscal Reporting System (IFRS): Handbook for Reporting Officials*, September 2023.

CDC(LEGAL) ACCOUNTING: AUDITS. At Annual Audit Report, revisions have been made consistent with the 2023 fiscal year version of the Coordinating Board publication *Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges*. The link to the publication was also updated. Revisions have been made to reflect new Coordinating Board rules, adopted in response to HB 8, addressing Compliance Monitoring and Audits by the Coordinating Board. In addition, changes have been made throughout for clarity.

CH(LEGAL) SITE MANAGEMENT. A new Administrative Code requirement to post a Reporting Workplace Violence Notice has been added. The language includes a link to a version of the poster published by the Texas Workforce Commission.

CIA(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: RECORDS MANAGEMENT. At Records That May Be Destroyed, language has been updated to reflect amendments to the Administrative Code. In addition, changes have been made throughout for clarity and to conform to TASB style.

CLA(LEGAL) FACILITIES PLANNING: FACILITIES STANDARDS. Language at State Law has been added to reflect the recently repealed and replaced Administrative Code provisions addressing Accessibility for Individuals with Disabilities at community college buildings and facilities. In addition, changes have been made to conform to TASB style.

CS(LEGAL) INFORMATION SECURITY. At Information Security Assessment, Data Maturity Assessment, and Reporting, language has been updated to reflect amended Administrative Code provisions. At Risk and Authorization Management Program for Cloud Computing Services, a citation has been updated to reflect amended and newly adopted Administrative Code provisions addressing the Texas Risk and Authorization Management Program (TX-RAMP). At Financial Information Security Program, language from recently amended federal regulations requiring notification be sent the Federal Trade Commission regarding the unauthorized acquisition of unencrypted customer information has been added. In addition, changes have been made throughout for clarity and to conform to TASB style.

DBA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS. At Personnel Files of Persons Licensed Under Occupations Code 1701, SB 1445 requires a law enforcement agency to adopt a model policy to be issued by the Texas Commission on Law Enforcement (TCOLE) or a substantively similar policy on a license holder's personnel file. The bill also addresses Requests for Information regarding a license holder's personnel file.

DBB(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES. At Medical Examination of a Person Licensed or an Applicant for a License Under Occupations Code 1701, SB 1445 requires a law enforcement agency to adopt a model policy to be issued by TCOLE or a substantively similar policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by the law enforcement agency.

DC(LEGAL) EMPLOYMENT PRACTICES. Language has been updated at Verification of Employment Eligibility to reflect recently amended federal regulations. At Persons Licensed Under Occupations Code Chapter 1701, SB 1445 requires a law enforcement agency to adopt a model policy to be issued by TCOLE or a substantively similar policy establishing procedures for hiring a license holder. The bill requires a law enforcement agency as part of its Preemployment Procedures to review information in TCOLE's Licensing Status Database and Law Enforcement Database once established. Existing language amended by SB 1445 has also been added at Notification of Hire. In addition, changes have been made throughout for clarity and to conform to TASB style.

DEAB(LEGAL) COMPENSATION PLAN: WAGE AND HOUR LAWS. At Independent Contractor, language has been added to reflect new federal regulations adopted to address the determination of whether a person is an employee or independent contractor for purposes of the Fair Labor Standards Act (FLSA).

DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT. At Misconduct by a Person Licensed Under Occupations Code 1701, SB 1445 requires a law enforcement agency to adopt a model policy to be issued by TCOLE or a substantively similar policy establishing procedures for a law enforcement agency investigating misconduct by a license holder.

EBA(LEGAL) ALTERNATE METHODS OF INSTRUCTION: DISTANCE EDUCATION. At Distance Education Degree or Certificate Program, revisions have been made to reflect recently amended Coordinating Board rules on hybrid programs.

ECC(LEGAL) INSTRUCTIONAL ARRANGEMENTS: COURSE LOAD AND SCHEDULES. At Limitation on the Number of Dropped Courses, citations have been updated to reflect amendments to Coordinating Board Rules. In addition, changes have been made to conform to TASB style.

EFBA(LEGAL) DEGREES AND CERTIFICATES: ASSOCIATE DEGREES AND CERTIFICATES. Changes have been made throughout this legal framework to reflect the repeal of superseded Coordinating Board rules addressing the approval of associate degree programs. In addition, changes have been made to citations and to conform to TASB style.

EFBB(LEGAL) DEGREES AND CERTIFICATES: BACCALAUREATE DEGREES. The open to this legal framework was updated to reflect amendments to Coordinating Board rules clarifying that a community college accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) may change its accreditor to an agency now listed in GK. Changes have been made throughout this legal framework to reflect the repeal of superseded Coordinating Board rules addressing the approval of baccalaureate degree programs. In addition, changes have been made to citations and to conform to TASB style.

EFBD(LEGAL) DEGREES AND CERTIFICATES: DEGREE PLANS. The Coordinating Board repealed and replaced rules addressing degree plans filed by a student enrolled in a Multidisciplinary Studies Associate Degree Program, resulting in a language and citation change.

FC(LEGAL) ATTENDANCE. At Academic Reporting, language has been added to reflect new Coordinating Board rules adopted in response to HB 8, which require colleges to submit enrollment and other data to the Coordinating Board.

FD(LEGAL) TUITION AND FEES. At Adjusted Rates, language has been revised to reflect amendments to Coordinating Board rules made in response to HB 8, the comprehensive college finance bill, which provides that semester credit hours earned by a student before receiving an associate degree previously awarded to a student are not counted toward the calculation of excess hours for funding purposes. At Reporting, a citation and cross-reference have been added to reflect a new Coordinating Board rule adopted in response to HB 8 to address tuition and fee data that must be reported to the Coordinating Board for funding calculations. In addition, changes have been made to conform to TASB style.

GCA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO INFORMATION. At Persons Licensed or an Applicant for a License Under Occupations Code Chapter 1701, SB 1445 addresses the release of information regarding the person's Personnel File or Medical and Psychological Examination and information in the Licensing Status Database. Existing Government Code language addressing the release of a community college's Biennial Information Security Plan or an Information Security Assessment and related documentation has also been added.

GH(LEGAL) RELATIONS WITH SCHOOLS AND DISTRICTS. New Coordinating Board rules addressing College Connect Courses have been added. Language has been added to reflect new Coordinating Board rules adopted in response to HB 8 to address the Financial Aid for Swift Transfer (FAST) Program. In addition, changes have been made to conform to TASB style.

GK(LEGAL) RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES. This legal framework has been added to reflect a new Coordinating Board rule that provides a list of state-recognized accrediting agencies. The rules were adopted in response to the U.S. Department of Education's decision to permit regional accrediting organizations to accredit institutions of higher education located anywhere in the United States. Previously, Texas only recognized the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). A related existing statute has also been added.

Recommendation: Review and comment by the Board of Trustees.

**Annual Performance
Report**

As soon as practicable after the end of each academic year, a junior college district shall prepare an annual performance report for that academic year. The report shall be prepared in a form that would enable any interested person, including a prospective student, to understand the information in the report and to compare the information to similar information for other junior college districts. A junior college district shall make the report available to any person on request.

The report must include the following information for the junior college district for the academic year covered by the report:

1. The rate at which students completed courses attempted;
2. The number and types of degrees and certificates awarded;
3. The percentage of graduates who passed licensing exams related to the degree or certificate awarded, to the extent the information can be determined;
4. The number of students or graduates who transfer to or are admitted to a public university;
5. The passing rates for students required to be tested under Education Code 51.306;
6. The percentage of students enrolled who are academically disadvantaged;
7. The percentage of students enrolled who are economically disadvantaged;
8. The racial and ethnic composition of the district's student body; and
9. The percentage of student contact hours taught by full-time faculty.

The Legislative Budget Board (LBB) shall be responsible for recommending standards for reports under this section, in consultation with junior college districts, the Coordinating Board, the governor's Office of Budget and Policy (OBP), and the state auditor.

Education Code 130.0035

Academic Reporting

A public junior college must submit data through required reporting mechanisms established by the Coordinating Board. The Coordinating Board may use information obtained through required reporting for:

1. **Calculating funding disbursed under 19 Administrative Code Chapter 13;**

2. Providing timely data and analyses to inform management decisions by the governing body of each public junior college district;
3. Administering or evaluating the effectiveness of programs; or
4. Auditing the program.

Each public junior college must use data standards established by the commissioner to submit required information relating to the delivery of educational programs. The commissioner shall adopt and publish annually data standards in official Coordinating Board publications, including through the Coordinating Board Management (CBM) [Reporting and Procedures Manual for Texas Community, Technical, and State Colleges](#)¹. The Coordinating Board will widely disseminate this publication, which will include:

1. Descriptions of the data collections and submission requirements;
2. Descriptions of data elements and the codes used to report them, including data used to calculate Full-Time Student Equivalent enrollments, Texas Success Initiative eligibility of students, student transfer, dual credit or dual enrollment, the number and type of credentials conferred, and other relevant student characteristics;
3. Detailed responsibilities of public junior colleges in connection to the data submission process, including each deadline for submission and resubmission; and
4. Descriptions of data submission requirements, including submission record layout specifications and data edit specifications.

A public junior college may report a student in attendance on the approved course census date for the purpose of funding under 19 Administrative Code, Chapter 13, Subchapter R, in accordance with Education Code 130A.008.

Education Code 130A.006, .008; 19 TAC 13.524(a), (e)(1)-(2), .526(a) [See CAAA]

Certification

The reporting official for each public junior college must certify the accuracy of the report by a certification statement submitted to the Coordinating Board's Educational Data Center in accordance with the template and instructions provided in the CBM Reporting and Procedures Manual. 19 TAC 13.524(e)(4)

**Ad Hoc Reporting
Requests**

As necessary to implement 19 Administrative Code Chapter 13, the commissioner may determine the need for additional, limited, supplemental requests for data and information from public junior colleges. To the extent ad hoc reporting requests may determine or influence funding disbursements under 19 Administrative Code Chapter 13, Subchapter R, the Coordinating Board shall require the reporting official or another Coordinating Board designated official for each public junior college to certify the accuracy of the information contained in the report. 19 TAC 13.524(f)

**~~Customer Service~~
~~Customer Input~~**

~~Not later than June 1 of each even-numbered year and on request of the LBB or the governor's OBP, a state agency, including a college district, shall report on the information described below to the LBB and the governor's OBP.~~

~~A state agency shall create an inventory of external customers for each budget strategy listed in the General Appropriations Act for that agency.~~

~~Each agency shall gather information from customers using surveys, focus groups, mobile and web applications, or other appropriate methods approved by the governor's OBP and the LBB regarding the quality of service delivered by that agency. The information requested shall be as specified by the governor's OBP and the LBB and may include evaluations of the agency's:~~

- ~~1. Facilities, including the customer's ability to access that agency, the office location, signs, and cleanliness;~~
- ~~2.1. Staff, including employee courtesy, friendliness, and knowledgeability, and whether staff members adequately identify themselves to customers by name, including the use of name plates or tags for accountability;~~
- ~~3.1. Communications, including toll-free telephone access, the average time a customer spends on hold, call transfers, access to a live person, letters, electronic mail, and any applicable text messaging or mobile applications;~~
- ~~4.1. Internet site, including the ease of use of the site, mobile access to the site, information on the location of the site and the agency, and information accessible through the site such as a listing of services and programs and whom to contact for further information or to complain;~~
- ~~5.1. Complaint handling process, including whether it is easy to file a complaint and whether responses are timely;~~

~~Customer Relations
Representative~~

~~6.1. Ability to timely serve its customers, including the amount of time a customer waits for service in person, by phone, by letter, or at a website; and~~

~~7.1. Brochures or other printed information, including the accuracy of that information.~~

~~Each agency maintains ownership of the information gathered under this section.~~

~~Gov't Code 2114.002~~

~~A state agency shall appoint a customer relations representative. The representative shall:~~

~~1. Coordinate the state agency's customer service performance measurement under Government Code Chapter 2114;~~

~~2.1. Gather information and evaluations from the public about an agency's customer service;~~

~~3.1. Respond to customer concerns; and~~

~~4.1. Establish the agency's Compact With Texans.~~

~~Each state agency shall create a "Compact With Texans." The compact must be approved by the governor's OBP and the LBB. Each Compact With Texans shall set customer service standards and describe customer service principles for that agency and address:~~

~~1. The agency's procedures for responding to public contacts and complaints;~~

~~2.1. Applicable licensing and certification procedures; and~~

~~3.1. Customer waiting time for access and service delivery and responses to complaints.~~

~~Each agency that maintains a website shall publish its Compact With Texans on that website.~~

~~Gov't Code
2114.006~~ College
District Resumes

Each institution of higher education, including each college district, shall:

1. Submit to the Coordinating Board any information requested by the Coordinating Board as necessary for the Coordinating Board to include information or calculate data required to be included in the institution's resumes, described in Education Code Chapter 51A, Subchapter C; and
2. Ensure that the first frame of the institution's internet website home page includes, in a font that is larger than the font of the

majority of the text on the home page, an accessible link to the institution's online resumes maintained on the Coordinating Board's internet website.

An institution may satisfy a requirement of Education Code Chapter 51A relating to student loan, grant, or scholarship information by linking the online resume of the institution to that information as it appears on the website known as "College Navigator" or a successor or related website, maintained by the National Center for Education Statistics of the U.S. Department of Education.

Education Code 51A.003-.004

**Student Enrollment
Status Report**

In the form and manner and at the times required by the Coordinating Board, a junior college district shall report to the Coordinating Board on the enrollment status of students of the junior college district. The report must include information on:

1. Students seeking a degree;
2. Students seeking a certificate;
3. Students enrolled in workforce continuing education courses;
4. Students enrolled in college credit courses who are not seeking a degree or certificate;
5. Students enrolled in courses for credit to transfer to another institution;
6. Students enrolled in developmental education courses by course level; and
7. Enrollment in other categories as specified by the Coordinating Board.

Education Code 130.0036(a)

Cost of Attendance

Each institution of higher education, including each college district, that offers an undergraduate degree or certificate program shall prominently display on the institution's internet website the cost of attendance for a first-time entering full-time student in accordance with the uniform standards prescribed by the commissioner. These standards may be updated on an annual basis. In addition, each institution must provide a link to the [Free Application for Federal Student Aid \(FAFSA\)](#)² website.

The institution shall conform to the uniform standards prescribed by the commissioner in any electronic or printed materials intended to provide information regarding the cost of attendance to prospective undergraduate students.

The uniform standards prescribed by the commissioner shall also be considered by institutions when providing information regarding the cost of attendance for nonresident students or students enrolled in professional programs.

Institutions shall provide the Coordinating Board, upon request at least annually, any information necessary for the Coordinating Board staff to calculate the net cost of attendance for a first-time entering full-time student.

Education Code 61.0777(c)-(d); 19 TAC 21.2222(a)-(d)

**Dissemination of
Institutional
Information**

An institution, including a college district, must make available to any enrolled student or prospective student through appropriate publications, mailings or electronic media, information concerning:

1. Financial assistance available to students enrolled in the institution. [See FEA]
2. The institution pursuant to this section.
3. The institution's retention rate as reported to the Integrated Postsecondary Education Data System. In the case of a request from a prospective student, the information must be made available prior to the student's enrolling or entering into any financial obligation with the institution. [See EGC]
4. The institution's completion or graduation rate and, if applicable, its transfer-out rate. In the case of a request from a prospective student, the information must be made available prior to the student's enrolling or entering into any financial obligation with the institution. [See EGC]
5. The placement of, and types of employment obtained by, graduates of the institution's degree or certificate programs.
6. The types of graduate and professional education in which graduates of the institution's four-year degree programs enroll.

20 U.S.C. 1092(a); 34 C.F.R. 668.41(d)

**Required
Information**

Institutional information that the institution must make readily available to enrolled and prospective students under 34 C.F.R. Part 668, Subpart D, includes, but is not limited to:

1. The cost of attending the institution, including tuition and fees charged to full-time and part-time students, estimates of costs for necessary books and supplies, estimates of typical charges for room and board, estimates of transportation costs for students, and any additional cost of the program in which

the student is enrolled or expresses a specific interest [see FD];

2. Any refund policy with which the institution is required to comply for the return of unearned tuition and fees or other refundable portions of costs paid to the institution [see FD];
3. The requirements and procedures for officially withdrawing from the institution;
4. A summary of the requirements under 34 C.F.R. 668.22 for the return of Title IV grant or loan assistance [see FEA];
5. The academic program of the institution, including:
 - a. The current degree programs and other educational and training programs [see EFBA and EFBB];
 - b. The instructional, laboratory, and other physical facilities which relate to the academic program;
 - c. The institution's faculty and other instructional personnel;
 - d. Any plans by the institution for improving the academic program of the institution, upon a determination by the institution that such a plan exists;
 - e. If an educational program is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, or is advertised as meeting such requirements, ~~information regarding whether completion of that program would be sufficient to meet licensure requirements in a state for that occupation, including:~~ **a list of all states where the institution has determined, including as part of the institution's obligation under 34 C.F.R. 668.14(b)(32), that the program does and does not meet such requirements. If the institution has made a determination that the program's curriculum does not meet the requirements for licensure or certification in the state in which a prospective or enrolled student is located, the institution must also provide the notice described by 34 C.F.R. 668.43(c); and**
 - ~~(1) A list of all states for which the institution has determined that its curriculum meets the state educational requirements for licensure or certification;~~
 - ~~(2) A list of all states for which the institution has determined that its curriculum does not meet the state~~

~~educational requirements for licensure or certification; and~~

~~(3) A list of all states for which the institution has not made a determination that its curriculum meets the state educational requirements for licensure or certification;~~

- f. If a prison education program, as defined in 34 C.F.R. 668.236, is designed to meet educational requirements for a specific professional license or certification that is required for employment in an occupation, as described in 34 C.F.R. 668.236(a)(7)-(8), information regarding whether that occupation typically involves state or federal prohibitions on the licensure or employment of formerly confined or incarcerated individuals in any other state for which the institution has made a determination about state prohibitions on the licensure or certification of formerly confined or incarcerated individuals;
6. The names of associations, agencies, or governmental bodies that accredit, approve, or license the institution and its programs, and the procedures by which documents describing that activity may be reviewed under 34 C.F.R. 668.43(b);
7. A description of the services and facilities available to students with disabilities, including students with intellectual disabilities as defined in 34 C.F.R. Part 668, Subpart O [see EFCA];
8. The titles of persons designated under 34 C.F.R. 668.44, below, and information regarding how and where those persons may be contacted;
9. A statement that a student's enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment at the home institution for the purpose of applying for assistance under the Title IV, Higher Education Act (HEA) programs;
10. Institutional policies and sanctions related to copyright infringement [see CT], including:
 - a. A statement that explicitly informs its students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;
 - b. A summary of the penalties for violation of federal copyright laws; and

- c. A description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in illegal downloading or unauthorized distribution of copyrighted materials using the institution's information technology system;
- 11. A description of the transfer of credit policies established by the institution [see EGA], which must include a statement of the institution's current transfer of credit policies that includes, at a minimum:
 - a. Any established criteria the institution uses regarding the transfer of credit earned at another institution and any types of institutions or sources from which the institution will not accept credits;
 - b. A list of institutions with which the institution has established an articulation agreement; and
 - c. Written criteria used to evaluate and award credit for prior learning experience including, but not limited to, service in the armed forces, paid or unpaid employment, or other demonstrated competency or learning;
- 12. A description of written arrangements the institution has entered into in accordance with 34 C.F.R. 668.5, including, but not limited to, information on:
 - a. The portion of the educational program that the institution that grants the degree or certificate is not providing;
 - b. The name and location of the other institutions or organizations that are providing the portion of the educational program that the institution that grants the degree or certificate is not providing;
 - c. The method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
 - d. Estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement;
- 13. The percentage of those enrolled, full-time students who:
 - a. Are male;
 - b. Are female;
 - c. Receive a Federal Pell Grant; and

- d. Are a self-identified member of a racial or ethnic group;
14. If the institution's accrediting agency or state requires the institution to calculate and report a placement rate, the institution's placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, state data systems, or other relevant sources approved by the institution's accrediting agency as applicable;
 15. The types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, state data systems, or other relevant sources;
 16. The fire safety report prepared by the institution pursuant to 34 C.F.R. 668.49 [see FG];
 17. The retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering the institution;
 18. Institutional policies regarding vaccinations [see FFAA];
 19. If the institution is required to maintain a teach-out plan by its accrediting agency, notice that the institution is required to maintain such teach-out plan and the reason that the accrediting agency required such plan under 34 C.F.R. 602.24(c)(1); and
 20. If an enforcement action or prosecution is brought against the institution by a state or federal law enforcement agency in any matter where a final judgment against the institution, if rendered, would result in an adverse action by an accrediting agency against the institution, revocation of state authorization, or limitation, suspension, or termination of eligibility under Title IV, notice of that fact.

20 U.S.C. 1092(a); 34 C.F.R. 668.43(a)

The institution must make available for review to any enrolled or prospective student upon request, a copy of the documents describing the institution's accreditation and its state, federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its state approval or licensing entity and any other relevant state official or agency that would appropriately handle a student's complaint.

20 U.S.C. 1092(a); 34 C.F.R. 668.43(b)

Notice to Enrolled
Students

An institution annually must distribute to all enrolled students a notice of the availability of the information required to be disclosed pursuant to 34 C.F.R. 668.41(d)-(g) [see above, EGC, FG, FK, GCC] and pursuant to 34 C.F.R. 99.7. The notice must list and briefly describe the information and tell the student how to obtain the information. *34 C.F.R. 668.41(c)(1)*

An institution that discloses information to enrolled students as required under 34 C.F.R. 668.41(d)-(g) by posting the information on an internet website or an intranet website must include in the notice described in 34 C.F.R. 668.41(c)(1):

1. The exact electronic address at which the information is posted; and
2. A statement that the institution will provide a paper copy of the information on request.

34 C.F.R. 668.41(c)(2)

Disclosure Through
Internet or Intranet
Websites

Subject to 34 C.F.R. 668.41(c)(2), 34 C.F.R. 661.41(e)(2)-(4), or 34 C.F.R. 661.41(g)(1)(ii), as appropriate, an institution may satisfy any requirement to disclose information under 34 C.F.R. 668.41(d)-(g) for:

1. Enrolled students or current employees by posting the information on an internet website or an intranet website that is reasonably accessible to the individuals to whom the information must be disclosed; and
2. Prospective students or prospective employees by posting the information on an internet website.

34 C.F.R. 668.41(b)

Employees
Available to
Disseminate
Information

Except as provided below, each institution shall designate an employee or group of employees who shall be available on a full-time basis to assist enrolled or prospective students in obtaining the information specified in 34 C.F.R. 668.42, 668.43, 668.45 and 668.46.

If the institution designates one person, that person shall be available, upon reasonable notice, to any enrolled or prospective student throughout the normal administrative working hours of that institution. If more than one person is designated, their combined work schedules must be arranged so that at least one of them is available, upon reasonable notice, throughout the normal administrative working hours of that institution.

The U.S. Secretary of Education may waive the requirement that the designated employee or group of employees be available on a

full-time basis if the institution's total enrollment, or the portion of the enrollment participating in the Title IV, ~~Higher Education Act (HEA)~~ programs, is too small to necessitate an employee or group of employees being available on a full-time basis. To receive a waiver, the institution shall apply to the Secretary at the time and in the manner prescribed by the Secretary.

The granting of a waiver does not exempt an institution from designating a specific employee or group of employees to carry out on a part-time basis the information dissemination requirements.

34 C.F.R. 668.44

Prospective Employee	The term "prospective employee" means an individual who has contacted an eligible institution for the purpose of requesting information concerning employment with that institution. <i>34 C.F.R. 668.41(a)</i>
Prospective Student	The term "prospective student" means an individual who has contacted an eligible institution requesting information concerning admission to that institution. <i>34 C.F.R. 668.41(a)</i>

Financial Value
Transparency

In accordance with 34 C.F.R. 668.408 and procedures established by the U.S. Secretary of Education, an institution, including a college district, offering any group of substantially similar programs, defined as all programs in the same four-digit Classification of Instructional Program (CIP) code at an institution, with 30 or more completers in total over the four most recent award years must report to the U.S. Department of Education:

1. For each gainful employment (GE) program and eligible non-GE program, for its most recently completed award year:
 - a. The name, CIP code, credential level, and length of the program;
 - b. Whether the program is programmatically accredited and, if so, the name of the accrediting agency;
 - c. Whether the program meets licensure requirements or prepares students to sit for a licensure examination in a particular occupation for each state in the institution's metropolitan statistical area; and
 - d. The total number of students enrolled in the program during the most recently completed award year, including both recipients and non-recipients of Title IV, HEA funds;

2. For each student, the information described by 34 C.F.R. 668.408(a)(2);
3. If the student completed or withdrew from the program during the award year, the information described by 34 C.F.R. 668.408(a)(3); and
4. As described in a notice published by the Secretary in the Federal Register, any other information the Secretary requires the institution to report.

34 C.F.R. 668.408(a)(1)(i)-(iv), (a)(2)-(4)

**Postsecondary
Credential
Information**

From money appropriated or otherwise available for the purpose, the Coordinating Board shall develop one or more electronic tools or platforms to provide information to assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an institution of higher education or private or independent institution of higher education by comparing each institution with other institutions regarding the information provided in Education Code 61.09022. Each institution of higher education, including each college district, shall include on its internet website, in a prominent location that is not more than three hyperlinks from the website's home page, a link to the electronic tools or platforms developed by the Coordinating Board. *Education Code 61.09022(a)-(b)*

Customer Service
Customer Input

Not later than June 1 of each even-numbered year and on request of the LBB or the governor's OBP, a state agency, including a college district, shall report on the information described below to the LBB and the governor's OBP.

A state agency shall create an inventory of external customers for each budget strategy listed in the General Appropriations Act for that agency.

Each agency shall gather information from customers using surveys, focus groups, mobile and web applications, or other appropriate methods approved by the governor's OBP and the LBB regarding the quality of service delivered by that agency. The information requested shall be as specified by the governor's OBP and the LBB and may include evaluations of the agency's:

1. Facilities, including the customer's ability to access that agency, the office location, signs, and cleanliness;
2. Staff, including employee courtesy, friendliness, and knowledgeability, and whether staff members adequately identify

themselves to customers by name, including the use of name plates or tags for accountability;

3. Communications, including toll-free telephone access, the average time a customer spends on hold, call transfers, access to a live person, letters, electronic mail, and any applicable text messaging or mobile applications;
4. Internet site, including the ease of use of the site, mobile access to the site, information on the location of the site and the agency, and information accessible through the site such as a listing of services and programs and whom to contact for further information or to complain;
5. Complaint-handling process, including whether it is easy to file a complaint and whether responses are timely;
6. Ability to timely serve its customers, including the amount of time a customer waits for service in person, by phone, by letter, or at a website; and
7. Brochures or other printed information, including the accuracy of that information.

Each agency maintains ownership of the information gathered under this section.

Gov't Code 2114.002

Customer Relations
Representative

A state agency shall appoint a customer relations representative. The representative shall:

1. Coordinate the state agency's customer service performance measurement under Government Code Chapter 2114;
2. Gather information and evaluations from the public about an agency's customer service;
3. Respond to customer concerns; and
4. Establish the agency's Compact With Texans.

Each state agency shall create a "Compact With Texans." The compact must be approved by the governor's OBP and the LBB. Each Compact With Texans shall set customer service standards and describe customer service principles for that agency and address:

1. The agency's procedures for responding to public contacts and complaints;
2. Applicable licensing and certification procedures; and

3. Customer waiting time for access and service delivery and responses to complaints.

Each agency that maintains a website shall publish its Compact With Texans on that website.

Gov't Code 2114.006

¹ Reporting and Procedures Manual for Texas Community, Technical, and State Colleges: <https://reportcenter.highered.texas.gov/agency-publication/guidelines-manuals/reporting-and-procedures-manual-for-texas-community-technical-and-state-colleges-spring-2023/>

² Free Application for Federal Student Aid (FAFSA): <https://studentaid.gov/h/apply-for-aid/fafsa>

Note: The following is an index of periodic reports that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. This list does not address responsive reports (those that are required in response to a specific incident), reports required under special circumstances, or reports required under administrative procedures of an agency.

Reports by College District

A college district shall publish and/or distribute the following reports:

1. As soon as practicable after the end of each academic year, the college district shall prepare an annual performance report for that academic year, under Education Code 130.0035. [See AFA]
2. **Each college district must use data standards established by the commissioner to submit required information to the Coordinating Board relating to the delivery of educational programs, under 19 Administrative Code 13.524. [See AFA]**
- ~~2.1. Not later than June 1 of each even-numbered year and on request of the Legislative Budget Board (LBB) or the governor's Office of Budget and Policy (OBP), the college district shall report customer service information to the LBB and the OBP, under Government Code 2114.002. [See AFA]~~
3. In the form and manner and at the times required by the Coordinating Board, the college district shall report to the Coordinating Board on the enrollment status of students of the college district, under Education Code 130.0036. [See AFA]
4. The college district shall follow applicable institutional and financial assistance information dissemination requirements found at 20 U.S.C. 1092- **and 34 C.F.R. 668.41 and 668.43.** [See AFA]
5. **A college district must report applicable information related to financial value transparency by the deadlines specified in 34 C.F.R. 668.408. [See AFA]**
6. Not later than June 1 of each even-numbered year and on request of the Legislative Budget Board (LBB) or the governor's Office of Budget and Policy (OBP), the college district shall report customer service information to the LBB and the OBP, under Government Code 2114.002. [See AFA]

- ~~5.7.~~ The minutes of the last regular meeting held by the board during a calendar year must reflect whether each member of the board has completed any training required to be completed by the member as of the meeting date, under Education Code 61.084. [See BBD]
- ~~6.8.~~ The college district shall submit to the legislature and the Coordinating Board a report certifying the board's compliance regarding diversity, equity, and inclusion initiatives during the preceding state fiscal year, under Education Code 51.3525. [See BG]
- ~~7.9.~~ The college district shall report monthly to the retirement system set out in Government Code 825.404, in a form it prescribes, the employee salary and other information required under Government Code 825.406. [See CAAB, CAM]
- ~~8.10.~~ The investment officer shall prepare a report on the Public Funds Investment Act (PFIA) and deliver it to the board no later than the 180th day after the last day of each regular session of the legislature, under Government Code 2256.007. [See CAK]
- ~~9.11.~~ Not less than quarterly and within a reasonable time after the end of the period, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the PFIA, under Education Code 51.0032 and Government Code 2256.023. [See CAK]
- ~~10. The college district shall submit its audited annual financial report to the Coordinating Board By January 1st of 1, each year, under 19 Administrative Code 13.62. [See CDA]~~
- ~~12. Not later than November 20 of each year, a college district shall submit an annual financial report regarding the college district's use of appropriated money during for the preceding fiscal year to the government officials specified in Government Code 2101.011., under 19 Administrative Code 13.524(b). [See CDA]~~
13. By January 31, each college district must report annual financial report data for each fiscal year as prescribed in the Community College Reporting and Analysis Tool, under 19 Administrative Code 13.524(b). [See CDA]
14. By January 31, each college district must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses under 19 Administrative Code 13.524(c). [See CDA]

- ~~11.~~15. The college district shall report comprehensive tuition and fee financial data through the Integrated Fiscal Reporting System each fiscal year, under 19 Administrative Code 13.524(d). [See CDA]
- ~~12.~~16. The board shall be responsible for the preparation of an annual financial statement, under Local Government Code 140.005. [See CDA]
- ~~13.~~17. The college district shall annually compile and report information regarding debt obligations, under Local Government Code 140.008. [See CDA]
- ~~14.~~ Three copies of the annual audit report for the fiscal year ending August 31 shall be filed with the Coordinating Board by January 1 following the close of the fiscal year for which the audit was made, an electronic copy shall be posted to the Coordinating Board's collection server, and required copies shall be sent to other governmental agencies, under the publication *Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges*. [See CDC]
- ~~15.~~18. Annually, a college district that enters into a qualifying purchasing contract shall present a written report on any contract-related fee as an agenda item in an open meeting of the board of trustees, under Education Code 44.0331. [See CF]
- ~~16.~~19. Annually, a college district shall report to the State Energy Conservation Office (SECO) regarding the college district's goal to reduce electric consumption, the college district's efforts to meet the goal, and progress the college district has made, under Health and Safety Code 388.005. [See CH]
- ~~17.~~20. Not later than March 1 of each year, each college district police department shall submit a report containing information about traffic stops during the previous calendar year to the Texas Commission on Law Enforcement Officers and Standards and the governing body of each county or municipality served by the department, under Code of Criminal Procedure 2.134. [See CHA]
- ~~18.~~21. At least once every three years, a college district shall conduct a security audit of the college district's facilities and report the results of the security audit to the Texas School Safety Center, under Education Code 37.108. [See CG]
- ~~19.~~22. No later than January 1 of each odd-numbered year, the college district shall submit a written report regarding the institution's compliance with the online course information posting

to certain state officials, under Education Code 51.974 and 19 Administrative Code 4.225 to 4.228. [See EFA]

~~20-23~~. Not later than May 1 of each year and in the form prescribed by the Coordinating Board, each college district shall provide to the Coordinating Board and the legislature a report on courses taken by students who, during the preceding academic year, transferred to a general academic teaching institution or earned an associate degree at the college, under Education Code 51.4034. [See EFA]

~~21-24~~. Every five years, following the same timetable as the regular accreditation reports sent to the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) or its successor, each college district shall review its policies regarding credit earned as part of an approved field of study curriculum, and report the results to the Coordinating Board, under 19 Administrative Code 4.33(a). [See EFAA]

~~22-25~~. On an annual basis during the designated time period, the college district shall review course sequences for accuracy and submit any revisions or changes to the Coordinating Board, under Education Code 51.96852(c) and 19 Administrative Code 4.364. [See EFB]

~~23-26~~. A college district offering a baccalaureate degree program shall review each program and submit a report on the operation, quality, and effectiveness of the programs to the Coordinating Board in a specified format by January 1 of each odd-numbered year, under Education Code 130.011 and 19 Administrative Code 2.89, 2.183, and 9.678. [See EFBB]

~~24-27~~. Contact hours for career technical/workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Coordinating Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Coordinating Board, the Workforce Education Course Manual, and state law, under 19 Administrative Code 9.113, 9.114, and 9.116. [See EFCB]

~~25-28~~. No later than the July 1 immediately following the 12-month period ending August 31 during which 150 percent of the normal time for completion or graduation has elapsed for the students, the college district shall report on the completion and transfer-out rates of certificate- or degree-seeking, first-time, full-time undergraduate students, under 34 C.F.R. 668.45. [See EGC]

- ~~26-29~~. Annually, by July 1, a college district that is attended by students receiving athletically-related student aid must produce a report containing student athlete completion and transfer-out rates, under 34 C.F.R. 668.48. [See EGC]
- ~~27-30~~. At the end of each semester, the college district shall report to the Coordinating Board certain information for undergraduate students, under 19 Administrative Code 4.60. [See EI]
- ~~28-31~~. At times prescribed by the Coordinating Board, the college district shall report to the Coordinating Board all programs and services provided for persons with intellectual and developmental disabilities by the college district, under Education Code 61.0663. [See FA]
- ~~29-32~~. Not later than May 1 of each academic year, a college district shall submit to the Coordinating Board a report that contains certain information regarding students enrolled at the institution for the current academic year who are the parent or guardian of a child younger than 18 years of age, under Education Code 51.9357. [See FAA]
- ~~30-33~~. The college district shall report to the Coordinating Board all information regarding adjusted tuition rates for excessive hours and repeated courses required to comply with the provisions of 19 Administrative Code Chapter 13, Subchapter F, under 19 Administrative Code 13.109. [See FD]
- ~~31-34~~. The college district shall report to the Coordinating Board the types and amounts of tuition and fees charged to students by semester during the previous academic year, under 19 Administrative Code 13.143. [See FD]
- ~~32-35~~. Annually, the college district chief executive officer shall certify in writing to the Coordinating Board that the college district is in substantial compliance with Education Code Chapter 51, Subchapter E-2, under Education Code 51.258. [See DIAA, FFDA]
- ~~33-36~~. By October 1 of each year, a college district that provides on-campus housing shall prepare, publish, and distribute, through appropriate publications or mailings, an annual fire safety report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 34 C.F.R. 668.41(e)(1). [See FG]
- ~~34-37~~. Not later than the 14th day before the first class day of each fall or spring semester and at student orientation, the college district shall provide a report to each student on hazing committed on or off campus by an organization registered with or

recognized by the college district, under Education Code 51.936. [See FLBC]

- ~~35-38~~. By October 1 of each year, the college district shall prepare, publish, and distribute, through appropriate publications or mailings, an annual security report to all current students and employees and, upon request, to any applicant for enrollment or employment, under 20 U.S.C. 1092(f) and 34 C.F.R. 668.41(e)(1). [See GCC]
- ~~36-39~~. The college district must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property and on public property, of certain crimes that are reported to local police agencies or to a campus security authority, under 34 C.F.R. 668.46. [See GCC]
- ~~37-40~~. The college district shall, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are considered by the college district to represent a threat to students and employees, under 34 C.F.R. 668.46(e). [See GCC]
- ~~38-41~~. The college district shall report student performance during the first year a student is enrolled after graduation from high school to the high school or public two-year college the student last attended, under Education Code 51.403 and 19 Administrative Code 9.23. [See GH]

Appropriations

There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by Education Code Chapter 130. The sum shall be allocated in accordance with Education Code Chapter 130A. *Education Code 130.003(a)*

Certification of Compliance

To be eligible for and to receive money appropriated under Education Code 130.003(a), **and 19 Administrative Code, Chapter 13, Subchapter R**, a public junior college must certify to the Coordinating Board, ~~in the manner prescribed by Coordinating Board rule,~~ that the college:

1. Offers a minimum of 24 semester hours of vocational and/or terminal courses;
2. Collects, from each full-time and part-time student enrolled, tuition and other fees in the amounts required by law or in the amounts set by the governing board of the junior college district as authorized by Education Code Title 3;
3. Grants, when properly applied for, the scholarships and tuition exemptions provided for in the Education Code;
4. For a public junior college established on or after September 1, 1986, levies and collects ad valorem taxes as provided by law for the operation and maintenance of the college; and
5. Has complied with all laws and Coordinating Board rules for the establishment and operation of a public junior college.

Education Code 130.003(b); 19 TAC ~~9.28-.29~~ 13.523(a)

A public junior college must submit an attestation via [email](#)¹ certifying to compliance with Education Code 130.003(b) to the Coordinating Board by August 1 of each year. The certification must be signed by the public junior college's president, or chief executive officer, as applicable. The certification must certify the following:

1. **That the public junior college is currently in compliance with each provision of Education Code 130.003; and**
2. **The public junior college has complied with all laws and Coordinating Board rules for the establishment and operation of a public junior college.**

If a junior college district has an unresolved or ongoing audit finding that the certifying official determines may preclude the district's certification under Section 130.003(b), the district

shall disclose the finding(s) and provide an explanation of the finding(s) and proposed resolution.

The commissioner shall determine whether the junior college district can demonstrate that the district will be in compliance for the purpose of receiving a scheduled payment.

Any payment that the Coordinating Board makes to an institution pursuant to 19 Administrative Code, Chapter 13, Subchapter R, is subject to recovery or recoupment if the certifying official does not make the required certification for the fiscal year for which the certification was required.

19 TAC 13.523(b)-(c)

Data Reporting

~~The Coordinating Board by rule shall require each~~ A public junior college district ~~to report to~~ must submit data through required reporting mechanisms established by the Coordinating Board. The Coordinating Board ~~through the Education Data System, Community College Annual Reporting and Analysis Tool, Report of Fundable Operating Expenses, or any successor program, data necessary to~~ may use information obtained through required reporting for:

1. ~~Calculate~~ Calculating funding disbursed under ~~Education 19 Administrative Code Chapter 130A~~ 13;
2. ~~Provide~~ Providing timely data and analyses to inform management decisions by the governing body of each public junior college district;
3. ~~Administer~~ Administering or ~~evaluate~~ evaluating the effectiveness of the programs; or
- ~~3.4. Auditing the program; or.~~
- ~~4. Audit the program.~~

A public junior college district ~~may~~ shall report a student financial and academic data in attendance on the district's approved course census data for the purpose of funding under Chapter ~~130A~~ accordance with 19 Administrative Code 13.524. [See AFA and CDA]

Education Code 130A.006, .008; 19 TAC 13.524(a), .526(a)

Funding
Adjustments
Based on Data

The commissioner at his or her discretion or upon recommendation of the chief audit executive may direct Coordinating Board staff to review the accuracy of the data reported to the Coordinating Board by public junior college districts.

~~The commissioner may adjust:~~

~~The distribution of funding colleges~~ under **19 Administrative Code Chapter 130A** for a state fiscal year as necessary to correct errors in data reporting identified through the commissioner's review; ~~and~~ **13, Subchapter R**, using any of the following methods or combination thereof:

~~5. A junior college district's funding under Chapter 130A if the funding formulas used to determine the district's entitlement would result in an unanticipated loss or gain for the district that would have a substantial negative impact on the district's operations.~~

1. The chief audit executive or Coordinating Board staff may conduct periodic file reviews, desk-reviews, site visits, or audits of the accuracy of the data and information submitted for funding purposes, including regular reviews of submitted data carried out through standard data management, supporting data, audits conducted under Chapter 13, Subchapter R, or as a result of any other audit. Upon identifying a data reporting error that may impact formula funding, Coordinating Board staff shall notify the commissioner as soon as practicable.
2. Upon receiving a notification from the chief audit executive or Coordinating Board staff of a potential data reporting error, the commissioner may:
 - a. Direct staff to continue to gather additional information;
 - b. Determine that the discrepancy does not rise to the level of a data reporting error as defined in Chapter 13 due to the materiality impact of the error; or
 - c. Determine that the discrepancy rises to the level of a data reporting error that requires a funding adjustment due to the materiality impact of the error or the amount of overallocation or under-allocation.

The Coordinating Board may review and/or require correction of a data reporting error that occurred not more than seven years prior to a review conducted by Coordinating Board staff.

Upon the commissioner's determination that the discrepancy constitutes a data reporting error requiring a funding adjustment, staff will notify the public junior college within 30 business days.

The commissioner may use any method provided in 19 Administrative Code 13.528 or 13.529 to make the necessary funding adjustments to correct an over- or under-allocation.

Education Code 130A.007(a)-(b); 19 TAC 13.525

Funding
Calculations

The public junior college state finance program consists of:

1. A base tier of state and local funding determined in accordance with Education Code Chapter 130A, Subchapter B, that ensures each public junior college has access to a defined level of base funding for instruction and operations; and
2. A performance tier of state funding determined in accordance with Chapter 130A, Subchapter C, that constitutes the majority of state funding and is distributed based on measurable outcomes aligned with:
 - a. Regional and state workforce needs; and
 - b. State goals aligned to the state's long-range master plan for higher education developed under Education Code 61.051.

Education Code 130A.004

Overallocated
Funds

If the Coordinating Board determines after closing out a ~~junior college district has received~~ fiscal year pursuant to 19 Administrative Code 13.477 or any close-out or settle-up provisions contained in 19 Administrative Code Chapter 13, Subchapter S, that a data reporting error or any other error resulted in an overallocation of ~~state funds to the institution~~, the Coordinating Board shall ~~recover from the district and use~~ any method authorized under statute or 19 Administrative Code 13.528 to make a funding adjustment necessary to correct the overallocation.

The Coordinating Board shall notify the institution not later than 30 business days after the commissioner makes a determination of a data reporting error under 19 Administrative Code 13.525 or otherwise identifies an error requiring a funding adjustment to recover an overallocation. This notification must contain the amount of the overallocation and the basis for the determination.

The institution may submit a written appeal to the commissioner within 30 business days of receiving notification of an overallocation. The institution may attach any data or other written documentation that supports its appeal. The commissioner shall review the appeal and determine in his or her sole discretion whether to affirm, deny, or modify the determination.

of overallocation within 30 business days of receipt. The commissioner or chief audit executive shall make an annual report of overallocation determinations to the Coordinating Board.

If the institution does not appeal or the commissioner affirms the determination that an overallocation requiring a funding adjustment has occurred, the Coordinating Board shall recover an amount equal to the amount overallocated to the public junior college through one of the following methods:

1. The Coordinating Board shall:

- a. Withhold an amount equivalent to the overallocation by withholding from subsequent allocations of state funds for the current ~~or subsequent academic~~ fiscal year ~~or by requesting~~ as part of the close out of the current fiscal year; or
- a.b. Request and ~~obtaining~~ obtain a refund from the ~~district~~ public junior college during the current fiscal year an amount equivalent to the amount of the overallocation; or
- c. ~~The Coordinating Board may recover an overallocation of state funds over a period not to exceed the subsequent five academic years.~~ If the commissioner in his or her sole discretion determines that the recovery of an overallocation in the current or subsequent fiscal year will have a substantial negative impact on the operations of the institution or the education of students, the commissioner may instead recover the overallocation pursuant to item 2.

~~1.2.~~ If the commissioner in his or her sole discretion determines that an overallocation pursuant to items 1a or 1b, above, was the result of exceptional circumstances reasonably caused by statutory changes to Education Code ~~Chapter~~ Chapters 130 or ~~Chapter~~ 130A and related reporting requirements, the Coordinating Board may recover the overallocation over a period not to exceed the subsequent five fiscal years.

In addition to the recovery of an overallocation, the commissioner may establish a corrective action plan for a public junior college that has received an overallocation of funds.

If a junior college district fails to comply with a request for a refund, the Coordinating Board shall report to the comptroller that the amount constitutes a debt for purposes of Government Code 403.055. The Coordinating Board shall provide to the comptroller

the amount of the overallocation and any other information required by the comptroller. The comptroller may certify the amount of the debt to the attorney general for collection. The junior college district's governmental immunity is waived to the extent necessary to collect the debt owed ~~under this section~~.

Education Code 130A.009; 19 TAC 13.528

**Under-Allocated
Funds**

If the commissioner determines that a data reporting error or any other error resulted in an under-allocation of funds, the Coordinating Board ~~may review a junior college district as necessary~~ shall provide the funds to determine if the district qualifies for each amount received by the district under the institution pursuant to the close-out process in 19 Administrative Code 13.477, any close-out or settle-up provisions contained in 19 Administrative Code, Chapter ~~130A-13~~, Subchapter S, or as otherwise authorized by law. 19 TAC 13.529

Records Retention

An institution of higher education shall retain records related to financial and educational data and information reported to the Coordinating Board ~~may under 19 Administrative Code Chapter 13 for a period of not review junior college district expenditures that occurred less than seven or more years before the review. If the audit determines that a junior college district received an amount to which the district was not entitled,~~. 19 TAC 13.527

**Compliance
Monitoring and
Audits by the
Coordinating Board**

The chief audit executive may conduct compliance monitoring or audits of public junior colleges' compliance with Education Code Chapter 130A, the General Appropriations Act, and other related formula funding statutes, in accordance with 19 Administrative Code 13.526. [See CDC] 19 TAC 13.526(b)

Audit

An "audit" is an engagement to audit the program conducted by the Coordinating Board's internal auditor and internal audit or compliance monitoring staff pursuant to either Education Code 130A.006(4) or 61.035. This term may include a site visit, desk review, or examination of the institution's use of funds allocated by the Coordinating Board and data reported to the Coordinating Board. The term includes auditing undertaken to obtain evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately. 19 TAC 13.522(1)

**Compliance
Monitoring**

"Compliance monitoring" means a risk-based audit and compliance function conducted by the Coordinating Board pursuant to either Education Code 130A.006(4) or 61.035, for the purpose of reviewing and assessing programmatic, legal, and

fiscal compliance. This function may ~~establish a corrective action plan or withhold the~~ include conducting audits, site visits, desk reviews, or other examinations to ensure that funds allocated or distributed by the Coordinating Board are allocated, distributed, and used in accordance with applicable ~~amount of funding from the district.~~ law and Coordinating Board rule. The function includes obtaining evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately. **19 TAC 13.522(4)**

~~*Education Code 130A.009*~~

Expenditure of Funds

All funds allocated under the provisions of the Education Code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes. *Education Code 130.003(c)*

Note: For more detail regarding appropriated funds and restrictions on the use of the funds, see the current [General Appropriations Act and related appropriations bills](#),² available at the Legislative Reference Library of Texas.

Report on Lending and Credit Support Programs

Not later than December 31 of each even-numbered year, the Bond Review Board shall submit to the legislature and post on its internet website a report on all lending programs and credit support programs in this state in accordance with Government Code 1231.064.

A political subdivision of this state, including a college district, shall provide to the Bond Review Board in the manner provided by board rule any information necessary for the Bond Review Board to prepare the report.

"Credit support program" means a program under which this state guarantees or provides credit enhancements for the debt of any public or private entity, including providing support for interest or principal payments, in a manner that obligates this state to pay any part of the principal or interest on that debt if the entity defaults.

"Lending program" means a program through which state money is loaned, or otherwise provided with the expectation of repayment, to a public or private entity.

Gov't Code 1231.064

¹ Certification of compliance email: CTC@highered.texas.gov

² General appropriations acts and major biennial appropriations bills:
<http://www.lrl.state.tx.us/legis/approBills.cfm>

Financial Accounting and Reporting

~~The~~ A public junior college district ~~shall~~ must submit ~~its audited annual financial report to data through required reporting mechanisms established by~~ the Coordinating Board ~~by January 1st of each year.~~ 19 TAC 13.62

Financial Reports

~~Each community college shall provide to.~~ The Coordinating Board ~~financial data related to the operation of each community college using the specific content~~ may use information obtained through required reporting for:

1. Calculating funding disbursed under 19 Administrative Code Chapter 13;
2. Providing timely data and ~~format prescribed analyses to inform management decisions~~ by the ~~Coordinating Board.~~ Each community college ~~shall provide the report no later than January 1st of each year.~~ governing body of each public junior college district;
3. Administering or evaluating the effectiveness of programs; or
4. Auditing the program.

Education Code 61.065(a), 130A.006; 19 TAC 13.524(a), .526(a)
[See CAAA]

Annual Financial Report

Each public junior college district must submit their Annual Financial Report (AFR) for the preceding fiscal year by January 1. The public junior college must submit the AFR following the requirements provided in the Coordinating Board's Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges¹, also ~~CAAA~~ known as the AFR Manual, for that fiscal year, in accordance with Education Code 61.065.

Each public junior college must report AFR data for each completed fiscal year as prescribed in the Community College Reporting and Analysis Tool (CARAT) by January 31 of the following fiscal year.

