



Regular Board of Trustees Meeting - May 25, 2022

El Paso Community College
9050 Viscount Blvd, Board Room A200
May 25, 2022 4:30 PM

Table of Contents

1. General Functions

A REGULAR MEETING of the Board of Trustees of the El Paso County Community College District will be held on Wednesday, May 25, 2022 beginning at 4:30 p.m. This Regular 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

certain real property neighboring the Rio Grande campus, pursuant to Section 551.072 of the Texas Government Code.

1.3.2. Discussion with legal counsel regarding

certain real property adjacent to the Mission del Paso campus, pursuant to Section 551.072 of the Texas Government Code.

1.3.3. Discussion with legal counsel regarding

prevailing wage rates for College public works, pursuant to Section 551.071 of the Texas Government Code.

1.3.4. Discussion with legal counsel regarding

the College Preliminary Offsite Report, pursuant to Section 551.071 of the Texas Government Code.

1.3.5. Discussion with legal counsel regarding

pending litigation styled, Martha Quinones v. El Paso County Community College

District and Hector Arriola, in the 448th Judicial District Court of El Paso County, Texas, Cause Number 2018-DCV-2171, pursuant to Section 551.071 of the Texas Government Code.

1.3.6. Discussion with legal counsel regarding

pending litigation styled, Victor Perez v. El Paso County Community College District, in the 120th Judicial District Court of El Paso County, Texas, Cause Number 2020-DCV-1105, pursuant to Section 551.071 of the Texas Government Code.

1.3.7. Discussion with legal counsel regarding

proposed incentive payments to eligible employees, pursuant to Section 551.074 of the Texas Government Code.

1.4. APPROVAL of MINUTES

Action item The minutes recorded in the agenda are a summary of the presentations and actions taken. Tape recorded minutes comprise the full official minutes.

1.4.1. March 23, 2022 Special Board of Trustees meeting.....7
Special Board of Trustees Meeting - March 23, 2022 Minutes.pdf.....7

1.4.2. March 23, 2022 Regular Board of Trustees meeting.....13
Regular Board of Trustees Meeting - March 23, 2022 Minutes.pdf.....13

1.4.3. April 26, 2022 Regular Board of Trustees meeting.....23
Regular Board of Trustees Meeting - April 26, 2022 Minutes.pdf.....23

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. Dr. William Serrata, College President, will recognize individuals who have retired from the College District.**
- 1.7.2. 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 by the Board of Trustees of data, statistics, policies, and general information related to the College District.**

1.9. BOARD of TRUSTEES BUSINESS

Action item

1.9.1. Discussion and take possible action regarding

the resolution authorizing the delegation of certain authority to Dr. William Serrata, College President, regarding the COVID-19 pandemic.

1.9.2. Discussion and take possible action regarding

pending litigation styled, Martha Quinones v. El Paso County Community College District and Hector Arriola , in the 448th Judicial District Court of El Paso County, Texas, Cause Number 2018-DCV-2171.

1.9.3. Discussion and take possible action regarding

pending litigation styled, Victor Perez v. El Paso County Community College District , in the 120th Judicial District Court of El Paso County, Texas, Cause Number 2020-DCV-1105.

1.9.4. Discussion and take possible action regarding

proposed incentive payments to eligible employees.

1.9.5. Discussion and action to authorize the President or his designee34

to execute a limited license agreement between the College and Rotary International District 5520 regarding the installation of certain American flag displays on the Transmountain Campus.

1.9.5

Limited_License_Agreement_--_EPPC__Rotary_Club_Northeast_El_Paso.pdf.....34

1.9.6. Discussion and take possible action regarding

prevailing wage rates for College public works, pursuant to Section 551.071 of the Texas Government Code.

1.9.7. Discussion and take possible action regarding

changing the Board of Trustees' Meeting dates.

1.10. BOARD REPORTS

1.10.1. Treasurers' Report

No Action required

1.10.1.1. April 30, 202241

April 2022_FinancialStatements.pdf.....41

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 the College to include an update on the COVID-19 pandemic and appropriate actions taken.

1.11. CONSENT DOCKET

Action item Note: Includes item 3.2

2. ADMINISTRATION

EPCCCD policies and TASB policies No Action required

2.1. The following 24 TASB (Legal) policies

CAD,CAIA,CDDA,CH,CIA,CJ,CKE,CM,CS,DC,DGC,DHA,DHB,DHC,EBB,ECC,EDA,EF A,EFBB,FC,FLA,GCA,GD,GH are presented for information only.70

Changes reflect legislation from the 87th Regular Legislative Session and changes from federal and state rulemaking authorities. No Action required Resource Person: Julie Penley

2.1 ABSTRACT Board Policy information only U43 legals .docx.....70
 2.1.2 U43 Legal Policies May22 .pdf.....73

3. PERSONNEL

Action items ONLY 3.1 and 3.2

3.1. Discussion and action to approve full-time staff and faculty recruited in positions funded by the institutional budget.....300

Action item

3.1 Institutionally funded appointments and extensions .pdf.....300

3.2. Discussion and action to approve full-time staff and faculty recruited in positions funded by grants and/or contracts.....303

CONSENT DOCKET item. Action item

3.2 Externally funded extensions.pdf.....303

3.3. Information items – Resignations and retirements304

No Action required

3.3 Resignations and Retirements.pdf.....304

4. FINANCIAL SERVICES

Action item

4.1. Discussion and action on the approval to purchase.....305

equipment and services from AV Concepts and Security LLC for the upgrade of projectors in 140 Technology-Enhanced Classrooms for the proper delivery of hybrid and face-to-face instruction in an amount not to exceed \$342,470. Action item
 Resource Person: Marco Fernandez

4.1 NTE \$342469.60_AV Concepts and Security .docx.....305

4.2. Discussion and action on the approval to award a contract306

to provide professional auctioneer services for the disposition of surplus, unserviceable, and obsolete District property to Larry Otten Auctioneers, LLC. Action item
 Resource Person: Josette Shaughnessy

4.2 Auctioneer Services Abstract BOT 05-25-22 .docx.....306

4.2 Analysis #22-003 revised contract award .pdf.....307

4.2 RFP #22-003 Evaluation Tabulation Auctioneering Services.pdf.....308

4.2 RFP #22-003 Composite Score Auctioneering Services.pdf.....309

5. PHYSICAL FACILITIES

Action item

5.1. Discussion and action on the approval to award a contract310

to Full Turn Interior Solutions, LLC to furnish the four student study areas at the Valle