19 TAC 13.524(b)(1)-(2); General Appropriations Act, 88th Leg., R.S., H.B. 1, III-231

Report of Fundable Operating Expenses

Each public junior college must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses as defined in the Report of Fundable Operating Expenses (RFOE)² by January 31 of the following fiscal year.

Coordinating Board staff shall use the data provided on expenses at public junior colleges to produce a study of costs for each instructional discipline each year. This study will review all expenses made by institutions for instruction and administration from all unrestricted sources of funds, including appropriated general revenue, tuition and fees, contract instruction, other educational and general revenue, and local tax revenue.

19 TAC 13.524(c)

**Integrated Fiscal
Reporting System**

Each public junior college shall report comprehensive tuition and fee financial data each fiscal year through the Integrated Fiscal Reporting System (IFRS).

The Coordinating Board may use data reported through IFRS to establish average annual tuition and fee charges as necessary to implement 19 Administrative Code Chapter 13.

19 TAC 13.143, 524(d); [Integrated Fiscal Reporting System \(IFRS\): Handbook for Reporting Officials, September 2023 \(PDF\)](#)³
[See FD]

**Annual Financial
Statement**

The governing body of a junior college district shall prepare an annual financial statement showing for each fund subject to the authority of the governing body during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
2. The total disbursements of the fund, itemized by the nature of the expenditure; and
3. The balance in each fund at the close of the fiscal year.

Local Gov't Code 140.005

**Publication and
Filing**

The presiding officer of a governing body shall submit the financial statement to a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

A statement shall be published not later than two months after the date the fiscal year ends.

Local Gov't Code 140.006

**Annual Local Debt
Report**

A political subdivision, including a college district, shall annually compile and report certain financial information in the manner prescribed by this section. The Annual Local Debt Report to be compiled and reported by a political subdivision must include the following financial information:

1. Regarding total authorized debt obligations:
 - a. The amount of all authorized debt obligations;
 - b. The principal of all outstanding debt obligations;
 - c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
 - d. The amount of all authorized debt obligations secured by property taxes;
 - e. The principal of all outstanding debt obligations secured by property taxes;
 - f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
 - g. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
 - h. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
 - a. The principal of each outstanding debt;
 - b. The combined principal and interest required to pay each outstanding debt obligation on time and in full;
 - c. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and
 - d. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.
3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of

per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the political subdivision.

Local Gov't Code 140.008(b); 34 TAC 10.2

Form

The comptroller shall provide a location on the comptroller's internet website where a political subdivision may submit the financial information described in 34 Administrative Code 10.2 and any other related information required or requested by the comptroller for the Annual Local Debt Report. The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under 34 Administrative Code Chapter 10, Subchapter A. These instructions and other information related to local government debt reporting will be provided on the [comptroller's internet website](#).⁴

34 TAC 10.3

Availability and
Posting

On an annual basis, and within 180 days of the end of the most recently completed fiscal year, a political subdivision shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described in 34 Administrative Code 10.3, in the form and in the manner prescribed by the comptroller and, if the political subdivision maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the political subdivision's financial information may be viewed; or
2. Post its contact information and the information required in an Annual Local Debt Report on the political subdivision's own internet website and make the report available for inspection by any person in accordance with other law.

For fiscal year 2019 and fiscal year 2020, a political subdivision shall submit to the comptroller or post the annual debt information described in 34 Administrative Code 10.4(a) by the later of 180 days after the end of the respective fiscal year or 180 days after the effective date of Section 10.4, as amended.

A political subdivision that elects to post a report of its financial information on its own internet website as described in 34 Administrative Code 10.4(a)(2) shall provide upon request an electronic link to the location on the political subdivision's website where the information can be viewed to facilitate compliance with the requirements of Section 10.4(a) and to enable the comptroller to maintain

a searchable database of local debt information that is comprehensive, accurate, and complete.

Local Gov't Code 140.008(c)–(d), (f); 34 TAC 10.4

**State Expenditure
Database**

A state agency, including a college district, is required to cooperate with and provide information to the comptroller as necessary to implement and administer the state expenditure database. A state agency is not required to record information or expend resources for the purpose of computer programming or other additional actions necessary to make information reportable under this section.

Each state agency that maintains a generally accessible internet site or for which a generally accessible internet site is maintained shall include a link on the agency's internet site to the state expenditure database.

Gov't Code 403.024(g)–(h), 2054.126

**Publication of
Financial
Transactions**

Each institution of higher education, including each college district, shall post on the institution's internet website a copy of the institution's financial transactions to the extent necessary to provide, for each payment drawn from money appropriated from the state general revenue fund or received as student tuition or fee payments:

1. The amount of the payment;
2. The date of the payment;
3. A brief description of the purpose of the payment; and
4. The name of the payee.

An institution of higher education may comply by providing on the institution's internet website an easily noticeable direct link, the purpose of which is clearly identifiable, to an internet website maintained by the comptroller that provides information concerning the institution that is similar to the information required above.

Education Code 51.974

¹ [Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, Fiscal Year 2023 \(PDF\): https://reportcenter.highered.texas.gov/agency-publication/guidelines-manuals/annual-financial-reporting-manual-for-texas-public-community-colleges-2023/](https://reportcenter.highered.texas.gov/agency-publication/guidelines-manuals/annual-financial-reporting-manual-for-texas-public-community-colleges-2023/)

² [Report of Fundable Operating Expenses \(RFOE\): http://www.txhighereddata.org/index.cfm?objectid=65B6EE90-D879-11E8-BB650050560100A9](http://www.txhighereddata.org/index.cfm?objectid=65B6EE90-D879-11E8-BB650050560100A9)

³ Integrated Fiscal Reporting System (IFRS): Handbook for Reporting Officials, September 2023 (PDF): <https://reportcenter.highered.texas.gov/agency-publication/guidelines-manuals/integrated-fiscal-reporting-system-ifrs-manual/>

⁴ Comptroller's internet website: <https://comptroller.texas.gov/transparency/>

The comptroller of public accounts and the Coordinating Board jointly shall prescribe and periodically update a uniform system of financial accounting and reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. ~~The Coordinating Board may require institutions to report additional financial information as the board considers necessary.~~ The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system. *Education Code 61.065(a)*

Annual Audit Report

A community college's ~~bound and~~ **Annual Financial Report (AFR)** [see CDA] ~~must be~~ audited ~~financial statements before submission~~, in ~~the quantity indicated, should be forwarded to each agency listed in Section 2.1 of~~ **accordance with** the Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges manual ~~by January 1st of each year and submitted electronically to the Coordinating Board. The audit must be certified by the auditor but.~~ **The auditor must certify the audit, but the audit** does not need to be approved by the governing board before submission.

[Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, Fiscal Year 2023 \(PDF\)](#)¹

~~Each published audited financial report should include the items listed, arranged in the order as shown, in Section 2.2 of the manual.~~

**Information from
State Auditor**

At a reasonable time in advance of an independent audit of a junior college district, the state auditor shall provide the presiding officer of the district's governing body and the chief executive officer of the district with written information relating to the procedures for and scope of the audit. The state auditor shall include in the materials information describing:

1. How the appropriate representatives of the district may participate in the audit planning process; and
2. How the district may request information or assistance in preparing for the audit from the state auditor.

Gov't Code 321.0137(a)

**Compliance
Monitoring and
Audits by the
Coordinating Board**

The chief audit executive may conduct compliance monitoring or audits of public junior colleges' compliance with Education Code Chapter 130A, the General Appropriations Act, and other related formula funding statutes. [See CAAA]

In conducting an audit or compliance monitoring, the Coordinating Board may request the assistance of the internal audit office at an institution of higher education, as institutional resources allow, to examine the institution's use of funds allocated by, and data reported to, the Coordinating Board.

To avoid duplication of effort and assist the Coordinating Board in identifying risk, an internal auditor at an institution shall notify the Coordinating Board of any audits conducted by the institution's internal or external auditor involving funds allocated or administered by the Coordinating Board or data reported to the Coordinating Board.

19 TAC 13.526(b)-(d)

Audit

An "audit" is an engagement to audit the program conducted by the Coordinating Board's internal auditor and internal audit or compliance monitoring staff pursuant to either Education Code 130A.006(4) or 61.035. This term may include a site visit, desk review, or examination of the institution's use of funds allocated by the Coordinating Board and data reported to the Coordinating Board. The term includes auditing undertaken to obtain evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately. **19 TAC 13.522(1)**

**Compliance
Monitoring**

"Compliance monitoring" means a risk-based audit and compliance function conducted by the Coordinating Board pursuant to either Education Code 130A.006(4) or 61.035, for the purpose of reviewing and assessing programmatic, legal, and fiscal compliance. This function may include conducting audits, site visits, desk reviews, or other examinations, to ensure that funds allocated or distributed by the Coordinating Board are allocated, distributed, and used in accordance with applicable law and Coordinating Board rule. The function includes obtaining evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately. **19 TAC 13.522(4)**

Publication

At the time and in the manner provided by the state auditor, a state agency, including a college district, shall post on the agency's internet website:

1. The agency's internal audit plan approved as provided by Government Code 2102.008; and

2. The agency's annual report required under Government Code 2102.009.

A state agency is not required to post information contained in the agency's internal audit plan or annual report if the information is excepted from public disclosure under the Texas Public Information Act, Government Code Chapter 552.

A state agency shall update the posting required under Government Code 2102.015 at the time and in the manner provided by the state auditor to include a detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns, if any, raised by the audit plan or annual report.

A state agency shall update the posting required under Section 2102.015 to include a summary of the action taken by the agency to address the concerns, if any, that are raised by the audit plan or annual report.

Gov't Code 2102.015

Each taxing unit shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each taxing unit shall post or cause to be posted on the internet website in a format prescribed by the comptroller the information described by Tax Code 26.18, including the most recent financial audit of the taxing unit. [See CAI] *Tax Code 26.18*

¹ Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, Fiscal Year ~~2022~~2023 (PDF): <https://reportcenter.highered.texas.gov/agency-publication/guidelines-manuals/annual-financial-reporting-manual-for-texas-public-community-colleges-2023/>

Reduction of Energy Consumption

Each political subdivision or institution of higher education, including each college district, shall establish a goal to reduce the electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019.

Each political subdivision or institution of higher education shall implement all energy efficiency measures that meet the standards established for a contract for energy conservation measures under Local Government Code 302.004(b) in order to reduce electricity consumption by the existing facilities of the entity.

A political subdivision or institution of higher education annually shall report to the State Energy Conservation Office (SECO), on forms provided by that office, regarding the entity's goal, the entity's efforts to meet the goal, and progress the entity has made. SECO shall provide assistance and information to the entity to help the entity meet established goals.

A political subdivision or institution of higher education that does not attain the established goals must include in the report justification that the entity has already implemented all available cost-effective measures. An entity that submits a report indicating that the entity has reviewed its available options, has determined that no additional measures are cost-effective, and has already implemented all available cost-effective measures is exempt from the annual reporting requirement if a subsequent report would indicate no change in status. An entity may be required to provide notice that it is exempt to SECO.

*Health and Safety Code 388.005(b)-(e)***Exception**

This section does not apply to a state agency or an institution of higher education that SECO determines, before September 1, 2007, adopted a plan for conserving energy under which the agency or institution established a percentage goal for reducing the consumption of electricity. The exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year to the governor, the Legislative Budget Board, and SECO. *Health and Safety Code 388.005(f)*

Energy or Water Conservation Measures

The governing board of an institution of higher education, including a college district, may enter into an energy savings performance contract in accordance with this section. "Energy savings performance contract" means a contract with a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to

guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term does not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project. The term includes a contract related to the pilot program described by Local Government Code 302.001(9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

1. Insulation of a building structure and systems within the building.
2. Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption.
3. Automatic energy control systems, including computer software and technical data licenses.
4. Heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption.
5. Lighting fixtures that increase energy efficiency.
6. Energy recovery systems.
7. Electric systems improvements.
8. Water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment.
9. Water-conserving landscape irrigation equipment.
10. Landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
 - a. Landscape contouring, including the use of berms, swales, and terraces; and
 - b. The use of soil amendments that increase the water-holding capacity of the soil, including compost.
11. Rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control.

- 12. Equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent.
- 13. Equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses.
- 14. Metering or related equipment or systems that improve the accuracy of billable-revenue-generation systems.
- 15. Alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles.
- 16. Programs resulting in utility cost savings.
- 17. Other energy or water conservation-related improvements or equipment, including improvements or equipment related to renewable energy or nonconventional water sources or water reuse.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. Notwithstanding the list above, an energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts.

Education Code 51.927(a)-(d), (k); Local Gov't Code 302.001(4)

Performance Bond	Before entering into an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond in accordance with Government Code Chapter 2253. The board may also require a separate bond to cover the value of the guaranteed savings on the contract. <i>Education Code 51.927(e)</i>
Contract Term	The board may enter into an energy savings performance contract for a period of more than one year only if the board finds that the

amount the institution would spend on the energy or water conservation measures will not exceed the amount to be saved in energy, water, wastewater, and operating costs over 20 years from the date of installation. *Education Code 51.927(f)*

Financing

An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing;
2. With the proceeds of bonds; or
3. Under the contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures, and the board is not required to pay for such costs solely out of the savings realized by the college district under an energy savings performance contract.

Education Code 51.927(g)-(g-1)

Cost Savings

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the institution of higher education under the contract. If the term of the contract exceeds one year, the institution's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures, as determined by the board, divided by the number of years in the contract term beginning after the final date of installation. The board shall consider all costs of the energy or water conservation measures, including costs of design, engineering, installation, maintenance, repairs, and debt service. *Education Code 51.927(f), (h)*

**Contract
Procurement**

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004. Notice of the request for qualifications shall be given in the manner provided by Government Code 2156.002.

The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

Education Code 51.927(g-1), (i)

Guidelines

The Coordinating Board, in consultation with SECO with regard to energy conservation measures, shall establish guidelines and an approval process for awarding energy savings performance contracts. The guidelines must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. A contract is not required to be reviewed or approved by SECO. Occupations Code 1001.053 and 1001.047 apply to work performed under the contract.

The guidelines must require the Coordinating Board to review any reports submitted to the Coordinating Board that measure and verify cost savings to an institution of higher education under an energy savings performance contract; and based on the reports, provide an analysis, on a periodic basis, of the cost savings under the energy savings performance contract to the governing board of the institution of higher education and the Legislative Budget Board until the governing board of the institution of higher education determines that the analysis is no longer required to accurately measure cost savings.

Education Code 51.927(i), (l)

Energy Usage Report

A governmental entity, including a college district, shall record in an electronic repository the governmental entity's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services. The governmental entity shall report the recorded information on a publicly accessible internet website with an interface designed for ease of navigation if available, or at another publicly accessible location.
Gov't Code 2265.001

Light Bulbs

An institution of higher education, including a college district, shall purchase for use in each type of light fixture in an educational or housing facility the commercially available model of light bulb that:

1. Is compatible with the light fixture;
2. Uses the fewest watts for the necessary luminous flux or light output; and
3. Is the most cost-effective, considering the factors described above.

"Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

Education Code 51.9271, 53.02(7)

Recycling Program

An institution of higher education, including a college district, shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the entity's operations;
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials;
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled; and
4. Establish educational and incentive programs to encourage maximum employee participation.

"Recyclable material" means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

Health and Safety Code 361.425(a), (d); 30 TAC 328.201-.202

Exception

A governmental entity, including a college district, may exclude one or more recyclable materials from its program if the Texas Commission on Environmental Quality (TCEQ) finds that a recycling program for a recyclable material is not available through its solid waste provider or the inclusion of a recyclable material would create a hardship.

A governmental entity may request additional consideration from TCEQ if compliance with this section would create a hardship.

“Hardship” means a circumstance that causes unreasonable burden on the college district.

Health and Safety Code 361.425(d); 30 TAC 328.201, .204(b)-(c)

Goals

Notwithstanding any other law, TCEQ or a political subdivision of this state that establishes goals or requirements for recycling or the use of recycled material must base those goals or requirements on the definitions and principles established by Health and Safety Code Chapter 361, Subchapter N. This provision does not apply to a program described by Health and Safety Code Chapter 361, Subchapter Y or Z. *Health and Safety Code 361.0151(c)*

Certificate of Mold Remediation

If a property owner, including a college district, sells property, the property owner shall provide to the buyer a copy of each certificate of mold remediation issued for the property during the five years preceding the date the property owner sells the property. *Occupations Code 1958.154(b); 16 TAC 78.150(e)*

Pools

Generally

An owner, manager, operator, or other attendant, including a college district, in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with relevant pool safety standards necessary to prevent drowning adopted by the executive commissioner of the Health and Human Services Commission. *Health and Safety Code 341.0645; 25 TAC 265.181–.198*

A person, including a college district, may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date. *Health and Safety Code 341.0645(f)*

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. 8003. “Public pool and spa” means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

Reporting Workplace Violence Notice

"Notice" means a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety. Each employer shall post the notice:

- 1. In a conspicuous place in the employer's place of business;**
- 2. In sufficient locations to be convenient to all employees; and**

**Human Trafficking
Signs at
Cosmetology
Facilities****3. In English and Spanish, as appropriate.**

The notice complies with Labor Code Chapter 104A if, at a minimum, the information contained in the graphic at 40 Administrative Code 800.600(d) is conveyed.

The Texas Workforce Commission will make an electronic copy of the [Reporting Workplace Violence poster](#)¹ available on its website, which will be free of charge and allow employers to print a copy of the poster.

40 TAC 800.600(b)(2), (c)-(e), Labor Code 104A.002-.003

A person, including a college district, who operates a cosmetology facility or other entity described by 1 Administrative Code 54.80 shall post at the entity a sign as prescribed by 1 Administrative Code Chapter 54, Subchapter C, or, if applicable, similar signs or notices as prescribed by other state law. "Cosmetology facility" means a person who holds a license to operate a facility or school under Occupations Code Chapter 1602. [See CJ]

A sign required to be posted under Government Code 402.0351 must at a minimum:

1. Contain information regarding services and assistance to victims of human trafficking;
2. Be in both English and Spanish; and
3. Include:
 - a. A toll-free telephone number and internet website for accessing human trafficking resources;
 - b. The contact information for reporting suspicious activity to the Department of Public Safety; and
 - c. The key indicators that a person is a victim of human trafficking.

A sign required under 1 Administrative Code Chapter 54, Subchapter C, must be clearly legible and posted in a conspicuous place that is either near the public entrance or in clear view of the public and employees and near the location similar notices are currently posted.

Gov't Code 402.0351(a)(1), (a-1), (b)-(d); 1 TAC 54.80

**Display of the
National Motto**

An institution of higher education, including a college district, must display in a conspicuous place in each building of the institution a durable poster or framed copy of the U.S. national motto, "In God

We Trust," if the poster or framed copy meets the requirements below and is donated for display at the institution or purchased from private donations and made available to the institution.

A poster or framed copy of the national motto:

1. Must contain a representation of the U.S. flag centered under the national motto and a representation of the state flag; and
2. May not depict any words, images, or other information other than the representations listed in item 1.

An institution of higher education may accept and use private donations for the purposes of this section.

A teacher or professor at an institution of higher education may not be prohibited from displaying in a classroom a poster or framed copy of the national motto that meets the requirements of this section.

Education Code 1.004

¹ Reporting Workplace Violence poster:
<https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf>.

Note: For record retention requirements under specific statutes or rules, see the applicable policy code.

**Local Government
Record**

A “local government record” means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information-recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government, including a college district, or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the local government.
2. Notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience.
3. Blank forms.
4. Stocks of publications.
5. Library and museum materials acquired solely for the purposes of reference or display.
6. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law.
7. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a state department or institution, local government, special district, or other political subdivision of the state participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

**Board's
Responsibilities**

The governing body of a local government, including a college district, shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;

2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the local government and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and persons affected by the activities of the local government;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with the Texas State Library and Archives Commission (TSLAC) in its conduct of statewide records management surveys.

Local Gov't Code 203.021

**College District
Duties**

Each local government shall:

1. Submit to the TSLAC director and librarian the name of the local government's records management officer identified under Local Government Code 203.001 or designated under Local Government Code 203.025 and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian as required by Local Government Code 203.005 and 203.026;
3. Notify ~~the commission~~ TSLAC at least ~~ten~~ 10 days before destroying a local government record that does not appear on a records retention schedule issued by ~~the commission~~ TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the local government has prepared a records control schedule that:
 - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and

- b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

**Custodians of
Records**

Custodians of records in each local government, including each college district, shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by the local government for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;
2. Adequately document the transaction of government business and the services, programs, and duties for which the custodians and their staff are responsible; and
3. Maintain the records in the custodians' care and carry out the preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the local government's records management program and the requirements of Subtitle C and rules adopted under it.

State law relating to the duties, other responsibilities, or record-keeping requirements of a custodian of local government records do not exempt the custodian or the records in the custodian's care from the application of Subtitle C and rules adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the local government whose establishment is required by Local Government Code Chapter 203.

"Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records.

"Third-party custodians" are parties with which a local government entity may contract for services who are temporarily responsible for the maintenance of local government records, other than an inter-local contract under Local Government Code 203.025(f).

Local Gov't Code 201.003(2), 203.022; 13 TAC 7.71(16)

**Records
Management Officer**

The governing body of each local government shall designate a records management officer by:

Designation

1. Designating an individual; or

2. Designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the governing body. The name or the name and office or position of the records management officer shall be filed by the records management officer with the TSLAC director and librarian within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported by the records management officer to the director and librarian in the same manner as the original designation. If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with the director and librarian within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e); 13 TAC 7.121(3)

Duties

The records management officer in each local government shall:

1. Assist in establishing and developing policies and procedures for the records management program for the local government.
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving the efficiency of recordkeeping.
3. In cooperation with the custodians of the records, prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044.
4. In cooperation with custodians, identify and take adequate steps to preserve local government records of permanent value.
5. In cooperation with custodians, identify and take adequate steps to protect essential local government records.
6. In cooperation with custodians, ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the local government's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

7. Disseminate to the governing body and custodians information concerning state laws, administrative rules, and policies of the government relating to local government records.
8. In cooperation with custodians, establish procedures to ensure that the handling of records in any context of the records management program by the records management officer or those under the officer's authority is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

**Records
Management
Program**

Each governing body, including each college district board of trustees, by ordinance or order, as appropriate, shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the governing body, custodians, and the records management officer to fulfill the duties and responsibilities set out in Local Government Code 203.021, 203.022, and 203.023 concerning the management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C, and rules adopted under it.

A copy of the ordinance or order must be filed by the records management officer with the TSLAC director and librarian within 30 days after the date of its adoption. A copy of an amended ordinance or revised order relating to the establishment or operation of the records management program must be filed by the governing body with the director and librarian within 30 days after the date of its adoption.

"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Local Gov't Code 201.003(13), 203.026(a)-(c), (e)

Electronic Records
Management

Administrative Code Title 1, Chapter 7, Subchapter C, establishes the minimum requirements for the maintenance, use, retention, and storage of any electronic record of a local government whose retention period is ~~ten~~10 years or more on a records retention schedule. These requirements are recommended as best practices for electronic records with retention periods of less than ~~ten~~10 years. All electronic records are subject to the applicable provisions of the Local Government Code Chapter 205.

The governing body of a local government and its records management officer, in cooperation with other employees of the local government, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
 - a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and
 - b. Records management concepts and applicable requirements, including any records management issues as they relate to paragraph 5a;
6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and
7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(a), (c)

*Policies and
Procedures*

Local government records management officers, in conjunction with the governing body, shall approve and institute written policies and procedures that communicate the organization's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A local government's policies and procedures must:

1. Establish a component of the local government's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;
2. Integrate the management of electronic records into existing records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities;
4. Address electronic records management requirements, including retention requirements and final disposition;
5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and
6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A local government's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement.

13 TAC 7.73

*Minimum
Requirements for
Electronic
Records*

Each local government must:

1. Manage electronic records according to the local government's records management program and records retention schedule regardless of format, system, or storage location;

2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the local government through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;
5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the local government with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the local government's essential records.

Any technology for electronic records developed, used, or acquired by a local government must support the local government's ability to meet the minimum requirements to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

*Electronic
Records Security*

Local governments must implement and maintain an electronic records security program for office and storage areas that:

1. Ensures that only authorized individuals have access to electronic records;
2. Provides for backup and recovery of records to protect against information loss;
3. Ensures that authorized individuals are trained to safeguard confidential electronic records; and
4. Minimizes the risk of unauthorized alteration or erasure of electronic records.

A duplicate copy of essential records and any software or documentation required to retrieve and read the records must be maintained in a separate storage area.

For records stored on rewritable electronic storage media, local governments must ensure that read/write privileges are controlled and that an audit trail of rewrites is maintained.

13 TAC 7.75 [See CS]

*Electronic
Storage Media
Maintenance*

Local governments shall maintain electronic storage media in accordance with 13 Administrative Code 7.76. 13 TAC 7.76

*Electronic
Records Systems
Requirements*

Local governments shall satisfy the minimum requirements for electronic records systems described by 13 Administrative Code 7.77.

An electronic records system not meeting the provisions of 1 Administrative Code Chapter 7, Subchapter C, may be utilized for records subject to 13 Administrative Code 7.72, provided the source document, if any, or a paper copy of the record is maintained, or the record is microfilmed in accordance with the provisions of Local Government Code Chapter 204 and the rules adopted under it.

13 TAC 7.72(d), .77

Retention Schedules

On or before January 4, 1999, the records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each as provided by Local Government Code 203.042:
 - a. All records created or received by the local government or elective county office;

- b. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by ~~the commission~~ TSLAC has not expired; and
 - c. Any record no longer created or received by the local government or elective county office that is still in its possession and for which the retention period on a records retention schedule issued by ~~the commission~~ TSLAC has expired but which will not be destroyed as provided by Local Government Code 203.044; and
2. File with the TSLAC director and librarian a written certification of compliance that the local government or the elective county office has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by ~~the commission~~ TSLAC.

At the discretion of the records management officer the records control schedule may also list and provide retention periods for material that is excluded from the definition of a local government record by Local Government Code 201.003(8) and exempted records described by Local Government Code 202.001(b) if in the officer's opinion the inclusion of the material or records is necessary to ensure the periodic destruction of the material or records in the interest of efficient records management.

The records management officer shall review the records control schedules of the local government or elective county office and prepare amendments to the schedules as needed to reflect new records created or received by the government or office or revisions to retention periods established in a records retention schedule issued by ~~the commission~~ TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the local government or the elective county office has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by ~~the commission~~ TSLAC.

The governing body shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the local government as it considers necessary. The records control schedule or amended schedule for an elective county office need only be approved by the elected official in charge of that office.

Records control schedules may be prepared on an office-by-office basis or on a department-by-department basis within each office.

A local government that intends to retain all records permanently or that destroys only those records for which no retention periods have been established in a records retention schedule established under Government Code 441.158 is not required to prepare a records control schedule.

Local Gov't Code 203.041

The records retention schedules adopted in 1 Administrative Code 7.125 shall be considered minimum requirements and shall in no way affect the authority of the governing bodies of local governments to establish longer periods of time for which records of their government are to be retained. The applicable records retention schedules adopted by ~~the State Library and Archives Commission~~ **TSLAC** include:

1. Local Schedule GR—Records Common to all Governments;
2. Local Schedule EL—Records of Elections and Voter Registration;
3. Local Schedule TX—Records of Property Taxation; and
4. Local Schedule JC—Records for Public Junior Colleges.

13 TAC 7.123(b), .125

Note: [Local government records retention schedules](#)¹ are available on the Texas State Library and Archives Commission website.

**Preservation of
Records**

A governmental body, including a college district board of trustees, may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of local government records or public information. *Gov't Code 552.004(a)*

Permanent Records

Permanent records shall be stored under conditions that meet the requirements of 1 Administrative Code 7.164. As resources permit, local governments should strive to store records under enhanced storage conditions that meet as many of the recommendations of 1 Administrative Code 7.165 as practicable.

The requirements apply only to records in storage and are not required for records being transported, temporarily housed or displayed, or in active use. Unless otherwise noted, the requirements apply only to paper records. Storage requirements for local government records stored micrographically or electronically are adopted

under 1 Administrative Code 7.26 and 1 Administrative Code 7.76 respectively.

13 TAC 7.162(b)-(c), .164(a), .165(a)

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and 13 Administrative Code Chapter 7, Subchapter B. *Local Gov't Code 204.002-.003; 13 TAC 7.23(a)*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media. *Local Gov't Code 205.002-.003*

**Destruction of
Records**

Records That May
Be Destroyed

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been micro-filmed or stored electronically in accordance with the requirements of Local Government Code Chapters 204 and 205;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044; or
3. The record is not listed on a records retention schedule issued by ~~the commission~~ **TSLAC** and the local government provides notice to ~~the commission~~ **TSLAC** at least ~~ten~~ **10** days before destroying the record as required by Government Code 441.169.

~~Local governments may destroy the~~ **The** following records **may be destroyed** without ~~first filing records destruction requests with the TSLAC director and librarian~~ **meeting the conditions above:**

1. Records the destruction or obliteration of which is directed by an expunction order issued by a court pursuant to state law; **and**
2. ~~Any record whose retention period~~ **Records defined as exempt from scheduling or filing requirements by rules adopted by TSLAC or listed as exempt** in a records retention schedule ~~is AV (as long as administratively valuable).~~ **is- sued by TSLAC.**
3. ~~Any record whose retention period in a records retention schedule is one year or less.~~
4. ~~Any record whose retention period in a records retention schedule is US (until superseded), unless an additional period exceeding one year is prescribed beyond supersession.~~

~~5. Any record listed in Local Schedule EL whose retention period is RP-1 (general, special, and primary elections that do not involve a federal office--60 days after election day) or RP-2 (general, special, and primary elections that do involve a federal office--22 months after election day).~~

~~6. Any record listed as exempt from the destruction request requirement in a records retention schedule.~~

Local Gov't Code 202.001; 13 TAC 7.123(c)

Exceptions

Litigation

A local government record the subject matter of which is known by the custodian to be in litigation may not be destroyed until the litigation is settled. **Local Gov't Code 202.002(a)**

**Public
Information Act
Request**

A local government record subject to a request under Government Code Chapter 552 may not be destroyed until the request is resolved. **Local Gov't Code 202.002(b)**

**Manner of
Destruction**

A local government record may be destroyed by burning, shredding, pulping, or burial in a landfill or by sale or donation for recycling purposes except that records, including extra identical copies of a local government record, to which public access is restricted under Government Code Chapter 552 or other state law may be destroyed only by burning, pulping, or shredding.

A local government that sells or donates records for recycling purposes shall establish procedures for ensuring that the records are rendered unrecognizable as local government records by the recycler.

The TSLAC director and librarian may approve other methods of destruction that render the records unrecognizable as local government records.

Local Gov't Code 202.003, .006

*Electronic
Records
Destruction*

Electronic records may be destroyed only in accordance with Local Government Code 202.001.

Each local government must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a)-(b)

**Alienation of
Records**

A local government record may be sold or donated, loaned, transferred, or otherwise passed out of the custody of a local government to any public institution of higher education, public museum, public library, or other public entity with the approval of the local government's records management officer and after the expiration of the record's retention period under the local government's records control schedule.

A local government record may not be sold or donated (except for the purposes of recycling), loaned, transferred, or otherwise passed out of the custody of a local government to any private college or university, private museum or library, private organization of any type, or an individual, except with the consent of the TSLAC director and librarian and after the expiration of its retention period under the local government's records control schedule.

A records management officer or custodian may temporarily transfer a local government record to a person for the purposes of microfilming, duplication, conversion to electronic media, restoration, or similar records management and preservation procedures.

Local Gov't Code 202.004

Right of Recovery

In accordance with Local Government Code 202.005, the governing body may demand and receive from any person any local government record in private possession created or received by the local government the removal of which was not authorized by law.

Local Gov't Code 202.005(a)

Penalties

Destruction or
Alienation of Record

An officer or employee of a local government commits an offense if the officer or employee knowingly or intentionally violates this subtitle or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Title 6, Subtitle C, or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a).

Local Gov't Code 202.008

Federal
Investigations and
Bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under U.S.C. Title 11 (bankruptcy), or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

**Chapter 176
Disclosures**

A records administrator shall:

1. Maintain a list of local government officers of the local governmental entity and shall make that list available to the public

and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006 [see CFE]; and

2. Maintain the statements and questionnaires that are required to be filed under Local Government Code Chapter 176 [see BBFA, CFE, and DBD] in accordance with the local governmental entity's records retention schedule.

Local Gov't Code 176.0065

Records
Administrator

"Records administrator" means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

¹ Local Government Retention Schedules:

<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>

**Prohibitions on
Regulation of
Building Products,
Materials, or
Methods**

Notwithstanding any other law and except as provided by Government Code 3000.002(c), a governmental entity, including a college district, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

1. Prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
2. Establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the above provisions.

Gov't Code 3000.002(a)-(c)

**Accessibility for
Individuals with
Disabilities**

Federal Law

Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity, including a college district, shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities. Each facility or part of a facility which is altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. *28 C.F.R. 35.151(a)-(b), 34 C.F.R. 104.23(b)*

Except as otherwise provided in 28 C.F.R. 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of a public entity or be subjected to discrimination by any public entity. *29 U.S.C. 794, 42 U.S.C. 12132; 28 C.F.R. 35.149, 34 C.F.R. 104.21*

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

This paragraph does not:

1. Necessarily require a public entity to make each of its existing facilities or every part of a facility accessible to and usable by individuals with disabilities;
2. Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
3. Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with 28 C.F.R. 35.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

28 C.F.R. 35.150(a), 34 C.F.R. 104.22(a)

A recipient may comply with the requirements of 28 C.F.R. 35.150 and, if applicable, 34 C.F.R. 104.22(a) through such means as:

1. Redesign or acquisition of equipment.
2. Reassignment of classes or other services to accessible buildings.
3. Assignment of aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.

7. Construction of new facilities.
8. Any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities.

A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with 28 C.F.R. 35.150, and if applicable, 34 C.F.R. 104.22(a). A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of 28 C.F.R. 35.151. In choosing among available methods for meeting these requirements, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 C.F.R. 35.150(b), 34 C.F.R. 104.22(b)

State Law

The intent of Government Code Chapter 469 is to ensure that each building and facility subject to Chapter 469 is accessible to and functional for persons with disabilities without causing the loss of function, space, or facilities.

All buildings or facilities listed under 16 Administrative Code 68.20 are subject to compliance with Government Code Chapter 469, the [Texas Accessibility Standards \(TAS\)](#)¹, and 16 Administrative Code Chapter 68, regardless of the estimated cost of construction, unless exempted under 16 Administrative Code 68.30. This includes a building or facility used by a public entity if it is constructed, renovated, or modified, in whole or in part, on or after January 1, 1970, using funds from the state or a political subdivision of the state.

An owner or the owner's designated agent may request a variance waiving or modifying an accessibility standard in accordance with 16 Administrative Code 68.31.

Gov't Code 469.001(a), .003; 16 TAC 68.20(a)-(b)(1), .31

Construction Projects

An owner with a construction project with an estimated construction cost of \$50,000 or more is subject to compliance with Government Code Chapter 469, the TAS, and 16 Administrative Code Chapter 68. 16 TAC 68.40(a)

Designated Agent

An owner may designate an agent to act on their behalf as described by 16 Administrative Code 68.42. A designated agent is authorized to:

1. Submit project information changes;
2. Request a waiver or variance;

3. Make a request for inspection;
4. Communicate with the department on behalf of the owner about the registered project;
5. Receive communications from a registered accessibility specialist; and
6. Submit verification of corrections to a registered accessibility specialist and the department.

A designated agent's failure to comply with the requirements of 16 Administrative Code Chapter 68 on behalf of an owner does not excuse the owner from compliance with Government Code Chapter 469, 16 Administrative Code Chapter 68, and the TAS.

16 TAC 68.42(a)-(c)

Registration

A building or facility being constructed, renovated, or modified with an estimated construction cost of \$50,000 or more that is subject to compliance with Government Code Chapter 469, the TAS, and 16 Administrative Code Chapter 68 must be registered with the Texas Department of Licensing and Regulation (TDLR). To register a construction project, an owner must submit an application on a form as prescribed by TDLR and the required fee in 16 Administrative Code 68.80.

A building or facility being constructed, renovated, or modified with an estimated construction cost of less than \$50,000 or that is not subject to Government Code Chapter 469 may be registered with TDLR and reviewed and/or inspected by a registered accessibility specialist.

16 TAC 68.21(a), (c)

Review of Plans

~~All plans and specifications for construction of or for the substantial renovation or modification of a building or facility must be submitted to the Department of Licensing and Regulation for review and approval if the building or facility is subject to Government Code Chapter 469 and if the estimated construction cost is at least \$50,000. Gov't Code 469.101~~

~~The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the required plans and specifications. If the estimated construction cost is \$50,000 or more, all plans and specifications for the construction of or alteration to a building or facility subject to Government Code 469.101 must be submitted by a design professional along~~

with a form prescribed by TDLR to a registered accessibility specialist not later than the 20th day after the plans and specifications are issued in accordance with 16 Administrative Code 68.50. When there is not a design professional with overall responsibility, the owner of a building or facility must submit the construction documents to a registered accessibility specialist prior to filing an application for a building permit or commencement of construction in an unincorporated portion of a county that does not issue building permits.

The owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to ~~the department~~ TDLR. On application to a local governmental entity for a building construction permit, the owner shall submit to the entity proof that the plans and specifications have been submitted to ~~the department~~ TDLR under Government Code Chapter 469.

Approved plans and specifications to which any substantial modification is made shall be resubmitted to ~~the department~~ TDLR for review and approval.

~~The owner of a building or facility described by Government Code 496.101 is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation, or modification of the building or facility is completed. The inspection must be performed by the department, an entity with which the commission contracts under Government Code 469.055, or a person who holds a certificate of registration to perform inspections under Government Code Chapter 469, Subchapter E.~~

~~Gov't Code 469.102(a), (c), .103, Gov't Code 469.101, .102(a)-(c), .103; 16 TAC 68.50(a)-(b), .51~~

Inspection

The owner of a building or facility with a project required to be registered under 16 Administrative Code 68.21 must obtain an inspection as described by 16 Administrative Code 68.52 by a registered accessibility specialist no later than one year from the date of the completion of construction in accordance with 16 Administrative Code 68.41.

If corrective modifications are required to achieve compliance, the owner must respond to the inspection report by submitting a form prescribed by TDLR to the registered accessibility

specialist not later than the 30th day of the date of the inspection report and complete corrective modifications by the 270th day after the date of the inspection report.

Gov't Code 469.105; 16 TAC 68.50-.41(a), .52(d)

Outdoor Lighting Fixtures

An outdoor lighting fixture that is designed, installed, or replaced on or after September 1, 1999, may be installed, replaced, maintained, or operated using state funds only if:

1. The new or replacement outdoor lighting fixture is a cutoff luminaire if the rated output of the outdoor lighting fixture is greater than 1,800 lumens;
2. The minimum illuminance adequate for the intended purpose is used with consideration given to nationally recognized standards;
3. For lighting of a designated highway of the state highway system, the Texas Department of Transportation determines that the purpose of the outdoor lighting fixture cannot be achieved by the installation of reflective road markers, lines, warning or informational signs, or other effective passive methods; and
4. Full consideration has been given to energy conservation, reducing glare, minimizing light pollution, and preserving the natural night environment. "Energy conservation" means reducing energy costs and resources used and includes using a light with lower wattage or a timer switch.

Health and Safety Code 425.002(a)-(b)

Exceptions

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The outdoor lighting fixture is used on a temporary basis because emergency personnel require additional illumination for emergency procedures;
3. The outdoor lighting fixture is used on a temporary basis for nighttime work;
4. Special events or situations require additional illumination;
5. The outdoor lighting fixture is used solely to enhance the aesthetic beauty of an object; or
6. A compelling safety interest exists that cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

Health and Safety Code 425.002(c)-(d)

¹ 2012 Texas Accessibility Standards (TAS):
<https://www.tdlr.texas.gov/ab/abtas.htm>

Information Security Oversight

The agency head of each state institution of higher education, including each college district, is ultimately responsible for the security of state information resources.

The agency head or the official's designated representative(s), shall:

1. Designate an Information Security Officer who has the explicit authority and the duty to administer the information security requirements of 1 Administrative Code Chapter 202 institution-wide;
2. Allocate resources for ongoing information security remediation, implementation, and compliance activities that reduce risk to a level acceptable to the institution head;
3. Ensure that senior institution of higher education officials and information-owners, in collaboration with the Information Resources Manager and Information Security Officer, support the provision of information security for the information systems that support the operations and assets under their direct or indirect (e.g., cloud computing or outsourced) control;
4. Ensure that the institution of higher education has trained personnel to assist the institution of higher education in complying with the requirements of Chapter 202 and related policies;
5. Ensure that senior institution of higher education officials support the institution of higher education's Information Security Officer in developing, at least annually, a report on the institution of higher education's information security program, as specified in 1 Administrative Code 202.71(b)(10) and 202.73(a);
6. Approve high residual risk management decisions as required by 1 Administrative Code 202.75(4);
7. Review and approve at least annually the institution of higher education's information security program required under 1 Administrative Code 202.74; and
8. Ensure that information security management processes are part of the institution of higher education's strategic planning and operational processes.

1 TAC 202.70

Information Security Officer

Each institution of higher education, including each college district, shall have a designated Information Security Officer. The Information Security Officer shall report to executive level management, has explicit authority for information security for the entire agency,

possesses training and experience required to perform the duties required by 1 Administrative Code Chapter 202, and to the extent feasible, has information security duties as that officer's primary duty.

The Information Security Officer shall be responsible for:

1. Developing and maintaining an institution-wide information security plan as required by Government Code 2054.133;
2. Developing and maintaining information security policies and procedures that address the requirements of this chapter and the institution's information security risks;
3. Working with the business and technical resources to ensure that controls are utilized to address all applicable requirements of this chapter and the institution's information security risks;
4. Providing for training and direction of personnel with significant responsibilities for information security with respect to such responsibilities;
5. Providing guidance and assistance to senior institution of higher education officials, information owners, information custodians, and end users concerning their responsibilities under 1 Administrative Code Chapter 202;
6. Ensuring that:
 - a. Risk assessments are performed by the information owners and supported by the information custodians at least biennially for systems containing confidential data and periodically for systems containing institution of higher education sensitive or public data; and
 - b. Security assessments are conducted biennially for systems containing confidential data and periodically for systems containing institution of higher education sensitive or public data;
7. Reviewing the institution's inventory of information systems and related ownership and responsibilities;
8. Recommending and collaborating to establish policies, procedures, and practices, in cooperation with the institution's Information Resources Manager; information owners; and custodians, necessary to ensure the security of information and information resources against unauthorized or accidental modification, destruction, or disclosure;

9. Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the acquisition of new information systems and/or related services and applications;
10. Verifying that security requirements are identified and risk mitigation plans are developed and implemented prior to the deployment of internally-developed information systems and/or related applications or services;
11. Reporting, at least annually, to the agency head the status and effectiveness of the security program and its controls;
12. Informing any relevant parties in the event of noncompliance with this chapter and/or with the institution's information security policies; and
13. All other duties required by Government Code 2054.136.

The Information Security Officer, with the approval of the agency head, may issue exceptions to information security requirements or controls in 1 Administrative Code Chapter 202. Any such exceptions shall be justified, documented, and communicated.

Gov't Code 2054.136; 1 TAC 202.71

Information Security Program

Each institution of higher education, including each college district, shall develop, document, and implement an institution of higher education-wide information security program, approved by the agency head or delegate under 1 Administrative Code 202.70, that includes protections, based on risk, for all information and information resources owned, leased, or under the custodianship of any department, operating unit, or employee of the institution of higher education including outsourced resources to another institution of higher education, contractor, or other source (e.g., cloud computing). The program shall include:

1. Periodic assessments in alignment with minimum legal reporting requirements of the risk and impact that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of information, information systems, and applications that support the operations and assets of the institution of higher education;
2. Policies, controls, standards, and procedures that:
 - a. Are based on the risk assessments required by 1 Administrative Code 202.75;
 - b. Cost-effectively reduce information security risks to a level acceptable to the institution head;

- c. Ensure that information security is addressed throughout the life cycle of institution of higher education information resources; and
 - d. Ensure compliance with the requirements of 1 Administrative Code Chapter 202, Subchapter C; minimally acceptable system configuration requirements, as determined by the institution of higher education; and the control catalog published by the Department of Information Resources (DIR).
3. Strategies to address risk to high-impact information resources;
 4. Plans for providing information security for networks, facilities, and systems or groups of information systems and applications, based on risk;
 5. A process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the institution of higher education; and
 6. A process to justify, grant, and document any exceptions to specific program requirements in accordance with requirements and processes defined in 1 Administrative Code Chapter 202.

State institutions of higher education are responsible for:

1. Defining all information classification categories except the confidential information category, which is defined in 1 Administrative Code Chapter 202, Subchapter A, and establishing the controls for each;
2. Administering an ongoing information security awareness education program in compliance with the requirements of Government Code 2054.5191–.5192 for all users; and
3. Introducing information security awareness and informing new employees of information security policies and procedures during the onboarding process.

Gov't Code 2054.133; 1 TAC 202.74

Staff Responsibilities

Information owners, custodians, and users of information resources shall, in consultation with the institution's Information Resources Manager and Information Security Officer, be identified, and their responsibilities defined and documented by the state in-

stitution of higher education, including a college district. The distinctions below among owner, custodian, and user responsibilities should guide determination of these roles. *1 TAC 202.72(a)*

Information Owner

The owner or the owner's designated representative(s) are responsible for:

1. Classifying information under their authority or responsibility, with the concurrence of the agency head or the official's designated representative(s), in accordance with the institution of higher education's established information classification categories;
2. Approving access to information resources and periodically reviewing access lists based on documented risk management decisions;
3. Formally assigning custody of information or an information resource;
4. Coordinating data security control requirements with the Information Security Officer;
5. Conveying data security control requirements to custodians.
6. Providing authority to custodians to implement security controls and procedures;
7. Justifying, documenting, and being accountable for exceptions to security controls issued by the Information Security Officer for the information for which the information owner is responsible;
8. Coordinating and obtaining approval for exceptions to security controls with the agency Information Security Officer; and
9. Performing risk assessments as provided under 1 Administrative Code 202.75.

Information owners, in coordination with the information custodian, shall ensure that information resources provide a clear and conspicuous prohibition against unauthorized access or use as detailed by Penal Code 33.02(b-1).

1 TAC 202.72(a)(1)

Information
Custodian

Custodians of information resources, including third-party entities providing outsourced information resources services to state institutions of higher education, shall:

1. Implement controls required to protect information and information resources required by 1 Administrative Code Chapter

202 based on the classification and risks specified by the information owner(s) or as specified by the policies, procedures, and standards defined by the institution of higher education information security program;

2. Provide owners with information to evaluate the cost-effectiveness of controls and monitoring;
3. Adhere to monitoring techniques and procedures, approved by the Information Security Officer, for detecting, reporting, and investigating incidents;
4. Supply any information and/or documents necessary to provide appropriate information security training to employees; and
5. Ensure information is recoverable in accordance with risk management decisions.

1 TAC 202.72(a)(2)

User

The user of information resources has the responsibility to:

1. Use the resource only for the purpose specified by the institution or information owner;
2. Comply with information security controls and institutional policies to prevent unauthorized or accidental disclosure, modification, or destruction of information and information resources; and
3. Formally acknowledge that they will comply with the security policies and procedures in a method determined by the institution head or the institution head's designated representative.

Institution information resources designated for use by the public shall be configured to enforce security policies and procedures without requiring user participation or intervention. Information resources must require the acceptance of a banner or notice prior to use.

1 TAC 202.72(a)(3), (b)

Security Controls

Mandatory Controls

Mandatory security controls shall be defined by DIR in a Control Standards document published on DIR's website. The controls shall include minimum information security requirements for all institution information, information systems, and applications, and standards to be used by all institutions of higher education, including all college districts, to provide levels of information security according to risk categorizations.

A review of the institution's information security program for compliance with these standards will be performed at least biennially, based on business risk management decisions, by individual(s) independent of the information security program and designated by the institution of higher education head or the official's designated representative(s).

1 TAC 202.76(a)-(c)

Optional Controls

The agency head may employ standards for the cost-effective information security of information, information resources, and applications within or under the supervision of that institution of higher education that are more stringent than the standards DIR prescribes if the more stringent standards:

1. Contain at least the applicable standards issued by the department; and/or
2. Are consistent with applicable federal law, policies, and guidelines issued under state rule, industry standards, best practices, or are deemed necessary to adequately protect the information held by the institution of higher education.

1 TAC 202.76(e)

Risk Management

~~At least once every two years,~~ A risk assessment of the institution's information, information systems, and applications shall be performed and documented. Risks and impacts will be ranked, at a minimum, as either "High," "Moderate," or "Low."

The schedule of the future risk assessments will be documented. Risk assessment results, vulnerability reports, and similar information shall be documented and presented to the Information Security Officer or the Information Security Officer's designated representative(s).

Approval of the security risk acceptance, transference, or mitigation decisions shall be the responsibility of:

1. The Information Security Officer or the Information Security Officer's designee(s), in coordination with the information owner, for systems identified with Low or Moderate residual risk.
2. The institution of higher education head for all systems identified with a High residual risk.

1 TAC 202.75

Information Security
Assessment

At least every two years, each institution of higher education, including each college district, shall complete and submit an information security assessment in compliance with the requirements of Government Code 2054.515 and this section.

The institution of higher education's Biennial Information Security Plan may be considered to satisfy the information security assessment requirements of Government Code 2054.515(a)(1) if the institution's Biennial Information Security Plan assesses:

1. The security of the institution's information resources systems, network systems, and digital data storage systems;
2. The measures in place to establish digital data security; and
3. The vulnerabilities of the institution's information resources, including an evaluation determining how well the organization's security policies protect its data and information systems.

To comply with Government Code 2054.515(a)(2), an institution of higher education must complete a data maturity assessment in alignment with the requirements established at 1 Administrative Code 218.10.

The report and all documentation related to the information security assessment and report are confidential and not subject to disclosure under Government Code Chapter 552. A state agency, including a college district, may redact or withhold the information as confidential under Chapter 552 without requesting a decision from the attorney general under Chapter 552, Subchapter G.

Gov't Code 2054.515;(a), (d); 1 TAC 202.7573(c)

Data Maturity
Assessment

To the extent that the data maturity assessment is an element of the information security assessment required by Government Code 2054.515 and codified at 1 Administrative Code Chapter 202, it is an information security standard to which a public junior college is subject pursuant to Government Code 2054.0075.