Verde Campus, Building A in an amount not to exceed \$76,927. Action item
Resource Person: Josette Shaughnessy

5.1 NTE \$76,927 VV Student Areas Building 'A' May'22 .docx.....310

5.2. Discussion and action on the approval311

of expenditures with various vendors to purchase building materials, supplies and/or
services as needed for the District for fiscal years 2021-2022 and 2022-23. Action
item Resource Person: Josette Shaughnessy

5.2 Building Materials Supplies Services 2021-22 2022-23 .docx.....311

6. CURRICULUM AND INSTRUCTION

Action item

**6.1. Discussion and action on the approval to purchase an Anatomage Table from
Anatomage Inc. in the amount of \$83,525.....316**

Action item Resource Person: Steven Smith

6.1 Abstract \$83525 Anatomage Inc May2022 BOT_050422 .docx.....316

6.1 Memo_Sole Source_Anatomage_050422 .pdf.....317

6.1 Sole Source Letter_Anatomage Inc_050422 .pdf.....318

**6.2. Discussion and action on the approval of a contract award to Medline
Industries, LP. to provide course specific supplies to nursing students.....319**

Action item Resource Person: Steven Smith

6.2 Abstract_Medline Industries LP_Nursing Kits_May2022 BOT_042922 .pdf.....319

6.2 Analysis #22-006 Nursing Program Student Nursing Kits .pdf.....320

6.2 RFP #22-006 Evaluation Tabulation .pdf.....321

6.2 RFP #22-006 Composite Scoring .pdf.....322

**6.3. Discussion and action on the approval of the Texas Higher Education
Coordinating Board (THECB) Carl D. Perkins Basic Grant in the amount of
\$148,662.....323**

Action item Resource Person: Steven Smith

6.3 GRANT \$148,662 Abstract_Carl Perkins Basic Grant_Additional Funds_042822
.docx.....323

**6.4. Discussion and action on the approval of a grant from the City of El Paso in
the amount of \$37,000.....324**

Action item Resource Person: Steven Smith

6.4 Grant \$37,000 City of El Paso Abstract_042922 .docx.....324

**6.5. Discussion and action on the acceptance of a grant from the DJR Trust
Foundation for the Kidz n' Coaches program in the amount of \$10,000.....325**

Action item Resource Person: Steven Smith

6.5 Grant Abstract_Kidz n Coaches Grant \$10,000_050422 .docx.....325

7. STUDENT SERVICES

Action item

7.1. Discussion and action on the approval of a contract award to326

Mike Garcia Merchant Security, LLC for providing private security guard services on an as-needed basis at various locations within the EPCC District in an amount not to exceed cumulative total for three years \$508,000. Action item Resource Person: Carlos Amaya

7.1 Abstract \$508000 Merchant Security for May Board .pdf.....326

7.1 Analysis #22-007 with amended contract term .pdf.....327

7.1 RFP #22-007 Evaluation Tabulation Security Services.pdf.....328

7.1 RFP #22-007 Composite Score Security Services.pdf.....329

7.2. Discussion and action on the approval of Continuing Education tuition rates for new courses.....330

Action item Resource Person: Steven Smith

7.2 Abstract_New_CE_Rates_042722 .docx.....330

7.3. Discussion and action on the approval of Continuing Education tuition rates for revised courses.....332

Action item Resource Person: Steven Smith

7.3 Abstract_Revised_CE_Rates_042722 .docx.....332

8. COMMUNITY SERVICES-NONE

9. ADJOURNMENT and announcement of next Board of Trustees meeting

Action item

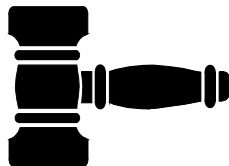
EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

**BOARD OF TRUSTEES
MINUTES**

March 23, 2022

SPECIAL

**REGULAR
May 25, 2022
Exhibit 1.4**





Board of Trustees - Special Meeting Minutes

El Paso Community College
Mar 23, 2022 at 12:00 PM
9050 Viscount Blvd.
ASC Boardroom A200

1. General Functions

A Special Meeting of the Board of Trustees of the El Paso County Community College District will be held on Wednesday, March 23, 2022, beginning at 12:00 p.m. This meeting will be held at the Administrative Service Center Boardroom- A200, El Paso, TX 79925 and will be viewable through the EPCC YouTube channel. Refer to the link <https://www.youtube.com/user/goepcc>

2. Welcome and Call to Order

The meeting was called to order at 12:51 p.m. by Board Chair Brian Haggerty. Mr. Haggerty welcomed all staff and guests to the Meeting. Dr. Steve Smith, Vice President of Instruction and Workforce Education, led the Trustees and guests in the Pledge of Allegiance.

3. Roll Call

Attendance

Members Present:

Carmen Graham, Brian Haggerty, Bonnie Najera, Belen Robles, Christina Sanchez

Members Absent:

John Uxer Jr., Nina Piña

All Trustees were present with the exception of Trustees Nina Piña and John Uxer Jr.

4. Public Comment

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

None.

5. Discussion/Action Items

5.1. Ms. Josette Shaughnessy, Vice President of Financial and Administrative Operations, will update the Board of Trustees on the Budget Development Process for Fiscal Year 2022/2023.

Ms. Shaughnessy shared the Budget Workshop Agenda, stating that she will provide: an overview of the Budget Development Process for Fiscal Year (FY) 2022-2023, Revenue Sources for FY 2021-2022, Projected Revenues for FY 2022-

2023, Tuition Rate increase scenarios, tax increase scenarios, a review of Budget Strategies for FY 2022-2023, and Next Steps. She shared the Budget Development Calendar for the FY 2022-2023 commenting that in February there were virtual budget workshops for Budget Heads and support staff, and the budget requests to be completed by the executive levels were due to the Budget Office in March, so they can be compiled to generate the baseline budget; in Mid April, there are meetings with the Vice Presidents to review their respective budgets; in May, there is a review of the preliminary baseline budget with the President to include revenue projections; in June and July, the President reviews and approves additional funding requests; also during that time frame, budget workshops are available for the Board of Trustees; and in August, the Board of Trustees adopts the budget.

She then reviewed the Budget Development Process for the 2022-2023, stating that the process started in February 2022 with the current fiscal year revenues being the basis for revenue projections for FY 2022-2023; the FY 2022-2023 budget is based on the rollover of the 2021-2022 adopted budget; additional requests will be considered only for essential needs; and salary enhancement will be evaluated to remain competitive in hiring and retaining faculty and staff.

Ms. Shaughnessy reviewed the Revenue Sources for the FY 2021-2022 Adopted Budget of \$149,804,039 distributed as follows: Property Taxes of \$65,414,038 or about 44% of the total revenue sources; Tuition and Fees of \$37,524,718 or 25%; State appropriations of \$31,601,314 or 21 %; and HEERF Revenue Recovery of \$9,758,767 or 6.51%; other revenue sources mentioned include the Self supporting programs of \$3,000,000; overhead recovery of \$536,192; and other income of \$1,969,010. She shared the Resident Tuition Rate History based on 12 credit hours stating that the current tuition rate of \$1,632 has stayed the same for the last two years. She informed the Trustees that as of Fall 2021, the local property tax rate for FY 2021-2022 is 0.134760. She then reviewed the FY 2021-2022 Adopted Budget by expense category, stating that the adopted budget of \$149,804,039 is distributed as follows; \$49,858,197 for faculty salaries, \$42,144,887 for staff salaries, \$23,775,506 for supplies and services, \$14,393,270 for benefits, \$10,473,925 for contingency, \$7,578,255 for transfers, \$899,911 for equipment, and \$680,088 for travel. She mentioned that the Contingency expense category includes about \$9.7 million from the HEERF funding, which is the allocation to set aside for a one-time expense and is derived because of the lost revenue recovery fund. She stated that the one-time expense does not have to be COVID related, and the revenue recovery that we receive from the federal

government can be spent on any need throughout the fiscal year; however, recurring costs cannot be spent with this \$9 million. She presented the revenue projections for FY 2021-22 based on actual through February 2022 that included the HEERF funds. She compared the FY 2021-2022 budgeted revenues with the projected revenues as of February 2022 of \$148,370,165. Ms. Shaughnessy stated that when it comes to enrollment, 64.45% of the student paying mix is from net paying students, and about 35% is shared between early college and dual credit students; for credit hours, she mentioned that in 2020-2021 there was a decrease in paying students and an increase in dual credit and early college students, but in fall 2021-spring 2022, there was a decrease of about 2% for dual credit and early college paying student mix. She then reviewed the Preliminary Revenue Projections for FY 2022-2023 without the HEERF funds, stating that the total FY 2022-2023 revenues are projected at \$139,611,398 and are still preliminary.

Ms. Shaughnessy then discussed the evaluation of the two-year tuition rate schedule, mentioning that Fall 2016 marked the implementation of the two-year tuition rate schedule approved by the Board, with the timing of an increase each fall semester in-between legislative years, and that the set tuition rate for a 2-year cycle may encourage students to graduate within the cycle. The evaluation of the tuition rate was also designed to determine the amount increase per credit hour for both resident and non-resident students to supplement sources of revenue that fund the operating budget. She mentioned that the current tuition and fee rate is \$116 per credit hour for a resident student or \$136 with the general use fee, and for a non-resident student, the tuition rate is \$201 per credit hour or \$221 with the general use fee; other fees subject to increase include the distance education fee at \$55 per course and the three-peat fee at \$60 per credit hour.

She reviewed the tuition rate increase scenarios for FY 2022-2023 and FY 2023-2024, stating that if there is a \$1 increase for resident and a \$1.75 for non-resident, the tuition revenue is projected at \$305,370 for the fiscal year and \$163,647 for the Spring and Summer of 2023. She mentioned that with a \$3 and \$5 increase for resident and non-resident students respectively, the tuition revenue is projected at \$908,470 for the fiscal year, and \$486,800 for the Spring and Summer of 2023; a \$4 and a \$7 increase for resident and non-resident students respectively would yield a projected \$1,221,478 for the fiscal year, and \$654,588 for the Spring and Summer 2023; and with a \$10 and \$18 increase for resident and non-resident students respectively, the tuition revenue is projected

at \$3,068,974 for the fiscal year, and \$1,644,752 for the Spring and Summer 2023. She explained a chart that compared tuition and fees across local public and private institutions of higher education.

Ms. Shaughnessy then presented the funding strategies for various salary increase scenarios based on the projected revenues that she had explained earlier in the presentation. When comparing the projected revenues with the preliminary Rollover Budget, the various salary increase scenarios yielded budget deficits that would need to be funded from major revenue sources such as property tax revenues, should the Board entertain a salary increase for employees.

She concluded her presentation by informing the Trustees on the Next Steps, which include: compiling the baseline budget that is anticipated to be lower than the Adopted Budget, the evaluation of budget surpluses that can fund some of the budget deficit, refining revenues as summer and fall enrollments become more predictable, evaluating the impact of the tax rate increase combined with a potential tuition increase in Spring 2023, and the review of budget requests for critical needs. She reviewed the timelines for the adoption of the FY 2022-2023 budget that included receiving preliminary property appraisals in April, May and June, planning for budget workshops in June and July, the acceptance of the Certified Appraisal Roll, and the consideration of salary enhancement at the July Board meeting, and the adoption of the budget at the August Board meeting, and the tax rate at either the same meeting or the September meeting.

She concluded her presentation by recognizing and thanking her staff and colleagues, Dr. Serrata, and the Board of Trustees for their support.

- 5.2. Discussion and take possible action regarding the investment or use of the \$30 million charitable grant to the College from the National Philanthropic Trust.

Motion:

No action

The Board of Trustees recessed into Executive Session at 2:19 p.m. They reconvened at 4:01 p.m. Please note: Secretary Christina Sanchez was absent upon reconvening.

6. 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.

6.1. Discussion with legal counsel regarding a charitable grant to the College of \$30 million from the National Philanthropic Trust, pursuant to Section 551.073 of the Texas Government Code.

7. Adjournment

Motion:

Motion moved by Dr. Graham. The meeting was adjourned at 4:02 p.m.

EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

**BOARD OF TRUSTEES
MINUTES**

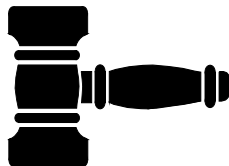
March 23, 2022

REGULAR

REGULAR

May 25, 2022

Exhibit 1.4





Regular Board of Trustees Meeting - March 23, 2022

Minutes

El Paso Community College
Mar 23, 2022 at 4:30 PM
9050 Viscount Blvd, ASC Boardroom

1. General Functions

A REGULAR MEETING of the Board of Trustees of the El Paso County Community College District will be held on Wednesday, March 23, 2022 beginning at 4:30 p.m. This Regular 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

The meeting was called to order at 4:31 p.m. by Board Chair Brian Haggerty. Ms. Josette Shaughnessy, Vice President of Financial and Administrative Operations, led the Trustees and guests in the Pledge of Allegiance.

1.2. ROLL CALL

Attendance

Members Present:

Carmen Olivas Graham, Brian Haggerty, Bonnie Najera, Belen Robles, Christina Sanchez

Members Absent:

John Uxer Jr., Nina Piña

All Trustees were present with the exception of Trustees John Uxer Jr. and Nina Piña.

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 Rate 41 with El Paso Electric, pursuant to Section 551.071 of the Texas Government Code.

1.4. APPROVAL of MINUTES


Action item

The minutes recorded in the agenda are a summary of the presentations and actions taken. Tape recorded minutes comprise the full official minutes.

1.4.1. January 13, 2022 Emergency Meeting

 [Emergency Board Meeting- January 13 2022 Minutes.pdf](#)

1.4.2. January 18, 2022 Facilities and Finance Committee Meeting

 [Facilities and Finance Committee Meeting- January 18 2022 Minutes.pdf](#)

1.4.3. January 18, 2022 Regular Board Meeting

 [Regular Board of Trustees meeting - January 18 2022 Minutes.pdf](#)

1.4.4. January 22, 2022 Special Meeting

 [Board of Trustees - Special Meeting Minutes Jan. 22.pdf](#)

1.4.5. February 23, 2022 Facilities and Finance Committee Meeting

 [Facilities and Finance Committee Meeting- February 23 2022 Minutes.pdf](#)

Motion:

Motion moved by Vice-Chair Carmen Olivas-Graham and motion seconded by Trustee Belen Robles. Motion passed.

1.5. WELCOME to GUESTS & STAFF MEMBERS

Mr. Haggerty welcomed all staff and guests to the Meeting.

1.6. OPEN FORUM

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

None.

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.

Ms. Cristina Navarro, Student Government Association (SGA) President, stated that SGA met with Mr. Joshua Villalobos, Mission del Paso Campus Dean, regarding the new student union. She mentioned that SGA decided to pause the project to allocate more funds. She stated that SGA participated in a Tuition and Fees Committee Meeting and are in full

support of the 2023 fee increase for the Credit for Life Experience, Program, and the OER increase fee. She informed the Trustees that SGA recently returned from the ASACC National Student Advocacy Conference in Washington, DC, mentioning that they decided to advocate for the four top concerns, which include the Pell Grant Act, America's Promise Act, the Dream Act, and the Higher Education Act. She stated that they were able to meet with the office of U.S. Representative Veronica Escobar. She informed the Trustees that SGA will be traveling to Dallas to attend the Texas Junior College Association Conference. She concluded her oral presentation by thanking Ms. Arvis Jones, Student Leadership and Campus Life Director, for sharing her knowledge, her unrelenting advocacy for student success, and her patience throughout all these years.

Dr. Albert Burnham, Faculty Association President, thanked all those responsible for approving a COVID testing site at the Valle Verde Campus. He stated that it is an important step to keep our faculty, staff, and students safe. He mentioned that the site opened on March 21, 2022, and was the first person tested and received his results one day later. He concluded his presentation by thanking the administration for making it possible.

1.8. COMMUNICATIONS

1.8.1. Discussion and review by the Board of Trustees of data, statistics, policies, and general information related to the College District.

Dr. Julie Penley, Vice President of Research, Accreditation & Planning, provided a continued presentation on Key Performance Indicators (KPIs). She mentioned that Dr. Steve Smith's presentation at the February 2022 Board Meeting focused on enrollment- KPIs #1 (Credit Enrollment), #3 (Retention), and #6 (CTE vs. Academic Enrollment); and her presentation would focus on factors impacting retention and success- KPIs #4 (Semester Credit Hours Completed in the first year), #15 (Academic Standing at the End of the first semester), and #16 (Academic Standing at the end of the first year). She reviewed the data on the semester credit hours, and stated that in Fall 2020, the average semester credit hours completed was 16.79%. She informed the Trustees that the target for KPI #4 is to increase success by 2%. She mentioned that regarding the academic standing in the first semester during Fall 2020, 67% of students were in good standing, 31% were on probation, and 1% were on

suspension; in Spring 2021, 67% of students were in good standing, 31% were on probation, and 2% were on suspension in their first semester. She mentioned that the target for KPI #15 is to return to pre-pandemic success points by academic year 2023-2024. Dr. Penley reviewed the academic standing in the First Year, stating that in Fall 2020, 57% of students were in good standing, 31% were on probation, and 13% were on suspension; in Spring 2020, 60% of students were in good standing, 31% were on probation, and 9% were on suspension. She stated that the target for KPI #16 is to also return to pre-pandemic success points by Academic Year 2023-2024. She concluded her presentation by thanking the Board of Trustees.

1.9. BOARD of TRUSTEES BUSINESS

Action item

1.9.1. Discussion and take possible action to approve or adopt resolution for the approval of the College's investment policy and CAK-Local.

 [1.9 EIPaso EPCC Resolution re Investments Policy.pdf](#)

Motion:

Motion moved by Dr. Graham and motion seconded by Mrs. Robles.
Motion passed.

1.9.2. Discussion and take possible action regarding the resolution authorizing the delegation of certain authority to Dr. William Serrata, College President, regarding the COVID-19 pandemic.

Motion:

No action.

1.10. BOARD REPORTS

1.10.1. Treasurer's Report

No action is necessary at this time.

1.10.1.1. February 28, 2022

 [February2022 FinancialStatements.pdf](#)

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 the College to include an update on the COVID-19 pandemic and appropriate actions taken.