An institution of higher education, including a college district, shall conduct a data maturity assessment by November 15 of each even-numbered year, December 1 of the year in which the institution of higher education completes the assessment,

or the 60th day after the institution of higher education completes the assessment, whichever comes first.

An institution of higher education's data maturity assessment shall include at least the below elements:

1. Data Architecture;
2. Data Analytics;
3. Data Governance and Standardization;
4. Data Management and Methodology;
5. Data Program Management and Change Control;
6. Data Quality;
7. Data Security and Privacy;
8. Data Strategy and Roadmap;
9. Master Data Management; and
10. Metadata Management.

Institutions of higher education may complete their data maturity assessment through a method identified by DIR or by using their own tool that includes the elements required by this section.

The data maturity assessment addresses the requirement to review an institution of higher education's data governance program found at Government Code 2054.515(a)(2).

To comply with Government Code 2054.515(a), an institution of higher education must complete a data maturity assessment that is compliant with this section in addition to addressing all information security assessment requirements enumerated in 1 Administrative Code Chapter 202.

1 TAC 218.20

Reporting

~~To the Institution~~

**Information
Security Policies,
Procedures, and
Practices**

Each Information Security Officer shall directly report to the agency **head**, including a college district head, at least annually, on the adequacy and effectiveness of information security policies, procedures, practices, compliance with the requirements of 1 Administrative Code Chapter 202 and:

1. Effectiveness of current information security program and status of key initiatives;
2. Residual risks identified by the institution of higher education risk management process; and

3. Institution of higher education information security requirements and requests.

1 TAC 202.73(a)

Biennial Information Security Plan

Each institution of higher education shall submit to DIR a Biennial Information Security Plan not later than June 1 of each even-numbered year, in accordance with Government Code 2054.133.

Each information security plan is confidential and exempt from disclosure under Government Code Chapter 552.

Gov't Code 2054.133(c)-(d); 1 TAC 202.73(b)

~~To DIR Urgent)~~

Information Security Assessment

Upon completion of its information security assessment, an institution of higher education shall report the results of its assessment to DIR in the form and manner identified by DIR. An institution of higher education must comply with a request for the results of its assessment received from the office of the governor, lieutenant governor, or speaker of the house of representatives. Gov't Code 2054.515(b); 1 TAC 202.73(c)(3)

Security Incident Report

A security incident is an incident that meets one of the requirements enumerated at Government Code 2054.603(a)(1)(A)-(B). Each state institution of higher education shall assess the significance of a security incident based on the business impact on the affected resources and the current and potential technical effect of the incident (e.g., loss of revenue, productivity, access to services, reputation, unauthorized disclosure of confidential information, or propagation to other networks). Confirmed or suspected incidents shall be reported to immediate supervisors and the institution of higher education Information Security Officer. ~~Confirmed or suspected~~

An institution of higher education shall report security incidents ~~shall be reported~~ to DIR within 48 hours of discovery in the form and manner specified by DIR where the security incident is assessed to:

1. Propagate to other state systems;
2. Result in criminal violations that shall be reported to law enforcement in accordance with state or federal information security or privacy laws;

3. Involve the unauthorized disclosure or modification of confidential information, e.g., sensitive personal information as defined in Business and Commerce Code 521.002(a)(2) and other applicable laws that may require public notification; or
4. Be an unauthorized incident that compromises, destroys, or alters information systems, applications, or access to such systems or applications in any way.

If the security incident is assessed to involve suspected criminal activity (e.g., violations of Penal Code Chapters 33 or 33A), the institution of higher education shall contact law enforcement, as required, and the security incident shall be investigated, reported, and documented in accordance with the legal requirements for handling of evidence.

Depending on the nature of the incident, it will not always be feasible to gather all the information prior to reporting. In such cases, incident response teams shall continue to report information to ~~the department~~ **DIR** as it is collected. DIR shall instruct state institutions of higher education as to the manner in which they shall report such information to DIR. Supporting vendors or other third parties that report security incident information to an institution of higher education shall submit such reports to the institution of higher education in the form and manner specified by DIR, unless otherwise directed by the institution of higher education. Institutions of higher education shall ensure that compliant reporting requirements are included in any contract where incident reporting may be necessary.

~~Education Code 2054.603; 1 TAC 202.73(b)(1)~~

Monthly Incident Report

~~Summary reports of security-related events shall be sent to DIR on a monthly basis no later than nine calendar~~ **Ten** ~~days after the end~~ **date** ~~of the month. Institutions of higher education shall submit summary~~ **eradication, closure, and recovery from a** ~~security incident reports in the form and manner specified by DIR. Supporting vendors or other third parties that report security incident information to,~~ an institution of higher education shall ~~submit such reports to the institution of higher education in~~ **notify DIR and the chief information security officer in the form and manner prescribed by DIR of the** ~~form and manner specified by DIR, unless otherwise directed by~~ **security incident details and an analysis of the institution of higher education.** ~~Education Code 2054.603; 1 TAC 202.73(b)(2)~~ **security incident cause.**

Biennial Information Security Plan

~~Each state institution of higher education shall submit to the department a Biennial Information Security Plan not later than June 1~~

~~of each even-numbered year, in accordance with Government Code 2054.133.~~

~~Each information security plan is confidential and exempt from disclosure under Government Code Chapter 552.~~

~~Gov't Code 2054.133(c) (d); 1 TAC 202.73(b)(3)~~

Education Code 2054.603; 1 TAC 202.1(41), .73(d)

**Risk and
Authorization
Management
Program for Cloud
Computing Services**

An institution of higher education contracting for cloud computing services that store, process, or transmit data of the institution of higher education shall:

1. Confirm that vendors contracting with the institution of higher education to provide cloud computing services for the institution of higher education are certified through TX-RAMP prior to entering or renewing a cloud computing services contract; and
2. Require a vendor contracting with the institution of higher education to provide cloud computing services for the institution of higher education that are subject to the state risk and authorization management program to maintain program compliance and certification throughout the term of the contract.

Gov't Code 2054.0593; 1 TAC 202.5, .77(e)

**Mandatory
Standards**

Mandatory standards for Texas cloud computing services shall be defined by DIR in the program manual published on DIR's website.
Gov't Code 2054.0593(c); 1 TAC 202.77(a)

**Social Media
Applications on
College District
Devices**

A governmental entity, including a college district, shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the governmental entity and requiring the removal of covered applications from those devices.

DIR and the Department of Public Safety (DPS) shall jointly develop a model policy for governmental entities to use in developing the policy.

"Covered application" means:

1. The social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or
2. A social media application or service specified by proclamation of the governor that poses a risk to this state.

A social media application or service poses a risk to this state if:

1. The provider of the application or service may be required by a foreign government, or an entity associated with a foreign government, to provide confidential or private personal information collected by the provider through the application or service to the foreign government or associated entity without substantial due process rights or similar legal protections; or
2. The application or service poses a similar risk to the security of this state's sensitive information, critical infrastructure, or both, as an application or service described by item 1 of the definition of "covered application."

Gov't Code 620.001(1), .002-.003, .005

Exceptions

A policy adopted under Government Code 620.003 may provide for the installation and use of a covered application to the extent necessary for:

1. Providing law enforcement; or
2. Developing or implementing information security measures.

A policy allowing the installation and use of a covered application must require:

1. The use of measures to mitigate risks posed to this state during the use of the covered application; and
2. The documentation of those measures.

Gov't Code 620.004

DIR and DPS List

DIR and DPS shall jointly identify social media applications or services that pose a risk to this state.

DIR shall:

1. Annually submit a list of applications and services to the governor;
2. Publish the list on DIR's publicly accessible internet website; and
3. Periodically update the list on that website.

Gov't Code 620.006

Financial Information Security Program

A financial institution shall develop, implement, and maintain a comprehensive information security program that is written in one or more readily accessible parts and contains administrative, technical, and physical safeguards that are appropriate to the institution's size and complexity, the nature and scope of the institution's activities, and the sensitivity of any customer information at issue.

Such safeguards shall include the elements set forth below and shall be reasonably designed to achieve the objectives set forth below. *15 U.S.C. 6801(b); 16 C.F.R. 314.3(a)*

Objectives

The objectives are to:

1. Ensure the security and confidentiality of customer information;
2. Protect against any anticipated threats or hazards to the security or integrity of such information; and
3. Protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

16 C.F.R. 314.3(b)

Elements

To develop, implement, and maintain the information security program, the financial institution shall:

1. Designate a qualified individual responsible for overseeing and implementing the institution's information security program and enforcing the institution's information security program. The qualified individual may be employed by the financial institution, an affiliate, or a service provider. To the extent the requirement in this paragraph is met using a service provider or an affiliate, the financial institution shall:
 - a. Retain responsibility for compliance with 16 C.F.R. Part 314;
 - b. Designate a senior member of the institution's personnel responsible for direction and oversight of the qualified individual; and
 - c. Require the service provider or affiliate to maintain an information security program that protects the institution in accordance with the requirements of Part 314.
2. Base the institution's information security program on a risk assessment that identifies reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks.
 - a. The risk assessment shall be written and shall include:

- (1) Criteria for the evaluation and categorization of identified security risks or threats the financial institution faces;
 - (2) Criteria for the assessment of the confidentiality, integrity, and availability of the institution's information systems and customer information, including the adequacy of the existing controls in the context of the identified risks or threats the financial institution faces; and
 - (3) Requirements describing how identified risks will be mitigated or accepted based on the risk assessment and how the information security program will address the risks.
 - b. The financial institution shall periodically perform additional risk assessments that reexamine the reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information, and reassess the sufficiency of any safeguards in place to control these risks.
3. Design and implement ~~information~~ safeguards to control the risks the financial institution identifies through risk assessment, as described by 16 C.F.R. 314.4(c).
 4. Regularly test or otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures, including those to detect actual and attempted attacks on, or intrusions into, information systems. For information systems, the monitoring and testing shall include continuous monitoring or periodic penetration testing and vulnerability assessments. Absent effective continuous monitoring or other systems to detect, on an ongoing basis, changes in information systems that may create vulnerabilities, the financial institution shall conduct:
 - a. Annual penetration testing of the institution's information systems determined each given year based on relevant identified risks in accordance with the risk assessment; and
 - b. Vulnerability assessments, including any systemic scans or reviews of information systems reasonably designed to identify publicly known security vulnerabilities in the

institution's information systems based on the risk assessment, at least every six months; and whenever there are material changes to the institution's operations or business arrangements; and whenever there are circumstances the institution knows or has reason to know may have a material impact on the information security program.

5. Implement policies and procedures to ensure that personnel are able to enact the financial institution's information security program by:
 - a. Providing the institution's personnel with security awareness training that is updated as necessary to reflect risks identified by the risk assessment;
 - b. Utilizing qualified information security personnel employed by the institution or an affiliate or service provider sufficient to manage the institution's information security risks and to perform or oversee the information security program;
 - c. Providing information security personnel with security updates and training sufficient to address relevant security risks; and
 - d. Verifying that key information security personnel take steps to maintain current knowledge of changing information security threats and countermeasures;
6. Oversee service providers by:
 - a. Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue;
 - b. Requiring the financial institution's service providers by contract to implement and maintain such safeguards; and
 - c. Periodically assessing the institution's service providers based on the risk they present and the continued adequacy of their safeguards.
7. Evaluate and adjust the information security program in light of the results of testing and monitoring, any material changes to the institution's operations or business arrangements, the results of the additional risk assessments performed under item 2, or any other circumstances that the institution knows

or has reason to know may have a material impact on the information security program.

8. Establish a written incident response plan designed to promptly respond to, and recover from, any security event materially affecting the confidentiality, integrity, or availability of customer information in the financial institution's control. Such incident response plan shall address the following areas:
 - a. The goals of the incident response plan;
 - b. The internal processes for responding to a security event;
 - c. The definition of clear roles, responsibilities, and levels of decision-making authority;
 - d. External and internal communications and information sharing;
 - e. Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;
 - f. Documentation and reporting regarding security events and related incident response activities; and
 - g. The evaluation and revision as necessary of the incident response plan following a security event.
9. Require the financial institution's qualified individual to report in writing, regularly and at least annually, to the financial institution's board of directors or equivalent governing body. If no such board of directors or equivalent governing body exists, such report shall be timely presented to a senior officer responsible for the information security program. The report shall include the following information:
 - a. The overall status of the information security program and the institution's compliance with this part; and
 - b. Material matters related to the information security program, addressing issues such as risk assessment, risk management and control decisions, service provider arrangements, results of testing, security events or violations and management's responses thereto, and recommendations for changes in the information security program.

10. Notify the Federal Trade Commission (FTC) about notification events:
 - a. Upon discovery of a notification event, if the notification event involves the information of at least 500 consumers, the financial institution must notify the FTC as soon as possible, and no later than 30 days after discovery of the event. The notice shall be made electronically on a form to be located on the [FTC's website](#)¹, as described by 16 C.F.R. 314.4(j). The notice shall include the following:
 - (1) The name and contact information of the reporting financial institution;
 - (2) A description of the types of information that were involved in the notification event;
 - (3) If the information is possible to determine, the date or date range of the notification event;
 - (4) The number of consumers affected or potentially affected by the notification event;
 - (5) A general description of the notification event; and
 - (6) Whether any law enforcement official has provided the financial institution with a written determination that notifying the public of the breach would impede a criminal investigation or cause damage to national security, and a means for the FTC to contact the law enforcement official. A law enforcement official may request an initial delay of up to 30 days following the date when notice was provided to the FTC. The delay may be extended for an additional period of up to 60 days if the law enforcement official seeks such an extension in writing. Additional delay may be permitted only if the FTC staff determines that public disclosure of a security event continues to impede a criminal investigation or cause damage to national security.
 - b. A notification event shall be treated as discovered as of the first day on which such event is known to the financial institution. The financial institution shall be deemed to have knowledge of a notification event if such event is known to any person, other than the

person committing the breach, who is the financial institution's employee, officer, or other agent.

16 C.F.R. 314.4

Definitions

Consumer

"Consumer" means an individual who obtains or has obtained a financial product or service from a financial institution that is to be used primarily for personal, family, or household purposes, or that individual's legal representative. For example:

1. An individual who provides nonpublic personal information to the financial institution in order to obtain a determination about whether the individual may qualify for a loan to be used primarily for personal, family, or household purposes is a consumer of a financial service, regardless of whether the loan is extended.
2. An individual who provides nonpublic personal information to you in connection with obtaining or seeking to obtain financial, investment, or economic advisory services is a consumer, regardless of whether the institution establishes a continuing advisory relationship.
3. If the institution holds ownership or servicing rights to an individual's loan that is used primarily for personal, family, or household purposes, the individual is the institution's consumer, even if the institution holds those rights in conjunction with one or more other institutions. (The individual is also a consumer with respect to the other financial institutions involved.) An individual who has a loan in which the institution has ownership or servicing rights is the financial institution's consumer, even if the institution, or another institution with those rights, hires an agent to collect on the loan.
4. An individual who is a consumer of another financial institution is not the financial institution's consumer solely because the financial institution acts as an agent for, or provides processing or other services to, that financial institution.
5. An individual is not the financial institution's consumer solely because the individual is a participant or a beneficiary of an employee benefit plan that the institution sponsors or for which the institution acts as a trustee or fiduciary.

16 C.F.R. 314.2(b)

Customer

"Customer" means a consumer who has a customer relationship with a financial institution. 16 C.F.R. 314.2(c)

*Customer
Information*

“Customer information” means any record containing nonpublic personal information, as defined below, about a customer of a financial institution, whether in paper, electronic, or other form, that is handled or maintained by or on behalf of the institution or its affiliates. *16 C.F.R. 314.2(d)*

*Customer
Relationship*

“Customer relationship” means a continuing relationship between a consumer and a financial institution under which a financial institution provides one or more financial products or services to the consumer that are to be used primarily for personal, family, or household purposes. For example, a consumer has a continuing relationship with a financial institution if the consumer:

1. Obtains a loan from the institution;
2. Obtains career counseling while seeking employment with a financial institution or the finance, accounting, or audit department of any company (or while employed by such a financial institution or department of any company); or
3. Has a loan for which the institution owns the servicing rights.

16 C.F.R. 314.2(e)

*Financial
Institution*

“Financial institution” means any institution the business of which is engaging in an activity that is financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k). An institution that is significantly engaged in financial activities, or significantly engaged in activities incidental to such financial activities, is a financial institution. *12 U.S.C. 1843(k); 16 C.F.R. 314.2(h)*

*Nonpublic
Personal
Information*

“Nonpublic personal information” means:

1. Personally identifiable financial information, as defined by 16 C.F.R. 314.2(n); and
2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

Nonpublic personal information does not include:

1. Publicly available information, as defined by 16 C.F.R. 314.2(o), except as included on a list described in item 2, above; or

2. Any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

For example:

1. Nonpublic personal information includes any list of individuals' names and street addresses that is derived in whole or in part using personally identifiable financial information (that is not publicly available), such as account numbers.
2. Nonpublic personal information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

16 C.F.R. 314.2(l)

Notification Event

“Notification event” means acquisition of unencrypted customer information without the authorization of the individual to which the information pertains. Customer information is considered unencrypted for this purpose if the encryption key was accessed by an unauthorized person. Unauthorized acquisition will be presumed to include unauthorized access to unencrypted customer information unless the financial institution has reliable evidence showing that there has not been, or could not reasonably have been, unauthorized acquisition of such information. 16 C.F.R. 314.2(m)

Service Provider

“Service provider” means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to a financial institution that is subject to 16 C.F.R. Part 314. 16 C.F.R. 314.2(~~qr~~)

Cybersecurity Information Sharing Act

A non-federal entity, including a college district, may, for a cybersecurity purpose and consistent with the protection of classified information, share with, or receive from, any other non-federal entity or the federal government a cyber threat indicator or defensive measure. A non-federal entity receiving a cyber threat indicator or defensive measure from another non-federal entity or a federal entity shall comply with otherwise lawful restrictions placed on the sharing or use of such cyber threat indicator or defensive measure by the sharing non-federal or federal entity. 6 U.S.C. 1503(c)

Protection and Use of Information	A non-federal entity monitoring an information system, operating a defensive measure, or providing or receiving a cyber threat indicator or defensive measure under 6 U.S.C. 1503 shall implement and utilize a security control to protect against unauthorized access to or acquisition of such indicator or measure. 6 U.S.C. 1503(d)(1)
<i>Security</i>	
<i>Removal of Personal Information</i>	<p>A non-federal entity sharing a cyber threat indicator pursuant to 6 U.S.C. Chapter 6, Subchapter I, shall, prior to sharing:</p> <ol style="list-style-type: none"> 1. Review such cyber threat indicator to assess whether such cyber threat indicator contains any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or 2. Implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the non-federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual. <p>6 U.S.C. 1503(d)(2)</p>
<i>Use of Information</i>	<p>A cyber threat indicator or defensive measure shared or received may, for cybersecurity purposes:</p> <ol style="list-style-type: none"> 1. Be used by a non-federal entity to monitor or operate a defensive measure that is applied to an information system of the non-federal entity, or an information system of another non-federal entity or a federal entity upon written consent of that other non-federal entity or federal entity; and 2. Be otherwise used, retained, and further shared by a non-federal entity subject to an otherwise lawful restriction placed by the sharing non-federal entity or federal entity on such cyber threat indicator or defensive measure, or an otherwise applicable provision of law. <p>6 U.S.C. 1503(d)(3)</p>
Exception	A cyber threat indicator or defensive measure shared with a state, tribal, or local government under 6 U.S.C. Chapter 6, Subchapter I, shall not be used by any state, tribal, or local government to regulate, including an enforcement action, the lawful activity of any non-federal entity or any activity taken by a non-federal entity pursuant to mandatory standards, including an activity relating to monitoring, operating a defensive measure, or sharing of a cyber threat indicator. A cyber threat indicator or defensive measure shared as described in this provision may, consistent with a state, tribal, or local

government regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of a regulation relating to such information systems. *6 U.S.C. 1503(d)(4)(C)*

Law Enforcement Use

A college district that receives a cyber threat indicator or defensive measure under 6 U.S.C. Chapter 6, Subchapter I, may use such indicator or measure for the purposes described in 6 U.S.C. 1504(d)(5)(A). [See CKE] *6 U.S.C. 1503(d)(4)(A)*

Exemption from Public Disclosure

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government, including a component of a state, tribal, or local government that is a private entity, under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any provision of state, tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. *6 U.S.C. 1503(d)(4)(B)*

A cyber threat indicator or defensive measure shared with the federal government under 6 U.S.C. Chapter 6, Subchapter I, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under 5 U.S.C. 552 and any state, tribal, or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under 5 U.S.C. 552(b)(3)(B) and any state, tribal, or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See GCA]

No Duty

Nothing in this section shall be construed to create a duty to share a cyber threat indicator or defensive measure or a duty to warn or act based on the receipt of a cyber threat indicator or defensive measure; or to undermine or limit the availability of otherwise applicable common law or statutory defenses. *6 U.S.C. 1505(c)*

Definitions

Non-Federal Entity

“Non-federal entity” means any private entity, non-federal government agency or department, or state, tribal, or local government (including a political subdivision, department, or component thereof). *6 U.S.C. 1501(14)*

Cybersecurity Purpose

“Cybersecurity purpose” means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability. *6 U.S.C. 1501(4)*

*Cybersecurity
Threat*

“Cybersecurity threat” means an action, not protected by the First Amendment to the U.S. Constitution, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system. The term does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement. 6 U.S.C. 1501(5)

*Cyber Threat
Indicator*

“Cyber threat indicator” means information that is necessary to describe or identify:

1. Malicious reconnaissance, as defined in 6 U.S.C. 1501(12), including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;
2. A method of defeating a security control or exploitation of a security vulnerability;
3. A security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;
4. A method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;
5. Malicious cyber command and control, as defined in 6 U.S.C. 1501(11);
6. The actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;
7. Any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or
8. Any combination thereof.

6 U.S.C. 1501(6)

*Defensive
Measure*

“Defensive measure” means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability. The term does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information sys-

tem or information stored on, processed by, or transiting such information system not owned by the private entity operating the measure or another entity or federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure. *6 U.S.C. 1501(7)*

*Information
System*

“Information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information; and includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers. *6 U.S.C. 1501(9), 44 U.S.C. 3502*

Security Control

“Security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information. *6 U.S.C. 1501(16)*

*Security
Vulnerability*

“Security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control. *6 U.S.C. 1501(17)*

**Security Breach
Notification**

To Residents of
Texas and Certain
Other States

A person, including a college district, who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose, in accordance with the notice provisions at Business and Commerce Code 521.053(e), any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 60th day after the date on which the person determines that the breach occurred, except as provided at Criminal Investigation Exception, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system. *Business and Commerce Code 521.053(b)*

If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person described by Business and Commerce Code 521.053(b) to provide notice of a breach of system security, the notice of the breach of system security required by Section 521.053(b) may be provided under that state's law or under Business and Commerce Code 521.053(b). *Business and Commerce Code 521.053(b-1); Local Gov't Code 205.010*

To the Owner or
License Holder

A person who maintains computerized data that includes sensitive personal information not owned by the person shall notify the

	owner or license holder, in accordance with Business and Commerce Code 521.053(e), of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. <i>Business and Commerce Code 521.053(c); Local Gov't Code 205.010</i>
To the Attorney General	A person who is required to disclose or provide notification of a breach of system security under Business and Commerce Code 521.053 shall notify the attorney general, in accordance with Business and Commerce Code 521.053(i), of that breach as soon as practicable and not later than the 30th day after the date on which the person determines that the breach occurred if the breach involves at least 250 residents of this state. <i>Business and Commerce Code 521.053(i)</i>
To a Consumer Reporting Agency	If a person is required to notify at one time more than 10,000 persons of a breach of system security, the person shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The person shall provide the notice without unreasonable delay. <i>Business and Commerce Code 521.053(h); Local Gov't Code 205.010</i>
Criminal Investigation Exception	A person may delay providing the required notice to state residents or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation. <i>Business and Commerce Code 521.053(d); Local Gov't Code 205.010</i>
Information Security Policy	A person who maintains the person's own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice under Business and Commerce Code 521.053 if the person notifies affected persons in accordance with that policy. <i>Business and Commerce Code 521.053(g); Local Gov't Code 205.010</i>
Definitions <i>Breach of System Security</i>	"Breach of system security" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system secu-

*Sensitive
Personal
Information*

rity unless the person uses or discloses the sensitive personal information in an unauthorized manner. *Business and Commerce Code 521.053(a)*

“Sensitive personal information” means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:
 - a. Social security number;
 - b. Driver's license number or government-issued identification number; or
 - c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
2. Information that identifies an individual and relates to:
 - a. The physical or mental health or condition of the individual;
 - b. The provision of health care to the individual; or
 - c. Payment for the provision of health care to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

Business and Commerce Code 521.002(a)(2), (b)

Note: For cybersecurity training, see BBD and DK. For vendor contracting requirements related to information security, see CF.

¹ Federal Trade Commission: <https://www.ftc.gov>.

**Access to Employee
Records**

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Texas Public Information Act (PIA). [See GCA] *Gov't Code 552*

Information is excepted from the requirements of the PIA if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Each employee of a governmental body, including a college district, and each former employee of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024(a), .102(a)

**Employee Right of
Access**

All information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under Government Code Chapter 552 (PIA).

A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by a governmental body that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests. A governmental body may not deny access to information to the person, or the person's representative, to whom the information relates on the grounds that the information is considered confidential by privacy principles under the PIA but may assert as grounds for denial of access other provisions of the PIA or other law that are not intended to protect the person's privacy interests.

If a governmental body determines that information subject to a special right of access under Government Code 552.023 is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, the governmental body shall, before disclosing the information, submit a written request for a decision to the attorney general under the procedures of Government Code Chapter 552, Subchapter G. If a decision is not requested, the governmental body shall release the information to the person with special right of access not later than the 10th business day after the request for information is received.

Gov't Code 552.023, .102(a), .307

Personnel Files of
Persons Licensed
Under Occupations
Code Chapter 1701

A law enforcement agency shall adopt a model policy described by this section or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the Texas Commission on Law Enforcement (TCOLE), and TCOLE shall maintain a copy of the policy.

TCOLE shall adopt a model policy regarding personnel files maintained with respect to a license holder. The policy must:

1. Require the head of a law enforcement agency or the head's designee to maintain a personnel file on each license holder employed by the agency that contains any letter, memorandum, or document relating to:
 - a. A commendation, congratulation, or honor bestowed on the license holder by a member of the public or by the employing agency for an action, duty, or activity that relates to the license holder's official duties;
 - b. Any misconduct by the license holder if the letter, memorandum, or document is from the employing agency and the misconduct resulted in disciplinary action by the employing agency; and
 - c. The periodic evaluation of the license holder by a supervisor; and
2. Provide that:
 - a. A letter, memorandum, or document relating to alleged misconduct by the license holder may not be placed in the license holder's personnel file if the employing agency determines that there is insufficient evidence to sustain the charge of misconduct;
 - b. If a negative letter, memorandum, document, or other notation of negative impact is included in a license holder's personnel file:
 - (1) The agency head or the head's designee shall, not later than the 30th day after the date of the inclusion, notify the affected license holder by certified mail; and
 - (2) The license holder may, on or before the 30th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

- c. Information contained in a license holder’s personnel file may not be released without the license holder’s written permission, unless the release is required by law;
- d. A license holder is entitled, on request, to a copy of any letter, memorandum, or document placed in the license holder’s personnel file; and
- e. An employing agency may charge the license holder a reasonable fee not to exceed the actual cost of any copies described by item 2d.

Occupations Code 1701.4535(a)-(b)

Requests for Information	A law enforcement agency may not release any information contained in a license holder’s personnel file to any other agency or person requesting information relating to the license holder unless required by law [see GCA]. The agency shall refer the person or agency requesting the information to the agency head or the head’s designee. <i>Occupations Code 1701.4535(c)</i>
Exceptions	<p>A law enforcement agency shall provide a license holder’s personnel file to TCOLE not later than the 30th day after the date the license holder separates from the agency, or on request by TCOLE as part of an ongoing investigation relating to the license holder.</p> <p>As provided by Occupations Code 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder’s personnel file. [See DC]</p> <p><i>Occupations Code 1701.4535(d)-(e)</i></p>
Participant in the Address Confidentiality Program	<p>The Address Confidentiality Program (ACP) assists victims of family violence, sexual offenses, stalking, child abduction, and trafficking of persons by authorizing the use of an attorney general-maintained confidential mailing address.</p> <p>A state or local agency, including a college district, must accept the substitute post office box address designated by the attorney general if the substitute address is presented to the agency by a participant in place of the participant’s true residential, business, or school address.</p> <p>A state or local agency that accepts an ACP participant’s substitute post office box address is responsible for the administration of its rules and regulations in compliance with Code of Criminal Procedure Chapter 58. [See GCA]</p>

Code of Criminal Procedure 58.053(a); 1 TAC 64.3(a), .4, .8

Exception

An agency may seek an exemption determination from the Office of the Attorney General (OAG) to require a participant to provide the participant's true residential, business, or school address. To seek an exemption determination, the agency must file an OAG Request for Agency Exemption form that includes, but is not limited to, the following information:

1. The name of the agency along with an explanation and supporting documentation that shows the exemption is necessary for the agency to perform a duty or function that is imposed by law or administrative requirement;
2. The name and title of the individual authorized to make the request on behalf of the agency;
3. Verification that the requestor will maintain the confidentiality of the participant's true residential, business, or school address; and
4. Verification by the agency representative affirming that the information submitted is correct.

An agency may submit a request for an exemption determination at any time even if there is no current need for the exemption at the agency. An agency previously denied an exemption may reapply in the event of new information.

Code of Criminal Procedure 58.053(b); 1 TAC 64.40(a), (d)-(e)

**Confidentiality
Guidelines**

Each state agency, including each college district, shall develop and implement guidelines regarding confidentiality of AIDS- and HIV-related medical information for employees of the agency. The confidentiality guidelines shall be consistent with guidelines published by the Department of State Health Services (DSHS) and with state and federal law and regulations. [See DBB] *Health and Safety Code 85.115(a), (c)*

Note: For the definition of individuals with disabilities and related terms and concepts addressed in this policy, see DAA(LEGAL).

Pre-Employment Examination and Inquiries

Except as provided below, a covered entity, including a college district, shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability. A covered entity may make pre-employment inquiries into the ability of an applicant to perform job-related functions and/or may ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(d)(2); 29 C.F.R. 1630.14(a)*

A covered entity may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of such examination shall not be used for any purpose inconsistent with 42 U.S.C. Chapter 126, Subchapter I, or 29 C.F.R. Part 1630. Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations, and first-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

42 U.S.C. 12112(d)(3); 29 C.F.R. 1630.14(b)

Medical examinations conducted in accordance with this section do not have to be job-related and consistent with business necessity. However, if certain criteria are used to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job-related and consistent with business necessity, and performance of the essential job functions cannot be accomplished with reasonable accommodation as required in 29 C.F.R. Part 1630. *29 C.F.R. 1630.14(b)(3)*

**Examination and
Inquiries of
Employee**

Required

A covered entity, including a college district, may require a medical examination (and/or inquiry) of an employee that is job-related and consistent with business necessity. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

Information obtained regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with 42 U.S.C. Chapter 126, Subchapter I or 29 C.F.R. Part 1630. Information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations, and first-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

42 U.S.C. 12112(d)(3)-(4); 29 C.F.R. 1630.14(c)

Voluntary

A covered entity may conduct voluntary medical examinations and activities, including voluntary medical histories, which are part of an employee health program available to employees at the work site.

Information obtained regarding the medical condition or history of any employee shall not be used for any purpose inconsistent with 42 U.S.C. Chapter 126, Subchapter I or 29 C.F.R. Part 1630. Information obtained regarding the medical condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations, and first-aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

42 U.S.C. 12112(d)(3), (4)(B)-(C); 29 C.F.R. 1630.14(d)

**Medical and
Psychological
Examination of a
Person Licensed or
an Applicant for a
License Under
Occupations Code
Chapter 1701**

Each law enforcement agency in this state shall adopt the model policy described by this section or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to Texas Commission on Law Enforcement (TCOLE), and TCOLE shall maintain a copy of the policy.

TCOLE, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement

agency to ensure the license holder or person is able to perform the duties for which the license is required.

The model policy must:

1. Apply to examinations of:
 - a. A person to whom Occupations Code 1701.306 applies;
 - b. A person licensed as an officer who is appointed as an officer after the 180th day after the person's last date of service as an officer;
 - c. School marshals, as described by Occupations Code 1701.260; and
 - d. A license holder, if ordered by the law enforcement agency employing the license holder for just cause;
2. Require, for an examination described by item 1d, that the employing agency:
 - a. Provide to the license holder written notice of the examination that includes the reasons for the examination not later than the 10th business day before the deadline to submit to the examination; and
 - b. Report to TCOLE, in the manner prescribed by TCOLE, the refusal of the license holder to submit to the examination within the period provided by item 2a; and
3. Require the reporting to TCOLE, in the manner prescribed by TCOLE, of a license holder's failed examination, unless the license holder submits to and successfully completes an applicable treatment program within a reasonable time, as prescribed by TCOLE.

The providing of notice by a law enforcement agency to TCOLE of a license holder's refusal to submit to an examination does not preclude the agency employing the license holder from taking disciplinary action against the license holder, including termination of the license holder's employment with the agency.

Records relating to a request or order of TCOLE or a hearing or examination conducted under this section, including, if applicable, the identity of the person notifying TCOLE that a license holder may not meet the standards required by the policy adopted by the law enforcement agency are confidential

and not subject to disclosure under Government Code Chapter 552.

Occupations Code 1701.167(a)–(c), (i)

HIV / AIDS

Testing

A person, including a college district, may not require another person, such as an employee, to undergo a medical procedure or test designed to determine or help determine if a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS unless:

1. The medical procedure or test is necessary:
 - a. As a bona fide occupational qualification, and there is not a less discriminatory means of satisfying the occupational qualification. “Bona fide occupational qualification” means a qualification that is reasonably related to the satisfactory performance of the duties of the job and for which there is reasonable cause to believe that a person of the excluded group would be unable to perform satisfactorily the duties of the job with safety.
 - b. In relation to a particular person under Health and Safety Code Chapter 81.
 - c. To manage accidental exposure to blood or other bodily fluids, but only if the test is conducted under written infectious disease control protocols adopted by a health-care facility. The protocols must clearly establish procedural guidelines with criteria for testing that respect the rights of the person with the infection and the person who may be exposed to that infection. The protocols may not require the person who may have been exposed to be tested and must ensure the confidentiality of the person with the infection in accordance with Health and Safety Code Chapter 81.
2. A medical procedure is to be performed on the person that could expose health-care personnel to AIDS or HIV infection, according to Texas Department of State Health Services’ (DSHS) guidelines defining the conditions that constitute possible exposure to AIDS or HIV infection, and there is sufficient time to receive the test result before the procedure is conducted.

Health and Safety Code 81.102

Each institution of higher education, including each college district, shall make available the institution’s policy on HIV infection and AIDS to faculty and staff members by including the policy in the

Confidentiality of
AIDS Testing

personnel handbook if practicable or by any other method. *Education Code 51.919(b)*

"Test result" means any statement that indicates that an identifiable individual has or has not been tested for AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, including a statement or assertion that the individual is positive, negative, at risk, has, or does not have a certain level of antibodies.

A test result is confidential. A person who possesses or has knowledge of a test result may not release or disclose the test result or allow the test result to become known except as provided by this section. A test result may be released to:

1. DSHS.
2. A local health authority if reporting is required under Health and Safety Code Chapter 81.
3. The Centers for Disease Control and Prevention of the United States Public Health Service if reporting is required by federal law or regulation.
4. The physician or other person authorized by law who ordered the test.
5. A physician, nurse, or other health-care personnel who have a legitimate need to know the test result in order to provide for their protection and to provide for the patient's health and welfare.
6. The person tested or a person legally authorized to consent to the test on the person's behalf.
7. The spouse of the person tested if the person tests positive for AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS.
8. A person authorized to receive the test results under Code of Criminal Procedure 21.31 (regarding testing of persons indicted for or who waive indictment for certain crimes), concerning a person who is tested as required or authorized under that article.
9. A person exposed to HIV infection as provided by Health and Safety Code, Section 81.050.
10. A county or district court to comply with Health and Safety Code Chapter 81 or rules relating to the control and treatment of communicable diseases and health conditions.

11. A designated infection control officer of an affected emergency response employee or volunteer.

A person tested or a person legally authorized to consent to the test on the person's behalf may voluntarily release or disclose that person's test results to any other person, and may authorize the release or disclosure of the test results. An authorization must be in writing and signed by the person tested or the person legally authorized to consent to the test on the person's behalf. The authorization must state the person or class of persons to whom the test results may be released or disclosed.

An employee of a health-care facility whose job requires the employee to deal with permanent medical records may view test results in the performance of the employee's duties under reasonable health practices.

Health and Safety Code 81.103(a)–(b), (d), (i)

HIV Education

Each state agency, including each college district, shall provide to each state employee an educational pamphlet about methods of transmission and methods of prevention of HIV infection, and state laws relating to the transmission of HIV infection, and conduct that may result in the transmission of HIV infection. The educational pamphlet shall be provided to a newly hired state employee on the first day of employment. The educational pamphlet shall be based on the model developed by DSHS and shall include the workplace guidelines adopted by the state agency. DSHS shall prepare and distribute to each state agency a model informational pamphlet that can be reproduced by each state agency to meet the requirements of this section. *Health and Safety Code 85.111*

HIV / AIDS Workplace Guidelines

Each state agency shall adopt and implement workplace guidelines concerning persons with AIDS and HIV infection. The workplace guidelines shall, at a minimum, incorporate the model workplace guidelines developed by DSHS. *Health and Safety Code 85.112*

Bloodborne Pathogen Control Definitions

Bloodborne Pathogens

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and that can cause diseases in humans. The term includes hepatitis B virus, hepatitis C virus, and human immunodeficiency virus. *Health and Safety Code 81.301(1)*

Sharp

“Sharp” means an object used or encountered in a health-care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur. *Health and Safety Code 81.301(5)*

Minimum Standards The minimum standards apply to a governmental unit, including a college district, that employs employees who provide services in a public or private facility providing health-care-related services, including home health-care organizations, or otherwise have a risk of exposure to blood or other potentially infectious material containing bloodborne pathogens in connection with exposure to sharps. The exposure control plan developed by DSHS is adopted as a model plan to achieve the minimum standard to implement Health and Safety Code 81.304. The plan is designed to minimize exposure of employees as described in 25 Administrative Code 96.201 and includes policies relating to occupational exposure to bloodborne pathogens, training and educational requirements for employees, measures to increase vaccination of employees, and increased use of personnel protective equipment by employees.

Employers should review the plan for particular requirements applicable to their specific situation. The employer may modify the plan appropriately to its practice settings. Employers will need to include provisions relevant to their particular facility or organization in order to develop an effective, comprehensive exposure control plan specific to their facility or organization. Employers will annually review their exposure control plan, update when necessary, and document when accomplished.

Health and Safety Code 81.302, .304; 25 TAC 96.201-.203

Note: Copies of the [exposure control plan](#)¹ are available on the DSHS website and at the DSHS regional offices.

DSHS-Ordered Tests A person whose occupation or whose volunteer service is included in one or more of the categories listed at Health and Safety Code 81.050, including a law enforcement officer, may request the DSHS or a health authority to order testing of another person who may have exposed the person to a reportable disease, including HIV infection. A request under this section may be made only if the person has experienced the exposure in the course of the person's employment or volunteer service; believes that the exposure places the person at risk of a reportable disease, including HIV infection; and presents to the DSHS or health authority a sworn affidavit that delineates the reasons for the request. *Health and Safety Code 81.050(b)–(c)*

Cost of Reportable Disease Testing After Accidental Exposure This section applies only in a case of accidental exposure of certified emergency medical services personnel, an emergency response employee or volunteer as defined by Health and Safety Code 81.003(1-a) (see below), or a first responder who renders assistance at the scene of an emergency or during transport to the

hospital to blood or other body fluids of a patient who is transported to a licensed hospital. The hospital receiving the patient, following a report of the exposure incident, shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease if the report shows there is significant risk to the person exposed. The organization, including a college district, that employs the person or for which the person works as a volunteer in connection with rendering the assistance is responsible for paying the costs of the test. *Health and Safety Code 81.095(b)*

Genetic Information

If a covered entity, including a college district, uses language described at 29 C.F.R. 1635.8(b)(1)(i)(B), any receipt of genetic information in response to the request for medical information will be deemed inadvertent. [See DAAA] 29 C.F.R. 1635.8(b)(1)(i)(A)–(B)

**Designated Infection
Control Officer**

An entity that employs or uses the services of an emergency response employee or volunteer shall nominate a designated infection control officer and an alternate designated infection control officer to:

1. Receive notification of a potential exposure to a reportable disease from a health-care facility;
2. Notify the appropriate health-care providers of a potential exposure to a reportable disease;
3. Act as a liaison between the entity's emergency response employees or volunteers who may have been exposed to a reportable disease during the course and scope of employment or service as a volunteer and the destination hospital of the patient who was the source of the potential exposure;
4. Investigate and evaluate an exposure incident, using current evidence-based information on the possible risks of communicable disease presented by the exposure incident; and
5. Monitor all follow-up treatment provided to the affected emergency response employee or volunteer, in accordance with applicable federal, state, and local law.

The entity that employs or uses the services of an emergency response employee or volunteer is responsible for notifying the local health authorities or local health-care facilities, according to any local rules or procedures, that the entity has a designated infection control officer or alternate designated infection control officer.

A “designated infection control officer” is the person serving as an entity's designated infection control officer who has a health-care professional license or specific training in infection control, acts as

liaison between the entity and the destination hospital, and monitors all follow-up treatment provided to the affected emergency response employee or volunteer.

"Emergency response employee or volunteer" means an individual acting in the course and scope of employment or service as a volunteer as emergency medical service personnel, a peace officer, a detention officer, a county jailer, or a fire fighter.

Health and Safety Code 81.003(1-a), .012; 25 TAC 97.11

¹ Exposure control plan: http://www.dshs.texas.gov/IDCU/health/infection_control/bloodborne_pathogens/Resources.doc

**Former Board
Member Employment**

A public junior college may not employ or contract with an individual who was a member of the board of the junior college before the first anniversary of the date the individual ceased to be a member of the board of trustees. *Education Code 130.089*

**Employee
Information**

A person or entity, including a college district, that hires or recruits an individual for employment must ensure that the individual properly:

1. Completes section 1—"Employee Information and Verification"—on the Form I-9 at the time of hire and signs the attestation with a handwritten or electronic signature in accordance with 8 C.F.R. 274a.2(h), or if an individual is unable to complete the Form I-9 or needs it translated, someone may assist him or her in accordance with 8 C.F.R. 274a.2(b); and
2. Present to the employer or the recruiter or referrer for a fee documentation as set forth in 8 C.F.R. 274a.2(b)(1)(v) establishing the individual's identity and employment authorization within the time limits set forth in 8 C.F.R. 274a.2(b)(1)(ii) through (b)(1)(v).

8 C.F.R. 274a.2(b)(1)(i)

**Verification of
Employment
Eligibility****New Hire**

An employer, the employer's agent, or anyone acting directly or indirectly in the interest thereof must, within three business days of the hire:

1. ~~Physically examine~~ **Physically examine or otherwise examine pursuant to an alternative procedure authorized by the U.S. Secretary of Homeland Security under 8 C.F.R. 274a.2(b)(1)(ix)** the documentation presented by the individual establishing identity and employment authorization as set forth in 8 C.F.R. 274a.2(b)(1)(v) and ensure that the documents presented appear to be genuine and to relate to the individual; and
2. Complete section 2 – "Employer Review and Verification" – on the Form I-9 within three business days of the hire and sign the attestation with a handwritten signature or electronic signature in accordance with 8 C.F.R. 274a.2(i).

8 C.F.R. 274a.2(b)(1)(ii)

An employer will not be deemed to have hired an individual for employment if the individual is continuing in the individual's employment and has a reasonable expectation of employment at all times as described by 8 C.F.R. 274a.2(b)(1)(viii). *8 C.F.R. 274a.2(b)(1)(viii)*

Exception	<p>An employer who hires an individual for employment for a duration of less than three business days must comply with 8 C.F.R. 274a.2(b)(1)(ii)(A) and (b)(1)(ii)(B) at the time of the hire. An employer may not accept a receipt, as described in 8 C.F.R. 274a.2(b)(1)(vi), in lieu of the required document if the employment is for less than three business days. 8 C.F.R. 274a.2(b)(1)(iii)</p>
Rehire	<p>When an employer hires an individual whom that person or entity has previously employed, if the employer has previously completed the Form I-9 and complied with the verification requirements set forth in 8 C.F.R. 274a.2(b) with regard to the individual, the employer may (in lieu of completing a new Form I-9) inspect the previously completed Form I-9 and, if upon inspection of the Form I-9, the employer determines that the Form I-9 relates to the individual and that the individual is still eligible to work, that previously executed Form I-9 is sufficient if the individual is hired within three years of the date of the initial execution of the Form I-9 and the employer updates the Form I-9 to reflect the date of rehire. 8 C.F.R. 274a.2(c)</p>
Existing Employee	<p>If an individual's employment authorization expires, the employer, recruiter, or referrer for a fee must reverify on the Form I-9 to reflect that the individual is still authorized to work in the United States; otherwise, the individual may no longer be employed, recruited, or referred. Reverification on the Form I-9 must occur not later than the date work authorization expires and must comply with the applicable document presentation and examination procedures in 8 C.F.R. 274a.2(b)(1)(ii)(A) and 8 C.F.R. 274a.2(b)(1)(ix) and form instructions. If an Employment Authorization Document (Form I-766) was presented for completion of the Form I-9 in combination with a Notice of Action (Form I-797C), stating that the original Employment Authorization Document has been automatically extended for up to 180 days, reverification applies upon the expiration of the automatically extended validity period under 8 C.F.R. 274a.13(d) and not upon the expiration date indicated on the face of the individual's Employment Authorization Document.</p> <p>In order to reverify on the Form I-9, the employee or referred individual must present a document that either shows continuing employment eligibility or is a new grant of work authorization. The employer or the recruiter or referrer for a fee must review this document, and if it appears to be genuine and relate to the individual, reverify by noting the document's identification number and expiration date, if any, on the Form I-9 and signing the attestation by a handwritten signature or electronic signature in accordance with 8 C.F.R. 274a.2(i).</p>

8 C.F.R. 274a.2(b)(1)(vii)

E-Verify

State agencies and institutions of higher education, including college districts, shall register and participate in the federal electronic verification of employment authorization program, E-Verify, for all newly hired employees.

The Texas Workforce Commission (TWC) shall provide notice, registration information, and online forms for the E-Verify program to state agencies and may provide technical assistance, upon request.

*Gov't Code 673.002; 40 TAC 843.3***New Hire Reporting**

"Newly hired employee" means an employee who has not been previously employed by the employer or was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

Each Texas employer, including each college district, shall furnish to the State Directory of New Hires (Texas Attorney General's Office) in the state in which a newly hired employee works a report of all new hires that contains the following seven required data elements: the employee name, the employee address, the employee social security number, the employee's date of hire, the employer name, the employer address, and the federal employer identification number (FEIN).

Employers, at their option may also provide the following additional information in the report: the employee's date of birth and the employee's expected salary or wages, and employer payroll addresses for mailing of notice to withhold child support.

All employers shall report new hire information on a Form W-4 or an equivalent form by first class mail, telephonically, or electronically as determined by the employer and in a format acceptable to the Title IV-D agency. The Title IV-D agency reserves the right to decline any type of form that it deems as illegible or inappropriate for new hire report processing and requests employers who elect to submit new hire reports via hard copy to adopt the prescribed Employer New Hire Reporting Form (Form 1856e and 1856s) that can be obtained from the Texas Attorney General's [Child Support Division](#)¹ website under Employer Portal.

42 U.S.C. 653a(b)–(c); Family Code 234.104; 1 TAC 55.303(a)–(c)

Deadline

Employer new hire reports are due:

1. Not later than 20 calendar days after the date the employer hires the employee; or

2. In the case of an employer transmitting reports electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

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

1 TAC 55.303(d)

Penalties

An employer that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105. *42 U.S.C. 653a(d); Family Code 234.105*

Social Security Numbers

It shall be unlawful for any federal, state or local government agency, including a college district, to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's social security number. *5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)*

Exceptions

The above provision shall not apply with respect to:

1. Any disclosure which is required by federal statute.
2. The disclosure of a social security number to a federal, state, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual.

5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)

It is the policy of the United States that any state (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is or appears to be so affected to furnish to such state (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner of Social Security. *42 U.S.C. 405(c)(2)(C)*

Statement of Uses

A federal, state, or local agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will

**Criminal History
Background Checks****Security-Sensitive
Positions**

be made of it. 5 U.S.C. 552a Note; PL 93-579, 7(b), 88 Stat. 1896 (1974)

Each institution of higher education, including each college district, is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for a security-sensitive position at the institution. The institution may deny employment to an applicant for a security-sensitive position who fails to provide a complete set of fingerprints upon request.

“Security-sensitive position” means an employment position held by an employee who:

1. Handles currency;
2. Has access to a computer terminal;
3. Has access to the personal information or identifying information of another person;
4. Has access to the financial information of the college district or another person;
5. Has access to a master key; or
6. Works in a location designated as a security-sensitive area.

A security-sensitive position shall be so identified in the job description and advertisement for the position.

The criminal history record information may be used only for the purpose of evaluating applicants for employment in security-sensitive positions.

The criminal history record information may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

All criminal history record information shall be destroyed by the chief of police of the institution of higher education as soon as practicable after the individual becomes employed in a security-sensitive position and after the expiration of any probationary term of employment or, if the individual is not hired for a security-sensitive position, after the information is used for its authorized purpose.

Gov’t Code 411.094; Education Code 51.215

A person, agency, department, political subdivision, or other entity that is authorized by Government Code Chapter 411, Subchapter F

or Subchapter E-1, to obtain from DPS criminal history record information maintained by DPS that relates to another person is authorized to:

1. Obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to that person; or
2. Obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to that person.

Gov't Code 411.087(a)

Participation in the Criminal History Clearinghouse

The purpose of the criminal history clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Entities shall only submit requests for criminal history record information on a person who has authorized the access of their information. "Request for criminal history record information" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database.