Dr. Serrata informed the Trustees that on March 3, 2022, the Marathon Petroleum Corporation Foundation presented a \$273,838 check to the Foundation for EPCC; a press conference was held at EPCC's Advanced Technology Center at the Valle Verde Campus. He also reported that EPCC announced the creation of the Joe K. Foster Endowed Scholarship, created by former State Senator Joe Christie. Mr. Christie donated \$25,000 to the Foundation for EPCC in memory of his dear friend and founding Board Chair Joe K. Foster, who passed away in 2013. He stated that Senator Christie believes that his donation in honor of Mr. Foster will positively impact the students who receive it. Dr. Serrata shared that for the 17th year in a row, EPCC has been recognized as a leader in education to Hispanic students by the Hispanic Outlook on Education magazine. He mentioned that EPCC's College Readiness Mentors are attending local schools to present information on the importance of college and the programs available to the community.

He congratulated Dr. Andres Muro, Community Education Program (CEP) Director, and Suamy Meza, Program Manager, who represented EPCC at the Bellwether College Consortium in San Antonio as a finalist in Instructional Programs and Services. He also congratulated the recipients of the 2021 College Board AP Computer Science Diversity Award; Clint Independent School District Early College Academy, Northwest Early College High School, and Transmountain Early College High School. He stated that the award recognized schools that are closing the gender gap and expanding young women's access to computer science coursework in AP Computer Science Principles and AP Computer Science A. He mentioned that each area within the CEP does an outstanding job reaching out to El Paso's under-represented and under-served communities. He informed the Trustees that on February 22, 2022, EPCC hosted the Spring 2022 Early College High School Leadership Council Meeting with an attendance of 56 members.

Dr. Serrata commented that since the last Board Meeting held on February 23, 2022, he had participated in over 60 virtual and in-person meetings. He informed the Trustees that he participated in

the following TACC meetings: a TACC CEO meeting, where Jacob Fraire announced his departure from TACC, chaired 2 TACC Executive Committee meetings, one with TACC staff, chaired an emergency TACC CEOs only meeting, and participated in a TACC Regional prep meeting. He stated that he met with EPISD Superintendent Sayavedera, Representatives of CISCO leadership Tim Lake, Brian Steiner, and Barbara Walker. In addition, he met with Dr. Richard Muñoz from Sul Ross State University. He commented that he participated in the following meetings: a Real College TX Task Force, a Board of Directors Meeting for Exelencia in Education, a Columbia University Community College Research Center dual enrollment roundtable study with Dr. Davis Jenkins and other community college CEOs, an Aspen Fellowship Call, and an interview with El Paso Inc. He informed the Trustees that he attended the following meetings: the Bellwether Conference in San Antonio, the Board of Trustees Institute Meeting in San Antonio, the SACSCOC Governance Subcommittee Meeting, and the reception for the Joe K. Foster endowed scholarship established by Senator Joe Christie.

He concluded his report by providing a COVID update reporting that El Paso is currently averaging 30 cases per day, lower than the prior two weeks. He stated that the rolling 7-day average is 4.20%, which is below the recommended 5%; and the cumulative positivity rate stands at 11.70%, which has been above the 10% marker for the last 69 days. He informed the Trustees that 79.9% of El Pasoans, ages 5 or older are fully vaccinated and 101.4% have received their first vaccination. Dr. Serrata recommended implementing phase 3 of our Return to Campus Plan on Monday, April 11, 2022. He mentioned that Phase 3 increases the College staffing to 75% capacity with 100% of the staff participating.

1.11. CONSENT DOCKET

Action item

Note: Includes item 3.2

Motion:

Motion moved by Dr. Graham and motion seconded by Mrs. Robles. Motion passed.

2. ADMINISTRATION - NONE

3. PERSONNEL

Action items ONLY 3.1 and 3.2

- 3.1. Discussion and action to approve full-time staff and faculty recruited in positions funded by the institutional budget.

 [3.1 Institutionally funded appointments and extensions.pdf](#)

Mr. Francisco Ortega, Legal Counsel, informed the Trustees of the typographical error on page 65 of the Board Agenda. He stated that the end date for the Program Manager position should be May 31, 2022.

Motion:

Motion moved by Trustee Bonnie Soria Najera and motion seconded by Dr. Graham to approve with the modification of Program Manager Reymundo Vasquez's, end date to May 31, 2022. Motion passed.

- 3.2. Discussion and action to approve full-time staff and faculty recruited in positions funded by grants and/or contracts.

 [3.2 Externally funded extensions.pdf](#)

Item was included in the Consent Docket.

- 3.3. Information items – Resignations

No action required

 [3.3 Resignations .pdf](#)

4. FINANCIAL SERVICES - NONE

5. PHYSICAL FACILITIES

Action item

- 5.1. Discussion and action on the approval to award a contract to Contract Associates of El Paso, LLC for the purchase of classroom furniture for the Valle Verde Campus in an amount not to exceed \$589,032.

Action item

Resource Person: Josette Shaughnessy

 [5.1 NTE \\$589,032 Contract and Associates - VV Furniture - Mar'22 .docx](#)

Motion:

Motion moved by Secretary Christina Sanchez and motion seconded by Dr. Graham. Motion passed.

6. CURRICULUM AND INSTRUCTION

Action item

- 6.1. Discussion and action on the approval to increase the Open Educational Resources (OER) fee not to exceed \$50 per enrollment in OER course sections effective Fall 2022

Action item

Resource Person: Steven Smith

 [6.1 OER Abstract Fee Increase 2022 030822 .docx](#)

Motion:

Motion moved by Dr. Graham and motion seconded by Mrs. Robles to approve items 6.1 and 6.2. Motion passed.

- 6.2. Discussion and action on the approval to increase the Credit for Learning by Experience Option (CLEO) fee not to exceed \$95, effective Fall 2022.

Action item

Resource Person: Steven Smith

 [6.2 CLEO Fee Abstract 030922 .docx](#)

Motion:

Item passed.

7. STUDENT SERVICES

Action item

- 7.1. Discussion and action on the approval of Continuing Education tuition rates for new courses.

Action item

Resource Person: Steven Smith

 [7.1 Abstract New CE Rates 022522.docx](#)

Motion:

Motion moved by Dr. Graham and motion seconded by Ms. Sanchez to approve items 7.1 and 7.2. Motion passed.

- 7.2. Discussion and action on the approval of Continuing Education tuition rates for revised courses.

Action item

Resource Person: Steven Smith

 [7.2 Abstract Revised CE Rates 031122.docx](#)

Motion:

Item passed.

8. COMMUNITY SERVICES - NONE

The Trustees recessed into Executive Session at 5:21 p.m. They reconvened 6:14 at p.m.

9. ADJOURNMENT and announcement of next Board of Trustees meeting

Action item

Motion:

Mr. Haggerty announced that the next Board Meeting will be on April 26, 2022 at 4:00 p.m.

Motion moved by Dr. Graham. The meeting was adjourned at 6:14 p.m.

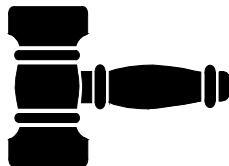
EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

**BOARD OF TRUSTEES
MINUTES**

April 26, 2022

REGULAR

**REGULAR
May 25, 2022
Exhibit 1.4**





Regular Board of Trustees Meeting - April 26, 2022

Minutes

El Paso Community College
Apr 26, 2022 at 4:30 PM MDT
9050 Viscount Blvd.
Board Room A200

1. General Functions

A REGULAR MEETING of the Board of Trustees of the El Paso County Community College District will be held on Tuesday, April 26, 2022 beginning at 4:30 p.m. This Regular 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

The meeting was called to order at 4:49 p.m. by Board Chair Brian Haggerty. Dr. Carlos Amaya, Interim Vice President of Student and Enrollment Services, led the Trustees and guests in the Pledge of Allegiance.

1.2. ROLL CALL

Attendance

Members Present:

Carmen Graham, Brian Haggerty, John Uxer Jr., Bonnie Najera, Belen Robles, Christina Sanchez

Members Absent:

Nina Piña

Please note: Trustee John Uxer Jr. joined the meeting virtually. Secretary Christina Sanchez joined the meeting during Executive Session.

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 unpaid suspension of an employee in the EPCC Police Department, and related matters, pursuant to Section 551.074 of the Texas Government Code.

1.3.2. Discussion with legal counsel regarding
the proposed unpaid suspension of an employee in Student and Enrollment Services,
and related matters, pursuant to Section 551.074 of the Texas Government Code.

1.3.3. Discussion with legal counsel regarding
pending litigation styled, *Daniel Vasquez v. El Paso County Community College
District*, in the 120th Judicial District Court of El Paso County, Texas, Cause Number
2021-DCV-0212, pursuant to Section 551.071 of the Texas Government Code.

1.3.4. Discussion with legal counsel regarding
pending litigation styled, *Martha Quinones v. El Paso County Community College
District and Hector Arriola*, in the 448th Judicial District Court of El Paso County,
Texas, Cause Number 2018-DCV-2171, pursuant to Section 551.071 of the Texas
Government Code.

1.3.5. Discussion with legal counsel regarding
construction-related agreements for the Rio Grande Campus project, pursuant to
Section 551.071 of the Texas Government Code.

1.4. APPROVAL of MINUTES

Action item

The minutes recorded in the agenda are a summary of the presentations and actions taken.
Tape recorded minutes comprise the full official minutes.

1.4.1. February 23, 2022 Regular Board meeting

 [Regular Board of Trustees meeting - February 23 2022 Minutes .pdf](#)

Motion:

Motion moved by Vice-Chair Carmen Olivas-Graham and motion
seconded by Trustee Bonnie Soria Najera. Motion passed.

1.5. WELCOME to GUESTS & STAFF MEMBERS

Mr. Haggerty welcomed all guests and staff to the Board Meeting.

1.6. OPEN FORUM

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

None.

1.7. PRESENTATIONS by INDIVIDUALS, GROUPS, & ORGANIZATIONS

1.7.1. Dr. William Serrata, College President, will recognize individuals who have
retired from the College District.

No retirees were recognized at the Board Meeting.

- 1.7.2. 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.

Ms. Laura Gaither, Classified Staff Association President, mentioned that Dr. Serrata's presence at each campus for his Town Hall Meetings was much appreciated as the institution transitions to returning on-campus. She stated that for Community College Month, CSA is committed to go above and beyond to ensure that our institution provides students the best experience they could have at a community college. She thanked the administration and Dr. Serrata for supporting the 29th Annual Staff Development Retreat held at the Plaza Hotel in Downtown El Paso, TX. She concluded her presentation by thanking the CSA council for approving a \$200 donation worth of items for the Staff Development Retreat and \$300 worth of items to the EPCC Service Learning Program in support of their supply and food drive to assist the *Centro de los Trabajadores Agricolas Fronterizos*.

Dr. Albert Burnham, Faculty Staff Association President, stated that Texas Lieutenant Governor Dan Patrick's latest assault on Higher Education in Texas is on pages 12 and 13 of his 2022 Interim Legislative Charges. He stated that Lieutenant Governor Patrick announced his attack on tenure last February, stating that he will start by eliminating tenure for new hires, and eventually abolish tenure. He mentioned that in his Legislative Charges, Lieutenant Governor Patrick has declared war on Faculty Senates on how U.S. history is taught. Dr. Burnham commented that in the past, Lieutenant Governor Patrick and his political party have claimed to be the party of small government and local control, such as the EPCC Board of Trustees over schools; now, Lieutenant Governor Patrick and his party want the government to interfere and control everything that goes on in Texas Public Colleges and Universities. He concluded his presentation by stating that the College must fight Lieutenant Governor Patrick's attempt to overthrow our beloved EPCC and our duly elected Faculty Senate.

1.8. COMMUNICATIONS

- 1.8.1. Discussion and review by the Board of Trustees of data, statistics, policies, and general information related to the College District.

Dr. Keri Moe, Associate Vice-President of External Relations, Communication, and Development provided data on grants and the

Grants Management Office. She reviewed the Historical Overview of the total applications of grants submitted and awarded, and mentioned that the average approval rate is 75.2%. She stated that, for the 2022 fiscal year, \$8,011,052 has been awarded. She mentioned that the sources of grant funding include: Federal, State, Foundation, Corporate, Non-Profit, University/College, Other Government Sources, and Other. She provided examples for each source of grant funding, stating that examples of Federal grants included: Early Alert and CCAMPIS from the Department of Education, and the Contract Opportunity Center from the Department of Defense; examples of State Grants include the Student Mentoring Program from the Texas Higher Education Coordinating Board (THECB), and Apprenticeship Texas and Project Higher from the Texas Workforce Commission; examples of Foundation and Non-Profit Grant Sources are Workforce Safety Programs from Texas Mutual Insurance, EPCC-UTEP Humanities Collaborative from the Andrew W. Mellon Foundation, and The School Store from the El Paso Community Foundation; examples of University/College Grants included: STEM Fuerte- biology, math & engineering from The University of Texas at El Paso, and the Small Business Development Center from the University of Texas at San Antonio. She informed the Trustees that grant funding provides opportunities for students by creating, expanding, and developing programs and projects, elevates EPCC in the community, and promotes student and faculty engagement and success.