Entities may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Entities shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive criminal history record information on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Entities shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Entities shall allow DPS and FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(4), (8), .174

Employees Working Under Contracts with School Districts and Charter Schools	<p>Education Code 22.0834(a) applies to a person who is not an applicant for or holder of a certificate under Education Code Chapter 21, Subchapter B, and who is offered employment by an entity or a subcontractor of an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if:</p> <ol style="list-style-type: none">1. The employee or applicant has or will have continuing duties related to the contracted services; and2. The employee or applicant has or will have direct contact with students. <p>This section does not apply to an employee or applicant of a public works contractor described by Education Code 22.0834(a-1).</p> <p>Employees to whom Education Code 22.0834(a) applies are subject to the criminal history background check requirements described by Education Code 22.0834.</p> <p><i>Education Code 22.0834 [See GH]</i></p>
Drug and Alcohol Clearinghouse Pre-Employment Inquiry	<p>Employers must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the Drug and Alcohol Clearinghouse [see DHA] to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of 49 C.F.R. 382.211; or that an employer has reported actual knowledge, as defined at 49 C.F.R. 382.107, that the driver used alcohol on duty in violation of 49 C.F.R. 382.205, used alcohol before duty in violation of 49 C.F.R. 382.207, used alcohol following an accident in violation of 49 C.F.R. 382.209, or used a controlled substance, in violation of 49 C.F.R. 382.213.</p> <p>The employer must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.</p> <p><i>49 C.F.R. 382.701(a)</i></p>
Pre-Employment Inquiry for Persons Licensed Under Occupations Code Chapter 1701	<p>A law enforcement agency shall adopt the model policy established by the Texas Commission on Law Enforcement (TCOLE), described below, or a substantively similar policy. The policy adopted by the law enforcement agency must be submitted to TCOLE, and TCOLE shall maintain a copy of the policy.</p>

TCOLE shall adopt a model policy establishing procedures applicable to a law enforcement agency hiring a license holder. The policy must:

1. Require a law enforcement agency to request and review any information regarding an applicant for employment maintained by TCOLE in the licensing status database established under Occupations Code 1701.168 as part of the preemployment procedures required under Occupations Code 1701.451(a); and
2. Establish a provisional hiring period of at least 45 days for any license holder employed by a law enforcement agency and allow a law enforcement agency to terminate the employment of the license holder if information relating to an investigation of alleged misconduct by the license holder is made available to the agency by TCOLE as part of the preemployment procedures required under Occupations Code 1701.451(a) within the provisional period.

TCOLE shall notify a law enforcement agency seeking to appoint a license holder of a completed investigation report submitted to TCOLE with respect to the license holder not later than the fifth business day after the date TCOLE receives the report.

Occupations Code 1701.4522(a)-(c), (e)

**Preemployment
Procedures**

Before a law enforcement agency may hire a person licensed under Occupations Code Chapter 1701, the agency must, on a form and in the manner prescribed by ~~the Texas Commission on Law Enforcement (TCOLE)~~ **TCOLE**:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under ~~this section~~ **Occupations Code 1701.451**;
2. Request from TCOLE and any other applicable person information required to be reviewed under ~~this section~~ **Section 1701.451**; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
 - a. Contacted each entity or individual necessary to obtain the information required to be reviewed under this section; and

- b. Except as provided by ~~Occupations Code~~ **Section 1701.451(b)**, obtained and reviewed as related to the person, as applicable, the information described by Section 1701.451(a)(3)(B).

Occupations Code 1701.451(a)

If an entity or individual contacted for information required to be reviewed ~~under this section~~ refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response. **Occupations Code 1701.451(b)**

If TCOLE or a law enforcement agency receives from a law enforcement agency a request for information ~~under this section~~ and the person's consent on the forms and in the manner prescribed by TCOLE, TCOLE or the agency shall provide the information to the requesting agency.

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under ~~this section~~ **Section 1701.451** before submission to TCOLE. The failure of an agency head or the agency head's designee to comply ~~with this subsection~~ constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE ~~under this section~~ is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Occupations Code 1701.451(c)-(d), (f)

Before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity must:

1. **Review any information relating to the person available;**
 - a. **In the licensing status database established under Occupations Code 1701.168;**
 - b. **In the law enforcement database designated under Occupations Code 1701.169; and**
 - c. **If applicable, in a file provided to TCOLE under Occupations Code 1701.3035; and**
2. **File an application with TCOLE as provided by TCOLE rule.**

Occupations Code 1701.303

<div>Databases</div> <div>Licensing Status Database</div>	<p>TCOLE shall establish a database containing, for each officer licensed under Occupations Code Chapter 1701:</p> <ol style="list-style-type: none">1. The officer’s license status, including a record of action taken against the officer by TCOLE; and2. Personnel files, as described by Occupations Code 1701.4535, provided by each law enforcement agency that employs the officer. [See DBA] <p>TCOLE shall make available to a law enforcement agency on request any relevant information maintained in the database regarding the officer, including any information relating to the investigation of misconduct by a law enforcement agency under the policy described by Occupations Code 1701.4522 [see DH].</p> <p>Except as provided by Occupations Code 1701.168(b) and 1701.168(c), information maintained in the licensing status database is confidential and not subject to disclosure under Government Code Chapter 552.</p> <p><i>Occupations Code 1701.168</i></p>
<div>Law Enforcement Database</div>	<p>TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check required under Occupations Code 1701.303(a), 1701.3035, and 1701.451(a). <i>Occupations Code 1701.169</i></p>
<div>Notification of Hire Officer</div>	<p>A person who appoints an officer licensed by TCOLE shall notify TCOLE not later than the 30th day after the date of the appointment. If the person appoints an individual who previously served as an officer or county jailer and the appointment occurs after the 180th day after the last date of service as an officer or county jailer, the person must have on file for the license holder in a form readily accessible to TCOLE:</p> <ol style="list-style-type: none">1. New criminal history record information;2. A new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and3. New documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder. <p><i>Occupations Code 1701.303(b)</i></p>

**Tele-
communicator**

A person who appoints or employs a telecommunicator licensed by TCOLE shall notify TCOLE not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to TCOLE:

1. New criminal history record information; and
2. New documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder.

Occupations Code 1701.303(c)**Hiring of Legal
Permanent Resident
for TCOLE-Licensed
Positions**

A political subdivision, including a college district, that appoints or employs a person to hold a position that requires the person to be licensed by TCOLE may appoint or employ a legal permanent resident of the United States to hold the position if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and holds the appropriate license issued by the commission.

A political subdivision may not appoint or employ a person under this provision to hold a supervisory position until the person becomes a U.S. citizen.

Local Gov't Code 370.007(b)-(c)**Retirees**

An institution of higher education, including a college district, may employ a person who has retired under the Teacher Retirement System (Government Code Title 8, Subtitle C) or the optional retirement program (Government Code Chapter 830) if:

1. The governing board of the institution determines that the employment is in the best interests of the institution; and
2. The person has been retired for at least 30 days before the effective date of the employment, except that a person retired under the optional retirement program may be rehired after retirement without a break in service.

The governing board may pay a person employed an amount considered by the governing board to be appropriate, notwithstanding any other provision of law.

Education Code 51.964

Report	In accordance with the requirements of Government Code 824.6022 and 34 Administrative Code 31.2, an employer shall submit to the Teacher Retirement System (TRS) a monthly certified statement of employment for all retirees employed by the employer during each month of a school year. <i>Gov't Code 824.6022; 34 TAC 31.2</i>
Military Employment Preference	The following individuals qualify for a military employment preference:
Eligibility	<ol style="list-style-type: none">1. A veteran, including a veteran with a disability;2. A veteran's surviving spouse who has not remarried;3. An orphan of a veteran if the veteran was killed while on active duty;4. The spouse of a member of the U.S. armed forces or Texas National Guard serving on active duty; and5. The spouse of a veteran if the spouse is the primary source of income for the household and the veteran has a total disability rating based either on having a service-connected disability with a disability rating of at least 70 percent or on individual unemployability. <p><i>Gov't Code 657.002</i></p>
Application of the Preference	<p>An individual who qualifies for a military employment preference is entitled to a preference in employment with or appointment to a state agency, including a college district, over other applicants for the same position who do not have a greater qualification.</p> <p>A state agency shall provide to an individual entitled to a military employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a military employment preference, in the following order of priority:</p> <ol style="list-style-type: none">1. A veteran with a disability;2. A veteran;3. A spouse described by items 4 and 5, above;4. A veteran's surviving spouse who has not remarried; and5. An orphan of a veteran if the veteran was killed while on active duty. <p>If a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees,</p>

an individual entitled to a military employment preference who otherwise is qualified for that position and who has received at least the minimum required score for the test is entitled to have a service credit of ten points added to the test score. A veteran with a disability is entitled to have a service credit of five additional points added to the individual's test score.

An individual entitled to a military employment preference is not disqualified from holding a position with a state agency because of age or an established service-connected disability if the age or disability does not make the individual incompetent to perform the duties of the position.

Gov't Code 657.003

Veteran
Employment Goal

Each state agency shall establish a goal of hiring, in full-time positions at the agency, a number of veterans equal to at least 20 percent of the total number of employees of the state agency. A state agency may establish a veteran employment goal that is greater than the required percentage. *Gov't Code 657.004*

Designation of
Open Position

A state agency may designate an open position as a military preference position and only accept applications for that position from individuals who are entitled to a military employment preference under Government Code 657.003.

Notwithstanding any other law, a state agency may hire or appoint for an open position within the agency an individual entitled to a military employment preference under Section 657.003 without announcing or advertising the position if the agency uses the automated labor exchange system administered by the TWC to identify an individual who qualifies for a military employment preference and determines the individual meets the qualifications required for the position.

Gov't Code 657.0045

Interviews

- For each announced open position at a state agency, the state agency shall interview:
1. If the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a military employment preference under ~~Government Code~~Section 657.003; or
 2. If the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a military employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed.

A state agency that does not receive any applications from individuals who qualify for a military employment preference under Section 657.003 is not required to comply.

Gov't Code 657.0047

Employment Investigation

The individual whose duty is to appoint or employ an applicant for a position with a state agency or an officer or the chief administrator of the agency who receives an application for appointment or employment by an individual entitled to a military employment preference, before appointing or employing any individual, shall investigate the qualifications of the applicant for the position. An applicant who is a veteran with a disability shall furnish the official records to the individual whose duty is to fill the position. *Gov't Code 657.005*

Federal Law and Grants

To the extent that this chapter conflicts with federal law or a limitation provided by a federal grant to a state agency, Government Code Chapter 657 shall be construed to operate in harmony with the federal law or limitation of the federal grant. *Gov't Code 657.006*

Reporting

A state agency shall file quarterly with the comptroller a report that states:

1. The percentage of the total number of employees hired or appointed by the agency during the reporting period who are persons entitled to a preference under Government Code Chapter 657;
2. The percentage of the total number of the agency's employees who are persons entitled to a preference under Chapter 657; and
3. The number of complaints filed with the executive director of the agency under Government Code 657.010 during that quarter and the number of those complaints resolved by the executive director.

The comptroller shall make each quarterly report available to the public on the comptroller's internet website.

Gov't Code 657.008

Posting Requirements

A public entity or public work shall provide information to the TWC regarding any open position subject to the veterans' preferences as specified in Government Code 657.009.

A public entity or public work shall provide information by one or more of the methods indicated in 40 Administrative Code 843.1(b)(1)-(3) relating to the employer postings of job openings

and submit basic information regarding the opening to the TWC as soon as practical, including the following:

1. The name of the public entity;
2. The location where the job is to be performed including city and state;
3. A description of the job opening;
4. The minimum educational and work experience required for the position; and
5. Contact information regarding the opening.

TWC shall make available to the public the information provided by a state agency.

Gov't Code 657.009(a)-(b); 40 TAC 843.2

Complaint Procedures

An individual entitled to a military employment preference under Government Code Chapter 657 who is aggrieved by a decision of a state agency to which Chapter 657 applies relating to hiring or appointing the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the executive director of the state agency. The executive director of a state agency that receives a written complaint shall respond to the complaint not later than the 15th business day after the date the executive director receives the complaint. The executive director may render a different hiring or appointment decision than the decision that is the subject of the complaint if the executive director determines that the military preference was not applied. *Gov't Code 657.010*

Definitions

"Veteran" has the meaning assigned by Government Code 2308.251. *Gov't Code 657.001(2)*

"Veteran with a disability" means a veteran who is classified as disabled by the U.S. Department of Veterans Affairs or its successor or the branch of the service in which the veteran served and whose disability is service connected. *Gov't Code 657.001(3)*

Employment Preference for Former Foster Children

An individual who was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday is entitled to preference in employment with a state agency, including a college district, over other applicants for the same position who does not have a greater qualification. An individual is entitled to an employment preference under Government Code Chapter 672 only if the individual is 25 years of age or younger. *Gov't Code 672.002(a), .005*

Exceptions

	<p>This section does not apply to the position of private secretary or deputy of an official or department, or to an individual holding a strictly confidential relation to the employing officer. <i>Gov't Code 672.002(b)</i></p>
<p>Conflict with Federal Law or Grant</p>	<p>To the extent that this preference conflicts with federal law or a limitation provided by a federal grant to a state agency, this section shall be construed to operate in harmony with federal law or limitation of the federal grant. <i>Gov't Code 672.003</i></p>
<p>Grievance Process</p>	<p>An individual entitled to an employment preference under this section who is aggrieved by a decision of a state agency to which this section applies relating to hiring the individual, or relating to retaining the individual if the state agency reduces its workforce, may appeal the decision by filing a written complaint with the governing body of the state agency. The governing body of a state agency that receives a written complaint shall respond to the complaint not later than the 15th business day after the date the governing body receives the complaint. The governing body may render a different hiring decision than the decision that is the subject of the complaint if the governing body determines that the employment preference under this section was not applied. <i>Gov't Code 672.004</i></p>
<p>Campus Programs for Minors</p>	<p>A program operator may not employ an individual in a position involving contact with campers at a campus program for minors unless:</p> <ol style="list-style-type: none">1. The individual submits to the program operator or the campus program for minors has on file documentation that verifies the individual within the preceding two years successfully completed the training and examination program on sexual abuse and child molestation; or2. The individual successfully completes the campus program for minors' training and the examination program on sexual abuse and child molestation, which must be approved by the department, during the individual's first five days of employment by the campus program for minors, and the campus program issues and files documentation verifying successful completion. <p>The requirement does not apply to an individual who is a student enrolled at the institution of higher education or a private or independent institution of higher education or at which the campus program is conducted and whose contact with campers is limited to a single class of short duration.</p> <p>A program operator must:</p>

1. Submit to the Department of State Health Services (DSHS), on the form and within the time prescribed by DSHS, verification that each employee of the campus program for minors has complied with the training and examination requirements and the fee assessed by DSHS; and
2. Retain in the operator's records a copy of the required documentation for each employee until the second anniversary of the examination date.

"Campus program for minors" means a program that:

1. Is operated by or on the campus of an institution of higher education or a private or independent institution of higher education;
2. Offers recreational, athletic, religious, or educational activities for at least 20 campers who are not enrolled at the institution; and attend or temporarily reside at the camp for all or part of at least four days; and
3. Is not a day camp or youth camp as defined by Health and Safety Code 141.002 or a facility or program required to be licensed by the Department of Family and Protective Services.

Education Code 51.976(a)(2), (b)-(d)

Consumer Credit Reports

Definitions

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for employment purposes.

"Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"Employment purposes," when used in connection with a consumer report, means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment, or retention as an employee.

	<p><i>15 U.S.C. 1681a(d), (f), (h), (k)</i></p>
Obtaining Reports	<p>A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer, unless:</p> <ol style="list-style-type: none">1. A clear and conspicuous disclosure has been made in writing to the consumer at any time before the report is procured or caused to be procured, in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes; and2. The consumer has authorized in writing (which authorization may be made on the document referred to in item 1) the procurement of the report by that person.
	<p><i>15 U.S.C. 1681b(b)(2)(A)</i></p>
Exception	<p>If a consumer described in 15 U.S.C. 1681b(2)(C) applies for employment by mail, telephone, computer, or other similar means, at any time before a consumer report is procured or caused to be procured in connection with that application the person who procures the consumer report on the consumer for employment purposes shall provide to the consumer, by oral, written, or electronic means, notice that a consumer report may be obtained for employment purposes, and a summary of the consumer's rights under 15 U.S.C. 1681m(a)(3); and the consumer shall have consented orally, in writing, or electronically to the procurement of the report by that person. <i>15 U.S.C. 1681b(b)(2)(B)</i></p>
Adverse Action	<p>In using a consumer report for employment purposes, before taking any adverse action based in whole or in part on the report, the person intending to take such adverse action shall provide the consumer to who the report relates a copy of the report and a description in writing of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission. <i>15 U.S.C. 1681b(b)(3)</i></p>
	<hr/> <p>Note: The following provisions apply to a college district that uses consumer reports.</p> <hr/>
Address Discrepancies	<p>"Notice of address discrepancy" means a notice sent to a user by a consumer reporting agency described in 15 U.S.C. 1681a(p) pursuant to 15 U.S.C. 1681c(h)(1) that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.</p>

A user, including a college district, must develop and implement reasonable policies and procedures designed to enable the user to form a reasonable belief that a consumer report relates to the consumer about whom it has requested the report, when the user receives a notice of address discrepancy.

A user must develop and implement reasonable policies and procedures for furnishing an address for the consumer that the user has reasonably confirmed is accurate to the consumer reporting agency from whom it received the notice of address discrepancy when the user can form a reasonable belief that the consumer report relates to the consumer about whom the user requested the report, establishes a continuing relationship with the consumer, and regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of address discrepancy relating to the consumer was obtained.

16 C.F.R. 641.1(b), (c)(1), (d)(1)

Disposal of Records Any person, including a college district, who maintains or otherwise possesses consumer information for a business purpose must properly dispose of such information by taking reasonable measures to protect against unauthorized access to or use of the information in connection with its disposal.

“Consumer information” means any record about an individual, whether in paper, electronic, or other form, that is a consumer report or is derived from a consumer report. Consumer information also means a compilation of such records. Consumer information does not include information that does not identify individuals, such as aggregate information or blind data.

“Dispose,” “disposing,” or “disposal” means discarding or abandoning of consumer information, or the sale, donation, or transfer of any medium, including computer equipment, upon which consumer information is stored.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with the rule in 16 C.F.R. Part 682:

1. Implementing and monitoring compliance with policies and procedures that require the burning, pulverizing, or shredding of papers containing consumer information so the information cannot practicably be read or reconstructed;

2. Implementing and monitoring compliance with policies and procedures that require the destruction or erasure of electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material, specifically identified as consumer information, in a manner consistent with this rule.

16 C.F.R. 682.1(b)-(c), .3

¹ Texas Attorney General's Child Support Division: <https://www.texasattorneygeneral.gov/child-support>

Fair Labor Standards Act

~~Minimum Wage and Overtime~~

Independent Contractors

Economic Reality Test

Unless an exemption applies, each employer, including each college district, shall pay each of its employees not less than minimum wage for all hours worked. 29 U.S.C. 206(a)

The Fair Labor Standards Acts' (FLSA) minimum wage, overtime pay, and recordkeeping obligations apply only to workers who are covered employees. Workers who are independent contractors are not covered by these protections. A determination of whether a worker is an employee or independent contractor under the FLSA focuses on the economic realities of the worker's relationship with the worker's potential employer and whether the worker is either economically dependent on the potential employer for work or in business for themselves. 29 C.F.R. 795.105(a)

The factors described below should guide an assessment of the economic realities of the working relationship and the question of economic dependence. Consistent with a totality-of-the-circumstances analysis, no one factor or subset of factors is necessarily dispositive, and the weight to give each factor may depend on the facts and circumstances of the particular relationship:

1. **Opportunity for profit or loss depending on managerial skill:** this factor considers whether the worker has opportunities for profit or loss based on managerial skill, including initiative or business acumen or judgment, that affect the worker's economic success or failure in performing the work, as described by 29 C.F.R. 795.110(b)(1).
2. **Investments by the worker and the potential employer:** this factor considers whether any investments by a worker are capital or entrepreneurial in nature, as described by 29 C.F.R. 795.110(b)(2).
3. **Degree of permanence of the work relationship:** this factor weighs in favor of the worker being an independent contractor when the work relationship is definite in duration, non-exclusive, project-based, or sporadic based on the worker being in business for themselves and marketing their services or labor to multiple entities, as described by 29 C.F.R. 795.110(b)(3).
4. **Nature and degree of control:** this factor considers the potential employer's control, including reserved control, over the performance of the work and the economic aspects of the working relationship, as described by 29 C.F.R. 795.110(b)(4).

5. **Extent to which the work performed is an integral part of the potential employer's business:** this factor considers whether the work performed is an integral part of the potential employer's business, as described by 29 C.F.R. 795.110(b)(5).
6. **Skill and initiative:** this factor considers whether the worker uses specialized skills to perform the work and whether those skills contribute to business-like initiative, as described by 29 C.F.R. 795.110(b)(6).
7. **Additional factors:** Additional factors may be relevant in determining whether the worker is an employee or independent contractor for purposes of the FLSA, if the factors in some way indicate whether the worker is in business for themselves, as opposed to being economically dependent on the potential employer for work.

29 C.F.R. 795.110(a)(1)-(2), (b)

Minimum Wage and Overtime

Unless an exemption applies, an employer shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek, in accordance with 29 C.F.R. Part 778. 29 U.S.C. 207(a)(1); 29 C.F.R. 778

Law Enforcement Officers

No public agency shall be deemed to have violated 29 U.S.C. 207(a) with respect to the employment of any employee in law enforcement activities if:

1. In a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed 171 hours compensation at a rate not less than one and one-half times the regular rate at which he is employed; or
2. In the case of such an employee to whom a work period of at least seven but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 171 hours bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

29 U.S.C. 207(k); 29 C.F.R. 553.230(b)-(c)

Breaks for
Nonexempt
Employees

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods.

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at the employee's desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. [See DG(LEGAL) for provisions requiring breaks for nursing mothers]

29 C.F.R. 785.18-.19

Compensatory Time
Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

29 U.S.C. 207(o)(1)-(2), (3)(A); 29 C.F.R. 553.23(c)(1); Christensen v. Harris County, 529 U.S. 576 (2000)

*Payment for
Accrued Time*

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4). 29 U.S.C. 207(o)(3)(B), (4)

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer.

The Fair Labor Standards Act (FLSA) does not prohibit an employer from compelling the use of accrued compensatory time.

29 U.S.C. 207(o)(5); Christensen v. Harris County, 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees	The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. <i>29 U.S.C. 213(a)(1)</i>
<i>Administrative Employee</i>	<p>The term “employee employed in a bona fide administrative capacity” shall mean any employee:</p> <ol style="list-style-type: none">1. Compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging, or other facilities;2. Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and3. Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance. <p><i>29 C.F.R. 541.200(a)</i></p>
Academic Administrator	<p>The term “employee employed in a bona fide administrative capacity” also includes an employee:</p> <ol style="list-style-type: none">1. Who is compensated for services on a salary or fee basis at a rate of not less than \$684 per week exclusive of board, lodging, or other facilities, or on a salary basis that is at least equal to the entrance salary for teachers in the educational establishment by which employed; and2. Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof. <p>“Performing administrative functions directly related to academic instruction or training” means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.</p> <p>Employees engaged in academic administrative functions include:</p> <ol style="list-style-type: none">1. Department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, and the like;2. Academic counselors who perform work such as administering school testing programs, assisting students with academic

problems and advising students concerning degree requirements; and

3. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

*Professional
Employee*

An “employee employed in a bona fide professional capacity” shall mean any employee:

1. Compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging, or other facilities; and
2. Whose primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

29 C.F.R. 541.300(a)

Faculty

The term “employee employed in a bona fide professional capacity” also means any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term “educational establishment” means an institution of higher education or other educational institution. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include: regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools’ responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.204(b), .303

Other
Professionals

The professional employee exemption also applies to learned professionals, as described by 29 C.F.R. 541.301; creative professionals, as described by 29 C.F.R. 541.302; and employees engaged in the practice of law or medicine, as described by 29 C.F.R. 541.304.

*Computer
Employees*

Computer systems analysts, computer programmers, software engineers, or other similarly skilled workers in the computer field are eligible for exemption as professionals. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

The exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than \$684 per week, exclusive of board, lodging or other facilities and to any computer employee compensated on an hourly basis at a rate not less than \$27.63 an hour. In addition, the exemption applies only to computer employees whose primary duty consists of:

1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
2. The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
3. The design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or
4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties that qualify the employees for exemption under 29 C.F.R. Part 541, Subpart B or Subpart C. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific, or engineering problems of the employer or the employer's customers. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion, or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

29 C.F.R. 541.400, .402

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis as described in 29 C.F.R. 541.600, unless the employee is a teacher or the employee holds a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof. Subject to the exceptions listed in 29 C.F.R. 541.602, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. An employer that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Highly
Compensated
Employees

An employee with total annual compensation, as described by 29 C.F.R. 541.601, of at least \$107,432 is deemed exempt if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in 29 C.F.R. Part 541, Subparts B, C, or D. *29 C.F.R. 541.601*

Partial-Day
Deductions

An employee of a public agency who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and that requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons

or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

*Safe Harbor
Policy*

If an employer has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the employer will not lose the deduction unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on the employer's intranet.

29 C.F.R. 541.603(d)

Wage and Hour
Records

Every employer shall maintain and preserve payroll or other records for nonexempt employees containing the information required by 29 C.F.R. 516.2. *29 C.F.R. 516.2(a)*

**Employee with
Multiple
Appointments**

A full-time employee of an institution of higher education, including a college district, who has appointments to more than one position at the same institution may receive pay for working more than 40 hours in a week if the institution determines that pay in lieu of compensatory time is in the best interests of the institution. *Education Code 51.963*

**Payday Law
Exemption**

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

Public Servants	All college district employees are public servants and therefore subject to Title 8 of the Penal Code, regarding offenses against public administration, including bribery and corrupt influence (Chapter 36), perjury and other falsification (Chapter 37), obstructing governmental operation (Chapter 38), and abuse of office (Chapter 39). [See DBD and BBFA] <i>Penal Code 1.07(a)(41), Title 8</i>
Hair Texture and Style	An employer, including a college district, commits an unlawful employment practice if the employer adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists. [See DAA] <i>Labor Code 21.1095</i>
Low-THC Cannabis	A municipality, county, or other political subdivision, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487.201. <i>Health and Safety Code 487.201</i>
Hemp	A municipality, county, or other political subdivision of this state, including a college district, may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, handling, transportation, or sale of hemp as authorized by Agriculture Code Chapter 122. <i>Agriculture Code 122.002</i>
Dextromethorphan	A political subdivision of this state, including a college district, may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. An ordinance, order, rule, regulation, or policy described by this section is void and unenforceable. <i>Health and Safety Code 488.005</i>
Drug and Alcohol Abuse Program	A person other than an individual shall not receive a grant from a Federal agency unless the person agrees to provide a drug-free workplace by:
Federal Drug-Free Workplace Act	<ol style="list-style-type: none"> 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violations of the prohibition [see DI(EXHIBIT)]; 2. Establishing a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the grantee's policy of maintaining a drug-free workplace;

available drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug abuse violations;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by item 1;
4. Notifying the employee in the statement required by item 1 that as a condition of employment in the grant the employee will abide by the terms of the statement; and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
5. Notifying the granting agency within ~~ten~~10 days after receiving notice under item 4 from an employee or otherwise receiving actual notice of a conviction;
6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. 8104; and
7. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of items 1 to 6.

41 U.S.C. 8103(a)(1)

**Sex Offender
Registration**

Not later than the later of the seventh day after the date on which the person begins to work or the first date the applicable authority by policy allows the person to register, a person required to register under Code of Criminal Procedure Chapter 62 who is employed or carries on a vocation at a public or private institution of higher education in this state shall report that fact to:

1. The authority for campus security for that institution; or
2. If an authority for campus security for that institution does not exist the local law enforcement authority of:
 - a. The municipality in which the institution is located; or
 - b. The county in which the institution is located, if the institution is not located in a municipality.

The person described above shall provide the authority for campus security or the local law enforcement authority all information the person is required to provide under Code of Criminal Procedure 62.051(c). The person shall notify the authority for campus security or the local law enforcement authority not later than the seventh

day after the date of termination of the person's status as a worker at the institution.

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the institution any information received from the person under Code of Criminal Procedure 62.153 and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on:

1. An authority for campus security; or
2. A local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

Code of Criminal Procedure 62.153(a)-(d), (f) [See also GCA]

**Misconduct by a
Person Licensed
Under Occupations
Code 1701**

A law enforcement agency shall adopt the model policy described by this section or a substantively similar policy. A policy adopted by a law enforcement agency under this section must be submitted to the Texas Commission on Law Enforcement (TCOLE), and TCOLE shall maintain a copy of the policy.

TCOLE shall adopt a model policy establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency.

The policy adopted under this section must:

1. **Require a law enforcement agency to:**
 - a. **Initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by the law enforcement agency at the time the agency becomes aware of the alleged misconduct;**
 - b. **Complete the investigation described by item 1a in a timely manner, as prescribed by TCOLE;**
 - c. **Report an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder to TCOLE in a timely manner after the investigation is completed;**

- d. Complete an administrative investigation of alleged misconduct and prepare and submit to TCOLE a summary report on the investigation, including the disposition of the investigation and any informational findings, in a format prescribed by TCOLE, in a timely manner but not later than the 30th day after the date of the license holder's separation from the agency, if applicable;
 - e. Include documentation of the completed investigation in the personnel file, as described by Occupations Code 1701.4535, of the license holder maintained by the agency [see DBA]; and
 - f. Submit to TCOLE each report of a completed investigation.
- 2. Provide that an investigation into the alleged misconduct of a license holder may not be terminated by the resignation, retirement, termination, death, or separation from employment of the license holder; and
 - 3. Specify that a license holder under investigation for misconduct is entitled to any internal due process procedures provided by the investigating agency to contest the investigation or completed report.

TCOLE shall maintain each report received under a policy adopted under this section as part of the license holder's record in the licensing status database established under Occupations Code 1701.168. [See DC]

"Misconduct" means a violation of law or any of the following that have been sustained by a law enforcement agency employing a license holder:

- 1. A violation of a law enforcement agency policy for which the agency may suspend, demote, or terminate a license holder's employment; or
- 2. An allegation of untruthfulness against a license holder.

Occupations Code 1701.001(2-a); .4522(a)-(d)

Disqualification from Retirement Annuity for Conviction of Certain Felonies

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System of Texas (TRS) if the person is convicted of a qualifying felony the victim of which is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);
2. Section 21.12 (improper relationship between educator and student);
3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or
4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Gov't Code 824.009(a)-(c)

Public Information on a Privately- Owned Device

A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:

1. Forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Government Code 552.004(a); or
2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under Government Code 552.004(a).

Gov't Code 552.004(b) [See CIA and GCB]

Diversity, Equity, and Inclusion Initiatives

The governing board of an institution of higher education, including a college district, shall ensure that each unit of the institution adopts policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Education Code 51.3525(b)(1) [see BG, DAA, and FA]. *Education Code 51.3525(b)(2)*

An institution of higher education, including a college district, may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the Coordinating Board. An institution must certify to the Coordinating Board that a course offered for credit outside the state meets the Coordinating Board's academic criteria. An institution shall include the certification in submitting any other reports required by the Coordinating Board. *Education Code 61.0512(g)*

Definitions

Credit Course

A "credit course" is a college-level course that, if successfully completed, can be applied toward the number of courses required for achieving an academic or workforce degree, diploma, certificate, or other formal award. *19 TAC 2.202(1)*

Distance Education

"Distance education" is the formal education process that occurs when students and instructors are in separate physical locations for the majority (more than 50 percent) of instruction. *19 TAC 2.202(2)*

Distance Education Course

A "distance education course" is a course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are in separate physical locations. The definition of distance education course does not include courses with 50 percent or less instruction when the student(s) and instructor(s) are in separate physical locations. Two categories of distance education courses are defined:

1. **100 Percent Online Course:** A distance education course in which 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a course from this category.
2. **Hybrid Course:** A distance education course in which more than 50 percent but less than 100 percent of the instructional activity takes place when the students and instructor(s) are in separate physical locations.

19 TAC 2.202(3)

Distance Education Degree or Certificate Program

A "distance education degree or certificate program" is a program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through distance education courses. The definition of a Distance Education Degree or Certificate Program does not include programs in which 50 percent

or less of the required credit hours are offered through distance education. Two categories of distance education programs are defined:

1. 100 Percent Online Program: A degree program in which students complete 100 percent of the credit hours required for the program through 100 Percent Online Courses. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a program from this category.
2. Hybrid Program: A degree program in which students complete **more than** 50 percent ~~or more and~~ **but** less than 100 percent of the credit hours required for the program through Distance Education Courses.

19 TAC 2.202(4)

Institutional
Accreditor

An "institutional accreditor" is a federally recognized institutional accreditor approved by the U.S. Department of Education under 20 U.S.C. 1099b. *19 TAC 2.202(5)*

Institutional Plan for
Distance Education

An "institutional plan for distance education" (Plan or IPDE) is a plan that an institution must submit for Coordinating Board approval prior to offering a distance education program for the first time. Each institution shall periodically update its plan on a schedule as specified in 19 Administrative Code 2.205. *19 TAC 2.202(6)*

Principles of Good
Practice for
Distance Education

The "Principles of Good Practice for Distance Education" are standards and criteria for distance education delivered by Texas public institutions. This document is reviewed and adopted by the Coordinating Board every three years in accordance with 19 Administrative Code 2.204. This document is also known as "Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered at a Distance." *19 TAC 2.202(7)*

**Applicability of
Subchapter J**

The provisions of 19 Administrative Code Chapter 2, Subchapter J, applies to an institution that seeks to offer one or more credit courses via distance education.

Subchapter J does not apply to an institution that seeks to offer non-credit courses, including non-credit continuing education, via distance education. An institution offering only non-credit course(s) via distance education is not required to obtain approval under Subchapter J regardless whether the course is otherwise eligible for funding.

Subchapter J applies only to determination of whether an institution is authorized to offer course(s) via distance education and does not

govern the course eligibility for funding. The Coordinating Board shall determine whether a course is eligible for funding based on the applicable statutes and rules in the Administrative Code.

The effective date of Subchapter J is December 1, 2023. Each institution must submit an Institutional Plan for Distance Education (IPDE) in accordance with Subchapter J on or after that date by the due dates set out in 19 Administrative Code 2.205(d)(1). IPDEs currently on file as of December 1, 2023, will remain filed in good standing until the first due date under 19 Administrative Code 2.205(d)(1).

19 TAC 2.203, .207

**Standards and
Criteria**

Generally

The following provisions apply to all institutions covered by 19 Administrative Code Chapter 2, Subchapter J, unless otherwise specified:

1. The Coordinating Board will adopt standards and criteria for Distance Education in the Principles of Good Practice for Distance Education. An institution's Institutional Plan for Distance Education (Plan or IPDE) shall conform to the Principles of Good Practice for Distance Education in effect at the time the institution submits the institutional plan, as described in 19 Administrative Code 2.205.
 - a. The Principles of Good Practice for Education will contain a list of criteria necessary for the institution to demonstrate provision of high-quality distance education. These criteria may include provisions relating to:
 - (1) Institutional Context and Commitment;
 - (2) Curriculum and Instruction;
 - (3) Faculty;
 - (4) Evaluation and Assessment;
 - (5) Facilities and Finances; and
 - (6) Adherence to Federal Requirements.
 - b. Coordinating Board staff will present the Principles of Good Practice for Distance Education to the Coordinating Board for adoption no less than every three years. In revising the Principles of Good Practice, Coordinating Board staff may consider input from the Learning Technology Advisory Committee and best practice standards developed by external bodies, including institutional accreditors.

2. Institutions offering or seeking to offer distance education programs shall comply with:
 - a. Principles and policies of their institutional accreditor.
 - b. Procedures governing the approval of distance education programs.
 - c. Standards outlined in Principles of Good Practice for Distance Education.

Data reporting associated with distance education offerings as required by the commissioner.

19 TAC 4.204

Out-of-State

If an institution offers postsecondary education through distance education or correspondence courses to students located in a state in which the institution is not physically located or in which the institution is otherwise subject to that state's jurisdiction as determined by that state, the institution must meet any of that state's requirements for it to be legally offering postsecondary distance education or correspondence courses in that state. The institution must, upon request, document the state's approval to the U.S. Secretary of Education. *34 C.F.R. 600.9(c)(1)(i)*

Exception

If an institution offers postsecondary education through distance education or correspondence courses in a state that participates in a state authorization reciprocity agreement, and the institution is covered by such agreement, the institution is considered to meet state requirements for it to be legally offering postsecondary distance education or correspondence courses in that state, subject to any limitations in that agreement and to any additional requirements of that state not relating to state authorization of distance education. The institution must, upon request, document its coverage under such an agreement to the U.S. Secretary of Education. *34 C.F.R. 600.9(c)(1)(i)(ii)*

Location

For purposes of this 34 C.F.R. 600.9, an institution must make a determination, in accordance with the institution's policies or procedures, regarding the state in which a student is located, which must be applied consistently to all students. The institution must, upon request, provide the U.S. Secretary of Education with written documentation of its determination of a student's location, including the basis for such determination. An institution must make a determination regarding the state in which a student is located at the time of the student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another state. *34 C.F.R. 600.9(c)(2)*

Definitions

*Distance
Education*

For purposes of the federal distance education provisions, “distance education” is education that uses one or more of the technologies listed below at items 1 through 4 to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies that may be used to offer distance education include:

1. The internet;
2. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
3. Audio conferencing; or
4. Other media used in a course in conjunction with any of the technologies listed at 1 through 3, above.

An instructor is an individual responsible for delivering course content and who meets the qualifications for instruction established by an institution's accrediting agency.

An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency:

1. Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and
2. Monitoring the student's academic engagement, as defined by 34 C.F.R. 600.2, and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

Substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:

1. Providing direct instruction;
2. Assessing or providing feedback on a student's coursework;
3. Providing information or responding to questions about the content of a course or competency;
4. Facilitating a group discussion regarding the content of a course or competency; or

5. Other instructional activities approved by the institution's or program's accrediting agency.

34 C.F.R. 600.2

Correspondence Course

A "correspondence course" is a course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructors. Interaction between instructors and students is limited, is not regular and substantive, and is primarily initiated by the students. A correspondence course is not distance education.

If a course is part correspondence and part residential training, the U.S. Secretary of Education considers the course to be a correspondence course.

34 C.F.R. 600.2

State Authorization Reciprocity Agreement

State Authorization Reciprocity Agreement (SARA) is an agreement among its member states, districts, and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs. *19 TAC 4.312(11)*

Eligible Institutions

Any public degree granting institution of higher education, including a college district, may apply to participate in SARA if its principle campus is located in Texas. All distance education content provided by SARA participants must originate in the United States or a U.S. territory. The institution must be accredited by an accrediting body recognized by the U.S. Department of Education. *19 TAC 4.313*

Application

All eligible institutions may apply to the Coordinating Board for admission to SARA under the signature of the institution's chief academic officer. Within the application, an institution shall make assurances that it:

1. Agrees to abide by the Council of Regional Accrediting Commissions (C-RAC) Guidelines for the Evaluation of Distance Education.
2. Agrees to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA.
3. Agrees to notify the Coordinating Board of any negative changes to its accreditation status.
4. Agrees to provide data requested by the Coordinating Board.

5. Agrees to cooperate with the Coordinating Board in the investigation of any complaints arising from the students it serves in other states through SARA and to abide by investigating authority's resolution of any such complaint.
6. All complaints must follow the institution's customary resolution procedure prior to being referred to the Coordinating Board. Grade appeals and student conduct appeals will be resolved at the institutional level without further appeal through SARA.
7. Agrees to notify all students in a course or program that customarily leads to professional licensure, or which a student could reasonably believe leads to such licensure, whether or not the course or program meets requirements for licensure in the state where the student resides. If an institution does not know whether the course or program meets licensure requirements in the student's state of residence, the institution may meet this SARA requirement by informing the student in writing and providing the student the contact information for the appropriate state licensing board(s). An email dedicated solely to this purpose and sent to the student's best known email address meets this requirement.
8. Agrees, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive.
9. Agrees to pay an annual fee to the National Council for State Authorization Reciprocity Agreements (NC-SARA). This fee replaces any state fees that the institution would normally pay to other SARA member states. If an institution offers distance education to students in non-SARA participating states, it must pay required state fees.

19 TAC 4.312(4), (10), .314

*Maintaining
Eligibility*

To remain eligible for participation in SARA, an institution must renew its participation agreement with the Coordinating Board and pay its required SARA fees annually. At the time of renewal, Coordinating Board staff will determine whether the institution still meets SARA requirements. An institution may be removed at any time by the Coordinating Board for violation of SARA standards. 19 TAC 4.315

Complaints	<p>Institutions operating under SARA shall make their resolution policies and procedures readily available to students taking courses under SARA provisions.</p> <p>Complaints against an institution operating under SARA must first go through the institution's own procedures for resolution grievances. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complainant may appeal, within two years of the incident, to the Coordinating Board.</p> <p>19 TAC 4.316</p>
Institutional Plan	<p>Each institution, including each college district, shall submit an Institutional Plan for Distance Education (IPDE) containing evidence of the institution's compliance with the mandatory Principles of Good Practice for Distance Education to the Coordinating Board prior to delivering any distance education programs for the first time. Coordinating Board staff will develop the IPDE form based on the standards and criteria contained in the Principles of Good Practice.</p> <p>The Coordinating Board authorizes an institution to offer distance education courses under Education Code 61.0512(g) upon approving an institution's IPDE in good standing or if the institution is on provisional status pending final approval of the IPDE.</p> <p>Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education courses and programs in accordance with the provisions of this subchapter. An IPDE shall conform to the Principles of Good Practice for Distance Education in effect at the time the institution submits the plan.</p> <p>19 TAC 2.205(a)-(c)</p>
Coordinating Board Review and Approval	<p>Each institution of higher education shall assess its distance education in accordance with the Principles of Good Practice for Distance Education. Institutions must report results of that assessment in an IPDE to Coordinating Board staff prior to seeking approval to offer distance education programs or certificates. 19 TAC 2.205(d)(1)(A)</p> <p>Each public institution of higher education shall assess its distance education on an ongoing basis in accordance with the Principles of Good Practice for Distance Education. Institutions must report results of that assessment in an updated IPDE to Coordinating Board staff by the earlier of the following deadlines:</p>
IPDE Due Dates	
Initial Approval	
Renewal	

1. No later than one year after receiving final disposition of the institution's comprehensive renewal of accreditation report from their institutional accreditor as required by 34 C.F.R. 602.19; or
2. No later than 10 years after the approval of their last IPDE to the Coordinating Board.

19 TAC 2.205(d)(1)(B)

Request for
Extension

An institution may submit a request to the commissioner for an extension of this due date of no more than two years. The commissioner may approve this request only if the institution demonstrates good cause, e.g., the institutional accreditor has postponed the institution's renewal of accreditation cycle beyond the 10-year period.

19 TAC 2.205(d)(1)(C)

*Initial Board Staff
Review*

Coordinating Board staff must review IPDEs for completeness and may request additional information from the institution upon determining the submitted IPDE is incomplete. Upon receipt of a completed IPDE, Coordinating Board staff must review the submission and make the following determination:

1. Institutions Accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC): Coordinating Board staff must determine whether the institution's IPDE has met SACSCOC policy and procedure standards related to the delivery of distance education during the prior renewal of accreditation cycle. Coordinating Board staff must forward the IPDE for Learning Technology Advisory Committee (LTAC) review of the IPDE's adherence to the Principles of Good Practice for Distance Education under 19 Administrative Code 2.205(d)(3).
2. Institutions Accredited by an Institutional Accreditor Other Than SACSCOC: Coordinating Board staff must forward the IPDE for LTAC review of the IPDE's adherence to the Principles of Good Standards for Distance Education under 19 Administrative Code 2.205(d)(3).
3. Resubmitted IPDEs: If the IPDE is a resubmission that was previously denied by the commissioner under 19 Administrative Code 2.205(d)(4)(B) or by the Coordinating Board under 19 Administrative Code 2.205(d)(4)(B)(ii)(II), Coordinating Board staff must forward the resubmitted IPDE to LTAC review of the IPDE's adherence to the Principles of Good Standards for Distance Education under 19 Administrative Code 2.205(d)(3).

19 TAC 2.205(d)(2)

LTAC Review

LTAC must review and issue a recommendation as to the adherence of an IPDE to the Principles of Good Practice for Distance Education for the Board. LTAC may conduct this review using the following process:

1. LTAC may assign each IPDE to a subcommittee chaired by LTAC members and comprised of other LTAC members and/or distance education experts who volunteer to serve in this capacity.
2. The LTAC subcommittee assigned to review updated Institutional plans shall review those plans for alignment with the Principles of Good Practice (PGP). The LTAC subcommittee may ask questions and consult with the submitting institution to make this determination.
 - a. If the LTAC subcommittee reviews and finds an IPDE in alignment with the PGP, the subcommittee shall issue a recommendation to LTAC that the institution be approved to offer distance education.
 - b. If the LTAC subcommittee finds an institutional plan is not aligned with the PGP, the subcommittee will identify areas of misalignment, provide feedback for improvement, make suggestions for the content of a remediation letter, and submit these recommendations to LTAC.
3. LTAC may review and approve the recommendations of the LTAC subcommittee and submit these recommendations to Coordinating Board staff. Coordinating Board staff will submit these recommendations to the commissioner for commissioner review under 19 Administrative Code 2.205(d)(4).

19 TAC 2.205(d)(3)

*Commissioner
Review and
Approval*

The commissioner has discretion to approve or deny an IPDE. *19 TAC 2.205(d)(4)*

Approval

If the commissioner approves the IPDE, the institution's IPDE will be filed in good standing with the Coordinating Board. The commissioner will send a notification to the institution of this decision. *19 TAC 2.205(d)(4)(A)*

Denial

If the commissioner denies the IPDE, the commissioner will send an institution a remediation letter containing a notification of this decision. The remediation letter may contain the recommendations for improvement compiled by the LTAC subcommittee under item 2b, above. The institution may then take one of two actions:

1. Resubmission: The institution must resubmit the revised IPDE to Coordinating Board staff under 19 Administrative Code 2.205(d)(2) no earlier than one year after the date of the letter containing the commissioner's notification of denial. The institution will remain on provisional status until final approval of the IPDE.
2. Appeal: The institution may appeal the commissioner's decision to the Coordinating Board. The commissioner may issue a recommendation for approval or denial to the Coordinating Board. The Coordinating Board has final authority to appeal or deny the institution's IPDE.

If the Coordinating Board approves the IPDE, the institution's IPDE will be filed in good standing with the Coordinating Board.

If the Coordinating Board denies the institution's IPDE, the institution must resubmit the revised IPDE to Coordinating Board staff under 19 Administrative Code 2.205(d)(2) no earlier than one year after the Coordinating Board's decision. The institution will remain on provisional status until final approval of the IPDE.

19 TAC 2.205(d)(4)(B)

Notification

The following provisions apply to all institutions covered by 19 Administrative Code Chapter 2, Subchapter J, unless otherwise specified:

1. Coordinating Board staff must maintain an accurate inventory of distance education degree or certificate programs in the distance education program inventory.
2. To offer an existing certificate or degree through the distance education modality, an institution must notify Coordinating Board staff of intent to offer an approved degree or certificate program through the distance education modality. To submit this notification, the institution must certify that it has an institutional plan for distance education in good standing and compliance with 19 Administrative Code 2.204(b). Coordinating Board staff will update the institution's distance education program inventory.
3. To offer a new certificate or degree, an institution shall follow the program approval request rules laid out in the appropriate subchapter of 19 Administrative Code Chapter 2 and indicate its intent to deliver the new program through distance education on the program request form. To offer a new certificate or degree through distance education, the institution must certify that it has an institutional plan for distance education in good standing and compliance with 19 Administrative Code

2.204(b). Coordinating Board staff will update the institution's distance education program inventory upon the program's final approval.

4. If an institution intends to cease offering an approved program via distance education modality, the institution must notify Coordinating Board staff. If an institution intends to phase out an approved degree or certificate program completely, the institution must follow the process in 19 Administrative Code Chapter 2, Subchapter H. Coordinating Board staff will update the institution's distance education program inventory.

All institutions must notify the Coordinating Board of the intent to offer an approved program through distance education following the procedures in this section. Program revisions or modifications require notification only under 19 Administrative Code 2.4(1).

19 TAC 2.9(e), .205(b), .206

Funding

Formula Funding

The following provisions apply to distance education courses and programs offered with authorization under 19 Administrative Code Chapter 2, Subchapter J.

Institutions, including college districts, shall report distance education courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provisions of 19 Administrative Code Chapter 13, Subchapter O.

Institutions may submit for formula funding academic credit courses delivered by distance education to any student located in Texas or to Texas residents located out-of-state or out-of-country.

Institutions shall not submit for formula funding 100 percent online courses taken by non-resident students who are located out-of-state or out-of-country, courses in out-of-state or out-of-country programs taken by any student, or self-supporting courses.

If a non-Texas resident student enrolls in regular, on-campus courses for at least one-half of the normal full-time course load as determined by the institution, the institution may report that student's fully distance education or hybrid/blended courses for formula funding enrollments.

19 TAC 2.205(b), 13.453

Fees

For courses not submitted for formula funding, institutions shall charge fees that are equal or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 13.453(4)

Note: For more information regarding distance education, including related approval processes, reporting deadlines, and forms, visit the Coordinating Board's [Distance Education Modifications and Requests](#)¹ website.

¹ Distance Education Modifications and Requests:
<https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/academic-program-development-modifications/distance-education-resources/distance-education-modifications-requests/>

Limit on Enrollment To ensure the quality of student learning, institutions, including college districts, should not allow students to carry more courses in any term (that is, regular or shortened semester), that would allow them to earn more than one semester credit hour per week over the course of the term. Institutions should have a formal written policy for addressing any exceptions to this paragraph. *19 TAC 4.6 (b)-(c)*

Adding / Dropping Courses Courses at public community colleges may be added by students up to and including the official census date. A student may not enroll in a course after that date.

Courses at public community colleges may be dropped and a student entitled to a refund of tuition and fees as outlined under 19 Administrative Code 21.5 [see FD].

Education Code 130.009; 19 TAC 9.31

Limitation on the Number of Dropped Courses This section applies only to an undergraduate student who drops a course at an institution of higher education, including a college district, and only if:

1. The student was able to drop the course without receiving a grade or incurring an academic penalty;
2. The student's transcript indicates or will indicate that the student was enrolled in the course; and
3. The student is not dropping the course in order to withdraw from the institution.

An institution of higher education may not permit a student to drop more than six courses, including any course a transfer student has dropped at another institution of higher education, under the circumstances described above.

The governing board of an institution of higher education may adopt a policy under which the maximum number of courses a student is permitted to drop under circumstances described above is less than six courses.

Education Code 51.907(b)-(d), 19 TAC 4.3(11), .9(a)

Exceptions
Good Cause

An institution of higher education shall permit an undergraduate student to drop more courses than the six courses permitted to be dropped under Education Code 51.907(c) or the courses permitted to be dropped under a board policy adopted under Section 51.907(d) if good cause exists for dropping more than that number, including:

1. The student's showing of:

- a. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
 - b. The student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;
 - c. The death of a person who is either considered to be a member of the student's family or is otherwise considered to have a sufficiently close relationship to the student, as defined below, that the person's death is considered to be a showing of good cause;
 - d. The active duty service as a member of the Texas National Guard or the Armed Forces of the United States of either the student or a person who is considered to be a member of the student's family or a person who is otherwise considered to have a sufficiently close relationship to the student, as described below;
 - e. The change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
 - f. Other good cause as determined by the institution of higher education; or
2. A disaster declared by the governor under Government Code 418.014 resulting in cessation or limitation of in-person course attendance by students at the institution of a duration determined by the institution to significantly affect the student's ability to participate in coursework with consideration of the length of time of the cessation or limitation of in-person course attendance, the type of courses, and the personal circumstances of students affected by the disaster.

Notwithstanding any other provision in Section 51.907, an institution of higher education may not count toward the number of courses permitted to be dropped under Section 51.907(c) or a policy adopted under Section 51.907(d) a course dropped by a student during the 2020 spring semester or summer term or the 2020–2021 academic year because of a bar or limit on in-person course attendance at the institution during the applicable semester or term due to the coronavirus disease (COVID-19) pandemic.

Education Code 51.907(e), (e-2); 19 TAC 4.9(a)

Definitions

For purposes of this exception, a “member of the student's family” is defined to be the student's spouse, child, grandchild, father,

mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, stepparent, stepchild, or stepsibling.

A “person who is otherwise considered to have a sufficiently close relationship to the student” is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student for approval by the institution, on a case-by-case basis.

19 TAC 4.9(b)

Policy for
Determining
Good Cause
Required

Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause ~~as described above~~ and shall provide a copy of the policy to the Coordinating Board.

Each institution of higher education shall publish the policy ~~adopted~~ in its catalogue and other print and internet-based publications as appropriate for timely notification of students.

19 TAC 4.9(e)-(f)

*Reenrolled
Students*

An institution of higher education shall permit an undergraduate student a total of more than six dropped courses if the enrollment is for a student who qualifies for a seventh course enrollment, who:

1. Has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and
2. Successfully completed at least 50 semester credit hours of coursework at an institution of higher education that are not exempt from the limitation on formula funding set out in 19 Administrative Code 13.104(1)-(6) before that break in enrollment.

Education Code 51.907(e-1); 19 TAC 4.9(a)

*Course Taken
During Bachelor's
Program*

An institution of higher education may not count toward the number of courses permitted to be dropped under Education Code 51.907(c) or a policy adopted under Education Code 51.907(d) a course that a student dropped while enrolled in a baccalaureate degree program previously earned by the student. *Education Code 51.907(c-1)*; **19 TAC 4.9(d)**

*Dual Credit or
Dual Enrollment
Course*

An institution of higher education may not count toward the number of courses permitted to be dropped under Education Code 51.907(c) or a policy adopted under Education Code 51.907(d) a dual credit or dual enrollment course that a student dropped before

	graduating from high school. <i>Education Code 51.907(c-2)</i> ; 19 TAC 4.9(d)
<i>Competency-Based Baccalaureate Degree Program</i>	This section does not apply to a student enrolled in a competency-based baccalaureate degree program, as defined by Education Code 56.521. <i>Education Code 51.907(b-1)</i>
Determining Number of Courses Dropped	<p>In determining the number of courses dropped by a student for purposes of this sectionEducation Code 51.907, a course, such as a laboratory or discussion course, in which a student is enrolled concurrently with a lecture course is not considered to be a course separate from the lecture course if:</p> <ol style="list-style-type: none">1. Concurrent enrollment in both courses is required; and2. In dropping the lecture course, the student would be required to drop the laboratory, discussion, or other course in which the student is concurrently enrolled. <p><i>Education Code 51.907(f)</i></p>

Definitions

Academic Associate Degree

An “academic associate degree” is ~~an associate~~ **a type of degree program generally intended to transfer to an upper-level baccalaureate program** that will satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. **The academic associate degree includes, but is not limited to, the Associate of Arts (AA), Associate of Science (AS), or Associate of Arts in Teaching (AAT) degrees.** 19 TAC 2.3(1), 9.1(1)

Academic Courses

“Academic courses” are semester credit courses included or allowed under the provisions of the Lower-Division Academic Course Guide Manual designed for college transfer to institutions of higher education in completion of associate and baccalaureate degree programs. 19 TAC 9.1(2)

Applied Associate Degree

An “applied associate degree” is ~~an associate~~ **a type of degree intended program designed** to lead directly to employment ~~following graduation and may satisfy the lower-division requirements for a baccalaureate degree~~ in a specific ~~discipline career~~. **The Applied Associate Degree Program includes, but is not limited to, the Associate of Applied Arts (AAA) or Associate of Applied Science (AAS).** 19 TAC 2.3(5), 9.1(3)

Associate Degree Program

An “associate degree program” is a grouping of courses designed to lead the individual directly to employment in a specific career or to transfer to an upper-level baccalaureate program. This specifically refers to the ~~associate of arts (AA), associate of science (AS), associate of applied arts (AAA), associate of applied science (AAS),~~ **AA, AS, AAA, AAS,** and Associate of Occupational Studies (AOS) degrees. The term “applied” in an associate degree name indicates a program designed to qualify students for immediate employment. 19 TAC 9.1(4)

Career Technical / Workforce Program

“Career technical/workforce program” is an applied associate degree program or a certificate program for which semester credit hours, quarter credit hours, or continuing education units are awarded and which is intended to prepare students for immediate employment or a job upgrade in a specific occupation. 19 TAC 2.3(9), 9.1(5)

Certificate Program

“Certificate program” means ~~workforce programs designed for entry~~ **a grouping of subject-matter courses, which when satisfactorily completed by a student, will entitle the student to a certificate or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level** ~~employment or for upgrading skills and knowledge within an occupation..~~ Certificate ~~programs serve as building blocks and exit points for AAS degree programs.~~ **includes a post-baccalaureate certificate and excludes an associate degree unless otherwise provided.** 19 TAC 2.3(10), 9.1(7)

Continuing Education Unit or CEU	A “continuing education unit or CEU” is defined as ten 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education. 19 TAC 2.3(14), 9.1(11)
New Content	“New content,” as determined by the institution, is content that the institution does not currently offer at the same instructional level as the proposed program. A program with sufficient new content to constitute a 'significant departure' from existing offerings under 34 C.F.R. 602.22(a)(1)(ii)(C) meets the 50 percent new content threshold. 19 TAC 2.3(22)
Technical Courses or Programs	“Technical courses or programs” mean workforce education courses or programs for which semester/quarter credit hours are awarded. 19 TAC 9.1(28)
Texas Classification of Instructional Programs (CIP) Coding System	The “Texas Classification of Instructional Programs (CIP) Coding System” is the Texas adaptation of the federal Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data. The eight-digit CIP codes define the authorized teaching field of the specified program, based upon the occupation(s) for which the program is designed to prepare its graduates. 19 TAC 2.3(32)
Workforce Continuing Education Course	“Workforce continuing education course” means a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or vocational purposes and is not supported by state funding. 19 TAC 9.1(31)
Workforce Education	“Workforce education” means career technical/workforce courses and programs for which semester/quarter credit hours and/or CEUs are awarded and vocational courses and programs for which CEUs are awarded. Workforce career technical/workforce education courses and programs prepare students for immediate employment or a job upgrade within specific occupational categories. 19 TAC 9.1(32)
Academic Associate Degree Programs	An academic associate degree may be called an associate of arts (AA) , an associate of science (AS) , or an associate of arts in teaching (AAT) degree. 19 TAC 2.53(a), 9.183(a)
AA Only	The AA is the default title for an academic associate degree program if the college district offers only one type of academic degree program. 19 TAC 2.53(a)(1), 9.183(a)(1)

AA and AS

If a college ~~district~~ offers both AA and AS degrees, the degree programs may be differentiated in one of two ways, including:

1. The AA program may have additional requirements in the liberal arts and/or the AS may have additional requirements in disciplines such as science, mathematics, or computer science; or
2. The AA program may serve as a foundation for the bachelor of arts (BA) degree and the AS program for the bachelor of science (BS) degree.

Each academic associate degree must provide a clearly articulated curriculum that can be associated with a discipline or field of study leading to a baccalaureate degree, and must be identified as such in the institution's program inventory.

19 TAC 2.53(a)(2)-(3), 9.183(a)(2)-(3)

AAT

The AAT is a specialized academic associate degree program designed to transfer in its entirety to a baccalaureate program that leads to initial Texas teacher certification. This title should only be used for an associate degree program that consists of a Coordinating Board-approved AAT curriculum or an education field of study curriculum. *19 TAC 2.53(a)(4), 9.183(a)(3)*

Semester Credit Hours

An associate degree is limited to 60 semester credit hours (SCH) unless the institution determines that there is a compelling academic reason for requiring completion of additional ~~semester credit hours~~ **SCH** for the degree under Education Code 61.05151. If the minimum number of SCH required to complete a proposed associate program exceeds 60, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-~~hour~~ **SCH** limit. Coordinating Board staff will review the documentation provided and make a determination to approve or deny a request to exceed the 60-~~hour limit. Board staff will review the documentation provided and make a determination to approve or deny a request to exceed the 60-semester credit hour limit.~~ *19 TAC 2.70, 9.183(b)-(c)* **SCH limit. 19 TAC 2.70**

Curriculum

Except as provided below, academic associate degree programs must incorporate the institution's approved core curriculum as prescribed by 19 Administrative Code 4.28 and 19 Administrative Code 4.29:

1. An institution may offer a specialized academic associate degree that incorporates a Coordinating Board-approved field of

study curriculum as prescribed by 19 Administrative Code 4.32 and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.

2. An institution may offer a specialized academic associate degree that incorporates a voluntary statewide transfer compact and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.
3. An institution that has a signed articulation agreement with a public university to transfer a specified curriculum may offer a specialized AA or AS, but not AAT, degree program that incorporates that curriculum.
4. An institution may offer an embedded associate degree as outlined in 19 Administrative Code 2.58 that does not include the full 42 SCH required core curriculum except for a multidisciplinary studies degree as required by 19 Administrative Code 2.57(b).

19 TAC 2.53(b), 9.183(d)

New Academic
Associate Degree
Programs

~~New academic associate degree programs shall be approved if all of the conditions set out below are met.~~

~~The institution shall certify that the following criteria have been met:~~

- ~~4.—The program has institution and governing board approval.~~
- ~~5.—There is recent evidence of both short-term and long-term student demand for the program.~~
- ~~6.—Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.~~
- ~~7.—The institution has an enrollment management plan for the program.~~
- ~~8.—If the program does not follow a Coordinating Board-approved field of study curriculum or a Coordinating Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process to establish transfer of credit articulation agreements for the program with senior-level institutions.~~
- ~~9.—The program is designed to be consistent with the standards of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), other applicable accrediting agencies, and is in compliance with applicable licensing authority requirements.~~

~~10. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.~~

~~11. The program complies with all applicable provisions contained in divisions of 19 Administrative Code Chapter 9, Subchapter J, and adheres to the Standards for Academic Associate Degree Programs approved by the Coordinating Board.~~

~~The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.~~

~~The Coordinating Board delegates to the commissioner final approval authority for all certificate programs, applied associate degree programs, and academic associate degrees that meet board policies for approval as outlined in the Guidelines for Instructional Programs in Workforce Education and 19 Administrative Code Chapter 9, Subchapter J. The commissioner may delegate this final authority.~~

~~19 TAC 9.184(a)~~

Approval Process

~~These provisions apply to each program for which an institution has submitted a required planning notification on or after June 1, 2023. For a proposed program not required to submit a planning notification, these rules apply to a program submitted for notification or approval on or after September 1, 2023. 19 Administrative Code 2.58 takes immediate effect. 19 TAC 2.74~~

Planning Notification

An institution of higher education seeking approval to offer a degree program under 19 Administrative Code Chapter 2, Subchapter D, must submit a planning notification to Coordinating Board staff in accordance with 19 Administrative Code Chapter 2, Subchapter C, [see EFB] prior to submitting an administratively complete request for a new associate degree proposal. This requirement does not apply to a proposed associate degree submitted pursuant to 19 Administrative Code 2.57 and 2.58.

Except as provided by 19 Administrative Code 2.54(b), a requesting institution must submit a planning notification in accordance with 19 Administrative Code Chapter 2, Subchapter C.

19 TAC 2.52, .5455(a)

Approval Levels

This provision outlines how public junior colleges may request approval for a new academic associate degree. Proposed programs are subject to assistant commissioner approval under 19 Administrative Code 2.4(2), and in accordance with the applicable provisions under 19 Administrative Code Chapter 2, Subchapter A, and 19 Administrative Code Chapter 2, Subchapter D, except as specifically provided by this provision.

An institution of higher education may offer an associate degree as an embedded credential to a student enrolled in an approved baccalaureate degree program. Approval of a proposed embedded associate degree program is subject to the assistant commissioner expedited review approval process under 19 Administrative Code 2.4(2)(B)(ii). The institution may request approval for the academic associate degree as part of the application for the baccalaureate program or under the provisions of 19 Administrative Code 2.54 [see EFB].

19 TAC 2.54, .58

Request

A requesting institution must submit an application to offer a new academic associate degree using the forms available on the Coordinating Board's website.

The institution must demonstrate that the proposed program obtained institution and governing board approval prior to submission.

The assistant commissioner, commissioner, or Coordinating Board, as applicable, shall approve or deny the proposed program within the timelines specified in 19 Administrative Code 2.4 after receipt of the complete program proposal. If the assistant commissioner, commissioner, or Coordinating Board does not act to approve or deny the proposal within one year of administrative completeness, the program is considered approved.

Upon approval, Coordinating Board staff will add the new degree program to the institution's official program inventory. The program inventory contains the list of degrees and certificates with official Coordinating Board approval.

19 TAC 2.55(b), (d), (f)-(g)

Revisions	An institution may request a revision or modification to an approved associate degree under 19 Administrative Code 2.7 [see EFB]. 19 TAC 2.72
Criteria	<p>All proposed associate degree programs must meet the criteria set out in 19 Administrative Code Chapter 2, Subchapter D, in addition to the general criteria in 19 Administrative Code 2.5 [see EFB].</p> <p>Coordinating Board staff shall ensure that each institution certifies and provides required evidence that a proposed academic associate degree meets the criteria in Section 2.5 and the following criteria in its proposal request.</p> <p>If the program does not follow a Coordinating Board-approved field of study curriculum or a Coordinating Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process to establish transfer of credit articulation agreements for the program with senior-level institutions.</p> <p>The institution shall certify that the proposed program complies with all applicable provisions contained in divisions of 19 Administrative Code Chapter 2, Subchapter A and Subchapter D.</p> <p>19 TAC 2.56</p>
Program Review	Board staff shall conduct post-approval reviews in accordance with 19 Administrative Code Chapter 2, Subchapter I. 19 TAC 2.71
Audits	The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the requirements of 19 Administrative Code Chapter 9, Subchapter J. 19 TAC 9.184(b)
Program Phase-Out	An institution may request to phase out an associate degree program under 19 Administrative Code Chapter 2, Subchapter H [see EFB]. 19 TAC 2.73
Multidisciplinary Studies Associate Degree Program	Education Code 130.0104 requires the governing boards of each public junior college district to establish a multidisciplinary studies associate degree. A multidisciplinary studies associate degree program is a Coordinating Board-approved associate of arts or associate of science degree composed of the college's core curriculum and enough additional courses to equal 60 semester credit hours (SCH). SCH. The SCH beyond the core curriculum must be selected by the student, in consultation with an academic adviser, and transfer to a specific field of study or major at a university of the student's choice.

A multidisciplinary studies associate degree program established at a public junior college under this section must require a student to successfully complete:

1. The public junior college's core curriculum adopted under Education Code 61.822, as defined by 19 Administrative Code 4.28; and
2. **The completion of** courses selected by the student in the student's completed degree plan, accounting for all remaining credit hours required for the completion of the degree program.

The multidisciplinary studies associate degree program must emphasize the student's transition to a particular four-year college or university that the student chooses and prepare the student for the intended field of study or major at the four-year college or university.

A student enrolled in a multidisciplinary studies associate degree program shall file a degree plan ~~[see EFCC]~~. The student must meet with an academic advisor to complete a required degree plan ~~that~~ **in accordance with Education Code 130.0104(c) and 19 Administrative Code 2.57(e) [see EFBD]**.

- ~~1. Accounts for all remaining credit hours required for the completion of the degree program;~~
- ~~2. Emphasizes the student's transition to a particular four-year college or university that the student chooses; and~~
- ~~3. Prepares for the student's intended field of study or major at the four-year college or university.~~

Education Code 130.0104(a)-(b)-(c); 19 TAC 2.57, ~~9.552(5), 9.553, 9.554~~

**Texas Direct
Associate Degree**

A public junior college shall award a student a "Texas Direct" associate degree and include an appropriate notation on the student's transcript if the student completes a field of study curriculum developed by the Coordinating Board under Education Code 61.823 and:

1. The college's core curriculum; or
2. An abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions.

Education Code 61.834

Academic Certificate

Institutions of higher education, including college districts, are encouraged to develop undergraduate academic certificate programs of less than degree length. Undergraduate academic certificates may be awarded upon the completion of:

1. The Coordinating Board-approved core curriculum of the institution;
2. A Coordinating Board-approved field of study curriculum; or
3. Fifty percent of the courses specified in a voluntary statewide transfer compact.

Undergraduate academic certificates which meet one of the criteria above require Coordinating Board notification and are automatically approved.

19 TAC 4.38, 9.185

Approval Process

~~These provisions apply to a certificate subject to 19 Administrative Code Chapter 2, Subchapter B, submitted for approval on or after September 1, 2023.~~

A public institution of higher education must provide notification to the Coordinating Board to offer a new certificate program. "Certificate" is defined in 19 Administrative Code Chapter 2, Subchapter A, except as follows:

1. The term "certificate" does not include a ~~transcriptable~~ **transcriptable** minor.
2. Certificate excludes an associate's degree.
3. Certificate excludes career technical/workforce programs intended to prepare students for immediate employment or a job upgrade in a specific occupation.
4. Certificate excludes non-credit certificates.

A certificate is deemed approved when the institution successfully files the notification containing all information required below, in accordance with the notification only process in 19 Administrative Code 2.4(a)(1) [see EFB]. If Coordinating Board staff determines that an institution fails to provide the information required by this section, Coordinating Board staff may reject the submission and pend approval until the information is complete.

Coordinating Board staff will add the new certificate program to the institution's official program inventory. The program inventory contains the list of degrees and certificates approved by the Coordinating Board.

19 TAC 2.31, .33–.34

*Content of
Notification*

Not later than the 90th day after an institution initially offers a certificate program, each institution shall provide, in a manner prescribed by Coordinating Board staff, the following information:

1. The number of semester credit hours for the certificate;
2. The CIP code for the certificate, if applicable;
3. The CIP codes for all courses that comprise the certificate;
4. The name or designation of the certificate;
5. The type of certificate, if applicable;
6. Whether the certificate when earned in combination with any other certificate, defined set of courses, or other requirements leads to the award of another credential, including an associate's degree or bachelor's degree; and
7. Other information required to facilitate inclusion of the certificate program in a state credential repository or student advising resources.

19 TAC 2.32

**Career Technical /
Workforce Degree
and Certificate
Programs**

Requests for new associate degree and certificate programs shall be made in accordance with the procedures stipulated in 19 Administrative Code 9.93(b), below.

Public two-year colleges shall request new associate degree and certificate programs using the appropriate degree program request form. Public two-year colleges must submit documentation sufficient to establish that the new program meets all of the criteria listed below. Coordinating Board staff will review all requests for new programs within five business days of receipt. If Coordinating Board staff determines that the request is incomplete and additional information or documentation is needed, the institution must respond with all of the requested information or documentation within ~~ten~~10 working days or the request will be returned to the institution. An institution may resubmit a request that was incomplete as soon as it has obtained the requested information or documentation.

New associate degree and certificate programs shall be approved if all of the following conditions are met, provided that the number of SCH required to complete a proposed associate degree program does not exceed 60 SCH.

1. The institution shall certify that:

- a. The program has institutional and governing board approval.
- b. The institution has researched and documented current job market need for the program and/or that the program would lead to opportunities for further education.
- c. There is recent evidence of both short-term and long-term student demand for the program.
- d. Enrollment projections reflect student demand estimates to ensure the financial self-sufficiency of the program.
- e. Basic and career technical/workforce skills have been integrated into the curriculum.
- f. The institution has an enrollment management plan for the program.
- g. The institution has or will initiate a process to establish articulation agreements for the program with secondary and/or senior-level institutions.
- h. The program is designed to be consistent with the standards of the SACSCOC, and with the standards of other applicable accrediting agencies, and is in compliance with appropriate licensing authority requirements.
- i. The program would not unnecessarily duplicate existing programs at other institutions.
- j. Representatives from private sector business and industry have been involved in the creation of the program through participation in an advisory committee.
- k. Adequate funding is available to cover all new costs to the institution over the first five years after the implementation of the program.
- l. New costs during the first five years of the program would not exceed \$2 million.
- m. The institution has an improvement plan in place for all career technical/workforce programs that do not currently meet Coordinating Board standards for both graduation and placement.
- n. The appropriate Higher Education Regional Council has been notified in writing of the proposal for a new program, and no unresolved objections to the program have been reported.

- o. Skill standards recognized by the Texas Skill Standards Board, if they exist for the discipline, have been reviewed and considered for inclusion in the curriculum for the program.
2. If a proposed two-year career technical/workforce education program or certificate program meets the stipulated conditions, the institution shall submit a request to the assistant commissioner for workforce, academic affairs and research to add the program. If a proposed program does not meet the stipulated conditions, the institution must submit a proposal using the standard electronic new program application process.
3. If the number of SCH required to complete a proposed associate's program exceeds 60, the institution must provide detailed written documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-hour limit. The Coordinating Board will review the documentation provided and make a determination to approve or deny a request to exceed the 60-hour limit. Institutions of higher education must be in compliance with this paragraph on or before the 2015 fall semester.
4. The institution proposing the program shall notify all public institutions within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections are received, the Coordinating Board staff shall update the institution's program inventory accordingly. If objections occur, the proposed program shall not be implemented until all objections are resolved. If the proposing institution cannot resolve the objection(s), the proposing institution may request the assistance of the assistant commissioner of workforce, academic affairs and research to mediate the objections and determine whether the proposing institution may implement the proposed program.
5. If objections to the proposed program are received by the Coordinating Board staff, the proposed program shall not be implemented until all objections are resolved.

The commissioner shall forward a program to the Coordinating Board for consideration at an appropriate quarterly meeting if either of the following conditions is met: the proposed program is the subject of an unresolved grievance or dispute between institutions; or

the commissioner has disapproved the proposed program and the institution has requested a Coordinating Board review.

19 TAC 9.93(a)-(b), (e)

Revisions

Revision of an existing associate degree or certificate program shall be approved if all of the requirements above at item 1 at Career Technical / Workforce Degree and Certificate Programs are met. To request a change of CIP code for an existing degree or certificate program, the institution shall notify the Coordinating Board staff and certify that the revised program meets the requirements listed above at item 1. If the revision of an existing degree or certificate program meets the conditions stipulated at item 1, the institution shall submit a request to the assistant commissioner for academic affairs and research to revise the program. The Coordinating Board staff shall update the institution's program inventory accordingly. If a program revision does not meet the conditions stipulated, the institution shall submit a revision request using the standard electronic program revision request process. *19 TAC 9.93(f)-(i)*

Audits

The Coordinating Board reserves the right to audit a certificate or degree program at any time to ensure compliance with any of the requirements in 19 Administrative Code Chapter 9, Subchapter E. *19 TAC 9.93(m)*

Administrative
Officials

All programs must be under the direction of an administrator having appropriate authority to ensure that quality is maintained and that programs are conducted in compliance with all applicable laws and rules. Administrative officers must possess credentials, work experience, and/or demonstrated competence appropriate to their areas of responsibility as specified by the SACSCOC. *19 TAC 9.93(j)*

Faculty and Staff

Faculty and staff must be approved by the postsecondary institution. *19 TAC 9.93(k)*

**State Information
Technology
Credential**

The Department of Information Resources (DIR) may enter into an agreement with a public junior college district under Education Code 130.0081 or other applicable law to offer a program leading to a state information technology credential to address shortages in the state information resources workforce. A program offered under this section must:

1. Be approved by the Coordinating Board in accordance with Education Code 61.0512;
2. Develop the knowledge and skills necessary for an entry-level information technology position in a state agency; and

3. Include a one-year apprenticeship with DIR, another relevant state agency, an organization working on a major information resources project, or a regional network security center established under Government Code 2059.202.

The DIR executive director shall update the department's intra-agency career ladder program to ensure that an associate degree together with a credential awarded under this section may be substituted for a four-year baccalaureate degree.

The classification officer in the office of the state auditor shall review the state's position classification plan to determine whether an associate degree together with a credential awarded under this section may be substituted for a four-year baccalaureate degree and revise relevant job descriptions accordingly.

If a program offered under this section is not fully funded through tuition and other money of the public junior college district available for the purpose, DIR may use any money available to DIR for the purpose to offer a program under this section and solicit and accept gifts, grants, and donations from any public or private source for purposes of offering a program under this section.

Gov't Code 2054.0701(b)-(f)

Limitation on SCH Requirements

To earn an associate degree, a student may not be required by an institution of higher education, including a college district, to complete more than the minimum number of SCH required for the degree by the SACSCOC or its successor unless the institution determines that there is a compelling academic reason for requiring completion of additional SCH for the degree. The Coordinating Board may review one or more of an institution's associate degree programs to ensure compliance with this section.

This section does not apply to an associate degree awarded by an institution to a student enrolled in the institution before the 2015 fall semester. This provision does not prohibit the institution from reducing the number of SCH the student must complete to receive the degree.

Education Code 61.05151

State Funding

No funds appropriated to any public two-year college or other institution providing certificate or associate degree programs shall be expended for any program that has not been approved by the commissioner or the assistant commissioner for workforce, academic affairs and research or, when applicable, by the Coordinating Board. 19 TAC 9.96

The Coordinating Board may authorize public junior colleges to offer baccalaureate degree programs as provided by Education Chapter 130, Subchapter L. Offering a baccalaureate degree program under Subchapter L does not otherwise alter the role and mission of a public junior college.

~~All~~ Each public junior college seeking to offer a baccalaureate degree ~~programs offered at public junior colleges~~ program must comply with the ~~provisions of 19 Administrative Code Chapter 9, requirements and limitations specified in~~ Subchapter ~~NL~~. A public junior college offering a baccalaureate degree program ~~under Subchapter N~~ must meet all applicable accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) ~~of a Level II institution~~. A public junior college that has attained accreditation by SACSCOC is authorized to change accreditors to any accrediting agency approved by the Coordinating Board under 19 Administrative Code Chapter 4, Subchapter J. [See GK]

Degree programs offered under Education Code Chapter 130, Subchapter L, ~~and 19 Administrative Code Chapter 9, Subchapter N~~, are subject to the continuing approval of the Coordinating Board.

Education Code 130.302, .306(c); 19 TAC 2.87(c), ~~9.673(a)-(b), (e)-(f)-(d)~~

Definitions

Applied
Baccalaureate
Degree
Programs **Program**

“An “**applied** baccalaureate degree ~~programs~~” means any grouping of subject matter courses consisting of at least 120 semester credit hours which, when satisfactorily completed by a student, will entitle that student to a degree from a public junior college, public senior college or university, or a medical or dental unit. ~~19 TAC 9.672(1)~~

**Bachelor of Applied
Arts and Science**

A “**Bachelor of Applied Arts and Science (BAAS)**” **program** builds on an Associate of Applied Science (AAS) degree, ~~as defined in 19 Administrative Code 9.1~~ [see EFBA], combined with enough additional core curriculum courses and upper-level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May ~~also~~ be called a Bachelor of Applied **Arts and Science (BAAS)**, **bachelor of applied** technology (BAT), or bachelor of applied science (BAS). ~~19 TAC 2.3(6), 9.672(2)~~

Pilot
Project Institution

“Pilot ~~project~~ **institution**” refers to a public junior ~~college~~ **colleges** ~~initially~~ authorized ~~by the Coordinating Board~~ to offer a baccalaureate ~~degree before January 1, 2017. 19 TAC 2.3(23), 9.672(10)~~

	<p>degrees through the pilot initiative established by SB 286 (78R - 2003). Specifically,</p>
<p>Positive Assessment of the Overall Financial Health of a District</p>	<p>“Positive assessment of the overall financial health of a district” means a score of 2.0 or higher on the composite financial index as produced by the Coordinating Board in the annual Community College Financial Condition Report. (As required by the General Appropriations Act, 85th, South Texas Legislature, Article III, Public Community College, Brazosport College, and Tyler Junior Colleges, Rider 12 and any successor(s) thereto). 19 TAC 9.672(11) College. 19 TAC 2.3(23)</p>
<p>Former Pilot Program Participants</p>	<p>The Coordinating Board shall authorize baccalaureate degree programs in the fields of applied science, applied technology, and nursing at each public junior college that previously participated in a pilot project to offer baccalaureate degree programs. <i>Education Code 130.303(a)</i></p>
<p>Applied Science</p>	<p>The Coordinating Board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program college in the field fields of applied science, including a degree program in the field of applied science with an emphasis in early childhood education, applied technology, or nursing and, that have a demonstrated a-workforce need. <i>Education Code 130.303(b), 19 TAC 2.87(a)</i></p>
<p>Dental Hygiene</p>	<p>The Coordinating Board shall authorize baccalaureate degree programs in the field of dental hygiene at a public junior college that offers a degree program in that field, has a main campus located in the county seat of a county with a population greater than 200,000, and includes territory in at least six public school districts located in two counties. <i>Education Code 130.304</i></p>
<p>Financial Requirements</p>	<p>A public junior college may be approved to offer a baccalaureate degree program only if its junior college district:</p> <ol style="list-style-type: none"><p>Has Had a taxable property valuation amount of not less than \$6 billion based on in the preceding year's calculations as determined by the county's appraisal district. This valuation shall include the valuation of the taxing district as well as any branch campus maintenance tax valuations year; and</p><p>Has Received a positive assessment of the overall financial health, as defined in 19 Administrative Code 9.672, on the most recent Community College Financial Condition Report. If changes to financial reporting, mandated by external financial governing bodies as defined in Section 9.672 directing financial reporting processes, or other extraordinary factors have a short-term impact to the assessment of the financial health of</p>

~~the institution, the~~ of the district as reported by the Coordinating Board ~~may, at the commissioner's discretion.~~

~~a. Use the most recent report not impacted by the mandated changes; or~~

~~b. Calculate the financial health correcting for the mandated changes or extraordinary factors.~~

Education Code 130.307(b); 19 TAC 9.673(d)

Navarro College

The requirement of item 1, above, does not apply to a public junior college for the purpose of offering a baccalaureate degree programs ~~program~~ in nursing if ~~the public~~ junior college district:

1. Has a taxable property valuation amount of not less than \$4 billion ~~on~~ in the preceding ~~year's calculations as determined by the county's appraisal district~~ year; and
2. Does not have a four-year institution of higher education located in a county ~~(ies) of in which the public junior college district is located.~~

Education Code 130.307(b-1); 19 TAC 9.673(e)

Criteria

All Programs

In determining whether a public junior college may offer baccalaureate degree programs and what degree programs may be offered, the Coordinating Board shall:

1. Apply the same criteria and standards the Coordinating Board uses to approve baccalaureate degree programs at general academic teaching institutions and medical and dental units; and
2. Consider the following factors:
 - a. The workforce need for the degree programs in the region served by the junior college;
 - b. How those degree programs would complement the other programs and course offerings of the junior college and whether the associate degree program offered by the junior college in the same field has been successful;
 - ~~a.c.~~ Whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and
 - ~~b.d.~~ The ability of the junior college to support the degree programs with student enrollment and the adequacy of

the junior college's facilities, faculty, administration, libraries, and other resources.

~~Before a baccalaureate degree program can be offered at a public junior college, these additional requirements must be met:~~

- ~~3. Workforce need for the degree program must be documented in the region served by the junior college;~~
- ~~4. How the degree program would complement the other programs and course offerings of the junior college; and~~
- ~~5. Documentation of program success for the underlying associate degree, such as licensure pass rates, employment placement rates, and completion rates.~~

The Coordinating Board may not authorize a public junior college to offer a baccalaureate degree in a field if articulation agreements with general academic teaching institutions or medical and dental units are sufficient to meet the needs of that field.

Education Code 130.307(a), (d); ~~19 TAC 9.674(a)-(b), .675(b)~~

Nursing Programs

~~Before~~ **In determining whether** a public junior college may offer a baccalaureate degree program in nursing, the ~~institution~~ **Coordinating Board** shall:

- 1. Require a public junior college to** provide evidence to the Coordinating Board and the Texas Board of Nursing that the public junior college has secured adequate long-term clinical space ~~and documentation;~~
- ~~1.2.~~ **Obtain a letter** from each clinical site provider indicating that the clinical site has not refused a similar request from a general academic teaching institution or medical and dental unit; **and**
- ~~2.3.~~ Establish that the corresponding associate degree ~~nursing~~ program offered by the public junior college has been successful as indicated by job placement rates and licensing exam scores ~~for the previous three years;.~~

A baccalaureate degree program offered by a public junior college in the field of nursing must:

- 1.** Be a bachelor of science degree program ~~that meets;~~
- ~~3.2.~~ **Meet** the standards and criteria the Texas Board of Nursing uses to approve pre-licensure degree programs at general academic teaching institutions and medical and dental units regardless of whether the program is a pre-licensure or post-licensure program; and

- ~~4.3.~~ Be accredited ~~or seeking accreditation~~ by a national nursing accrediting body recognized by the ~~United States~~ **U.S.** Department of Education.

Education Code 130.308; ~~19 TAC 9.676~~

Application

Before a public junior college may be authorized to offer a baccalaureate degree program, the public junior college must submit a report to the Coordinating Board that includes:

1. A long-term financial plan for receiving accreditation from the SACSCOC;
2. A long-term plan for faculty recruitment that:
 - ~~a.~~ Indicates ~~recruitment strategies and~~ the ability to pay the increased salaries of doctoral faculty;
 - ~~a.b.~~ **Identifies recruitment strategies for new faculty;** and
 - ~~b.c.~~ Ensures the program would not draw faculty employed by a neighboring institution offering a similar program;
~~and~~
3. Detailed information on the manner of program and course delivery; **and**
4. ~~Before a public junior college may offer a baccalaureate degree program, the institution must provide~~ **Detailed information regarding existing articulation agreements and dual enrollment agreements indicating:**
 - a. **That** at least three articulation agreements **have been established** with general academic teaching institutions or medical and dental units ~~that;~~ **or the reasons why no articulation agreements have been established;**
and
 - ~~4. Provide detailed information regarding existing course transfer and dual enrollment pathways, detailing the maximum number of students that can be served by the agreements;~~
~~and~~
 - ~~5. Explain why existing facilities and resources cannot be expanded to meet workforce need;~~ **That, with the agreement of the applicable general academic teaching institution or medical** **and**
 - ~~a.b. Documentation that the dental unit,~~ established articulation agreements are at capacity; ~~or.~~

~~6. The reasons why no articulation agreements have been established.~~

~~Education Code 130.307(c); 19 TAC 9.674(c), .675(a)~~

Limitations

A public junior college offering a baccalaureate degree program may not offer more than five baccalaureate degree programs at any time ~~unless the institution previously participated in a pilot project to offer baccalaureate degrees notwithstanding if accredited as a single institution or as separate institutions within a college district. Education Code 130.306(a); 19 TAC 9.673(c).~~ **Education Code 130.306(a)**

Approval Process

~~This section applies to each program for which an institution, including a college district, has submitted a required planning notification on or after June 1, 2023. For a proposed program not required to submit a planning notification, these rules apply to a program submitted for notification or approval on or after September 1, 2023. 19 TAC 2.92~~

**Planning
Notification**

A public junior college, other than a pilot institution, must submit a planning notification to Coordinating Board staff in accordance with 19 Administrative Code 2.41 [see EFB]. 19 TAC 2.84, .86(a)

Approval Levels

A public junior college proposal for a new baccalaureate degree is subject to the following levels of approval:

1. If the baccalaureate degree will be the institution's first degree at that level, the new degree proposal will be subject to Coordinating Board approval under 19 Administrative Code 2.4 [see EFB].
2. If the baccalaureate degree is not the institution's first degree at that level, the new degree proposal will be subject to the following levels of approval:
 - a. If the proposed degree contains not greater than 50 percent new content, then the proposal will be subject to assistant commissioner approval under 19 Administrative Code 2.4.
 - b. If the proposed degree contains greater than 50 percent new content, then the proposal will be subject to commissioner approval under 19 Administrative Code 2.4.

Notwithstanding the provisions above, a pilot institution submitting a proposal for a new baccalaureate degree is subject to assistant commissioner approval under 19 Administrative Code 2.4.

19 TAC 2.85

Request	<p>A public junior college must request a new baccalaureate degree program using the form prescribed for public junior colleges available on the Coordinating Board's website.</p> <p>The rules for administrative completeness set out in 19 Administrative Code Chapter 2, Subchapter A, [see EFB] apply to baccalaureate programs at public junior colleges. Each institution must submit all information and forms required by this section and applicable provisions of Subchapter A to be deemed administratively complete, including a nursing program meeting the requirements set out in Education Code 130.308 approval from the Board of Nursing.</p> <p>Upon receiving a form requesting a new baccalaureate degree program from the institution, or a pilot institution applying to offer an engineering program, the assistant commissioner, commissioner, or Coordinating Board, depending on the required level of approval, shall act on the approval or denial according to the timelines specified in 19 Administrative Code Chapter 2, Subchapter A. If the Coordinating Board does not act to approve or deny the proposal within the specified time frames, the program is considered approved.</p> <p>For a pilot institution, the assistant commissioner has sixty days from submission of the proposal request materials to complete the review and act to approve or disapprove the proposed program. The assistant commissioner shall approve the program if the baccalaureate degree program is administratively complete, approved by the governing board of the junior college district, and is not an engineering program.</p> <p>A public junior college applying to offer a Bachelor of Science in nursing must provide a letter from the Board of Nursing demonstrating that the program meets the standards and criteria of the Board of Nursing with its application in order to be deemed administratively complete.</p> <p>An institution must obtain the type of approval specified in 19 Administrative Code 2.85.</p> <p>Upon approval, Coordinating Board staff will add the new degree program to the institution's official program inventory. The program inventory contains the list of degrees and certificates with official Coordinating Board approval.</p>
Revisions	<p><i>19 TAC 2.86(b)-(e)</i></p> <p>Institutions may request non-substantive revisions to approved baccalaureate degree programs under 19 Administrative Code 2.9 [see EFB]. <i>19 TAC 2.90</i></p>

Criteria	All proposed baccalaureate degree programs must meet the criteria set out in this provision, in addition to the general criteria in 19 Administrative Code 2.5 and 2.118 [see EFB]. 19 TAC 2.87(b)
Semester Credit Hours	If the minimum number of semester credit hours required to complete a proposed baccalaureate program exceeds 120, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 120-semester credit hour limit. Coordinating Board staff will review the documentation provided and decide to approve or deny a request to exceed the 120-semester credit hour limit. 19 TAC 2.88
Articulation Agreement	<p>Each public junior college that offers a baccalaureate degree program must enter into a teach-out an articulation agreement for the first five years of the program with one or more general academic teaching institutions or medical and dental units to ensure that students enrolled in the degree program have an opportunity to complete the degree if the public junior college ceases to offer the degree program.</p> <p>The Coordinating Board may require a general academic teaching institution or medical and dental unit that offers a comparable baccalaureate degree program to enter into an articulation agreement with the public junior college.</p> <p>The Coordinating Board shall prescribe procedures to ensure that each public junior college that offers a baccalaureate-degree program must inform all students under Education Code Chapter 130, Subchapter L, informs each student who enroll enrolls in the degree program covered by of the articulation agreement about entered into under this section for the opportunity to complete the degree at a general academic teaching institution or medical and dental unit. student's degree program.</p> <p><i>Education Code 130.309; 19 TAC 9.675(c)-(e)</i></p>
Funding	<p>A baccalaureate degree program created under Education Code Chapter 130, Subchapter L, shall be funded solely by a public junior college's allocation of state appropriations under Education Code Chapter 130 and Chapter 130A, local funds, and private sources.</p> <p>The Coordinating Board shall weigh contact hours attributable to students enrolled in a junior-level or senior-level course offered under Education Chapter 130, Subchapter L, used to determine a public junior college's allocation of state appropriations under</p>

Chapter 130 and Chapter 130A in the same manner as a lower division course in a corresponding field ~~unless the college participated in a pilot project to offer baccalaureate degree programs.~~

In its recommendations to the legislature relating to state funding for public junior colleges, the Coordinating Board shall recommend that a public junior college that participated in a pilot project to offer baccalaureate degree programs receive substantially the same state support for junior-level and senior-level courses in the fields of applied science, applied technology, dental hygiene, and nursing offered under ~~this subchapter~~ **Chapter 130, Subchapter L**, as that provided to a general academic teaching institution for substantially similar courses.

Education Code 130.310(a); 19 TAC 9.677(a)-(d)-(b)

Tuition and Fees

A public junior college may not charge a student enrolled in a baccalaureate degree program tuition and fees in an amount that exceeds the amount of tuition and fees charged by the junior college to a similarly situated student who is enrolled in an associate degree program in a corresponding field. This ~~provision~~ **section** does not apply to tuition and fees charged for a baccalaureate degree program in the field of applied science or applied technology previously offered as part of a pilot project to offer baccalaureate degree programs. *Education Code 130.310(c); 19 TAC 9.677(f)*

Report

Each public junior college offering a baccalaureate degree program shall conduct a review of each baccalaureate degree program offered and prepare a biennial report on the operation, quality, and effectiveness of the baccalaureate degree programs in a format specified by the Coordinating Board. A copy of the report shall be delivered to the Coordinating Board by January 1 of each odd-numbered year.

The commissioner may require any reporting necessary to determine whether the program remains in compliance with the terms of its program approval, statute, or Coordinating Board rules.

Education Code 130.011; 19 TAC 2.89, .183, 9.678

Program Phase-Out

An institution may request to phase out a baccalaureate program approved under Approval Process, above, in accordance with 19 Administrative Code, Chapter 2, Subchapter H, [see EFB] using the Program Consolidation or Phase-Out Form on the Coordinating Board's website. *19 TAC 2.91*

Degree Plan	"Degree plan" means a statement of the course of study requirements that an undergraduate student at an institution of higher education, including a college district, must complete in order to be awarded an associate or bachelor's degree from the institution. <i>Education Code 51.9685(a)(1); 19 TAC 4.342(1)</i>
Filing Requirements	A student enrolled in an associate or bachelor's degree program at an institution of higher education, including a college district, must file a degree plan with the institution after the 12th class day but before the end of the semester or term immediately following the semester or term in which the student earned a cumulative total of 30 or more semester credit hours for coursework successfully completed by the student, including transfer courses, international baccalaureate courses, dual credit courses, and any other course for which the institution the student attends has awarded the student college course credit, including course credit awarded by examination. <i>Education Code 51.9685(b); 19 TAC 4.343(a)</i>
<i>Exception</i>	A student who enrolls in an associate or bachelor's degree program at an institution of higher education for the first time with a cumulative total of 30 or more semester credit hours, shall file a degree plan with the institution after the 12th class day but before the end of the semester of first enrollment. <i>Education Code 51.9685(c); 19 TAC 4.343(b)</i>
<i>Multidisciplinary Studies Associate Degree Program</i>	<p>A student enrolled in a multidisciplinary studies associate degree program shall file a degree plan as prescribed by Administrative Code Chapter 4, Subchapter T. The student must meet with an academic adviser to complete a degree plan that:</p> <ol style="list-style-type: none"> 1. Accounts for all remaining credit hours required for the completion of the degree program; and 2. Emphasizes the student's transition to a particular four-year college or university that the student chooses; and 3. PreparationsPrepares for the student's intended field of study or major at the four-year college or university. <p><i>Education Code 130.0104(c); 19 TAC 9.5552.57(e)</i></p>
Dual Credit Students	<p>A student enrolled in dual credit courses at an institution of higher education shall file a degree plan with the institution not later than:</p> <ol style="list-style-type: none"> 1. The end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student at that institution; or

2. If the student begins the student's first semester or term at the institution with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, the end of the student's second regular semester or term at the institution.

Education Code 51.9685(c-2); 19 TAC 4.344

**Student
Responsibility**

In accordance with Education Code 51.9685(e)(1) and (2), students shall:

1. File a degree plan with the institution as specified in 19 Administrative Code Chapter 4, Subchapter T;
2. Notify appropriate offices at the institution of higher education of changes in their choice of degree programs; and
3. Enroll in courses consistent with the filed degree plan.

At each registration for a semester or term, a student who is required to have filed a degree plan before that semester or term shall verify to the institution that:

1. The student has filed a degree plan with the institution; and
2. The courses for which the student is registering are consistent with that degree plan.

Education Code 51.9685(e); 19 TAC 4.346

Notice

Generally

An institution of higher education, including a college district, shall provide to students to whom the filing requirement applies information regarding the degree plan filing requirement and options for consulting with an academic adviser for that purpose, which may include consultation through electronic communication. *Education Code 51.9685(d); 19 TAC 4.345*

Upon Failure to File

If a student does not timely file a degree plan, the institution of higher education in which the student is enrolled shall notify the student that the degree plan is required by law and require the student to consult with an academic adviser for that purpose in accordance with the consulting options under Education Code 51.9685(d), above, during the semester or term in which the student receives the notice. The student may not obtain an official transcript from the institution until the student has filed a degree plan with the institution. *Education Code 51.9685(f); 19 TAC 4.345*

Academic Reporting A public junior college must submit enrollment and other academic data through required reporting mechanisms established by the Coordinating Board. [See AFA, CAAA] *Education Code 130A.006, .008; 19 TAC 13.524(a), (e)(1)-(2), .526(a)*

Excused Absences Each institution of higher education, including each college district, shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. *19 TAC 4.4(b)*

Religious Holy Days A “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20.

An institution of higher education, including a college district, shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this section may not be penalized for that absence and shall be allowed to take an examination or complete an assignment within a reasonable time after the absence.

Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution’s policies and procedures relating to other excused absences.

If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined above, or if there is a similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and the instructor shall abide by the decision of the chief executive officer or his or her designee.

A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

Education Code 51.911; 19 TAC 4.4, 9.24

Military Service This section applies only if a student enrolled in an institution of higher education, including a college district, fails to attend classes or engage in other required activities because the student is called to required military service that is of a reasonably brief duration, as determined by rule adopted by the Coordinating Board, and the

	student chooses not to withdraw as authorized by Education Code 54.006(f). [See EGA(LEGAL)] <i>Education Code 51.9111(b)</i>
Required Military Service	“Required military service” includes required service in the Armed Forces of the United States or in the National Guard or the Texas State Guard. <i>Education Code 51.9111(a)(2); 19 TAC 4.3(1)</i>
Excused Absence for Required Military Service	Upon notice from a student required to participate in required military service, an institution of higher education shall excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in required military service to which the student is called, including travel associated with the service. A student whose absence is excused may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. <i>Education Code 51.9111(c); 19 TAC 4.8(a)-(b)</i>
Policies and Procedures	<p>Each institution shall adopt a policy which includes:</p> <ol style="list-style-type: none"> 1. The retention of a student’s coursework completed during the portion of the course prior to the student being called to required military service; 2. The course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course; 3. A definition of a reasonable time after the absence for the completion of assignments and examinations; 4. Procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and 5. A dispute resolution process regarding the policy. <p>Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of coursework following an excused absence under this section.</p> <p><i>19 TAC 4.8(c), (e)</i></p>

Maximum

The maximum period for which a student may be excused under this section shall be no more than 25 percent of the total number of class meetings or the contact hour equivalent, not including the final examination period, for the specific course or courses in which the student is currently enrolled at the beginning of the period of required military service. *Education Code 51.9111(d); 19 TAC 4.8(d)*

Notification to SEVIS

A public institution of higher education, including a college district, that is certified by the U.S. Secretary of Homeland Security to enroll a foreign student admitted into the United States under a nonimmigrant F or M visa shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if:

1. A student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or
2. The institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance.

Education Code 51.9091

The governing board of a junior college district may set and collect with respect to a public junior college in the district any amount of tuition, rentals, rates, charges, or fees the board considers necessary for the efficient operation of the college, except that a tuition rate set must satisfy the requirements of Education Code 54.051(n). The governing board may set a different tuition rate for each program, course, or course level offered by the college, including a program, course, or course level to which a provision of Education Code 54.051 applies, as the governing board considers appropriate to reflect course costs or to promote efficiency or another rational purpose. *Education Code 130.084(b)*

To be eligible for and to receive money appropriated under Education Code 130.003(a), a public junior college must, among other requirements, collect, from each full-time and part-time student enrolled, tuition and other fees in the amounts required by law or in the amounts set by the governing board of the junior college district as authorized by Education Code Title 3 and grant, when properly applied for, the scholarships and tuition exemptions provided for in the Education Code. *Education Code 130.003(b)*

Tuition and Fee Exemptions and Waivers

Students attending a college district may qualify for a tuition and fee exemption or waiver, including a waiver of nonresident tuition, as allowed by law. [See Education Code Chapter 54, Subchapter D; Education Code 51.9112, 54.010, 54.5025, 54.5035, 130.0032, 130.008, 130.0081, 130.085, 130.0851] [See FD(EXHIBIT)]

Application of Exemptions and Waiver

Notwithstanding any other law, a mandatory or discretionary exemption or waiver from the payment of tuition or other fees under this Education Code Chapter 54, Subchapter D, or another provision of the Education Code applies only to courses for which an institution of higher education receives formula funding. *Education Code 54.2002*

Continuation of Exemption or Waiver

Notwithstanding any other law but subject to Education Code 54.2001(f), after initially qualifying under Education Code Chapter 54, Subchapter D, for a mandatory or discretionary exemption or waiver from the payment of all or part of the tuition or other fees for enrollment during a semester or term at an institution of higher education, a person may continue to receive the exemption or waiver for a subsequent semester or term only if the person:

1. As a graduate or undergraduate student, maintains a grade point average that satisfies the institution's grade point average requirement for making satisfactory academic progress toward a degree or certificate in accordance with the institution's policy regarding eligibility for financial aid; and

2. As an undergraduate student, has not completed as of the beginning of the semester or term a number of semester credit hours that is considered to be excessive under Education Code 54.014, unless permitted to complete those hours by the institution on a showing of good cause. In determining whether a person has completed a number of semester credit hours that is considered to be excessive, semester credit hours completed include transfer credit hours that count toward the person's undergraduate degree or certificate program course requirements but exclude:
 - a. Hours earned exclusively by examination;
 - b. Hours earned for a course for which the person received credit toward the person's high school academic requirements; and
 - c. Hours earned for developmental coursework that an institution of higher education required the person to take under Education Code Chapter 51, Subchapter F-1, [see EI] or under the provisions of former Education Code 51.306 or former Education Code 51.3062.