Dr. Moe concluded her presentation by thanking administrators, faculty, and staff who implement grant funded programs; and the staff of the Grants Management Office.

1.9. BOARD of TRUSTEES BUSINESS

Action item

- 1.9.1. Discussion and take possible action regarding the proposed unpaid suspension of an employee in the EPCC Police Department.

Items 1.9.1 through 1.9.4 were discussed after Executive Session.

Motion:

No action.

- 1.9.2. Discussion and take possible action regarding the proposed unpaid suspension of an employee in Student and Enrollment Services.

Motion:

Motion moved by Ms. Sanchez and motion seconded by Dr. Graham to conditionally approve a disciplinary unpaid suspension of Gabriel Rodela for good cause for a period of 5 work days, only if Mr. Rodela does not timely request a hearing in accordance with Policy DMAA Local; and move that the Board authorize the College Administration to implement the unpaid suspension, if any, at the appropriate time. Motion passed.

- 1.9.3. Discussion and take possible action regarding pending litigation styled, Daniel Vasquez v. El Paso County Community College District, in the 120th Judicial District Court of El Paso County, Texas, Cause Number 2021-DCV-0212.

Motion:

Motion moved by Ms. Najera and motion seconded by Dr. Graham to accept the recommendation of Legal Counsel to settle as discussed in Executive Session. Motion passed.

- 1.9.4. Discussion and take possible action regarding pending litigation styled, Martha Quinones v. El Paso County Community College District and Hector Arriola, in the 448th Judicial District Court of El Paso County, Texas, Cause Number 2018-DCV-2171.

Motion:

No action.

- 1.9.5. Discussion and take possible action regarding the resolution authorizing the delegation of certain authority to Dr. William Serrata, College President, regarding the COVID-19 pandemic.

Motion:

No action.

1.10. BOARD REPORTS

1.10.1. Treasurers' Report

No action is necessary at this time.

1.10.1.1. March 31, 2022

 [March2022 FinancialStatements.pdf](#)

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

the College to include an update on the COVID-19 pandemic and appropriate actions taken.

Dr. Serrata reported that EPCC received news earlier this week that we have received an additional \$1,000,000 from the Texas Higher Education Coordinating Board for the Texas Reskilling Grant, and to date, 1,407 students have benefited from the grant. He stated that students and instructors in the Surgical Technology program were trained in the use of LapSim, a virtual reality laparoscopy trainer that provides a rich and immersive multi-sensory training experience unmatched in the Virtual Reality simulation market. He stated that the program will achieve student competencies and train safely away from the patient to gain confidence before going into the operating room. He informed the Trustees that EPCC hosted the Spring 2022 Dual Credit Forum on April 19, 2022, which brought together 75 college and high school participants to discuss college course oversight, student resources, and faculty credentials.

He mentioned that EPCC officially opened the doors to the Arts, Science & Technology (AST) building at the Valle Verde campus and celebrated with a grand opening celebration on Thursday, April 14, 2022. He stated that besides additional labs and classrooms at the AST building, a large community engagement space will promote interactive learning, accommodating everything from lectures to performances to guest speakers and special events. Dr. Serrata mentioned that Kayhla Talavera, EPCC student-athlete, received a \$500 scholarship from Run El Paso; Talavera is a first-year EPCC student-athlete who runs for the EPCC Cross Country and Half Marathon teams while maintaining a 3.7 GPA. He reported that the Association of Women in Community College (AWCC) at EPCC has partnered with the EPCC Foundation to award the first of their six annual scholarships. He mentioned that in total, the AWCC will award six-\$750 scholarships to deserving students; and the first scholarship announced is being matched by the Foundation for EPCC to assist Alejandra Carrillo, a single mother, and student.

Dr. Serrata informed the Trustees that April is Community College Month, and the External Relations & Marketing team has been

busy sharing the EPCC story and the important role of community colleges. He shared that EPCC celebrated Community College Month by attending high schools in our area for Operation College Bound, registering high school seniors and answering any questions or concerns they may have; to date, our counselors and staff visited 17 high schools this month.

He reported that, since the last Board Meeting held on March 23, 2022, he had participated in over 70 virtual and in-person meetings. He mentioned that he participated in seven TACC meetings, which include: presiding over a CEO only meeting and two officers meetings, leading two Executive Committee Meetings, and a Legislative Committee Meeting. He mentioned he attended the Trellis Foundation's Centering Higher Education in the Quest for Equitable Outcomes, the Aspen Fellowship in Leesburg, Virginia, a Humanities Texas Board Meeting, a Talent Pipeline Management Spring Webinar, a Doctorate in Community College Leadership Advisory Committee Meeting, the Lumina Foundation Board Meeting in Dana Point, California, the Operation College Bound at Riverside High School, and an El Paso Branch of the Dallas Federal Reserve Board of Directors Meeting. He stated that he participated in an Alice L. Walton Foundation Board Meeting with Mr. Nate Falkner, and the annual MCA Board Meeting with Emma Schwartz. He mentioned he presented at Loma Verde Elementary School for Career Week.

Dr. Serrata concluded his report by providing a COVID update, stating that there have been 14 days of decreasing cases, averaging 28 cases per day. He stated that the rolling 7-day average is 9.39%, which is above the recommended 5%; the cumulative positivity rate stands at 11.79%, and it has continued to stay above the 10% for the last three months. He reported that 80.8% of the El Paso population, ages 5 or older, are fully vaccinated and 99.9% of our population have received their first vaccine. He recommended continuing phase 3 of the Return to Campus Plan, which was implemented on April 11, 2022; phase 3 includes operating the College at 75% capacity with 100% of the staff participating.

1.11. CONSENT DOCKET

Action item

Note: Includes item 3.2

Motion:

Motion moved by Dr. Graham and motion seconded by Ms. Najera. Motion passed.

2. ADMINISTRATION - NONE

3. PERSONNEL

Action items ONLY 3.1 and 3.2

- 3.1. Discussion and action to approve full-time staff and faculty recruited in positions funded by the institutional budget.