If on the completion of any semester or term a person fails to meet any requirement set out above, for the next semester or term in which the person enrolls, the person may not receive the exemption or waiver as described above. A person may become eligible to receive an exemption or waiver in a subsequent semester or term if the person completes a semester or term during which the person is not eligible for an exemption or waiver and meets each requirement set out above, as applicable.

Education Code 54.2001(a)–(c)

Policy

Each institution of higher education shall adopt a policy to allow a student who fails to maintain a grade point average as required by this section to receive an exemption or waiver in any semester or term on a showing of hardship or other good cause, including:

1. A showing of a severe illness or other debilitating condition that could affect the student's academic performance;
2. An indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care could affect the student's academic performance;
3. The student's active duty or other service in the United States armed forces or the student's active duty in the Texas National Guard; or

4. Any other cause considered acceptable by the institution.

An institution of higher education shall maintain documentation of each exception granted to a student.

Education Code 54.2001(d)–(e)

Conflicts

If a requirement imposed by this section for the continued receipt of a specific exemption or waiver conflicts with another requirement imposed by statute for that exemption or waiver, the stricter requirement prevails. *Education Code 54.2001(f)*

Exceptions

This section does not apply to:

1. The waiver provided by Education Code 54.216 or any other reduction in tuition provided to a high school student for enrollment in a dual credit course or other course for which the student may earn joint high school and college credit;
2. The exemption provided by Education Code 54.341(a-2)(1)(A), (B), (C), or (D) or (b)(1)(A), (B), (C), or (D);
3. The exemption provided by Education Code 54.342, 54.366, or 54.367; or
4. Any provision of the Education Code that authorizes or requires the payment of tuition or fees at the rates provided for residents of this state by a person who is not a resident of this state for purposes of Education Code Chapter 54, Subchapter B.

Education Code 54.2001(g)

Tuition Rates

Tuition for a resident student registered in a public junior college is determined by the governing board of each institution, but the tuition may not be less than \$8 for each semester credit hour and may not total less than \$25 for a semester. Tuition for a nonresident student is determined by the governing board of each institution, but the tuition may not be less than \$200 for each semester. *Education Code 54.051(n)*

Nonresident Tuition

“Nonresident tuition” means the amount of tuition paid by a person who is not a Texas resident and who is not entitled or permitted to pay resident tuition. *Education Code 54.0501(4); 19 TAC 21.22(17)*

The governing board of a junior college district shall establish the rate of tuition and fees charged to a student who resides outside the district by considering factors such as:

1. The sufficiency of the rate to promote taxpayer equity by encouraging areas benefiting from the educational services of

the district to participate in financing the education of students from that area;

2. The extent to which the rate will ensure that the cost to the district of providing educational services to a student who resides outside the district is not financed disproportionately by the taxpayers residing within the district; and
3. The rate that would generate tuition and fees equal to the total amount of tuition and fees charged to a similarly situated student who resides in the district plus an amount per credit hour determined by dividing the total amount of ad valorem taxes imposed by the district in the tax year preceding the year in which the academic year begins by the total number of credit hours for which the students who were residents of the district enrolled in the district in the preceding academic year.

Education Code 130.0032(d)

*Liability for
Unpaid
Nonresident
Tuition*

If an institution of higher education erroneously classifies a person as a resident of this state and the person is not entitled or permitted to pay resident tuition, the institution of higher education shall charge nonresident tuition to the person beginning with the first academic term that begins after the date the institution discovers the error. Not earlier than the first day of that term, regardless of whether the person is still enrolled at the institution, the institution may request the person to pay the difference between resident and nonresident tuition for an earlier term as permitted by Education Code 54.057. For nonpayment of the amount owed, the institution may impose sanctions only as provided by that section. The institution may not require payment as a condition for any subsequent enrollment by the person in the institution.

Regardless of the reason for the error, if an institution of higher education erroneously classifies a person as a nonresident of this state, the institution shall charge resident tuition to the person beginning with the academic term in which the institution discovers the error. The institution immediately shall refund to the person the amount of tuition the person paid in excess of resident tuition.

Education Code 54.056

*Adjusted Rates
Excessive Hours*

An institution may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student whose hours can no longer be submitted for formula funding, unless those hours are exempted under 19 Administrative Code 13.104.

An institution shall not submit excess hours to the Coordinating Board for the purposes of formula funding, unless those hours are exempt under the provisions of Section 13.104.

For the purpose of determining the number of hours required for a degree plan, each institution shall utilize the degree plan designated by the student as of the official census day of the term:

1. For a student who was initially enrolled in the fall of 2023 and in an associate degree program, the excess hours limit is the required semester credit hours for the degree, plus 15;
2. A student initially enrolled in the fall of 2023 but not enrolled in any program is treated as enrolled in a baccalaureate degree program, and the excess hours limit is 150;
3. For an undergraduate resident student initially enrolled in the fall of 2006 or later and in a baccalaureate degree program, the excess hours limit is the hours required for the student's degree, plus 30;
4. For an undergraduate resident student initially enrolled in the fall of 1999 through summer 2006, the excess hours limit is the hours required for the student's degree, plus 45; and
5. For an undergraduate resident student initially enrolled before fall 1999, there is no excess hours limit.

An institution shall not consider any hours for which a student has enrolled as part of a master's or professional degree program without first completing a baccalaureate degree in the calculation of the number of hours required for a baccalaureate degree or the equivalent until the student has completed a minimum of 120 hours required for the baccalaureate degree or equivalent.

Education Code 54.014(a)-(a-1); 19 TAC 13.103(a)-(b), (d), .108(a)

Exceptions

The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified above:

1. Hours earned by ~~the~~ **an undergraduate** student before ~~receiving the award of a baccalaureate~~ **prior associate or bachelor's** degree ~~that has been previously awarded to the student;~~
2. Hours earned through examination or similar method without registering for a course;
3. Hours from remedial and developmental courses and/or interventions, workforce education courses, or other courses that

would not generate credit that could be applied to an academic degree at the institution if the coursework is within limitations specified in 19 Administrative Code 13.107;

4. Hours earned by the student at a private institution or an out-of-state institution;
5. Hours not eligible for formula funding;
6. Semester credit hours earned by the student before graduating from high school and used to satisfy high school graduation requirements;
7. Hours abandoned through enrollment under the Academic Fresh Start Program under Education Code 51.931; **and**
8. Fifteen semester credit hours not otherwise exempt earned toward a degree program by a student who:
 - a. Has reenrolled at the institution following a break in enrollment from the institution or another institution of higher education covering at least the 24-month period preceding the first class day of the initial semester or other academic term of the student's reenrollment; and
 - b. Successfully completed at least 50 semester credit hours of coursework at an institution of higher education that are not exempt in items 1 to 7 before that break in enrollment; ~~and.~~
- ~~9. Semester credit hours earned by the student before receiving an associate degree that has been previously awarded to the student.~~

Education Code 54.014(b), 61.0595(d); 19 TAC 13.104, .108(a)

Repeated Courses

An institution may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student who enrolls for the second time in a completed course, even though those hours may be submitted for formula funding, or to a student whose hours may no longer be submitted for formula funding under 19 Administrative Code 13.105. *Education Code 54.014(f), 130.0034; 19 TAC 13.108(b)*

Exceptions

The following types of hours are exempt:

1. Hours for remedial and development courses and/or interventions, if the coursework is within the 27-hour limit at two-year colleges and the 18-hour limit at general academic institutions;
2. Hours for special topics and seminar courses;

3. Hours for courses that involve different or more advanced content each time they are taken, including but not limited to, individual music lessons, Workforce Education Courses, Manual Special Topics courses (when the topic changes), theater practicum, music performance, ensembles, certain physical education and kinesiology courses, and studio art;
4. Hours for independent study courses; and
5. Hours for continuing education courses that must be repeated to retain professional certification.

A student shall be exempted from payment of higher tuition for any course repeated in the final semester or term before graduation, if the course(s) is taken for the purpose of receiving a grade that will satisfy a degree requirement. This exemption applies for only one semester. The exemption does not affect an institution's ability to charge a higher tuition rate for courses that cannot be reported for funding for other reasons such as the excess credit hour limit, or an institution's ability to waive higher tuition rates for economic hardship.

19 TAC 13.106, .108(b), (d)

Policy

If an institution charges a higher tuition rate under 19 Administrative Code 13.108, it shall adopt a policy under which a student is exempted from the payment of that higher tuition rate, if the payment of the higher tuition rate would result in an economic hardship for the student. *Education Code 54.014(a-2); 19 TAC 13.108(c)*

Notice

Each institution shall publish information in the catalog about the limitations on hours set out in 19 Administrative Code Chapter 13, Subchapter F, and the tuition rate that will be charged to affected students. Until this material is included in its catalog, the institution shall inform each new undergraduate student enrolling at the institution in writing of the limitations on formula funding and the tuition rate that will be charged to affected students.

Each institution of higher education shall track the progress of each student in relation to the excess hours limit, notify the student of the student's progress toward the limit, and disclose the institution's tuition policy for a student who exceeds the limit. Notification shall occur no later than when a student seeking an associate degree has accumulated 60 hours and when a student seeking a baccalaureate degree has accumulated 120 hours.

Education Code 54.014(e); 19 TAC 13.109(b)–(c)

Reporting

Each institution shall report to the Coordinating Board all information required to comply with the provisions of 19 Administrative

Code Chapter 13, Subchapter F. Based upon this information, the Coordinating Board shall maintain a database containing information regarding the number of hours a student has accumulated. *19 TAC 13.109(a)*

FeesFees for
Extraordinary Costs

The governing board of a public junior college may establish a fee for extraordinary costs associated with a specific course or program and may provide that the exemptions provided by Education Code 54.341 do not apply to this fee. *Education Code 54.341(g)*

Individualized
Courses

Resident students or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee, in addition to the regular tuition, set by the governing board of the institution. *Education Code 54.051(l)*

Laboratory Fees

An institution of higher education, including a college district, shall set and collect a laboratory fee in an amount sufficient to cover the general cost of laboratory materials and supplies used by a student. A public junior college may charge a laboratory fee in an amount that does not exceed the lesser of \$24 per semester credit hour of laboratory course credit for which the student is enrolled or the cost of actual materials and supplies used by the student. *Education Code 54.501(a)*

Aerospace
Mechanics
Certification Course
Fee

The governing board of a public junior college may set and collect a fee per contact hour, not to exceed \$4, for each person registered in an aerospace mechanics certification course where the fee is required to offset that portion of the cost of the course, including the cost of equipment and of professional instruction or tutoring, that is not covered by state funding or by laboratory fees. *Education Code 54.501(c)*

Use Fees

The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees, including student union fees and technology fees, from students and others for the occupancy, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board. *Education Code 130.123; Dallas County Cmty Coll. Dist. v. Bolton, 185 S.W.3d 868 (Tex. 2005)*

General Deposits

An institution of higher education may collect a reasonable deposit in an amount not to exceed \$100 from each student to insure the institution against any losses, damages, and breakage for which the student is responsible and to cover any other amounts owed by the student to the institution. The institution shall return to the student the deposit, less any such amounts owed to the institution by

the student. The deposit must be returned within a reasonable period after the date of the student's withdrawal or graduation from the institution, not to exceed 180 days, that provides the institution with sufficient time to identify all amounts owed and to determine that the student does not intend to enroll at the institution in the semester or summer session immediately following the student's withdrawal or graduation or, if the student withdraws or graduates in the spring semester, in the next fall semester. *Education Code 54.502(a)*

Student Deposit Fund

The student deposit fund consists of the income from the investment or time deposits of general deposits and of forfeited general deposits. Any general deposit that remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund. Education Code 54.5021 does not prohibit refund of any balance remaining in a general deposit when made on proper demand and within the four-year limitation period. The governing board of the institution may require that no student withdraw the student's deposit until the student has graduated or has apparently withdrawn from school.

The student deposit fund shall be used, at the discretion of the institution's governing board, for making scholarship awards to needy and deserving students of the institution and making grants under Education Code Chapter 56, Subchapter C, to the students of the institution.

The Coordinating Board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes.

Not later than August 31 of each fiscal year, each institution of higher education that has an unobligated and unexpended balance in its student deposit fund that exceeds 150 percent of the total deposits to that fund during that year shall remit to the Coordinating Board the amount of that excess. The Coordinating Board shall allocate on an equitable basis amounts received to institutions of higher education that do not have an excess described by this subsection for deposit in their student deposit fund. The amount allocated may be used only for making grants under Education Code Chapter 56, Subchapter M (TEXAS grants).

Education Code 54.5021

Vehicle Registration
/ Parking and Traffic
Fees

The governing board of each institution of higher education may charge a reasonable fee for registration of a vehicle under Education Code 51.202. The governing board may fix and collect a reasonable fee or fees for the provision of facilities and the enforcement and administration of parking and traffic regulations approved by the board for an institution; provided, however, that no such fee may be charged to a student, unless the student desires to use the facilities. *Education Code 54.505*

International
Education Fee

The governing board of an institution of higher education may charge and collect from students registered at the institution a fee in an amount not less than \$1 and not more than \$4 for each semester or summer session. The amount of the fee may be increased only if the increase is approved by a majority vote of the students at the institution participating in an election called for that purpose.

Fees collected shall be deposited in an international education financial aid fund outside the state treasury. Money in the fund may be used only to assist students participating in international student exchange or study programs.

The international education financial aid fund shall be used in accordance with guidelines jointly developed by the student governing body of the institution and the administration of the institution. If an institution does not have a student governing body, the president may appoint a Committee of Students to assist with the development of the guidelines.

The fee imposed under this section may not be considered in determining the maximum student services fee that may be charged students enrolled at the institution under Education Code 54.503(b).

Education Code 54.5132

Continuing
Education Course
Fees

The governing board of an institution of higher education shall charge a reasonable fee to each person registered in a continuing education course at the institution. The board shall set the fee in an amount sufficient to permit the institution to recover the costs to the institution of providing the course.

This section applies only to a course for which the institution does not collect tuition or receive formula funding, including an extension course, correspondence course, or other self-supporting course.

Education Code Chapter 54, Subchapters B and D, do not apply to a fee charged under this section, except to a fee for a correspondence course taken by a student who would qualify for an exemp-

tion from tuition under Education Code 54.341 if the correspondence course applies towards the student's degree plan. The governing board of an institution of higher education may grant an exemption provided by Section 54.341 for continuing education courses.

Education Code 54.545

ROTC Program
Fees

The governing board of an institution of higher education may not charge a student enrolled in a Reserve Officers' Training Corps (ROTC) course any amount for the course in excess of the fee as determined by the Coordinating Board under Education Code 51.9112(a). *Education Code 51.9112(a)*

Exception

If the governing board of an institution of higher education offers course credit toward a student's degree for a course in which the student enrolls for the purposes of an ROTC program, the Coordinating Board may charge the student tuition for that course as otherwise provided by Education Code Chapter 54 after subtracting any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course. *Education Code 51.9112(b)*

Environmental
Service Fee

The governing board of an institution of higher education may charge each student enrolled at the institution an environmental service fee, if the fee has been approved by a majority vote of the students enrolled at the institution who participate in a general student election called for that purpose. *Education Code 54.5041(a)*

Amount

Unless increased as set out below, the amount of the fee may not exceed:

1. \$5 for each regular semester or summer term of more than six weeks; or
2. \$2.50 for each summer session of six weeks or less.

The amount of the fee may not be increased unless the increase has been approved by a majority vote of the students enrolled at the institution who participate in a general student election called for that purpose. The fee may not be increased if the increase would result in a fee in an amount that exceeds:

1. \$10 for each regular semester or summer term of more than six weeks; or
2. \$5 for each summer session of six weeks or less.

Education Code 54.5041(b), (d)

<i>Use</i>	<p>The fee may be used only to:</p> <ol style="list-style-type: none"> 1. Provide environmental improvements at the institution through services related to recycling, energy efficiency and renewable energy, transportation, employment, product purchasing, planning and maintenance, or irrigation; or 2. Provide matching funds for grants to obtain environmental improvements described above. <p>An institution that imposes the environmental service fee may not use the revenue generated by the fee to reduce or replace other money allocated by the college district for environmental projects.</p> <p>Any fee revenue that exceeds the amount necessary to cover current operating expenses for environmental services and any interest generated from that revenue may be used only for purposes provided above.</p> <p>The fee is not considered in determining the maximum amount of student services fees that the institution of higher education may charge.</p> <p><i>Education Code 54.5041(c), (e)-(g)</i></p>
<i>Period of Charge</i>	<p>The fee may not be charged after the fifth academic year in which the fee is first charged unless, before the end of that academic year, the institution has issued bonds payable in whole or in part from the fee, in which event the fee may not be charged after the academic year in which all such bonds, including refunding bonds for those bonds, have been fully paid. <i>Education Code 54.5041(h)</i></p>
Student Services Fees	<p>The governing board of an institution of higher education may charge and collect from students registered in the institution fees to cover the cost of student services. The fee or fees may be either voluntary or compulsory as determined by the governing board. The total of all compulsory student fees collected from a student at an institution of higher education for any one semester or summer session shall not exceed \$250. No portion of the compulsory fees collected may be expended for parking facilities or services, except as related to providing shuttle bus services. <i>Education Code 54.503(b)</i></p>
<i>Student Services</i>	<p>“Student services” means activities that are separate and apart from the regularly scheduled academic functions of the institution and directly involve or benefit students, including textbook rentals, recreational activities, health and hospital services, medical services, intramural and intercollegiate athletics, artists and lecture series, cultural entertainment series, debating and oratorical activities, student publications, student government, the student fee</p>

advisory committee, student transportation services other than services under Education Code 54.504, 54.511, 54.512, and 54.513, and any other student activities and services specifically authorized and approved by the governing board of the institution of higher education. The term does not include services for which a fee is charged under another section of the Education Code. *Education Code 54.503(a)(1)*

Whether a particular service falls within the definition of a student services fee is normally a determination to be made in the first instance by the institution's governing board, subject ultimately to judicial review. *Atty. Gen. Op. DM-450 (1997)*

Dual Enrollment

If a student registers at more than one institution of higher education within a college or university system under concurrent enrollment provisions of joint or cooperative programs between institutions, the student shall pay all compulsory student services fees to the institution designated as the home institution under the joint or cooperative program. The governing board of the college or university system may waive the payment of all compulsory student services fees at the other institution or institutions. *Education Code 54.503(g)*

Incidental Fees

The governing board of an institution of higher education may fix the rate of incidental fees to be paid to an institution under its governance by students and prospective students and may make rules for the collection of the fees and for the distribution of the funds, such funds to be accounted for as other designated funds. The rate of an incidental fee must reasonably reflect the actual cost to the university of the materials or services for which the fee is collected. In fixing the rate, the governing board may consult with a student fee advisory committee, which the governing board may establish if such student committee does not presently exist.

The board shall publish in the general catalog of the university a description of the amount of each fee to be charged.

Incidental fees include, without limitation, such fees as late registration fees, library fines, microfilming fees, thesis or doctoral manuscript reproduction or filing fees, bad check charges, application processing fees, and laboratory breakage charges, but does not include a fee for which the governing board makes a charge under the authority of any other provision of law.

Education Code 54.504

Whether a particular fee falls within the scope of the incidental fees statute is a determination to be made by the institution's governing

board in the first instance, subject to review by a court. *Atty. Gen. Op. DM-450 (1997)*

Credit Card Fees

An institution of higher education may charge a fee or other amount in connection with a payment of tuition, a fee, or another charge to an institution of higher education that is made or authorized in person, by mail, by telephone call, or through the internet by means of an electronic funds transfer or a credit card, in addition to the amount of the tuition, fee, or other charge being paid, including:

1. A discount, convenience, or service charge for the transaction; or
2. A service charge in connection with a payment transaction that is dishonored or refused for lack of funds or insufficient funds.

A fee or other charge under Education Code 54.5011 must be in an amount reasonable and necessary to reimburse the institution for the expense incurred by the institution in processing and handling the payment or payment transaction.

Before accepting a payment by credit card, the institution shall notify the student of any fee to be charged.

Education Code 54.5011

Student Fee Advisory Committee

Before recommending the student fee budget to the governing board of the institution, the president of the institution shall consider the report and recommendations of the student fee advisory committee. *Education Code 54.5031(g)*

Membership

Each committee is composed of the following nine members:

1. Five student members who are enrolled for not less than six semester credit hours at the institution and who are representative of all students enrolled at the institution, selected by one of the following methods:
 - a. If the institution has a student government, the student government shall appoint three students to serve two-year terms on the committee and two students to serve one-year terms on the committee.
 - b. If the institution does not have a student government, the students enrolled at the institution shall elect three students to serve two-year terms on the committee and two students to serve one-year terms on the committee. A candidate for a position on the committee must designate whether the position is for a one-year or two-year term.

2. Four members who are representative of the institution, appointed by the president of the institution.

Education Code 54.5031(b)–(c)

A student member of the committee who withdraws from the institution must resign from the committee. *Education Code 54.5031(d)*

A vacancy in an appointive position on the committee shall be filled for the unexpired portion of the term in the same manner as the original appointment. A vacancy in an elective position on the committee shall be filled for the unexpired portion of the term by appointment by the president of the institution. *Education Code 54.5031(e)*

Duties

The committee shall:

1. Study the type, amount, and expenditure of compulsory fees under Education Code 54.503; and
2. Meet with appropriate administrators of the institution, submit a written report on the study, and recommend the type, amount, and expenditure of a compulsory fee to be charged for the next academic year.

Education Code 54.5031(f)

Meetings

A student fee advisory committee shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with procedures prescribed by the president of the institution.

The procedures prescribed by the president of the institution must:

1. Provide for notice of the date, hour, place, and subject of the meeting at least 72 hours before the meeting is convened; and
2. Require that the notice be:
 - a. Posted on the internet; and
 - b. Published in a student newspaper of the institution, if an issue of the newspaper is published between the time of the internet posting and the time of the meeting.

The final recommendations made by a student fee advisory committee must be recorded and made public.

Education Code 54.5033

Recommendation

If the president's recommendations to the governing board are substantially different from the committee's recommendations to the

president, the administration of the institution shall notify the committee not later than the last date on which the committee may request an appearance at the board meeting. On request of a member of the committee, the administration of the institution shall provide the member with a written report of the president's recommendations to the board. *Education Code 54.5031(g)*

**Course Fee
Disclosure**

Each institution of higher education, including each college district, shall include in the institution's online course catalog, for each course listed in the catalog, a description and the amount of any special course fee, including an online access fee or lab fee, to be charged specifically for the course. If the institution publishes a paper course catalog, the institution may publish any fees specifically charged for each course using the amounts charged in the most recent academic year. *Education Code 54.0051*

**Limitation on Fees
Charged Veterans
and Their Family
Members**

An institution of higher education, including a community college, may not impose additional fees, obligations, or burdens concerning payment or registration on a student eligible for state or federal military-related student financial assistance programs for military veterans or their family members that are not otherwise required by those programs to be imposed for the purpose of receiving that assistance.

This section does not prohibit an institution of higher education from requiring a student described above to submit a free application for federal student aid (FAFSA).

Education Code 56.0065(b), (d)

Collection

For billing and catalogue purposes, each governing board shall accumulate all the tuition that it charges under Education Code Chapter 54 into one tuition charge. *Education Code 54.015*

Unless a student's payment due date has been postponed due to pending disbursements of financial aid as described in 19 Administrative Code 21.4(b), the following conditions shall apply in the collection of tuition and/or tuition and fees at institutions of higher education, including college districts, and in the conducting of enrollment audits.

On or before the dates for reporting official enrollments each semester to the Coordinating Board each enrollment period, each community college shall collect in full from each student who is to be counted for formula funding purposes the amounts set as tuition by the respective governing boards. Valid contracts with the U.S. government for instruction of eligible military personnel, approved financial assistance, and valid contracts with private business and public service organizations or institutions such as hospitals, may

be considered as collected tuition and fees; the amount of collected tuition and fees may be adjusted pursuant to terms of the contract once actual collections are made.

19 TAC 21.4(a)(1), (3)

Installment Plan

The governing board of each institution of higher education, including each college district, shall provide for the payment of tuition and mandatory fees for a semester or term of 10 weeks or longer through one of the following alternatives:

1. Full payment of tuition and mandatory fees not later than the date established by the institution; or
2. Payment in installments under one or more payment plan options that requires the first payment to be made not later than the date established by the institution. In providing for the payment of tuition and mandatory fees by installment, the institution of higher education must also establish subsequent dates at periodic intervals within the applicable semester or term by which subsequent installment payments are due.

For a term of less than 10 weeks, the governing board of each institution of higher education shall provide for the payment of tuition and mandatory fees by requiring full payment of tuition and mandatory fees not later than the date established by the institution, and the governing board may provide for the payment of tuition and mandatory fees by requiring payment in installments under one or more payment plan options that require the first payment to be made not later than the date established by the institution.

A date established by an institution of higher education for purposes of making a full payment of tuition and fees or the first installment payment may not be later than the date established by the Coordinating Board for certifying student enrollment for the semester or term for purposes of formula funding.

Education Code 54.007(a)–(b–1)

Unpaid Balances

An institution of higher education may collect on a due date subsequent to a due date for a full payment of tuition and fees or the first installment payment:

1. Unpaid tuition and mandatory fee balances resulting from an adjustment to a student's enrollment status or an administrative action; or
2. Unpaid residual balances of tuition and mandatory fees constituting less than five percent of the total amount of tuition

and mandatory fees charged to the student by the institution for that semester or term.

Education Code 54.007(b–2)

Incidental Fee

The governing board of an institution of higher education may assess and collect incidental fees for students utilizing the installment payment option and for students delinquent in payments. The fees must reasonably reflect the cost to the institution of handling those payments. *Education Code 54.007(c)*

*Failure to Pay
Tuition and Fees*

A student who fails to make full payment of the required amount of tuition and mandatory fees, including any incidental fees, by the applicable due date may be prohibited from registering for classes until full payment is made. A student who fails to make a full payment prior to the end of the semester or term may be denied credit for the work done that semester or term. The governing board of an institution of higher education may not impose on a student any sanction authorized by Education Code 54.007(d) unless the governing board includes in any written or electronic agreement authorized by the student the following statement printed in boldfaced type or in capital letters:

“A STUDENT WHO FAILS TO MAKE FULL PAYMENT OF TUITION AND MANDATORY FEES, INCLUDING ANY INCIDENTAL FEES, BY THE DUE DATE MAY BE PROHIBITED FROM REGISTERING FOR CLASSES UNTIL FULL PAYMENT IS MADE. A STUDENT WHO FAILS TO MAKE FULL PAYMENT PRIOR TO THE END OF THE SEMESTER OR TERM MAY BE DENIED CREDIT FOR THE WORK DONE THAT SEMESTER OR TERM.”

The governing board shall notify a student of any delinquent tuition or fee payment as soon as practicable. The institution's records may be adjusted to reflect the student's failure to have properly enrolled for that semester or term.

Education Code 54.007(d)

*Students on
Financial Aid*

A student may elect to pay the tuition and mandatory fees of the institution of higher education by installment under this section regardless of whether the student intends to apply a financial aid award administered by the institution toward the tuition and mandatory fees, except that a student whose financial aid award or awards are available to cover the total amount of tuition and mandatory fees may not pay by installment under this section.

On receipt of notice of a student's election to pay tuition and mandatory fees by installment, the governing board of the institution shall apply any financial aid award administered for the student toward the amount of tuition and fees due for that semester or term

until the tuition and mandatory fees are paid in full and shall immediately release any remaining amount of the award to the student, except that the institution is not required to apply the award or awards toward the total amount of tuition and mandatory fees in exigent circumstances as determined by the institution.

Education Code 54.007(f)

*Agreement
Required*

The governing board of an institution of higher education shall require a student who elects to pay tuition and mandatory fees by installment under Education Code 54.007 to enter into a written or electronic agreement reflecting the terms and conditions required by this section for the installment plan provided for the student by the governing board. *Education Code 54.007(g)*

**Payment Options
When Financial Aid
is Delayed**

Generally

If an institution's financial aid office has awarded aid to a student but the institution, including a college district, has not received the relevant disbursements by the date that tuition and fees must be paid, the student's aid is delayed. If the student agrees to assign to the institution a portion of the awards equal to the amount of tuition and fees to be met with financial aid payments, the governing board may postpone the due date for the portion of the tuition and/or tuition and fee payment that will be met through financial aid funds, and the hours to be paid for with the financial aid may be counted for formula funding purposes.

If, after the student's due date is postponed, the student becomes ineligible to receive one or more of the pending financial aid awards or the award amount is less than the amount of tuition and fees due, the governing board is to grant the student a repayment period for the unpaid amount that does not exceed 30 days, allows for multiple payments, if necessary, and entails a processing fee not to exceed five percent of the total amount to be collected.

An institution may deny academic credits for hours completed in the semester or term if the student fails to pay the full tuition and fee amount by the end of the 30-day repayment period.

Education Code 54.0071(a); 19 TAC 21.4(b)

Students Paying by
Installment

A student paying tuition and fees by installments shall be granted the options of delayed payment if he or she is awaiting the disbursement of financial aid. *19 TAC 21.4(c)*

Veterans and Their
Family

An institution of higher education, including a community college, must provide for a student eligible for state or federal military-related student financial assistance programs for military veterans or their family members to defer payment of tuition and fees if the receipt of military-related financial assistance awarded to the student is delayed by less than 60 days. The Texas Veterans Commission, in cooperation with institutions of higher education and private or

**Refunds and
Adjustments of
Tuition and Fees**

independent institutions of higher education, shall prescribe a standard deferment request form. *Education Code 56.0065(c)*

A community/junior college, as soon as practicable, shall at a minimum refund mandatory fees and tuition in excess of the minimum tuition collected for courses from which the students drop or withdraw, according to the following schedule. For courses that meet on what the college considers a regular schedule, class days refer to the number of calendar days the institution normally meets for classes, not the days a particular course meets. For courses that meet on an unusual or irregular schedule, the college may exercise professional judgment in defining a class day. The indicated percentages are to be applied to the tuition and mandatory fees collected for each course from which the student is withdrawing. The college may not delay a refund on the grounds that the student may withdraw from the institution or unit later in the semester or term. The institution may assess a nonrefundable \$15 matriculation fee if the student withdraws from the institution before the first day of classes.

Coordinating Board-approved semester-length courses for which semester credit hours are awarded:

1. A 100 percent refund is to be made for courses dropped prior to the first class day.
2. During the fall or spring semester or comparable trimester:
 - a. During the first 15 class days, 70 percent.
 - b. During the 16th through 20th class days, 25 percent.
 - c. After the 20th class day, none.
3. Six-week summer semester:
 - a. During the first five class days, 70 percent.
 - b. During the sixth and seventh class days, 25 percent.
 - c. After the seventh class day, none.

For flex entry and nonsemester-length courses with a census date other than the 12th class day (fourth class day for a six-week summer semester):

1. Prior to the first class day, 100 percent.
2. After classes begin (see the table below).

Drops and Withdrawals

Length of Class Term in Weeks	Last Day For 70 Percent Refund	Last Day For 25 Percent Refund
2 or less	2	N/A
3	3	4
4	4	5
5	5	6
6	5	7
7	7	9
8	8	10
9	9	11
10	9	12
11	10	14
12	12	15
13	13	16
14	13	17
15	14	19
16 or longer	15	20

A community/junior or technical college must follow the applicable refund policy outlined above for courses associated with any program that is approved for Title IV federal funding. The institution may determine a refund policy for any other program.

Prior to the census date, community and technical colleges may allow hours to be dropped and re-added without penalty to the student if the exchange is an equal one. When the charges for dropped hours are greater than for the hours added, the refund policy outlined above is to be applied to the net charges being dropped. If the charges for hours being added exceed the charges for hours being dropped, the student must pay the net additional charges.

Separate withdrawal refund schedules may be established for optional fees such as intercollegiate athletics, cultural entertainment, parking, and yearbooks.

A community/junior or technical college shall refund tuition and fees paid by a sponsor, donor, or scholarship to the source rather than directly to the student who has withdrawn if the funds were made available through the institution.

19 TAC 21.5(a)–(e)

**Withdrawal for
Military Service**

If a student withdraws from an institution of higher education because the student is called to active military service, the institution, at the student's option, shall refund the tuition and fees paid by the student for the semester in which the student withdraws. [See EGA for grading and credit options] *Education Code 54.006(f); 19 TAC 21.5(g)*

**Notice of Tuition Set
Aside**

An institution of higher education, including a college district, that is required by Education Code Chapter 56, Subchapter B, to set aside a portion of a student's tuition payments to provide financial assistance for students enrolled in the institution shall provide to each student of the institution who pays tuition from which a portion is required to be set aside for that purpose a notice regarding the specific amount that is required to be set aside by the institution.

The institution shall provide the notice to the student in a prominently printed statement that appears on or is included with:

1. The student's tuition bill or billing statement, if the institution provides the student with a printed bill or billing statement for the payment of the student's tuition; or
2. The student's tuition receipt, if the institution provides the student with a printed receipt evidencing the payment of the student's tuition.

If for any semester or other academic term the institution does not provide the student with a printed tuition bill, tuition billing statement, or tuition receipt, the institution shall include the notice for that semester or other term in a statement prominently displayed in an email sent to the student. The notice may be included in any other email sent to the student in connection with the student's tuition charges for that semester or other term.

The institution shall conform to the uniform standards prescribed by the commissioner.

Education Code 56.014; 19 TAC 21.2232

Reporting

Each institution, including each college district, shall report to the Coordinating Board the types and amounts of tuition and fees charged to students by semester during the previous academic year. In reporting the types and amounts of tuition and fees

Report of Certain
Exemptions

charged to students, all institutions shall classify the tuition and fees according to the definitions of those terms provided in 19 Administrative Code 13.142. [\[See CDA\] 19 TAC 13.143, .524\(d\)](#)

Until September 2013, the governing board of each institution of higher education shall electronically report to the Coordinating Board the information required by Education Code 61.0516 relating to each individual receiving an exemption from fees and charges under Education Code 54.341(a), (a–2), or (b). The institution shall report the information not later than December 31 of each year for the fall semester, May 31 of each year for the spring semester, and September 30 of each year for the summer session. *Education Code 54.341(h)*

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**Section I: Public
Information
Generally**

It is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

Access to public information is addressed by the Public Information Act (PIA), Government Code Chapter 552. The PIA shall be liberally construed in favor of granting a request for information.

Gov't Code 552.001

Definitions

*Public
Information*

"Public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a governmental body, including a college district board of trustees;
2. For a governmental body and the governmental body:
 - a. Owns the information;
 - b. Has a right of access to the information; or
 - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

The definition of "public information" applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Gov't Code 552.002(a)–(a-2)

Official Business

"Official business" means any matter over which a governmental body has any authority, administrative duties, or advisory duties.
Gov't Code 552.003(2-a)

Availability of Public Information	Public information is available to the public at a minimum during the normal business hours of the governmental body. <i>Gov't Code 552.021</i>
Information That Must Be Disclosed Unless Confidential Under Law	<p>Without limiting the amount or kind of information that is public information under the PIA, the following categories of information are public information and not excepted from required disclosure unless made confidential under the PIA or other law:</p> <ol style="list-style-type: none"> 1. A completed report, audit, evaluation, or investigation made of, for, or by the governmental body, except by provided in Government Code 552.108. 2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body. 3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body. 4. The name of each official and the final record of voting on all proceedings of the board. 5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a governmental body, on completion of the estimate. 6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Tax Code Chapter 151. 7. A description of an agency's central and field organizations, including the established places at which the public may obtain information, submit information or requests, and obtain decisions; the employees from whom the public may obtain information, submit information or requests, or obtain decisions; and the methods by which the public may obtain information, submit information or requests, or obtain decisions. 8. A statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures. 9. A rule of procedure, description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

10. A substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency.
11. Each amendment, revision, or repeal of information described in items 7–10.
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases.
13. A policy statement or interpretation that has been adopted or issued by an agency.
14. Administrative staff manuals and instructions to staff that affect a member of the public.
15. Information regarded as open to the public under an agency's policies.
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
17. Information that is also contained in a public court record.
18. A settlement agreement to which a governmental body is a party.

Gov't Code 552.022

*Contracts for
Lobbying
Services*

Information related to contracts for lobbying services required to be displayed on a political subdivision's internet website under Government Code 2254.030 is public information subject to disclosure under the PIA. *Gov't Code 2254.030(c)*

*Contracting
Information*

Contracting information is public and must be released unless excepted from disclosure under the PIA.

"Contracting information" means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;
2. Solicitation or bid documents relating to a contract with a governmental body;
3. Communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

4. Documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable an explanation of why the vendor or contractor was selected; and
5. Communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

Gov't Code 552.0222(a), .003(1-a) [See CM for construction contract evaluation document disclosures]

*Investment
Information*

The categories of information held by a governmental body relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the PIA. *Gov't Code 552.0225(b)*

*Expenditures for
a Security
System*

Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under the PIA. *Gov't Code 418.182(b)*

*Security
Cameras in
Private Offices*

Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, is public information and is not excepted from required disclosure under the PIA unless the security camera is located in an individual personal residence for which the state provides security or is in use for surveillance in an active criminal investigation. *Gov't Code 418.182(c)*

*Body-Worn
Cameras*

Information recorded by a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to disclosure under the PIA. Information recorded by a body-worn camera and held by a law enforcement agency under Occupations Code Chapter 1701, Subchapter N, is not subject to disclosure under the PIA. A recording is confidential and excepted from the requirements of Government Code Chapter 552 if the recording:

1. Was not required to be made under Occupations Code Chapter 1701, Subchapter N, or another law or under a policy adopted by the appropriate law enforcement agency; and
2. Does not relate to a law enforcement purpose.

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization

from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

Occupations Code 1701.661(c)–(d), (f), (h)

Permitted
Viewing

A permitted viewing of a recording under Occupations Code 1701.660(a-1) is not considered to be a release of public information for purposes of the PIA. *Occupations Code 1701.660(a-1)*

*Communications
with Voting
Systems Vendors*

A written letter, email, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor is not confidential, is public information for purposes of the PIA, and is not subject to an exception to disclosure provided by the PIA other than Government Code Sections 552.110 and 552.1101. *Election Code 121.004(a)*

Exception

A written letter, email, or other communication between a public official and a voting systems vendor is excepted from disclosure under Government Code Chapter 552 if the communication discloses information, data, or records relating to the security of elections critical infrastructure. *Election Code 121.004(b)*

*Agreements to
Assess Course
Material Fees
and Charges*

Any agreement between an institution of higher education and an entity under which the institution agrees to assess or allows the entity to assess a fee or charge for course materials to students enrolled at the institution is public information under Government Code Chapter 552. *Education Code 51.4521(e)*

Section II: Information that is Confidential

Certified Agenda or
Recording of a
Closed Meeting

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3). *Gov't Code 551.104(c)*

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Personal
Information

*Employees and
Officials*

Each employee, with the exception of a current or honorably retired peace officer, security officer, or elected public officer to whom Government Code 552.1175 applies, or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each employee and official and each former employee and official shall state that person's choice to the main personnel officer of the

governmental body in a signed writing not later than the 14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body. If the employee or official or former employee or official chooses not to allow public access to the information the information is protected under Government Code Chapter 552, Subchapter C, and the governmental body may redact the information from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. If an employee or official or a former employee or official fails to state the person's choice within the 14-day period, the information is subject to public access.

An employee or official or former employee or official of a governmental body who wishes to close or open public access to the information may request in writing that the main personnel officer of the governmental body close or open access.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.024; Att'y Gen. ORD-530 (1989)

*Elected Public
Officers and
Peace Officers /
Security Officers*

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of any elected public officer, current or honorably retired peace officer as defined by Code of Criminal Procedure article 2.12, commissioned security officer as defined by Occupations Code 1702.002, or other individual to whom Government Code 552.1175 applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under Government Code Chapter 552 if the individual to whom the information relates:

1. Chooses to restrict public access to the information; and

2. Notifies the governmental body of the individual's choice on a form provided by the governmental body, accompanied by evidence of the individual's status.

The choice remains valid until rescinded in writing by the individual.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175 [For officer information excepted under Government Code 552.117, see Section III: Information Excepted from Public Disclosure]

*Disaster Fund
Recovery
Recipients*

Information maintained by a governmental body is confidential and may not be disclosed to the public under the PIA if it relates to:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

Gov't Code 552.160

Student Records

Information is confidential and excepted from the requirements of the PIA if it is a student record at an educational institution funded

wholly or partly by state revenue. The record shall be made available on the request of the educational institution personnel, the student involved, or the student's parent, guardian, or spouse or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

The PIA does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g. This section does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. [See FL]

Gov't Code 552.114(b)–(c), .026

Redaction

An educational institution may redact information covered under Government Code 552.114(b) from information disclosed under the PIA without requesting a decision from the attorney general. *Gov't Code 552.114(d)*

Exception

If an applicant for admission to an educational institution described by Section 552.114(b), above, or a parent or legal guardian of a minor applicant to an educational institution described by Section 552.114(b), above, requests information in the record of the applicant, the educational institution shall disclose any information that is related to the applicant's application for admission and was provided to the educational institution by the applicant. *Gov't Code 552.114(e)*

Student Record

"Student record" means:

1. Information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)); or
2. Information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Gov't Code 552.114(a)

Protected Health Information

Protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the PIA. *Gov't Code 552.002*

Out-of-State Health-Care Information

Information obtained by a governmental body that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state health-care provider pays for is confidential and excepted from the requirements of the PIA. *Gov't Code 552.162*

Credit Card, Debit
Card, Charge Card,
and Access Device
Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

“Access device” means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A governmental body may redact information that must be withheld as described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov’t Code 552.136

Confidential
Investment
Information

All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Government Code 552.0225(b) is confidential and excepted from the requirements of the PIA.

Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of the PIA, except to the extent it is subject to disclosure under the following provision.

All information regarding a governmental body's direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)-(9), (11), or (13)-(16) is confidential and excepted from the requirements of the PIA. This provision does not apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities. This provision applies to information regarding a direct purchase, holding, or disposal of restricted securities by the Texas growth fund, created under Texas Constitution Article XVI, Section 70, that is not listed in Government Code 552.0225(b).

Gov't Code 552.143(a)-(c)

Email Addresses

Confidential

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the PIA. Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release. *Gov't Code 552.137(a)-(b)*

Exceptions

This section does not apply to an email address:

1. Provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;
2. Provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the governmental body in the course of negotiating the terms of a contract or potential contract;
4. Provided to the governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license or receiving orders or decisions from a governmental body. "License" includes the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.

This section does not prohibit a governmental body from disclosing an email address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137(c)-(d), 2001.003(2)

Participant in the Address Confidentiality Program	Information relating to a participant in the Address Confidentiality Program to assist a victim of family violence, sexual assault or abuse, stalking, child abduction, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B, is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the PIA. [See DBA, FJ, and GL] <i>Code of Criminal Procedure 58.060</i>
Crime Victim Information <i>Pseudonym Form</i>	A completed and returned pseudonym form as provided by Code of Criminal Procedure Chapter 58 is confidential and may not be disclosed to any person except as provided by Chapter 58. <i>Code of Criminal Procedure Ch. 58</i>
<i>Certain Identifying Information</i>	Information is confidential and excepted from the requirements of the PIA if the information identifies an individual as: <ol style="list-style-type: none"> 1. A victim of: <ol style="list-style-type: none"> a. An offense under Penal Code 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25; or b. An offense that is part of the same criminal episode, as defined by Penal Code 3.01 as an offense described by item 1a; or 2. A victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed. <p><i>Gov't Code 552.1315(a)</i></p>
Exception	Information under this provision may be disclosed: <ol style="list-style-type: none"> 1. To any victim identified by the information, or to the parent or guardian of a victim described by item 2, above, who is identified by the information; 2. To a law enforcement agency for investigative purposes; or 3. In accordance with a court order requiring the disclosure. <p><i>Gov't Code 552.1315(b)</i></p>
<i>Employees Who Are Victims of Certain Crimes</i>	An employee of a governmental body who is also a victim under Code of Criminal Procedure Chapter 56B, regardless of whether the employee has filed an application for compensation under that chapter, may elect whether to allow public access to information held by the attorney general's office or governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body

before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make the election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132(d)–(e)

*Victim Impact
Statement*

The following information that is held by a governmental body or filed with a court and that is contained in a victim impact statement or was submitted for purposes of preparing a victim impact statement is confidential:

1. The name, social security number, address, and telephone number of a crime victim; and
2. Any other information the disclosure of which would identify or tend to identify the crime victim.

“Crime victim” means a person who is a victim as defined by Code of Criminal Procedure 56B.003.

“Victim impact statement” means a victim impact statement under Code of Criminal Procedure Chapter 56A, Subchapter D.

Gov't Code 552.1325

*Child Victim
Information*

A public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim, as described by Code of Criminal Procedure 58.101, 58.155, or 58.201, younger than 17 years of age or of a victim, as described by Code of Criminal Procedure 58.251, younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. *Code of Criminal Procedure 58.105, .155, .205, .255*

**Person Licensed
or an Applicant for
a License Under
Occupations Code
Chapter 1701**

Personnel File

Except as provided by Occupations Code 1701.4535, a law enforcement agency may not release any information contained in a license holder's personnel file to any other agency or person requesting information relating to the license holder unless required by law. The agency shall refer the person or agency requesting the information to the agency head or the head's designee. *Occupations Code 1701.4535(c)*

***Medical and
Psychological
Examination***

Records relating to a request or order of TCOLE or a hearing or examination conducted under Occupations Code 1701.167, including, if applicable, the identity of the person notifying TCOLE that a license holder may not meet the standards required by the policy adopted by a law enforcement agency prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by the agency are confidential and not subject to disclosure under Government Code Chapter 552. *Occupations Code 1701.167(i)*

***Licensing
Status Database***

Except as provided by Occupations Code 1701.168(b) and 1701.168(c), information maintained in the licensing status database is confidential and not subject to disclosure under Government Code Chapter 552. *Occupations Code 1701.168*

Library Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from the requirements of the PIA, unless the records are disclosed:

1. Because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;
2. Under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a district court that disclosure of the record is necessary to protect the public safety or the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

A record of a library or library system that is excepted from required disclosure under this section is confidential.

Gov't Code 552.124

Certain Products,
Devices, and
Processes

In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under the PIA, or otherwise:

1. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, including a college district, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.
2. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.

Education Code 51.914(a)

Research

Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the PIA, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. *Education Code 51.914(b)*

Research and
Development
Facility

The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, is confidential and is not subject to disclosure under the PIA if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state. *Education Code 51.914(a)*

Compliance
Investigations

The following are confidential:

1. Information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and
2. Information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

Information is excepted from disclosure under the PIA if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation.

Education Code 51.971(c), (e)

Exceptions

Education Code 51.971(c) does not apply to information related to an individual who consents to disclosure of the information.

Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:

1. A law enforcement agency or prosecutor;
2. A governmental agency responsible for investigating the matter that is the subject of a compliance report, including the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or
3. An officer or employee of an institution of higher education or compliance officer who is responsible under institutional policy for a compliance program investigation or for reviewing a compliance program investigation.

A disclosure to an individual listed above is not a voluntary disclosure for purposes of Government Code 552.007. [See AF]

Education Code 51.971(d), (f)–(g)

Computer Network
Security

Information is excepted from the requirements of the PIA if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

Item 4 does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053.

Information may be disclosed to a bidder if the governmental body determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

Gov't Code 552.139

**Biennial
Information
Security Plan**

Each information security plan is confidential and exempt from disclosure under Government Code Chapter 552. [See CS] Gov't Code 2054.133(d)

**Information
Security
Assessment**

An information security assessment and all documentation related to the information security assessment and report are confidential and not subject to disclosure under Government Code Chapter 552. A state agency, including a college district, may redact or withhold the information as confidential under Chapter 552 without requesting a decision from the attorney general under Chapter 552, Subchapter G. [See CS] Gov't Code 2054.515(d)

**Security System
Specifications,
Operations, and
Locations**

Except as provided by Government Code 418.182(b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public

	or private property from an act of terrorism or related criminal activity is confidential. <i>Gov't Code 418.182(a)</i>
Emergency Alert System	The personal identifying information obtained from an individual for the purpose of the emergency alert system of a college district, including an email address or telephone number, is confidential and not subject to disclosure under the PIA. [See CGC] <i>Education Code 51.218(e)</i>
Sensitive Crime Scene Image	A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of a governmental body, including a college district, is confidential and excepted from the requirements of Government Code 552.021, and a governmental body may not permit a person to view or copy the image except as provided by Government Code 552.1085. <i>Gov't Code 552.1085(c)</i>
Military Discharge Records	A military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 75 years following the date it is recorded with or otherwise comes into the possession of the governmental body in accordance with Government Code 552.140 or in accordance with a court order. A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained. <i>Gov't Code 552.140</i>
Military Personnel Information	<p>A service member's military personnel information is confidential and not subject to disclosure under the PIA.</p> <p>"Military personnel information" means a service member's name, Department of Defense identification number, home address, rank, official title, pay rate or grade, state active duty orders, deployment locations, military duty addresses, awards and decorations, length of military service, and medical records.</p> <p><i>Gov't Code 437.232</i></p>
Retirement System Information	Records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system under a retirement plan or program administered by the retirement system that are in the custody of another governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure. <i>Gov't Code 552.0038</i>
Election Judge or Clerk Information	An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of the PIA. <i>Election Code 32.076(a)</i>

<i>Exception</i>	<p>An email address or phone number described by Election Code 32.076(a), above, shall be made available on request to:</p> <ol style="list-style-type: none"> 1. Any entity eligible to submit lists of election judges or clerks for that election; or 2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election. <p><i>Election Code 32.076(b)</i></p>
Electronic Campaign Report Data	<p>Electronic campaign report data saved in a temporary storage location of the authority with whom the report is filed for later retrieval and editing before the report is filed is confidential and may not be disclosed. After the report is filed with the authority, the information disclosed in the filed report is public information to the extent provided by Election Code Title 15. <i>Election Code 254.0401(g)</i></p>
Section III: Information Excepted from Public Disclosure	<p>The PIA does not prohibit a governmental body or its officer for public information voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. <i>Gov't Code 552.007</i></p> <p>Except for social security numbers as provided by Government Code 552.147, the confidentiality provisions of Government Code Chapter 552, or other law, information that is not confidential, but is excepted from required disclosure under the PIA, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body. This paragraph does not limit the authority of a governmental body to establish retention periods for records under applicable law. <i>Gov't Code 552.0215</i></p>
Confidential Information	<p>Information is excepted from the requirements of the PIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. <i>Gov't Code 552.101</i></p>
Personnel File	<p>Information is excepted from the requirements of the PIA if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under the PIA. <i>Gov't Code 552.102</i></p>
Substantial Threat of Physical Harm	<p>Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of the PIA if, under the specific circumstances pertaining to the employee or officer, disclosure of the information</p>

would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Litigation

Information is excepted from the requirements of the PIA if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party. The state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court. Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under the PIA only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. *Gov't Code 552.103*

*Exception for
Election
Information*

The exception to disclosure provided by Government Code 552.103 does not apply to information requested under the PIA if the information relates to a general or special election and the information is in the possession of the governmental body that administers elections. *Gov't Code 552.103(d)*

Competition or
Bidding

Information is excepted from the requirements of the PIA if a governmental body demonstrates that release of the information would harm its interest by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Except as provided below, the requirement of Government Code 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under the PIA unless expressly confidential under law does not apply to information that is excepted from required disclosure under this provision. *Gov't Code 552.104(a)–(b)*

*Exception for
Entertainment
Events*

The exception to disclosure for information related to competition or bidding under Government Code 552.104(b) does not apply to information described by Government Code 552.022 relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds. A person, including a governmental body, may not include a provision in a contract related to an event described by this provision that prohibits or would otherwise prevent the disclosure of information described by this subsection. A

	contract provision that violates this provision is void. <i>Gov't Code 552.104(c)</i>
Location or Price of Property	Information is excepted from the requirements of the PIA if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. <i>Gov't Code 552.105</i>
Drafts and Working Papers	A draft or working paper involved in the preparation of proposed legislation is excepted from the requirements of the PIA. <i>Gov't Code 552.106</i>
Legal Matters	Information is excepted from the requirements of the PIA if it is information the attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or a court by order has prohibited disclosure of the information. <i>Gov't Code 552.107</i>
Law Enforcement Information	<p>Information held by a law enforcement agency that deals with detection, investigation, or prosecution of crime is excepted from the requirements of the PIA if:</p> <ol style="list-style-type: none"> 1. Release of the information would interfere with the detection, investigation, or prosecution of crime; 2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or 3. It is information relating to a threat against a peace officer collected or disseminated under Government Code 411.048. <p>An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of the PIA if:</p> <ol style="list-style-type: none"> 1. Release of the internal record or notation would interfere with law enforcement or prosecution; or 2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication. <p>This section does not except from the requirements of the PIA information that is basic information about an arrested person, an arrest, or a crime. A governmental body shall promptly release basic information responsive to a PIA request unless the governmental body seeks to withhold the information as provided by another provision of the PIA and regardless of whether the governmental body</p>

requests an attorney general decision under Government Code 552, Subchapter G, regarding other information subject to the request.

Gov't Code 552.108(a)–(c)

Certain Crime Information

The exception to disclosure provided by an internal record or notation relating to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication does not apply to information, records, or notations if:

1. A person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or
2. Each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

Gov't Code 552.108(d)

Private
Correspondence
and
Communications

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of the PIA. *Gov't Code 552.109*

Contracting
Information
Trade Secrets

Information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*

Proprietary Information

Information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that the information is proprietary information under Government Code 552.1101. *Gov't Code 552.1101*

Commercial or Financial Information

Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained are excepted from the requirements of the PIA. *Gov't Code 552.110(b)*

Exceptions

The exceptions to disclosure provided by Government Code 552.110 and 552.1101 do not apply to the following types of contracting information:

1. A contract described by Government Code 2261.253(a), excluding any information that was properly redacted under Section 2261.253(e);
2. A contract described by Government Code 322.020(c), excluding any information that was properly redacted under Section 322.020(d);
3. The following contract or offer terms or their functional equivalent:
 - a. Any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price;
 - b. A description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract;
 - c. The delivery and service deadlines;
 - d. The remedies for breach of contract;
 - e. The identity of all parties to the contract;
 - f. The identity of all subcontractors in a contract;
 - g. The affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor;
 - h. The execution dates;
 - i. The effective dates; and
 - j. The contract duration terms, including any extension options; or
4. Information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding a breach of contract, a contract variance or exception, a remedial action, an amendment to a contract, any assessed or paid liquidated damages, a key measures report, a progress report, and a final payment checklist.

Gov't Code 552.0222(6)

Agency Memoranda

An interagency or intraagency memorandum or letters that would not be available by law to a party in litigation with the agency is excepted from the requirements of the PIA. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency's policymaking)*

Audit Working
Paper

An audit working paper of an audit of the state auditor or the auditor of an institution of higher education is excepted from the requirements of the PIA. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of the PIA.

“Audit working paper” includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts.

Gov’t Code 552.116

Contact Information

Information is excepted from the requirements of the PIA if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:

1. A current or former official or employee of a governmental body, except as otherwise provided by Government Code 552.024.
2. A current or honorably retired peace officer as defined by Code of Criminal Procedure 2.12, regardless of whether the officer complies with Government Code 552.024 or 552.1175, as applicable.
3. A commissioned security officer as defined by Occupations Code 1702.002, regardless of whether the officer complies with Sections 552.024 or 552.1175, as applicable.
4. An elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable.
5. Other officials listed under Government Code 552.117.

Gov’t Code 552.117 [For officer information that is confidential under Government Code 552.1175, see Section II: Information that is Confidential]

Photographs of
Peace Officers

A photograph that depicts a peace officer, as defined by Code of Criminal Procedure 2.12, the release of which would endanger the life or physical safety of the officer is excepted from the requirements of the PIA, unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a civil service hearing or a case in arbitration; or

3. The photograph is introduced as evidence in a judicial proceeding.

A photograph excepted from disclosure as described above may be made public only if the peace officer gives written consent to the disclosure.

Gov't Code 552.119

Test Items	Test items developed by a state-funded educational institution. A test item developed by a licensing agency or governmental body is excepted from the requirements of the PIA. <i>Gov't Code 552.122</i>
Rare Books and Original Manuscripts	A rare book or original manuscript that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA. <i>Gov't Code 552.120</i>
Documents Held for Historical Research	An oral history interview, personal paper, unpublished letter, or organizational record of a nongovernmental entity that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA to the extent that the archival and manuscript repository and the donor of the interview, paper, letter, or record agree to limit disclosure of the item. <i>Gov't Code 552.121</i>
Chief Executive Officer Applicants	The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of the PIA except that the governing board of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the employment of the person. <i>Gov't Code 552.123</i>
Motor Vehicle Record Information	Information is excepted from the requirements of the PIA if the information relates to: <ol style="list-style-type: none"> 1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country; 2. A motor vehicle title or registration issued by an agency of this state or another state or country; or 3. A personal identification document issued by an agency of this state, or another state or country or a local agency authorized to issue an identification document.

Information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act).

Subject to Chapter 730, a governmental body may redact information described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general under Government Code Chapter 552, Subchapter G. If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

A governmental body that redacts or withholds information as described above shall provide the following information to the requestor on a form prescribed by the attorney general: a description of the redacted or withheld information; a citation to Government Code 552.130; and instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

Gov't Code 552.130

Commercial Book
or Publication

A governmental body is not required under the PIA to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information. A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the governmental body.

Gov't Code 552.027

Social Security
Numbers

The social security number of a living person is excepted from the requirements of the PIA, but is not confidential under Government Code 552.147 and this section does not make the social security number of a living person confidential under the PIA or other law. A governmental body may redact the social security number of a living person from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a)–(b)*

Donor Information

The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift,

grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of the PIA. This provision does not except from required disclosure other information relating to the described gifts, grants, and donations, including the amount or value of an individual gift, grant, or donation. *Gov't Code 552.1235*

Safety and Security
Audit

Any document or information collected, developed, or produced during a safety and security audit conducted under Education Code 37.108(b) is not subject to disclosure under the PIA [see CG].

*Multihazard
Emergency
Operations Plan
Exception*

A document relating to a public junior college district's multihazard emergency operations plan [see CGC] is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Texas Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management under Education Code 37.108(a);
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;
5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the district has completed a safety and security audit under Education Code 37.108(b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees; and
7. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months.

Education Code 37.108(c-1)–(c-2)

*Cybersecurity
Information*

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under federal public information law and any state or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal public information law and any state or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See CS]

Note: For information regarding required cybersecurity training for contractors, see GG.

Facilities

Dual Usage
Educational
Complex

The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities.

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the Coordinating Board.

The junior college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the district and the other participating entities under the terms of the cooperative agreement.

Education Code 130.0103

Design or
Construction of an
Instructional or
Athletic Facility

An independent school district and an institution of higher education, including a college district, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more independent school districts and an institution of higher education may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of the district's students in courses offered at that facility.

Education Code 45.109(a-1)–(a-2)

Use of Athletic
Facilities

Any independent school district, acting by and through its board of trustees, may contract with any institution of higher education located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties. *Education Code 45.109(a)*

College Courses in
School District
Facilities

The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district's facilities. The contract must be approved by resolution of the governing boards of the community college district and the school district.

For purposes of state funding, a course held in the school district facilities is considered to be a course held in the community college district if the course:

1. Has been approved by a regional higher education council recognized by rule of the Coordinating Board and in which the district has been designated a member by the Coordinating Board; and
2. Is approved by the Coordinating Board as an out-of-district course for the community college district.

Any statutory or regulatory requirement of local support of a community college program is satisfied by the school district providing its facilities without charge to the community college if the total community college enrollment in the school district does not exceed 1,000 full-time students, or the equivalent.

Either party may terminate a contract under this section by giving the other party at least one year's written notice.

Education Code 130.006

School District
Courses on College
District Campus

The board of trustees of a school district may operate a school or program or hold a class on the campus of an institution of higher education in this state, including a college district, if the board obtains written consent from the president or other chief executive officer of the institution.

The president or other chief executive officer of an institution of higher education may provide written consent to a board of trustees of a school district regardless of whether the institution is located within the boundaries of the school district.

Education Code 11.166

Reports of Academic Achievement

Each public two-year college shall report student performance as prescribed below to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.

A student performance report includes initial assessment student test scores, as prescribed under 19 Administrative Code Chapter 4, Subchapter C (relating to the Texas Success Initiative (TSI)), descriptions of developmental education courses required, and individual student grade point averages.

Appropriate safeguards shall be implemented to ensure student privacy in these reports.

Education Code 51.403(e); 19 TAC 9.23

College Credit Program

Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state, including a college district, shall assist the school district in developing and implementing a program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses described above.

A program implemented under the college credit program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and is approved by the Coordinating Board; and
2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

Education Code 28.009(a)–(a-1)

Dual Credit Course Limitations

A dual credit course offered under this section must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or

3. A foreign language course.

This requirement does not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 28.009(a-4)–(a-5)

Payment of Costs

A school district is not required to pay a student's tuition or other associated costs for taking a course under this section. *Education Code 28.009(a-2)*

College Connect
Courses

The purpose of this section is to encourage and authorize public institutions of higher education, including college districts, to deliver innovatively designed dual credit or dual enrollment courses that integrate both college-level content in the core curriculum of the institution alongside college-readiness content and skills instruction. These innovatively designed courses will allow students the maximum flexibility to obtain college credit and provide integrated college readiness skills to students who are on the continuum of college readiness and will benefit from exposure to college-level content. *19 TAC 4.86(b)*

Student Eligibility

An eligible student must be enrolled in a public school district or open-enrollment charter. An institution of higher education may offer College Connect Courses to:

1. A student who has met the college readiness standards set forth in 19 Administrative Code 4.57; or
2. A student who has not yet demonstrated college readiness by achieving minimum passing standards set forth in Section 4.57, if the student:
 - a. Is a non-degree-seeking or non-certificate seeking student under Education Code 51.338(a); and
 - b. Has earned not more than 14 semester credit hours of college credits at an institution of higher education; or
 - c. Is otherwise exempt from the Texas Success Initiative.

An institution may add eligibility requirements for students qualifying under items 2a and b.

19 TAC 4.86(c)-(d)

Agreement	<p>An institution of higher education must enter into an institutional agreement with the secondary school according to 19 Administrative Code 4.84 to offer College Connect Courses. 19 TAC 4.86(g)(2)</p>
Course Content	<p>The following standards apply to delivery of College Connect Courses:</p> <ol style="list-style-type: none">1. An institution of higher education may offer College Connect Courses within the institution's core curriculum.2. An institution of higher education must also incorporate supplemental college readiness content to support students who have not yet demonstrated college readiness within these courses. An institution may deliver this supplemental instruction through a method at their discretion, including through embedded course content, supplemental corequisite coursework, or other method. <p>Coordinating Board staff may provide technical assistance to public institutions of higher education and secondary schools and districts in developing and providing these courses.</p> <p>19 TAC 4.86(e)-(f)</p>
Additional Academic Policies	<p>College Connect Courses offered through dual credit or dual enrollment must confer both a college-level grade and a secondary-level grade upon a student's successful completion of the course. A grade conferred for the college-level course may be different from the secondary-level grade, to reflect whether a student has appropriately demonstrated college-level knowledge and skills as well as secondary-level knowledge and skills. An institution may determine how a student enrolled in this course may earn college credit, whether through college-level course completion or successful completion of a recognized college-level assessment.</p> <p>An institution of higher education is strongly encouraged to provide the maximum latitude possible for a student to withdraw from the college-level course component beyond the census date, while still giving the student an opportunity to earn credit toward high school graduation requirements.</p> <p>19 TAC 4.86(g)(1), (3)</p>
Tuition	<p>For College Connect Courses offered through dual credit under this option, an institution of higher education may waive a student's tuition for College Connect Courses in accordance with Education Code 54.216 and 28.0095. 19 TAC 4.86(h)</p>

Funding

For College Connect Courses offered through dual credit under this option, an institution of higher education may receive formula funding for College Connect Course semester credit hours in accordance with Education Code 61.059 and Education Code Chapter 130, Subchapter A, and any Coordinating Board rules that authorize funding for courses offered under this section.

Hours earned through this program before the student graduates from high school that are used to satisfy high school graduation requirements do not count against the limitation on formula funding for excess semester credit hours under 19 Administrative Code 13.104. [See FD]

19 TAC 4.86(g)(4), (h)**FAST Program**

The Texas Education Agency (TEA) and the Coordinating Board shall jointly establish the Financial Aid for Swift Transfer (FAST) program to allow eligible students to enroll at no cost to the students in dual credit courses at participating institutions of higher education, **including participating college districts**.

"Dual credit course" ~~includes~~ is a course **that meets the following requirements:**

1. **The course is offered ~~for~~ pursuant to an agreement under 19 Administrative Code 4.84.**
2. **A course for which the student may earn one or more of the following types of credit:**
 - a. Joint high school and junior college credit under Education Code 130.008; or
 - b. Another course offered by an institution of higher education, for which a high school student may earn ~~credit~~ **semester credit hours or the equivalent of semester credit hours** toward satisfaction of:
 - (1) **A course defined as a career and technical education course under 19 Administrative Code 13.501(1) that satisfies** a requirement necessary to obtain an industry-recognized credential ~~or~~, certificate, or ~~an~~ associate degree;
 - (2) A foreign language requirement at an institution of higher education;
 - (3) A requirement in the core curriculum at an institution of higher education; or

- (4) A requirement in a field of study curriculum developed by the Coordinating Board.

Education Code 28.0095(a)(3), (b); 19 TAC 13.500(b), .501(4)

Institution Eligibility

~~An~~ **A public** institution of higher education is eligible to participate in the program ~~only if the~~. **A participating institution charges may not charge students attending high school in a Texas school district or charter school a tuition rate for each dual credit course offered by the institution an amount courses in excess of tuition that does not exceed the amount prescribed by Coordinating Board rule. the tuition rate outlined in 19 Administrative Code 13.504. Education Code 28.0095(d); 19 TAC 13.502(a)-(b)**

The commissioner shall determine and announce the annual FAST tuition rate not later than the final day of January prior to the start of each fiscal year. The annual tuition rate takes effect in the fall semester following the announcement. 19 TAC 13.504(c)-(d)

Student Eligibility

A student is eligible to enroll at no cost in a dual credit course under the program if the student:

- 1.** Is enrolled in **and eligible for Foundation School Program funding at a** high school in a **Texas** school district or charter school ~~and~~ **under the TEA rules;**
- ~~1.2.~~ **Is enrolled** in a dual credit course at a participating institution of higher education **that has entered into a dual credit agreement with the student's school district as set out in 19 Administrative Code 4.84;** and
- ~~2.3.~~ Was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course described by item ~~1.2~~, **as certified to the institution by the eligible student's school district or charter school, or other means authorized by rule.**

~~Each school district or charter school shall, on a high school student's enrollment in a dual credit course, determine whether the student meets the criteria for the program under item 2 and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's or school's determination.~~

~~At least once each year, a~~ **A school district's or charter school's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the school district's or charter school's notice to TEA, unless otherwise provided by rule.**

	<p>A participating institution of higher education shall certify to TEA and the Coordinating Board the student's eligibility for the program. Notwithstanding Education Code 54.051, a participating institution of higher education may not charge tuition or fees for the enrollment in a dual credit course at the institution of a student for whom the institution receives notice.</p> <p>Education Code 28.0095(c), (e), (g)</p>
Funding	<p>The submit to the Coordinating Board identifying information, as outlined by the Coordinating Board shall distribute money transferred to, for students registered for or enrolled in dual credit courses. The Coordinating Board under Education Code 48.308 to the participating institutions of higher education in proportion will compare the identifying information to data provided by TEA and will notify the institution as to which students fulfill the requirement outlined in item 3.</p> <p>Education Code 28.0095(c), (e), (g); 19 TAC 13.503</p>
Participation Agreement	<p>Each eligible institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the commissioner prior to being approved to participate in the program. 19 TAC 13.502(d)</p>
Cost of Enrollment	<p>A participating institution must ensure that an eligible student incurs no cost for their enrollment in any dual credit course at the institution. This includes, but is not limited to, tuition, fees, books, supplies, or other mandatory course-related expenses. This provision does not prohibit a participating institution from charging a school district for course-related expenses, other than tuition, for an eligible student. 19 TAC 13.502(c)</p>
Funding	<p>The Coordinating Board will provide each participating institution with a disbursement for each fall, spring, and summer semester upon the certification of the institution's eligible enrollments. The Coordinating Board will combine enrollment periods when a semester includes more than one enrollment period (for example, a Summer 1 and a Summer 2 session).</p> <p>Each disbursement will equal the amount outlined in 19 Administrative Code 13.504 for the relevant semester multiplied by the number of semester credit hours or equivalent in which students who met the eligibility criteria in 19 Administrative Code 13.503 were enrolled in dual credit courses in which eligible students are enrolled at the institution. for the relevant semester.</p> <p>Funding provided to an institution shall be subject to 19 Administrative Code Chapter 13, Subchapter R.</p>

**Instructional
Partnerships with
Public Secondary
Schools***Education Code 28.0095(h); 13 TAC 13.505(a)-(b), .506*

Types of instructional partnerships between a public two-year college and a school district include:

1. Partnerships for award of high school credit only [see High School Credit-Only Courses, below].
2. Partnerships for award of concurrent course credit [see Dual Credit Programs, below].
3. Partnerships for tech-prep programs [see Tech-Prep Programs, below].
4. Partnerships for remedial or development instruction for high school graduates [see Remedial Programs, below].
5. Partnerships to develop and provide college preparatory courses for high school students [see College Prep Courses, below].

*19 TAC 9.143***Agreements
Required***Generally*

For any instructional partnership between a secondary school and a public two-year college, an agreement must be approved by the governing boards of both the public school district or private secondary school and the public two-year college prior to the offering of courses. Any partnership agreement must address the following elements:

1. Student eligibility requirements;
2. Faculty qualifications;
3. Location and student composition of classes;
4. Provision of student learning and support services;
5. Eligible courses;
6. Grading criteria;
7. Transcribing of credit; and
8. Funding provisions.

*19 TAC 9.144**Dual Credit
Agreements*

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

Any agreement entered into or renewed between a public institution of higher education and public school district on or after September 1, 2021, including a memorandum of understanding or articulation agreement, must:

1. Include specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1);
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements described by Education Code 28.025(c-1) offered by the school district, and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by TEA, the Coordinating Board, or the Texas Workforce Commission (TWC), to assist counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;
6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the institution of higher education's and the school district's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;
8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the school district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program;
10. Ensure the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course as provided by Education Code 28.0095;

11. Designate at least one employee of the school district or institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course; and
12. Be posted each year on the institution of higher education's and the school district's respective internet websites.

Any dual credit partnership must address the following elements:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

Education Code 28.009(b-2); 19 TAC 4.84

High School Credit-Only Courses

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125(a), (b)(2), .143(a)

Instructors

Instructors in contract programs with public secondary schools must meet qualifications required by the public two-year college as well as the minimum guidelines approved by the State Board of Education. *19 TAC 9.125(b)(1)*

Funding

Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction

Dual Credit
Programs

must be negotiated between the public two-year college and the public secondary school. 19 TAC 9.125(b)(3)

Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:

1. Course credit toward the student's high school academic requirements; and
2. Course credit as a student of the junior college, if the student has been admitted to the college district or becomes eligible to enroll in and is subsequently admitted to the junior college.

A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district. A public junior college with a service area located wholly or partly in a county with a population of more than three million shall enter into an agreement with each school district located wholly or partly in a county with a population of more than three million to offer one or more courses as provided by Education Code 130.008. A student enrolled in a school district to which this provision applies may enroll in a course at any junior college that has entered into an agreement with the district to offer the course under this provision.

Education Code 130.008(a), (d), (g-1)

Student Eligibility
Requirements

In admitting or enrolling high school students in a course offered for joint high school and junior college credit, a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

A high school student is eligible to enroll in academic dual credit courses if the student:

1. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the TSI [see EI] on relevant section(s) of an assessment instrument approved by the Coordinating Board; or
2. Demonstrates that he or she is exempt under the provisions of the TSI.

A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under any of the following conditions:

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC); or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
2. Courses that require demonstration of TSI college readiness in mathematics:
 - a. If the student achieves a minimum score of 4000, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):

- (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
- (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
- c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

Education Code 130.008(e); 19 TAC 4.85(b)(1)-(2), (5)-(6)

Workforce
Education Level
1 Certificate
Program or Less

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and shall not be required to provide demonstration of college readiness or dual credit enrollment eligibility. *19 TAC 4.85(b)(3)*

Workforce
Education Level
2 Certificate or
Applied
Associate
Degree Program

A high school student is eligible to enroll in workforce education dual credit courses contained in a postsecondary Level 2 certificate or applied associate degree program under the following conditions:

- 1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a minimum score of 4000 on the English II STAAR EOC; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.

2. Courses that require demonstration of TSI college readiness in mathematics:
 - a. If the student achieves a minimum score of 4000 on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

A student who is exempt from taking STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

19 TAC 4.85(b)(4)

Additional
Eligibility
Requirements

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with 19 Administrative Code 4.85. *19 TAC 4.85(b)(7)*

*Faculty
Qualifications*

The college shall select instructors of dual credit courses. A course offered for joint high school and junior college credit under this section must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:

- a. A degree described by item 1 or 2 above;
- b. A baccalaureate degree in the discipline that is the subject of the course; or
- c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Coordinating Board.

These instructors must meet the same standards, including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

Education Code 130.008(g); 19 TAC 4.85(e)(1)

Application
Approval

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the school district, organization, or other person that operates the high school with which the junior college entered into an agreement under this section to offer the course. *Education Code 130.008(h)*

*Supervision and
Evaluation of
Faculty*

The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college. *19 TAC 4.85(e)(2)*

*Location and
Course
Composition*

Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in 19 Administrative Code Chapter 4, Subchapters P and Q of this chapter (relating to Approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the board's adopted Principles of Good Practice for Courses Offered Electronically. [See EBA and EBB] *19 TAC 4.85(c), .255-.264, .270-.279*

Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of 19 Administrative Code 4.85(e), exceptions for a mixed class that combines college credit and high school credit-only students, may be allowed only when the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

1. If the course involved is required for completion under the State Board of Education high school program graduation requirements, and the high school involved is otherwise unable to offer such a course;
2. If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or
3. If the course is a career and technical/college workforce education course and the high school credit-only students are eligible to earn articulated college credit. "Articulated College Credit" is credit earned through a high school-level course that fulfills specific requirements of an identified college-level course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education.

19 TAC 4.83(1), .85(d)

Student Services

Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible. 19 TAC 4.85(g)(2)

Eligible Courses

A college course offered for dual credit must be:

1. In the core curriculum of the public institution of higher education providing the credit;
2. A career and technical education course; or
3. A foreign language course.

This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under Education Code 29.908 or an early college program as defined in 19 Administrative Code Chapter 4, Subchapter D. Any college course for dual credit offered as part of an early college program must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a board-approved certificate, **AA, AS, AAS Associate of Arts (A.A.), Associate of Science (A.S.), and Associate of Applied Science (A.A.S.)** degree program, Field of Study Curriculum (FOSC), or Program of Study Curriculum (POSC).

Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Coordinating Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Coordinating Board.

Public colleges may not offer remedial and developmental courses for dual credit.

The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

Education Code 130.008(a-1)-(a-2); 19 TAC 4.85(a)(1), (3)-(4), (f)

*Academic
Policies and
Transcripts*

Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

19 TAC 4.85(g)(1), (h)

*Tuition and State
Funding*

The junior college may waive all or part of the tuition and fees for a high school student enrolled in a course for which the student may receive joint credit.

The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Education Code 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's allocation of the state money appropriated and distributed to public junior colleges under Education Code Chapter 130 and Chapter 130A, even if the junior college waives all or part of the tuition or fees for the student. The college may only claim funding for students earning college credit in core curriculum, field of study curriculum, career and technical education, and foreign language dual credit courses.

The funding provisions of 19 Administrative Code 4.85(i) do not apply to students enrolled in approved early college high school programs under Education Code 29.908.

Education Code 130.008(b)-(c); 19 TAC 4.85(i)

<i>No Requirement</i>	An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. <i>19 TAC 4.85(b)(8)</i>
Tech-Prep Programs	Public two-year colleges may partner with school districts to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit to be awarded upon enrollment of the students in the two-year college in an associate degree or certificate program. <i>19 TAC 9.143(c)</i>
Remedial Programs	<p>As outlined in 19 Administrative Code 9.125 [see High School Credit-Only Courses, above], the governing board of a junior college district may contract with the governing board of an independent school district in the junior college district's service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college. The governing board of a junior college district located wholly or partly in a county with a population of more than three million may contract to provide remedial programs described above with the governing board of any independent school district located wholly or partly in a county with a population of more than three million.</p> <p>High school students who have passed all sections of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a college at the college discretion if a need for such coursework is indicated by student performance on an assessment instrument approved by the Coordinating Board.</p> <p>Remedial and developmental courses may not be offered for dual credit.</p> <p><i>Education Code 130.090(a)-(a-1); 19 TAC 9.143(d), .146(a)-(c)</i></p>
<i>Tuition and Funding</i>	<p>The governing board of a junior college district may exempt from tuition a student enrolled in a remedial program.</p> <p>Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations.</p> <p><i>Education Code 130.090(b)-(d); 19 TAC 9.146(d)</i></p>

College Prep
Courses

Each school 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 Section 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) 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.

College preparatory courses are not developmental education courses contained in the Lower Division Academic Course Guide Manual (ACGM). College preparatory courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

Education Code 28.014(a); 19 TAC 9.147(a)-(b)

Course Location

A course developed under this section 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 school district partners. *Education Code 28.014(b)*

Course
Development

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

Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course developed under this section 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(c), (g)

<i>Credit May Be Awarded</i>	A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners. <i>Education Code 28.014(f)</i>
<i>Funding</i>	College preparatory courses are not eligible for state appropriations through two-year college formula funding. <i>19 TAC 9.147(c)</i>
Workforce Continuing Education	<p>A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:</p> <ol style="list-style-type: none"> 1. Is enrolled in high school on the completion of the person's sophomore year; 2. Is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or 3. Is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday. <p>This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.</p> <p><i>Education Code 130.303; 19 TAC 9.114(c)</i> [See EFAB for general workforce continuing education]</p>
<i>Funding</i>	Notwithstanding Education Code 130.003 or any other law, contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Education Code 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Education Code 130.304. <i>Education Code 130.302</i>
<i>Waiver of Tuition and Fees</i>	<p>A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:</p> <ol style="list-style-type: none"> 1. The student: <ol style="list-style-type: none"> a. Is enrolled in high school or in a school that is not formally organized as a high school; b. Is 16 years of age or older, who has had the disabilities of minority removed, and is not enrolled in secondary education; or

- c. Is under the age of 18 and is incarcerated; or
- 2. The institution:
 - a. Determines all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or
 - b. Offers the course in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Education Code 130.304; 19 TAC 9.116

Definitions

Adult

"Adult" means a person who:

- 1. Has completed the person's sophomore year of high school;
- 2. Is 17 years of age and has been awarded a high school diploma or its equivalent; or
- 3. Is 18 years of age or older, regardless of the person's previous educational experience.

Education Code 130.301(1); 19 TAC 9.113(1)

Avocational Course

"Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course. *Education Code 130.301(2); 19 TAC 9.113(2)*

Workforce Continuing Education

"Workforce continuing education" means a program of instruction that is designed primarily for adults and is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession. *Education Code 130.301(4); 19 TAC 9.113(8)*

Workforce Continuing Education Course

"Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the Coordinating Board. The term does not include an avocational course. *Education Code 130.301(1); 19 TAC 9.113(9)*

Dropout Recovery Partnership Programs

A public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for eligible students to successfully complete and receive a diploma from a high school of the appropriate partnering school district in accordance with Education Code 29.402. A public junior college with a service area located wholly or

partly in a county with a population of more than three million may enter into an articulation agreement described by Section 29.402(a) with any school district located wholly or partly in a county with a population of more than three million.

A public junior college under this section may partner with a public technical institute, as defined by Education Code 61.003, to provide, as part of the dropout recovery program curriculum, career and technology education courses that lead to industry or career certification.

Education Code 29.402(a)-(a-1), (c-1)

Financing

A public junior college may receive from each partnering school district for each student from that school district enrolled in a dropout recovery program under this section an amount negotiated between the junior college and that partnering district not to exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund.

A public technical institute may receive from a partnering public junior college for each student enrolled in a career and technology education course as provided by Education Code 29.402(c-1), above, an amount negotiated between the public technical institute and the partnering public junior college.

To the extent consistent with the General Appropriations Act, a public junior college is eligible to receive dropout prevention and intervention program funds appropriated to the agency.

A public junior college may receive gifts, grants, and donations to use for the purposes of this section.

Education Code 29.403–.404

Higher Education Assistance Plans

The institution of higher education, including a college district, in closest geographic proximity to a public high school in this state identified by the Coordinating Board for purposes of this section as substantially below the state average in the number of graduates who enroll in higher education institutions shall enter into an agreement with that high school to develop a plan to increase the number of students from that high school enrolling in higher education institutions. Under the plan, the institution shall:

1. Collaborate with the high school to:
 - a. Provide to prospective students information related to enrollment in an institution of higher education or a pri-

vate or independent institution of higher education, including admissions, testing, and financial aid information;

- b. Assist those prospective students in completing applications and testing related to enrollment in those institutions, including admissions and financial aid applications, and fulfilling testing requirements; and
 - c. Target efforts to increase the number of Hispanic students and African-American male students enrolled in higher education institutions; and
2. Actively engage with local school districts to provide access to rigorous, high-quality dual credit opportunities for qualified high school students as needed.

An institution of higher education must include a plan developed by the institution under this section and the results of that plan in its annual report to the Coordinating Board under Education Code 51.4032.

Education Code 51.810(b)-(c)

Early College High Schools

The commissioner of education shall establish and administer an early college education program for students who are at risk of dropping out of school or who wish to accelerate completion of the high school program. The program must:

- 1. Provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels 9 through 12;
- 2. Allow a participating student to complete high school and enroll in a program at an institution of higher education that will enable the student to, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either:
 - a. An applied associate degree; or
 - b. An academic associate degree with a completed field of study curriculum that is transferable toward a baccalaureate degree at one or more general academic teaching institutions;
- 3. Include articulation agreements with colleges, universities, and technical schools in this state to provide a participating student access to postsecondary educational and training opportunities at a college, university or technical school; and

4. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.908; 19 TAC 4.151, 102.1095

P-TECH Programs

The commissioner of education shall establish and administer, in accordance with Education Code Chapter 29, Subchapter N, a Pathways in Technology Early College High School (P-TECH) program for students who wish to participate in a work-based education program. The P-TECH program must:

1. Be open enrollment;
2. Provide for a course of study that enables a participating student in grade levels 9 through 12 to combine high school courses and postsecondary courses;
3. Allow a participating student to complete high school and, on or before the sixth anniversary of the date of the student's first day of high school receive a high school diploma and an associate degree, a two-year postsecondary certificate, or industry certification; and complete work-based training through an internship, apprenticeship, or other job training program;
4. Include:
 - a. Articulation agreements with institutions of higher education in this state to provide a participating student access to postsecondary educational and training opportunities at an institution of higher education; and
 - b. Memoranda of understanding with regional industry or business partners in this state to provide a participating student access to work-based training and education; and
5. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.553(a)-(b); 19 TAC 102.1095

Rural Pathway Excellence Partnership

The commissioner of education shall establish and administer, in accordance with Education Code 29.912, the Rural Pathway Excellence Partnership (R-PEP) program to incentivize and support multidistrict, cross-sector, rural college and career pathway partnerships that expand opportunities for underserved students to succeed in school and life while promoting economic development in rural areas.

The program must enable an eligible school district that has fewer than 1,600 students in average daily attendance to partner with at

least one other school district located within a distance of 100 miles to offer a broader array of robust college and career pathways. Each partnership must:

1. Offer college and career pathways that align with regional labor market projections for high-wage, high-demand careers; and
2. Be managed by a coordinating entity that:
 - a. Has or will have at the time students are served under the partnership the capacity to effectively coordinate the partnership;
 - b. Has entered into a performance agreement approved by the board of trustees of each partnering school district that confers on the coordinating entity the same authority with respect to pathways offered under the partnership provided to an entity that contracts to operate a district campus under Education Code 11.174;
 - c. Is an eligible entity, including a college district; and
 - d. Has on the entity's governing board as either voting or ex officio members, or has on an advisory body, representatives of each partnering school district and members of regional higher education and workforce organizations.

Education Code 29.912(b)-(c)

Criminal Background Checks

Education Code 22.0834(a) applies to a person who is not an applicant for or holder of a certificate under Education Code Chapter 21, Subchapter B, and who is offered employment by an entity or a subcontractor of an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if:

1. The employee or applicant has or will have continuing duties related to the contracted services; and
2. The employee or applicant has or will have direct contact with students.

This section does not apply to an employee or applicant of a public works contractor described by Education Code 22.0834(a-1).

If a contracting or subcontracting entity determines that Section 22.0834(a) does not apply to an employee, the contracting or subcontracting entity shall make a reasonable effort to ensure that the conditions or precautions that resulted in the determination that

Section 22.0834(a) did not apply to the employee continue to exist throughout the time that the contracted services are provided.

Education Code 22.0834(a)-(a-1), (l)

Qualified School Contractors

If the contracting entity is a qualified school contractor, a person to whom Section 22.0834(a) applies must submit to a national criminal history record information review by the qualified school contractor before being employed or serving in a capacity described by Section 22.0834(a).

A qualified school contractor may provide a fitness determination based on criminal history record information obtained under Government Code 411.12505 to a school district, charter school, or shared services arrangement.

"Qualified school contractor" means an entity that:

1. Contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement; and
2. Is determined eligible by the Department of Public Safety (DPS) to obtain criminal history record information under the National Child Protection Act of 1993, 34 U.S.C. 40101 et seq., for an employee, applicant for employment, or volunteer of the qualified school contractor.

Education Code 22.0834(b); Gov't Code 411.12505(a), (d)

Subcontractors

A qualified school contractor acting as a contracting entity shall require that any of its subcontracting entities obtain all criminal history record information that relates to an employee to whom Section 22.0834(a) applies if the subcontracting entity is also a qualified school contractor.

A qualified school contractor shall require that any of its subcontracting entities that are not qualified school contractors comply with Education Code 22.0834(b-1) as it relates to an employee to whom Section 22.0834(a) applies.

Education Code 22.0834(d-1)-(d-2)

Exception

The requirements of Education Code 22.0834(b), (d-1), and (d-2) do not apply to a qualified school contractor if a school district, open-enrollment charter school, or shared services arrangement obtains the criminal history record information of a person to whom this section applies through the criminal history clearinghouse as provided by Government Code 411.0845. *Education Code 22.0834(e)*

Other School Contractors	<p>If the contracting entity or subcontracting entity is not a qualified school contractor, a person to whom Section 22.0834(a) applies must submit to a national criminal history record information review by the school district, charter school, regional education service center, commercial transportation company, or education shared services arrangement. <i>Education Code 22.0834(b-1)</i></p>
Background Check Procedure	<p>A qualified school contractor or a school district, open-enrollment charter school, or shared services arrangement shall obtain all criminal history record information that relates to a person to whom Section 22.0834(a) applies through the criminal history clearing-house as provided by Government Code 411.0845.</p> <p>Before or immediately after employing or securing the services of a person to whom Education Code 22.0834(a) applies, the qualified school contractor or school district, open-enrollment charter school, or shared services arrangement shall send or ensure that the person sends to the DPS information that is required by DPS for obtaining national criminal history record information, which may include fingerprints and photographs.</p> <p>A school district, open-enrollment charter school, shared services arrangement, or qualified school contractor may obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom this section applies.</p> <p>A school district, charter school, regional education service center, commercial transportation company, education shared services arrangement, or qualified school contractor, contracting entity, or subcontracting entity may not permit an employee to whom Section 22.0834(a) applies to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Education Code 22.085(a).</p> <p><i>Education Code 22.0834(c)-(d), (h), (o)</i></p>

"Recognized accrediting agency" means the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) and any other association or organization so designated by the Coordinating Board.

The Coordinating Board recognizes institutions of higher education that offer an associate degree or higher by one of the following organizations:

1. Accrediting Commission for Community and Junior Colleges (ACCJC);
2. Higher Learning Commission (HLC);
3. Middle States Commission on Higher Education (MSCHE);
4. New England Commission of Higher Education (NECHE);
5. Northwest Commission of Colleges and Universities (NWCCU);
6. SACSCOC; or
7. Western Association of Schools and Colleges (WASC) Senior College and University Commission.

This also includes any revisions to the names of these organizations moving forward.

Education Code 61.003(13); 19 TAC 4.192

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Cardona, Rene

Draftsman
Classified Staff
Physical Plant
05/06/24 – 08/31/24
Grade F
Competitive Appointment
(Replacement Action)

Diggs, Wayne

Instructor
Faculty
Business Management
Tenure Track*
08/19/24 – 05/10/25
Grade C/6
Competitive Appointment
(Replacement Action)

Cardoza-Comer, Seleste

Counselor
Faculty
Dual Credit & Early College High School
Tenure Track*
08//19/24 – 05/10/25
Grade C/5
Competitive Appointment
(Replacement Action)

Dwyer, Carl

Director, Veterans Resource Center
Administrator
Veterans Resource Center
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Castillo, Adrian

Instructor
Faculty
Diesel Mechanics
Temporary (Lecturer) Status
08/19/24 – 05/10/25
Grade A/3
Competitive Appointment
(Replacement Action)

Gonzales, Nicole

Administrative Associate
Classified Staff
Senior Adult Program
04/30/24 – 08/31/24
Grade E
Competitive Appointment
(Replacement Action)

Castro, Jessica

Senior Administrative Associate
Classified Staff
Instruction & Workforce Education
04/30/24 – 08/31/24
Grade F
Competitive Appointment
(Replacement Action)

Guerra, Kathryn

Dual Credit Academic Advisor
Professional Staff
Dual Credit & Early College High School
04/30/24 – 08/31/24
Grade C
Competitive Appointment
(New Position)

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Gutierrez, Crystal

English for Speakers of Other Languages
(ESOL) Lab Assistant
Classified Staff
English as Second Language, Reading, & Social
Science
04/30/24 – 08/31/24
Grade E
Competitive Appointment
(Replacement Action)

Morales, Gene

Instructor
Faculty
History
Tenure Track*
08/19/24 – 05/10/25
Grade H/4
Competitive Appointment
(Replacement Action)

Juarez, Brenda

Manager, Financial Aid
Professional Staff
Financial Aid Office
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Moreno-Bitar, Sarahi

Property Control Assistant
Classified Staff
Property Management Control
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Loera, Guillermo

Finance Coordinator
Professional Staff
Instruction & Workforce Education
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Munoz, Raul

Financial Aid Specialist
Classified Staff
Financial Aid Office
04/30/24 – 08/31/24
Grade E
Competitive Appointment
(Replacement Action)

Miller, Joshua

Instructor
Faculty
History
Temporary (Lecturer) Status
08/19/24 – 05/10/25
Grade C/2
Competitive Appointment
(Replacement Action)

Meyers, Lindsey

Project Manager- Maintenance & Construction
Services
Professional Staff
Physical Plant
05/13/24 – 08/31/24
Grade F
Competitive Appointment
(Replacement Action)

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Pagano, Dominic

Instructor
Faculty
Theater
Tenure Track*
08/19/24 – 05/10/25
Grade C/12
Competitive Appointment
(Replacement Action)

Urban-Flores, Jennifer

Instructor
Faculty
History
Tenure Track*
08/19/24 – 05/10/25
Grade C/2
Competitive Appointment
(Replacement Action)

Ramos, Brenda

Cataloging Technical Assistant
Classified Staff
Library Technical Services
04/30/24 – 08/31/24
Grade E
Competitive Appointment
(New Position)

Valverde, Lorianna

Financial Aid Specialist
Classified Staff
Financial Aid Office
04/30/24 – 08/31/24
Grade E
Competitive Appointment
(Replacement Action)

Sanchez, Karla

Administrative Assistant
Classified Staff
Senior Adult Program
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Velasco, Cynthia

Manager, Academic Resources
Professional Staff
Student Success
04/30/24 – 08/31/24
Grade D
Competitive Appointment
(Replacement Action)

Simental-Medrano, Laura

Dual Credit Academic Advisor
Professional Staff
Dual Credit & Early College High School
04/30/24 – 08/31/24
Grade C
Competitive Appointment
(New Position)

Yanez, Marisel

Counselor
Faculty
Dual Credit & Early College High School
Tenure Track*
08/19/24 – 05/10/25
Grade C/3
Competitive Appointment
(Replacement Action)

Exhibit 3.1
Full-Time Institutionally-Funded Actions

*Tenure Track faculty members serve a period of five years in a faculty probationary status prior to being granted tenure status by the Board of Trustees.

Exhibit 3.2
Full-Time Externally-Funded Actions

Armendariz, Pablo

Director, Contract Opportunities Center
Administrator
Contract Opportunities Center
Department of Defense
Temporary Status
04/01/24 – 04/30/24
Grade C
Extension of Appointment

Mosholder, Elke

Procurement Specialist
Professional Staff
Contract Opportunities Center
Department of Defense
Temporary Status
04/01/24 – 04/30/24
Grade C
Extension of Appointment

Chacon, Daniel

Procurement Specialist
Professional Staff
Contract Opportunities Center
Department of Defense
Temporary Status
04/01/24 – 04/30/24
Grade C
Extension of Appointment

Gutierrez, Keith

Procurement Specialist
Professional Staff
Contract Opportunities Center
Department of Defense
Temporary Status
04/01/24 – 04/30/24
Grade C
Extension of Appointment

Lozova, Raquel

Administrative Assistant
Classified Staff
Contract Opportunities Center
Department of Defense
Temporary Status
04/01/24 – 04/30/24
Grade D
Extension of Appointment

Resignations:

Hernandez, Felicity

Program Assistant

Distance Learning Support Services

04/02/24

Retirements:

None

FINANCIAL SERVICES ABSTRACT

Item(s) to be Considered:	Discussion and action on the approval to purchase from DiaMedical USA Equipment LLC, twenty-eight (28) automated external defibrillators (AEDs) for the El Paso Community College Risk Management and Safety Department.	Amount: \$84,800
Requestor:	Malena Field	Area Responsible: Human Resources & Compliance
Resource Persons: Fernando Flores, Malena Field, Ivan Flores, Hector Padilla		
Purpose:	To purchase twenty-eight (28) automated external defibrillators (AEDs) to be utilized by the El Paso Community College employees and students in the event of a cardiac emergency.	
Explanation:	<p>The intent of this project is to purchase and distribute automated external defibrillators (AEDs) among EPCC's six campuses in the event someone from our college community experiences a life-threatening cardiac medical emergency. The purchase of 28 AEDs would be the first step in implementing EPCC's AED program.</p> <p>Statistics show that the survivability of a cardiac event increases to 70% when an AED can be retrieved, applied, and used within the first three minutes of collapse. El Paso Community College's Emergency Preparedness webpage would provide a link for employees and students to view training videos provided by the manufacturer or via YouTube. The EMT and Paramedic programs at MDP are also trained to provide instruction on AED usage.</p> <p>This purchase will be conducted through the Interlocal Purchasing System (TIPS) Cooperative Contract #240102, which is in compliance with Texas Government Code 44.031; and the provisions of the Texas Government Code, Chapter 791-Interlocal Cooperative Contracts. Such contracts are competitively awarded.</p> <p>Funding is provided by the Risk Management & Safety One Time Budget Request.</p>	
Recommendation:	Approval by the Board of Trustees.	
Vendor:	DiaMedical USA Equipment LLC 31440 Northwestern Highway, Suite 150 Farmington Hills, MI. 48334	

Date:	02/19/24
Account:	91934-M91934
Budget:	\$84,800
Expenditures to date:	-0-
Balance:	\$84,800

PHYSICAL FACILITIES ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of the selection of engineering firms for upcoming districtwide projects.	
Requestor: Rick Lobato	Area Responsible: Physical Plant
Resource Persons: Fernando Flores, Rick Lobato	
Purpose:	To approve the selection of engineering firms to be pre-qualified for district-wide projects, on an as-needed basis.
Explanation:	<p>Requests for Qualifications RFQ #24-012 was issued for the purpose of contracting with engineering firms for each area of technical specialty to meet College requirements.</p> <p>These technical specialties are:</p> <ul style="list-style-type: none">• mechanical, electrical and plumbing design• commissioning and retro commissioning services• storm water, surveying & traffic flow design services• structural design services• geotech/soil testing services• environmental (asbestos & mold) testing & remediation services. <p>The Physical Plant Department will utilize these professional engineering services on an as-needed basis. Separate approval by the Board of Trustees will be required prior to the award of any contract of \$50,000 or more with the various below listed firms.</p> <p>The selection of these equally pre-qualified firms was done as per the requirements of Government Code 2254 (Professional and Consulting Services), and was based on demonstrated competence and qualifications.</p> <p>Should the need arise, an engineering project that is expected to cost \$100,000 or more will be competitively awarded through a separate RFQ process, and will require separate approval by the Board of Trustees.</p> <p>The initial contract award for RFQ #24-012 shall be for one (1) year with an option to renew, on an annual basis, for an additional two (2) years for a potential maximum contract term of three (3) years upon satisfactory vendor performance and administrative approval.</p> <p>Funding for projects will be provided by each individual budget for each construction project and Plant Funds.</p>
Recommendation:	Approval by the Board of Trustees.
Vendors:	See attached listing.

El Paso County Community College District
PHYSICAL PLANT
Engineering Services

VENDOR			Engineering Services to be provided
Amtech Solutions, Inc. 221 N. Kansas Street, Suite 700 El Paso, TX 79901	KWA Engineering & Building Science Co., Inc. 4203 N. CR 1765 PO BOX 16742 Lubbock, TX 79490	Professional Service Industries, Inc. (PSI) 5044 Doniphan Drive, Bldg. D El Paso, TX 79932	Building Envelope
Brock & Bustillos Inc. 417 Executive Center Blvd. El Paso, TX 79902	CSA Design Group, Inc. 1845 Northwestern Drive, Suite C El Paso, TX 79912	Conde, Inc. 6080 Surety, Suite 100 El Paso, TX 79905	Civil
Frank X. Spencer and Associates, Inc. (FXSA) 1130 Montana Ave. El Paso, TX 79902	Lentz Engineering LLC 7322 Southwest Fwy, Ste 1850 Houston, TX 77074	Moreno Cardenas Inc. 2505 E. Missouri Avenue, Suite 100 El Paso, TX 79903	
Quantum Engineering Consultants, Inc. 124 W Castellano Ste 100 El Paso, TX 79912			
Brock & Bustillos Inc. 417 Executive Center Blvd. El Paso, TX 79902	Conde, Inc. 6080 Surety, Suite 100 El Paso, TX 79905	Frank X. Spencer and Associates, Inc. (FXSA) 1130 Montana Ave. El Paso, TX 79902	Surveying
Construction & Environmental Consultants, Inc. 1111 Myrtle Ave. El Paso, TX 79901	ENCON International, Inc. 7307 Remcon Circle Ste 103 El Paso, TX 79912	LEC Engineering, Inc. d/b/a LOI ENGINEERS 2101 E. Missouri Ave., Ste. B El Paso, TX 79903	Environmental
Millennium Engineers Group, Inc 2513 N. Jackson Avenue Odessa, TX 79761	Professional Service Industries, Inc. (PSI) 5044 Doniphan Drive, Building-D. El Paso, TX 79932		
CQC Testing and Engineering, L.L.C. (CQC) 4606 Titanic Ave. El Paso, TX 79904	LEC Engineering, Inc. d/b/a LOI ENGINEERS 2101 E. Missouri Ave., Ste. B El Paso, TX 79903	Professional Service Industries, Inc. (PSI) 5044 Doniphan Drive, Bldg. D El Paso, TX 79932	Geotech
CQC Testing and Engineering, L.L.C. (CQC) 4606 Titanic Ave. El Paso, TX 79904	Professional Service Industries, Inc. (PSI) 5044 Doniphan Drive, Bldg. D El Paso, TX 79932		Materials Testing

AEG Mechanical Engineers 2431 East Yandell Dr. El Paso, TX 79903	Alegro Engineering, LLC 5822 Cromo Dr. Suite 105 El Paso, TX 79912	Bath Group, LLC dba Bath Engineering dba Bath Commissioning 4110 Rio Bravo, Suite 102 El Paso, TX 79902	Mechanical
CARDINA Consulting LLC dba CARDINA Engineering Commissioning 10600 Montwood Dr., Ste 124 El Paso, TX 79935	DBR Engineering Consultants, Inc. 401 East Main St., Suite 401 El Paso, TX 79901	EMC Engineers 2211 E. Missouri Ave., Suite 312 El Paso, TX 79903	
Innovative Engineering Group A MOREgroup Brand, LLC (IEG) 9830 Colonnade Blvd Ste 130 San Antonio, TX 78230			
AEG Mechanical Engineers 2431 East Yandell Dr. El Paso, TX 79903	Alegro Engineering, LLC 5822 Cromo Dr. Suite 105 El Paso, TX 79912	EMC Engineers 2211 E. Missouri Ave., Suite 312 El Paso, TX 79903	Electrical
Bath Group, LLC dba Bath Engineering dba Bath Commissioning 4110 Rio Bravo, Suite 102 El Paso, TX 79902	CARDINA Consulting LLC dba CARDINA Engineering Commissioning 10600 Montwood Dr., Ste 124 El Paso, TX 79935	DBR Engineering Consultants, Inc. 401 East Main St., Suite 401 El Paso, TX 79901	
Innovative Engineering Group A MOREgroup Brand, LLC (IEG) 9830 Colonnade Blvd Ste 130 San Antonio, TX 78230			
AEG Mechanical Engineers 2431 East Yandell Dr. El Paso, TX 79903	Alegro Engineering, LLC 5822 Cromo Dr. Ste 105 El Paso, TX 79912	EMC Engineers 2211 E. Missouri Ave., Suite 312 El Paso, TX 79903	Plumbing
Bath Group, LLC dba Bath Engineering dba Bath Commissioning 4110 Rio Bravo, Suite 102 El Paso, TX 79902	CARDINA Consulting LLC dba CARDINA Engineering Commissioning 10600 Montwood Dr., Ste 124 El Paso, TX 79935	DBR Engineering Consultants, Inc. 401 East Main St., Suite 401 El Paso, TX 79901	
Innovative Engineering Group A MOREgroup Brand, LLC (IEG) 9830 Colonnade Blvd Suite 130 San Antonio, TX 78230			
Bath Group, LLC dba Bath Engineering dba Bath Commissioning 4110 Rio Bravo, Suite 102 El Paso, TX 79902	CARDINA Consulting LLC dba CARDINA Engineering Commissioning 10600 Montwood Dr., Ste 124 El Paso, TX 79935	DBR Engineering Consultants, Inc. 401 East Main St., Suite 401 El Paso, TX 79901	Commissioning
Innovative Engineering Group A MOREgroup Brand, LLC (IEG) 9830 Colonnade Blvd Suite 130 San Antonio, TX 78230			Structural
Parkhill 501 West San Antonio El Paso, TX 79901			Engineering Services

EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

ENGINEERING SERVICES

RFQ #24-012

ANALYSIS

The services secured through this Request for Qualifications (RFQ) process will be utilized by El Paso County Community College District.

This RFQ process complies with all applicable statutes, rules, policies, and procedures related to procurement as it relates to contracting for these services, including compliance with conflict of interest disclosure requirements.

Requests for Qualification Statements were advertised for two (2) consecutive weeks in the local newspaper, *El Paso Inc.* All such solicitations are also posted on the Purchasing & Contract Management Department's page of the EPCC website. Qualification response packets were issued to sixty-one (61) entities.

The RFQ Analysis Committee carefully reviewed those statements and ranked the firms based on their demonstrated qualifications. The Committee decided to recommend a contract award to those firms as shown on the accompanying Evaluation Scoring Summary page. Buildtech Automation Inc LLC's Qualification Statement, as was received by the District, was deemed non-responsive. Terracon Consultants, Inc.'s submittal was disqualified for non-adherence to the District's General Conditions, and those terms and conditions stated in RFQ #24-012.

Respondent's previous experience was reviewed, when available, on the submissions received. References from the firms who submitted statements of qualifications were checked. It is the recommendation of the Committee (Cesar Aguirre, Aaron Diaz, and Roberto Samaniego) that the following firms be equally pre-approved for negotiations of a contract if and when the need for their services arises: AEG Mechanical Engineers; Alegro Engineering, LLC; Amtech Solutions, Inc.; Bath Group, LLC dba Bath Engineering dba Bath Commissioning; Brock & Bustillos Inc.; CARDINA Consulting LLC dba CARDINA Engineering Commissioning; Conde, Inc.; Construction & Environmental Consultants, Inc.; CQC Testing and Engineering, L.L.C. (CQC); CSA Design Group, Inc.; DBR Engineering Consultants, Inc.; EMC Engineers; ENCON International, Inc.; Frank X. Spencer and Associates, Inc. (FXSA); Innovative Engineering Group A MOREgroup Brand, LLC (IEG); KWA Engineering & Building Science Co., Inc.; LEC Engineering, Inc. d/b/a LOI ENGINEERS; Lentz Engineering LLC; Millennium Engineers Group, Inc; Moreno Cardenas Inc.; Parkhill; Professional Service Industries, Inc. (PSI); and Quantum Engineering Consultants, Inc.

The initial contract award shall be for one (1) year with an option to renew, on an annual basis, for an additional two (2) years for a potential maximum contract term of three (3) years upon satisfactory vendor performance and administrative approval.

RFQ #24-012 Engineering Services								
Vendor	AEG Mechanical Engineers	Alegro Engineering, LLC	Amtech Solutions, Inc.	Bath Group, LLC	Brock & Bustillos Inc.	Cardina Consulting LLC	CONDE, INC.	Construction & Environmental Consultants, Inc.
Letter of Transmittal •The respondent shall sign and date the letter of transmittal. The respondent's title, address, telephone number, and email address shall also be provided. •The letter of transmittal will fairly and briefly depict the respondent's proficiency, experience and capability to serve the District and offers an opportunity to set forth the reasons the respondent believes he, she or it should be selected by the District.	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information 1. Business name, address, telephone, fax, email, Federal ID, and website address. 2. Date the firm was established under the name given. 3. Indicate all other names by which your firm has been known and length of time known by each name. 4. Describe your firm's organizational structure including any limited partnerships. Provide an organizational chart that will show the relationship of each participant within the firm and their relationship with the other participants.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 5. List past and present litigation and lawsuits in which your firm is a defendant and describe the circumstances surrounding same; or if not applicable state "none" in the proposal response. If applicable, describe how the litigation was settled.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 6. Provide proof of possession of a valid Texas State Contractor's Mechanical and/or Electrical License and Professional Engineering Registration, and all other permits, licenses required by the entity having appropriate jurisdiction.	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview 1. Provide a brief history of the firm. 2. List who will be the firm's primary contact point and the person's title. Also provide the location of the person's office and phone number, including email address.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 3. List all the professional services and areas of expertise provided by the firm. Provide a description of specialized capabilities (other than civil, mechanical, and electrical) of the firm such as, by way of example and not limitation, environmental, geotechnical, acoustical, etc. The criterion contained herein will be used to score the firm's specialized engineering capabilities.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 4. Describe the firm's commitment to green initiatives. Describe what tools, plans or guidelines your firm uses for energy management. 5. List any design awards the firm has won in recent years, from what organizations, and for what project. 6. Provide the firm's project management plan. 7. Current workload - list and describe projects currently in progress and expected completion dates.□	Provided	Provided	Provided	Provided	Provided	Partially provided	Provided	Provided
Personnel and Experience 1. Provide résumés for all key personnel that will be part of the team. Indicate the education and professional licensing/credentials of each person. Include a list of previous projects in which each team member has played a significant role. Indicate which team members are LEED accredited. 2. List total number of personnel in the firm. 3. List the names of any consultants that will be used in providing services, their role and related experience.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History – firms must submit information regarding recent relevant project experience, especially those associated with educational projects, and/or work specific to the ones listed herein. Information must include: 1. Provide the project name, owner, and address. 2. Provide in detail the scope of work for the project. 3. Provide project budget - indicate if project was on budget, and if not, list the final cost.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History (continued) 4. Project schedules - specify beginning and ending dates of service for each project. Indicate if project was completed on time and describe measures that were taken to assure timely completion of the project. If schedule was not met, explain the reason for the delay. 5. Describe the quality control measures used to complete each project.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Vendor acknowledged Addenda #1, #2, #3, and #4	Acknowledged	Acknowledged Addenda #1, #2, and #3	Acknowledged	Acknowledged	Acknowledged Addenda #1, #2, and #3	Acknowledged	Acknowledged	Acknowledged
List of References - References shall be provided by using Attachment A. • Minimum of three local references where your firm has provided services, preferably in an educational setting, of equal or similar nature as the ones requested herein within the past three years. Provide all pertinent contact information: 1. Name and address of business/agency/organization/owner 2. Contact person, person's title, telephone number and email address 3. Type(s) of service provided□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Attachment B - Organization Details□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Texas Family Code Form□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Required Contract Clauses Form (Federal Funds)□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Conflict of Interest Questionnaire□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided

RFQ #24-012 Engineering Services (Continued)								
Vendor	CQC Testing and Engineering, L.L.C.	CSA Design Group	DBR Engineering Consultants, Inc.	EMC Engineers	ENCON International, Inc.	Frank X. Spencer & Associates, Inc.	Innovative Engineering Group a MOREgroup Brand, LLC (IEG)	KWA Engineering & Building Science Co., Inc.
Letter of Transmittal •The respondent shall sign and date the letter of transmittal. The respondent's title, address, telephone number, and email address shall also be provided. •The letter of transmittal will fairly and briefly depict the respondent's proficiency, experience and capability to serve the District and offers an opportunity to set forth the reasons the respondent believes he, she or it should be selected by the District.	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information 1. Business name, address, telephone, fax, email, Federal ID, and website address. 2. Date the firm was established under the name given. 3. Indicate all other names by which your firm has been known and length of time known by each name. 4. Describe your firm's organizational structure including any limited partnerships. Provide an organizational chart that will show the relationship of each participant within the firm and their relationship with the other participants.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 5. List past and present litigation and lawsuits in which your firm is a defendant and describe the circumstances surrounding same; or if not applicable state "none" in the proposal response. If applicable, describe how the litigation was settled.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 6. Provide proof of possession of a valid Texas State Contractor's Mechanical and/or Electrical License and Professional Engineering Registration, and all other permits, licenses required by the entity having appropriate jurisdiction.	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview 1. Provide a brief history of the firm. 2. List who will be the firm's primary contact point and the person's title. Also provide the location of the person's office and phone number, including email address.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 3. List all the professional services and areas of expertise provided by the firm. Provide a description of specialized capabilities (other than civil, mechanical, and electrical) of the firm such as, by way of example and not limitation, environmental, geotechnical, acoustical, etc. The criterion contained herein will be used to score the firm's specialized engineering capabilities.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 4. Describe the firm's commitment to green initiatives. Describe what tools, plans or guidelines your firm uses for energy management. 5. List any design awards the firm has won in recent years, from what organizations, and for what project. 6. Provide the firm's project management plan. 7. Current workload - list and describe projects currently in progress and expected completion dates.□	Provided	Partially provided	Provided	Provided	Provided	Provided	Provided	Provided
Personnel and Experience 1. Provide résumés for all key personnel that will be part of the team. Indicate the education and professional licensing/credentials of each person. Include a list of previous projects in which each team member has played a significant role. Indicate which team members are LEED accredited. 2. List total number of personnel in the firm. 3. List the names of any consultants that will be used in providing services, their role and related experience.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History – firms must submit information regarding recent relevant project experience, especially those associated with educational projects, and/or work specific to the ones listed herein. Information must include: 1. Provide the project name, owner, and address. 2. Provide in detail the scope of work for the project. 3. Provide project budget - indicate if project was on budget, and if not, list the final cost.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History (continued) 4. Project schedules - specify beginning and ending dates of service for each project. Indicate if project was completed on time and describe measures that were taken to assure timely completion of the project. If schedule was not met, explain the reason for the delay. 5. Describe the quality control measures used to complete each project.□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Not found in submission
Vendor acknowledged Addenda #1, #2, #3, and #4	Acknowledged	Acknowledged	Acknowledged	Acknowledged	Acknowledged Addenda #1, #2, and #3	Acknowledged	Acknowledged	Acknowledged
List of References - References shall be provided by using Attachment A. • Minimum of three local references where your firm has provided services, preferably in an educational setting, of equal or similar nature as the ones requested herein within the past three years. Provide all pertinent contact information: 1. Name and address of business/agency/organization/owner 2. Contact person, person's title, telephone number and email address 3. Type(s) of service provided□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Attachment B - Organization Details□	Provided	Provided	Provided	Not found in submission	Provided	Provided	Provided	Provided
Texas Family Code Form□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Required Contract Clauses Form (Federal Funds)□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Conflict of Interest Questionnaire□	Provided	Provided	Provided	Provided	Provided	Provided	Provided	Provided

RFQ #24-012 Engineering Services (Continued)

Vendor	LEC Engineering, Inc. d/b/a LOI ENGINEERS	Lentz Engineering	Millennium Engineers Group (MEG)	Moreno Cardenas Inc.	Parkhill Smith & Cooper	Professional Service Industries Inc (PSI)	Quantum Engineering Cons Inc.
Letter of Transmittal •The respondent shall sign and date the letter of transmittal. The respondent's title, address, telephone number, and email address shall also be provided. •The letter of transmittal will fairly and briefly depict the respondent's proficiency, experience and capability to serve the District and offers an opportunity to set forth the reasons the respondent believes he, she or it should be selected by the District.	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information 1. Business name, address, telephone, fax, email, Federal ID, and website address. 2. Date the firm was established under the name given. 3. Indicate all other names by which your firm has been known and length of time known by each name. 4. Describe your firm's organizational structure including any limited partnerships. Provide an organizational chart that will show the relationship of each participant within the firm and their relationship with the other participants. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 5. List past and present litigation and lawsuits in which your firm is a defendant and describe the circumstances surrounding same; or if not applicable state "none" in the proposal response. If applicable, describe how the litigation was settled. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
General Information (continued) 6. Provide proof of possession of a valid Texas State Contractor's Mechanical and/or Electrical License and Professional Engineering Registration, and all other permits, licenses required by the entity having appropriate jurisdiction.	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview 1. Provide a brief history of the firm. 2. List who will be the firm's primary contact point and the person's title. Also provide the location of the person's office and phone number, including email address. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 3. List all the professional services and areas of expertise provided by the firm. Provide a description of specialized capabilities (other than civil, mechanical, and electrical) of the firm such as, by way of example and not limitation, environmental, geotechnical, acoustical, etc. The criterion contained herein will be used to score the firm's specialized engineering capabilities. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Firm Overview (continued) 4. Describe the firm's commitment to green initiatives. Describe what tools, plans or guidelines your firm uses for energy management. 5. List any design awards the firm has won in recent years, from what organizations, and for what project. 6. Provide the firm's project management plan. 7. Current workload - list and describe projects currently in progress and expected completion dates. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Personnel and Experience 1. Provide résumés for all key personnel that will be part of the team. Indicate the education and professional licensing/credentials of each person. Include a list of previous projects in which each team member has played a significant role. Indicate which team members are LEED accredited. 2. List total number of personnel in the firm. 3. List the names of any consultants that will be used in providing services, their role and related experience. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History – firms must submit information regarding recent relevant project experience, especially those associated with educational projects, and/or work specific to the ones listed herein. Information must include: 1. Provide the project name, owner, and address. 2. Provide in detail the scope of work for the project. 3. Provide project budget - indicate if project was on budget, and if not, list the final cost. □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Project History (continued) 4. Project schedules - specify beginning and ending dates of service for each project. Indicate if project was completed on time and describe measures that were taken to assure timely completion of the project. If schedule was not met, explain the reason for the delay. 5. Describe the quality control measures used to complete each project. □	Provided	Provided	Partially provided	Provided	Provided	Provided	Provided
Vendor acknowledged Addenda #1, #2, #3, and #4	Not found in submission	Acknowledged Addenda #1	Acknowledged	Acknowledged	Acknowledged	Acknowledged Addenda #1, #3, and #4	Acknowledged
List of References - References shall be provided by using Attachment A. • Minimum of three local references where your firm has provided services, preferably in an educational setting, of equal or similar nature as the ones requested herein within the past three years. Provide all pertinent contact information: 1. Name and address of business/agency/organization/owner 2. Contact person, person's title, telephone number and email address 3. Type(s) of service provided □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Attachment B - Organization Details □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Texas Family Code Form □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Required Contract Clauses Form (Federal Funds) □	Provided	Provided	Provided	Provided	Provided	Provided	Provided
Conflict of Interest Questionnaire □	Provided	Provided	Provided	Provided	Provided	Provided	Provided

RFQ #24-012 Engineering Services Evaluation Scoring Summary

04/02/24

	Total	1. Qualifications and experience of the firm	2. Past experience in a higher education environment	3. Present and projected workloads	4. Demonstrated capability to meet time and project budget requirements	5. Specialized capabilities (other than civil, mechanical, and electrical) of the firm such as, by way of example and not limitation, environmental, geotechnical, acoustical, etc. (On certain occasions, the District has a need for specialized engineering services. This criterion scores the firm's specialized engineering capabilities).	Recommend Award? (Yes/No)
Supplier / Max Points	/ 100 pts	/ 30 pts	/ 25 pts	/ 25 pts	/ 10 pts	/ 10 pts	-
CQC Testing and Engineering, L.L.C.	79.67	26	21.67	16.67	8	7.333	Yes
Moreno Cardenas Inc.	75.00	26	20	15	7.333	6.667	Yes
Construction & Environmental Consultants, Inc.	75.00	24	18.33	16.67	8	8	Yes
KWA Engineering & Building Science Co., Inc.	74.33	26	18.33	16.67	6.667	6.667	Yes
Brock & Bustillos Inc.	74.33	26	18.33	16.67	6.667	6.667	Yes
Parkhill Smith & Cooper	73.33	24	20	16.67	6.667	6	Yes
Frank X. Spencer & Associates, Inc.	72.00	26	16.67	16.67	6.667	6	Yes
DBR Engineering Consultants, Inc.	71.67	24	20	15	6.667	6	Yes
LEC Engineering, Inc. d/b/a LOI ENGINEERS	71.33	24	16.67	16.67	7.333	6.667	Yes
Cardina Consulting LLC	70.67	24	16.67	16.67	6.667	6.667	Yes
Alegro Engineering, LLC	70.33	24	18.33	16.67	6.667	4.667	Yes
Bath Group, LLC	70.33	22	18.33	16.67	6.667	6.667	Yes
Amtech Solutions, Inc.	70.00	24	18.33	15	6.667	6	Yes
CONDE, INC.	68.33	24	15	16.67	6.667	6	Yes
CSA Design Group	67.67	24	15	16.67	6	6	Yes
Quantum Engineering Cons Inc.	66.67	20	18.33	15	6.667	6.667	Yes
ENCON International, Inc.	66.67	24	15	15	6	6.667	Yes
Professional Service Industries Inc (PSI)	65.00	22	16.67	15	5.333	6	Yes
EMC Engineers	65.00	22	15	16.67	5.333	6	Yes
Millennium Engineers Group	63.00	20	15	16.67	4.667	6.667	Yes
AEG Mechanical Engineers	63.00	22	15	13.33	6	6.667	Yes
Innovative Engineering Group a MOREgroup Brand, LLC (IEG)	60.00	20	15	15	4.667	5.333	Yes
Lentz Engineering	58.67	18	13.33	16.67	4.667	6	Yes
Total composite score rounded to the nearest hundredth.							
Comments: Buildtech Automation Inc LLC's Qualification Statement, as was received by the District, was deemed non-responsive. Terracon Consultants, Inc.'s submittal was disqualified for non-adherence to the District's General Conditions, and those terms and conditions stated in RFQ #24-012.							
Scope of Work per Specifications for RFQ #24-012							
The District is seeking Qualification Statements from qualified engineering firms to become pre-approved to provide services on an as-needed basis for upcoming projects.							

CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered:	Discussion and action on the approval to purchase from Laerdal Medical Corporation audiovisual equipment, software, and cloud storage.	Amount: \$136,812										
Requestor: Hafid Guerrero	Area Responsible: Nursing											
Resource Persons: Steven Smith, Hafid Guerrero, Irma Ansalmo-Carlos												
Purpose:	To approve the purchase of audiovisual equipment, software, cloud storage subscription/support, and warranties to replace obsolete equipment and software in the Nursing Simulation Laboratory at the Rio Grande Campus.											
Explanation:	<p>High-fidelity simulation in nursing education is a highly effective teaching methodology, and its use is supported by the Texas Board of Nursing and the National League of Nursing. The use of high-fidelity simulation aligns with current standards in education and is commonplace in nursing programs across the country. Simulation has been shown to enhance student learning, improve clinical judgment, improve patient safety, and reduce student stress and anxiety.</p> <p>The current simulation equipment serves nearly 300 students at all levels of the AAS nursing program. The audiovisual equipment and software previously installed became obsolete; therefore, it had to be retired. This decreases the fidelity of simulation activities and the ability to use high-fidelity mannequins as intended which is affecting the quality of education for our nursing students. The acquisition of new equipment and software will correct this issue.</p> <p>This purchase will be conducted through the BuyBoard Cooperative Contract #704-23, which is in compliance with Texas Education Code 44.031; and the provisions of Texas Government Code, Chapter 791-Interlocal Cooperative Contracts. Such contracts are competitively awarded.</p> <p>Funding is provided by the Instructional Equipment- One-Time Requests budget.</p> <p>Five-Year Cost Breakdown:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>Year 1</td><td>\$67,228</td></tr> <tr><td>Year 2</td><td>\$17,396</td></tr> <tr><td>Year 3</td><td>\$17,396</td></tr> <tr><td>Year 4</td><td>\$17,396</td></tr> <tr><td>Year 5</td><td>\$17,396</td></tr> </table>		Year 1	\$67,228	Year 2	\$17,396	Year 3	\$17,396	Year 4	\$17,396	Year 5	\$17,396
Year 1	\$67,228											
Year 2	\$17,396											
Year 3	\$17,396											
Year 4	\$17,396											
Year 5	\$17,396											
Recommendation:	Approval by the Board of Trustees.											
Vendor:	Laerdal Medical Corporation 167 Myers Corners Road Wappingers Falls, NY 12590											

Date:	<u>4/5/24</u>
Account:	<u>91695-M91695</u>
Budget:	<u>\$1,194,244</u>
Expenditures to date:	<u>\$853,718</u>
Balance:	<u>\$340,526</u>

CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of the El Paso Independent School District, El Paso County Community College District and Texas Tech University Health Science Center at El Paso Interlocal Agreement.	
Requestor: Tonie Badillo	Area Responsible: Instruction and Workforce Education
Resource Persons: Steven Smith, Tonie Badillo	
Purpose:	To obtain approval from El Paso County Community College District Board of Trustees for the Interlocal Agreement between the El Paso Independent School District (EPISD), El Paso County Community College District (EPCC), and the Texas Tech University Health Science Center at El Paso (TTUHSCEP).
Explanation:	This Interlocal Agreement is made and entered into between EPISD, EPCC and TTUHSCEP on behalf of the Gayle Greve Hunt School of Nursing (GGHSON) to establish an Accelerated Bachelor of Science in Nursing (BSN) track for the purpose of the development and support of a Pathway Program for Silva Magnet. The agreement establishes the responsibilities of each entity in sustaining the program.
Recommendation: Approval by the Board of Trustees.	



**Interlocal Agreement
between El Paso Independent School District
El Paso County Community College District and
Texas Tech University Health Science Center at El Paso**

This Interlocal Agreement (the "Agreement") is made and entered into between El Paso County Community College District (EPCC), Texas Tech University Health Sciences Center El Paso (TTUHSCEP) on behalf of the Gayle Greve Hunt School of Nursing (GGHSON) and El Paso Independent School District (EPISD) (collectively, the "Parties") for the purpose of the development and support of Accelerated Bachelor of Science in Nursing (BSN) Pathway Program for Silva Magnet.

1. Recitals

WHEREAS, EPISD, EPCC and TTUHSCEP seek to establish an Accelerated Bachelors of Science in Nursing (BSN) track to enable qualifying students the opportunity to transfer to TTUHSCEP GGHSON after graduating from high school and EPCC to complete a baccalaureate degree in nursing;

WHEREAS, the Accelerated BSN prerequisites for the BSN at Silva Health Magnet High School, located at 121 Val Verde St. El Paso, TX 79905, provide students the opportunity to earn a high school diploma and an associate degree, as well as work-based learning experiences designed to prepare students for positions in their field;

WHEREAS, the Parties intend this Agreement to serve as an Articulation Agreement under Section 29.182 of the Texas Education Code;

WHEREAS, EPISD, EPCC and TTUHSCEP EP are authorized to enter into this Agreement pursuant to Section 791.001 of the Texas Government Code; and

WHEREAS, this Agreement will provide efficiencies and cost savings to EPISD, EPCC and TTUHSCEP students and taxpayers;

NOW, THEREFORE, for and in consideration of the recitals, agreements, and covenants set forth herein, the Parties hereby agree as follows:

2. Mission Statement

BSN Pathway Program at Silva Magnet High School will provide EPISD students a unique educational opportunity to attend both high school and college in a special campus environment that will challenge students to excel in their academic and personal endeavors. Students will follow a course of study that

will combine high school courses and postsecondary courses to enable students to earn a high school diploma, an associate degree, and industry certification within four years of entering high school. EPISD, EPCC and TTUHSCEP will provide participating students flexibility in class scheduling and academic mentoring to achieve these objectives.

3. Term

The term of this Agreement is for five (5) years commencing on August 10, 2023, and concluding on August 9, 2028, unless terminated earlier pursuant to paragraph 11 herein.

4. Definitions

- A. College Courses for Dual Credit** are those courses for which students receive both high school and college credit and are taught in a variety of delivery modes:
 - (i) In the BSN Pathway Program at Silva Magnet High School by an EPISD teacher credentialed by EPCC;
 - (ii) At the EPCC campus by an EPCC faculty member; or
 - (iii) Through a distance learning course taught by an EPCC faculty member.
- B. College Courses for College Credit** are those courses for which students receive college credit only. These courses do not have a high school equivalent and therefore cannot be offered for high school credit or dual credit. These courses are taught by an EPCC faculty member at the college campus through a distance learning class or, in some circumstances, at the magnet school campus. See Appendix A crosswalk.
- C. Program of Study** are courses leading to an associate degree, postsecondary certificate, or industry certification.
- D. Degree** means an associate degree, postsecondary certificate, or industry certification from EPCC in a Program of Study.
- E. Core Academic Courses** are general education courses required for any student who plans to pursue a traditional associate or baccalaureate degree in Texas. Dual Credit core academic credits earned at institutions of higher education are transferable to Texas public colleges and universities and may be applicable to a student's Associate of Arts (AA) or Associates of Sciences (AS), and baccalaureate degrees.
- F. Non-Core Academic Courses** would not be considered Dual Credit, but they are considered concurrent enrollment, meaning students only obtain college credit and not high school credit.

5. Academic Plan

An academic plan will be developed by EPISD, EPCC and TTUHSCEP that enables each student to earn a high school diploma and an associate degree and/or baccalaureate degree in nursing. College credit will be earned through College Courses for Dual Credit.

6. General Roles and Responsibilities

A. EPCC. EPCC will be responsible for:

- (i) Admitting qualified students into EPCC;
- (ii) Providing the appropriate classroom, facilities, tools and equipment for college credit courses at the EPCC campus appropriate for each identified Program of Study;
- (iii) Hiring and supervising EPCC faculty and staff;
- (iv) Review of credentials of the Dual Credit instructors and credential those who meet the requirements.
- (v) Providing professional development opportunities for EPCC credentialed instructors, which includes training on working with high-school students and review of credentials of the Dual Credit instructors;
- (vi) Providing college courses as appropriate;
- (vii) Transcribing college credit immediately upon a student's completion of the course;
- (viii) Providing EPISD students up to sixty (60) hours of college credit in lower division courses needed for admission into the TTUHSCEP BSN as set forth in the Silva Magnet center crosswalk.

B. EPISD. EPISD will be responsible for:

- (i) Adhering to the terms of the current Dual Credit Program Partnership Agreement with EPCC.
- (ii) Recruiting students to BSN Pathway Program at Silva Magnet High School;
- (iii) Providing and maintaining the appropriate classrooms, facilities, tools and equipment;
- (iv) Hiring and supervising faculty and staff;
- (v) Developing and delivering the high school curriculum;
- (vi) Operating and maintaining the program;
- (vii) Transcribing high school credit immediately upon a student's completion of the course;
- (viii) Informing all students in the BSN Pathway Program that they are not guaranteed admission to TTUHSCEP and inform them of the two-phase process, which includes provisional admission and final admission, subject to TTUHSCEP requirements;
- (ix) Informing teachers and students of the requirements to comply with TTUHSCEP's policies and procedures when in attendance at TTUHSCEP's facilities.
- (x) Requesting students, parents and/or legal guardian to sign a record release form (Appendix B)
- (xi) Informing students of the admission process, requirements, and conditions for provisional and final admission at TTUHSCEP and submission of a background check to TTUHSCEP GGHSON.
- (xii) Informing students that a criminal Background Check (CBC) must be completed prior to enrollment at TTUHSCEP GGHSON. Each student is

responsible for the cost of the CBC and any additional fees. The CBC is conducted through the Texas Board of Nursing. Detailed instructions are emailed to admitted students upon payment of placement fee.

- (xiii) Providing transportation, if necessary, to and from any event hosted at TTUHSCEP, such as clinical simulation, and remain solely responsible for any liability associated with such transportation.
- (xiv) Providing proof that it maintains general liability insurance in an amount that is commercially reasonable.

C. TTUHSCEP. TTUHSCEP GGHSON will be responsible for:

- (i) Prior to admission, when EPISD students attend events at TTUHSCEP:
 - a. TTUHSCEP may remove from its premises any participant who poses an immediate threat or danger to personnel or to the quality of medical services or for unprofessional behavior as established in the TTUHSCEP institutional student Handbook of Professional and Academic Code;
 - b. TTUHSCEP may request EPISD to withdraw or dismiss a participant from the BSN Pathway Program at TTUHSCEP when his/her performance is unsatisfactory to TTUHSCEP or his/her behavior is disruptive or detrimental to TTUHSCEP.
- (ii) Admission Requirements: All applicants to the Accelerated Bachelor of Science in Nursing (B.S.N.) track must complete online applications listed on the Accelerated B.S.N. website. Students must meet the minimum requirements listed below to be considered for admission:
 - a. A 3.0 cumulative grade point average (GPA) for prerequisites.
 - b. At the time the application is submitted, all applicants must have completed a minimum of 44 credit hours of the required prerequisite coursework (55 hours total).
 - c. All pre-requisite coursework must be completed with a grade of C or better prior to enrolling in the first nursing course.
 - d. Completion of the standardized admission examination Health Education Systems Incorporated (HESI) is required for admission. All sections required must be completed in one sitting, and official scores must be dated within a calendar year from the date of submission. Scores cannot be combined.
 - e. Applicants are reviewed by the GGHSON Admissions Committee and evaluated individually; therefore, no single attribute may be the determining factor in the admission decision. The actual number of students offered admission is dependent on a variety of factors, such as financial resources, classroom space, and available clinical experiences.
 - f. College courses for the BSN Pathway Program must meet Texas Core Curriculum established by the Texas Higher Education Coordinating Board and any other TTUHSCEP requirements set forth in the crosswalk, Appendix

A herein. The total courses required to be admitted to the Accelerated BSN program at GGHSON is 55 credit hours.

- (iii) **Offers of Admission:** Offers of admission will be made approximately 8 to 10 weeks following the application deadline. Applicants are required to respond to the offer of admission by the deadline stated in the letter. Acceptance of the offer is established once the student pays the non-refundable placement fee. Failure to respond by the deadline will result in withdrawal of the offer of admission. Request for deferment must be submitted in writing to the GGHSON Office of Student Affairs by the deadline stated in the offer letter. If granted, deferment can occur one time and not exceed one semester beyond intended admission. Deferment petitions are reviewed by the GGHSON Admissions Committee along with new applicants. Deferred students may or may not receive an offer of admission based on review.
 - a. Placement will be competitive. Each accepted student will be reviewed using criteria listed on the GGHSON admissions website.
 - b. Students must provide EPCC official transcript and completion of prerequisites listed in Appendix A crosswalk by published application deadlines.
 - c. Students must meet the minimal requirements of the general applicant pool at the time of consideration for admission.
 - d. Students are required to attend all mandatory GGHSON meetings and remain in contact with the GGHSON's academic advisor between their date of acceptance and the date they begin courses at GGHSON.
 - e. GGHSON reserves the right to fill any seats set aside for EPISD students if EPISD applicants do not meet criteria or if they do not meet the application deadline.
 - f. If the admitted student does not meet the minimum requirements stated above or fails to provide health clearance, background checks, or complete other admission requirements within the required schedule deadline, the EPISD student will relinquish his/her space in the GGHSON entering class and will need to reapply by the following published application deadlines.
 - g. Completion of all prerequisites does not guarantee final admission to GGHSON. TTUHSCEP may withdraw acceptance or refuse admission for other reasons other than not meeting the admission criteria identified in this Agreement. Examples of reasons for withdrawing the acceptance include but are not limited to criminal background issues and positive drug screen.
 - h. Assist in recruiting eligible students for admission to the BSN Pathway Program.

D. Computer

All students admitted to the GGHSON are required to have a personal computer.

E. Criminal Background Checks

In compliance with TTUHSCEP and Texas Board of Nursing policy, all applicants

who have received offers of admission will be required to clear a criminal background check. A history of criminal conduct or convictions may result in withdrawal of the admission offer in accordance with the GGHSON Student Handbook.

F. Drug Screenings

Drug screenings may be required per contractual agreement with clinical sites. Drug screenings may be requested upon admission and conducted at any time during the student's tenure.

G. JOINT RESPONSIBILITIES. EPISD, EPCC, and TTUHSCEP will be responsible for:

- (i) Aligning the High School and College courses;
- (ii) Sharing in the scheduling of College courses;
- (iii) Advising Students throughout their collegiate academic experience;
- (iv) Providing joint professional development opportunities.

H. Application of Americans with Disabilities Act Amendments Act and Section 504 of the Rehabilitation Act of 1973. To the extent this Agreement and the services provided under the Agreement are subject to the Americans with Disabilities Act Amendments Act and/or Section 504 of the Rehabilitation Act of 1973, EPISD, EPCC and TTUHSCEP agree to take any steps necessary to comply with the provisions of these laws. Coordination of services under the Agreement, enrollment of students, and any necessary accommodations will be managed by the EPCC Center for Students with Disabilities (CSD). Appropriate accommodations will be determined by an EPCC CSD Counselor based upon individual needs and requirements of the required Program of Study. Accommodations will be provided by EPISD pursuant to applicable law and EPISD policy. Accommodations for special education students enrolled in dual credit and College courses must also adhere to EPCC's accommodations policy.

7. Collecting and Sharing Data

EPISD, TTUHSCEP, and EPCC agree to collect data associated with BSN Pathway Program at Silva Magnet High School required for reporting purposes and to share the data with the appropriate agencies or needed for internal purposes for use by either entity. EPISD Analytics, Strategy, Assessment and PEIMS (ASAP) and EPCC Research departments will be the primary point of contact for all data collection for their respective institutions. In addition, EPISD, TTUHSCEP, and EPCC agree to share any data required for the successful completion of the Silva BSN students' graduation plans. When applicable, EPCC's Institutional Review Board (IRB) will be consulted when requesting and sharing data or conducting research. When selected, Silva BSN will participate in student success, facility satisfaction surveys, and other local or national surveys administered to EPCC students. EPISD and EPCC will collect and review the following aggregated/disaggregated data: number of credit hours taken and earned; GPAs; state assessment results; SAT/ACT, PSAT; TSI readiness by grade level; qualifications of Silva BSN staff; and location(s) where courses are taught. Provisions for implementing program

improvements will be based on the collection, review, and sharing of the following data: EPCC data; EPISD data; TTUHSCEP data; articulation of high school students in four-year colleges/universities and level of entry and enrollment/retention rates; and leaver codes and attrition rates, by grade level; and other data relevant to student academic achievement.

8. FERPA

For purposes of this Agreement, pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), EPCC hereby designates EPISD as a college official with a legitimate educational interest in the educational records of the students who participate in the Silva BSN Pathway Program to the extent that access to the records are required by EPISD to carry out the BSN Pathway Program; and EPISD hereby designates EPCC and TTUHSCEP as a school official with a legitimate educational interest in the educational records of the students who participate in the Silva BSN Pathway Program to the extent that access to the records are required by EPCC and/or TTUHSCEP to carry out the BSN Pathway Program. All Parties agree to maintain the confidentiality of the educational records in accordance with the provisions of FERPA.

9. Records and Criminal History

Records relating to this Agreement may be subject to disclosure pursuant to the Texas Public Information Act, Section 552.001 et. seq. of the Texas Government Code. EPCC agrees that, if applicable, it shall comply at its sole expense with the requirements of Section 22.0834 of the Texas Education Code, "Criminal History Record Information Review of Certain Contract Employees," any applicable rule(s) adopted by the Texas Commissioner of Education, EPISD Board Policies and other policies and requirements of such statute and rule(s) and will ensure that no covered person with a disqualifying criminal history performs services under this Agreement.

10. Marketing and Co-branding

TTUHSCEP Administrators, EPCC Administrators and High School Principals, along with any necessary administrative staff, will maintain open lines of communication between them. Silva BSN Pathway Program is a strong and beneficial partnership between EPISD, EPCC and TTUHSCEP and will be co-branded accordingly. References to College Courses for Dual Credit that are offered by EPCC for TTUHSCEP will prominently feature the name and logo of EPCC and TTUHSCEP on all media/marketing materials, school marquees, verbal and non-verbal messaging, and anywhere else the BSN Pathway Program is visible. When used in conjunction with EPISD or High School logo, logos must be of the same size and in high-profile locations. When communicating about Dual Credit programs or courses offered by EPCC, it is important to state: "These Dual Credit course offerings are available thanks to a partnership with El Paso Community College," when speaking, presenting, or discussing the initiative as well as in all written materials, including, but not limited to news releases, website content, promotional materials, social media, or other content. Signage, banners, and other displays should prominently demonstrate the partnership and should include EPCC, TTUHSCEP and its logos. Materials or exceptions to this guideline will need to be reviewed and approved by EPCC's Marketing/Community Relations Department and the Dean of Dual Credit and Early College High Schools. Each party reserves the right to approve major signage, banners and other displays marketing Dual Credit that will be displayed outside the EPCC campus to the general public. EPCC supplied logos, banners, or flags will be displayed in each classroom used to teach Dual Credit students. EPISD is responsible for ensuring that departments producing materials as well as appropriate administrators, faculty and staff are aware of the marketing and co-branding requirements. Media/marketing materials that do not reflect appropriate co-branding may be removed and redone to properly reflect required marketing and co-branding.

11. Termination

Either EPISD, EPCC or TTUHSCEP shall have the right to terminate this Agreement with or without cause at any time during any term by written notice of (90) days to the other party. In the event of termination during any term of this Agreement, the effective date of termination shall be as of June 30, following the notice. It is the intent of the Parties that no termination shall be made or take effect at any time when the academic school year is in progress to avoid disrupting the academic progress of the students of Silva's BSN Pathway Program, unless the Parties mutually agree in writing. In the event of termination, Silva BSN will continue operation through the 11th grade cohort's scheduled graduation from Silva. Services to enrolled 9th and 10th grade students may be continued through graduation of those cohorts by agreement of all Parties. While in the process of discontinuing operation, Silva may not enroll any additional students in grades that have been phased out but will continue to meet all the required design elements and provide full support for all students enrolled in the school.

12. Liability of EPISD, EPCC and TTUHSCEP

This Agreement is not intended to alter or reallocate any defense or immunity presently authorized by law or to create or transfer any liability arising under the law. EPISD, EPCC and TTUHSCEP shall each bear sole liability or risk of loss for claims arising from the acts or omissions of their respective employees and agents. Each party agrees that it shall be responsible for its own officers, agents and employees who are performing duties under this Agreement and neither shall be liable or responsible for the acts or omissions of the other's officers, agents or employees. EPISD, EPCC and TTUHSCEP expressly maintain all rights of governmental immunity or sovereign immunity from litigation or liability, to the extent provided by applicable law.

13. Miscellaneous Integrated Agreement

This Agreement constitutes the entire agreement of the Parties respecting the subject matter described herein and supersedes all prior agreements or understandings, whether written or oral.

- a. **Compliance with Laws and Regulations.** The Parties shall comply with all applicable local, state, and federal laws, ordinances, regulations, and orders in their performance under this Agreement.
- b. **Governing Law.** This Agreement is to be performed in El Paso County, Texas, and is governed by the Constitution and the laws of the State of Texas. The venue of any suit arising from this Agreement shall exclusively be in El Paso County, Texas. The Parties agree to the jurisdiction of any state court or United States federal district court presiding in the City of El Paso, El Paso County, Texas over any suit, action or proceeding arising out of or relating to this Agreement.
- c. **Amendment.** Any amendment of this Agreement shall be in effect once it is in writing and signed by the Parties. EPISD's Board of Trustees authorizes its Superintendent to sign any amendment that does not affect the approved budget.
- d. **Assignment Prohibited.** This Agreement and its rights, duties and responsibilities may not be assigned without the prior written agreement of the Parties.
- e. **Alternate Dispute Resolution.** The dispute resolution process provided for in Chapter 2260 of the Texas Government Code and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260 will be used by the Parties to attempt to resolve any claim for breach of contract made by either party that

cannot be resolved in the ordinary course of business.

- f. **Counterparts.** This Agreement is being executed in multiple counterparts, each of which shall constitute an original and all of which together shall constitute but one and the same instrument.
- g. **Interlocal and Current Revenues.** This Agreement constitutes an "interlocal contract" within the meaning of and as authorized by, the Texas Interlocal Cooperation Act, Section 791.001 et. seq. of the Texas Government Code. The purpose of this Agreement is to provide "governmental functions or services," as therein defined. The Parties each represent and warrant they will cover their respective payments/costs, if any, under this Agreement with current revenues available to each.
- h. **Survival.** A party shall remain obligated to the other party under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement.
- i. **Notices.** Any notice authorized or required to be given under this Agreement shall be delivered or sent to the Parties at the following addresses:

El Paso County Community College
9050 Viscount Blvd
El Paso, TX 79925
Attn: President

Texas Tech University Health Sciences Service Center El Paso
5001 El Paso Drive - MSC 51014

El Paso, TX 79905
Attn: President

El Paso Independent School District
1014 N. Stanton
El Paso, TX 79902
Attn: Superintendent

All notices required to be given hereunder shall be in writing and shall be served in person upon the party to be notified or upon its agent, or shall be mailed by certified or registered mail or deposited with a nationally recognized overnight carrier, postage prepaid, to the address shown above. Any notice mailed in the manner set forth in this Section shall be deemed received by the party to whom it is addressed when deposited in such manner with the United States Postal Service or said overnight carrier, unless returned undelivered.

Signed and approved effective as of the date shown above.

Approved to Form

EPCC:
El Paso County Community College District

General Counsel, EPCC

William Serrata, Ph.D., President

Approved to Form

TTUHSCEP:
Texas Tech University Health Science Service
Center at El Paso

General Counsel, TTUHSCEP



Richard A. Lange, MD., M.B.A, President

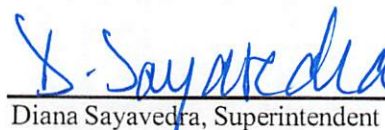
Approved to Form



EPISD:
El Paso Independent School District

~~Signed Thursday, January 25, 2024~~

General Counsel, EPISD



Diana Sayavedra, Superintendent

Appendix A

Crosswalk

Silva Magnet High School Public Service Endorsement Healthcare Therapeutic				EPCC Associate Degree Multidisciplinary Studies			Texas Tech University Health Sciences Center El Paso Accelerated B.S.N. Track		
Gr	PEIMS #	HS Course Name	HS Credits	Texas Course #	College Course Name	C Credits	Texas Course #	College Course Name	C Credits
9	03220100	English 1	1.0						
9	03100700	Geometry	1.0						
9	03010200	Biology	1.0						
9	A3360100	Human Geography	1.0						
9	13020200	Principles of Health Sci	1.0						
9	03150600	Music Appr.	1.0	MUSI 1306	Music Appreciation	3.0	MUSI 1306	Music Appreciation	3.0
9	PE900091	Lifetime Fit & Wellness	0.5						
9	13020500	Medical Terminology	1.0						
9	N1290050	College Transition	0.5						
9	03360100	Psychology	0.5	EDUC 1300	Learning Framework	3.0	PSYC 2301	Psychology	3.0
9th Grade HS Credits				8th Grade College Credits			9th Grade College Credits		
				13.0			6.0		
10	03220200	English 2	1.0						
10	03040000	Chemistry	1.0						
10	03040100	US History	1.0						
10	03100600	Algebra 2	1.0						
10	13020400	Health Science Theory	1.0						
10		LOTE	1.0	CHEM 1305H105	Intro Chem I (Allied/HealthEmp)	4.0	CHEM1305H105	Chemistry	4.0
10		Elective	1.5	HIST 1301	United States History I	3.0	HIST 1301	United States History I	3.0
10	13009800	Professional Comm	0.5	HIST 1302	United States History II	3.0	HIST 1302	United States History II	3.0
10	03360001	Soc. Studies Adv Topics	0.5	SPCH 1321	Bus and Prof Communication	3.0	PSYC 2314	LifeSpan Human Development	3.0
10th Grade HS Credits				10th Grade College Credits			10th Grade College Credits		
				15.0			13.0		
11	03220300	English 3	1.0	ENGL 1301	Composition I	3.0	ENGL 1301	Communication	3
11		LOTE	1.0	ENGL 1302	Composition II	3.0	ENGL 1302	Communication	3
11	03102500	Statistics	1.0	MATH 1342	Elem Statistical Methods	3.0	MATH 1342	Elem Statistical Methods	3
11	13020600	Anatomy Phys.	1.0	BIOL 2401	Anatomy and Phys. I	4.0	BIOL 2401	Anatomy and Phys. I	4
11	13020500	Practicum in Health Sci 1	2.0	BIOL 2402	Anatomy and Phys. II	4.0	BIOL 2402	Anatomy and Phys. II	4
11		Elective	2.0						
11th Grade HS Credits									
				17.0			17.0		
12	03220400	English 4	1.0	ENGL 2322	British Literature I	3.0	ENGL 2322	British Literature I	3
12	13023000	Food Science	0.5	HECO 1322	Nutrition and Diet Therapy	3.0	HECO 1322	Nutrition and Diet Therapy	3
12	13020700	Medical Microbiology	0.5	BIOL 2420	Microbiology for Non-Science	4.0	BIOL 2420	Microbiology with Lab	4
12	13020510	Practicum in Health Sci 2	2.0						
12	03380100	Govt.	0.5						
12	03380042	Special Topics	0.5						
12	13020800	Pathophysiology	0.5	GOVT 2305	Federal Government	3.0	GOVT 2305	Federal Government	3
12		Elective	2.0	GOVT 2306	Texas Government	3.0	GOVT 2306	Texas Government	3
12	03310300	Economics	0.5	HPRS 1322	Pathophysiology	3.0	ZOOL 3303	Pathophysiology	3
12th Grade HS Credits				12th Grade College Credits			12th Grade College Credits		
				19.0			19.0		
HS Credit Total				EPCC Credit Total			TTU Credit Total		
				65.0			65.0		

Appendix B

RECORD RELEASE FORM

I, _____, as an enrolled student at the Maxine Silva Magnet in the accelerated nursing BSN Pathway Program track, hereby authorize Maxine Silva Magnet and the El Paso Independent School District (EPISD), to release and disclose any records regarding my academic performance, non-academic activities, and any other personally identifiable information pertaining to my continued participation in the accelerated nursing program at the Texas Tech University Health Sciences Center El Paso Gayle Greve Hunt School of Nursing (TTUHSCEP) as required by the affiliation agreement between EPISD and TTUHSCEP.

I understand that this information is considered a student record. Further, I understand that my signing this release, I am waiving my right to keep this information confidential from the above personnel under the Family Educational Rights and Privacy Act (FERPA).

I certify that my consent for the release of this information is entirely voluntary. I certify that I understand this consent to release can be revoked by me at any time in writing but will not be effective for materials already released under it.

I also release EPISD, Maxine Silva Magnet, the Texas Tech University Health Sciences Center El Paso Gayle Greve Hunt School of Nursing, and their officers, employees, agents, and person(s) providing the above described information from all claims and liability for damages that may result from their compliance with this request.

Name of Student (printed)

Student Signature

Date

Name of Parent/Guardian (if Student is Minor) (printed)

Parent/Guardian Signature

Date

STUDENT SERVICES ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of Continuing Education tuition rates for new courses.	
Requestor: Blayne Primozich	Area Responsible: Workforce and Continuing Education
Resource Persons: Steven Smith, Blayne Primozich	
Purpose: To approve tuition rates for new CE courses.	
Explanation: As new courses are brought into the inventory, the Workforce and Continuing Education Division requests the Board of Trustees approval for the associated tuition rates.	
Recommendation: Approval by the Board of Trustees.	

COURSE	TITLE	HOURS	TUITION
Allied Health			
WSI 181	Registered Nurse Certified Neonatal Intensive Care Nursing RNC-NIC	15	\$1,416
WSI 182	Trauma Certified Registered Nurse (TCRN)	17	\$1,499
Center for Corporate and Workforce Training			
CWT 203	Level-1 Instrumentation Technician Course	140	\$1,637
CWT 506	Pipes & Valves: Basic Pipefitting Skills	12	\$182
CWT 119	Interior Wall Finishing	16	\$137
CWT 324	Troubleshooting and Maintenance of Electrical Systems	32	\$275
CWT 608	Plumbing Maintenance	32	\$275
CWT 325	Central Air Conditioning System	32	\$275
CWT 326	Appliance Repair	16	\$137