 [3.1 Institutionally funded appointments and extensions.pdf](#)

Motion:

Motion moved by Ms. Najera and motion seconded by Dr. Graham. Motion passed.

- 3.2. Discussion and action to approve full-time staff and faculty recruited in positions funded by grants and/or contracts.

 [3.2 Externally funded extensions.pdf](#)

Item was included in the Consent Docket.

- 3.3. Information items – Resignations and retirements

No action required

 [3.3 Resignations and Retirements.pdf](#)

4. FINANCIAL SERVICES

Action item

- 4.1. Discussion and action on the approval of contract awards for collection agency services to S & S Recovery, Inc. and Southwest Credit Systems LP.

Action item

Resource Person: Josette Shaughnessy

 [4.1 Collection Agencies Abstract RFP #22-005 .docx](#)

 [4.1 Analysis RFP #22-005 Collection Agency Services.pdf](#)

 [4.1 RFP #22-005 Evaluation Tabulation .pdf](#)

 [4.1 RFP #22-005 Composite Score.pdf](#)

Motion:

Motion moved by Ms. Najera and motion seconded by Dr. Graham. Motion passed.

5. PHYSICAL FACILITIES - NONE

6. CURRICULUM AND INSTRUCTION

Action items

- 6.1. Discussion and action on the acceptance of a grant from the Texas Higher Education Coordinating Board (THECB) in an amount not to exceed \$136,000.

Action item

Resource Person: Steven Smith

 [6.1 REV GRANT NTE \\$136,000 THECB Work Based Learning Grant Abstract.docx](#)

Motion:

Motion moved by Dr. Graham and motion seconded by Ms. Najera to approve items 6.1, 6.2, and 6.3. Motion passed.

- 6.2. Discussion and action on the acceptance of a humanities grant from The Andrew W. Mellon Foundation in the amount of \$950,000.

Action item

Resource Person: Steven Smith

 [6.2 GRANT \\$950,000 Mellon Foundation Grant Abstract .docx](#)

Motion:

Item passed.

- 6.3. Discussion and action on the acceptance of a grant from the Molina Foundation in the amount of \$215,000.

Action item

Resource Person: Steven Smith

 [6.3 GRANT \\$215,000 Molina Foundation Stories for Adults & Families Grant Abstract.docx](#)

Motion:

Item passed.

- 6.4. Discussion and action on the approval of a 5-year grant from the University of Texas at El Paso in the amount of \$79,044.

Action item

Resource Person: Steven Smith

 [6.4 GRANT \\$79,044 PREE H2O Abstract .docx](#)

Motion:

Motion moved by Dr. Graham and motion seconded by Ms. Najera to approve items 6.4 and 6.5. Motion passed.

- 6.5. Discussion and action on the acceptance of a grant from the Texas Workforce Commission in the amount of \$37,318.

Action item

Resource Person: Steven Smith

 [6.5 GRANT \\$37,318 TWC Auto Collision Abstract .docx](#)

Motion:

Item passed.

- 6.6. Discussion and action on the approval of the restated and amended Clint ISD Early College Academy Interlocal Agreement.

Action item

Resource Person: Steven Smith

 [6.6 MOU for Clint ISD Early College Academy Abstract.docx](#)

 [6.6 Clint ISD EC Academy MOU .pdf](#)

Motion:

Motion moved by Ms. Najera and motion seconded by Dr. Graham. Motion passed.

7. STUDENT SERVICES - NONE
8. COMMUNITY SERVICES - NONE

The Trustees recessed into Executive Session at 5:38 p.m. They reconvened at 6:54 p.m.

9. ADJOURNMENT and announcement of next Board of Trustees meeting

Action item

Motion:

Mr. Haggerty announced that the next Board Meeting will be held on May 25, 2022. A Budget Meeting will begin at 2:00 p.m. and the Regular Board Meeting will begin at 4:30 p.m. The meeting was adjourned at 6:57 p.m. by unanimous consent.

LIMITED LICENSE AGREEMENT

This Limited License Agreement (this “*Agreement*”) is made and entered into as of May 26th, 2022 (the “*Effective Date*”) by and between **EL PASO COUNTY COMMUNITY COLLEGE DISTRICT**, a public educational entity and political subdivision of the State of Texas (“*EPCC*”), and **ROTARY INTERNATIONAL DISTRICT 5520 AKA NORTHEAST ROTARY CLUB EL PASO**, whose address is 4717 Hondo Pass Drive, PMB#227, El Paso, Texas 79904 (“*Licensee*”).

RECITALS

WHEREAS, Licensee has a program in which individuals can donate money to Licensee in exchange for Licensee’s agreement to display up to one hundred (100) American flags along with a flyer naming the donee and Licensee’s program (collectively, the “*Display*”);

WHEREAS, Licensee desires to install the Display on certain real property generally located on the north side of Diana Drive (westbound) between Kenworthy Street and the Diana Drive entrance of the Old Glory Memorial site in El Paso, Texas, as more particularly described on **Exhibit A** attached hereto (such real property, along with any and all improvements located thereon as of the Effective Date, the “*Property*”); and

WHEREAS, EPCC is record title holder of the Property and desires to, in accordance with the terms set forth herein, grant to Licensee a limited, temporary, and revocable license for the limited purpose of installing, maintaining and removing the Display.

NOW, THEREFORE, in consideration of the foregoing preambles, each of which is made a contractual part hereof, and in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

AGREEMENTS

1. **Grant of Limited License.** EPCC hereby grants and the Licensee hereby accepts a non-assignable, limited, revocable, and temporary license (the “*License*”) for: (i) the installation, of the Display on the Property on Memorial Day, the Fourth of July, Veteran’s Day, and September 11th during the time this Agreement and License are in full force and effect; and (ii) the removal of the Display within 1 (one) day after each Fourth of July, Veteran’s Day, and September 11th during the time this Agreement and License are in full force and effect. Such Display shall consist of not more than one hundred (100) flags and related fliers in total at any one time and no other content or items. Licensee acknowledges and agrees that the License is for the sole purpose of installing, maintaining, repairing, and removing the Display and for no other purpose whatsoever. The License shall include the right of access solely for Licensee’s benefit to the Property via public roads at normal business hours with not less than forty-eight (48) hours’ written notice as may be, in EPCC’s opinion, reasonably necessary to install, maintain, and remove the Display or Displays.

2. **Term of License.** The License shall commence on the Effective Date and terminate the earlier of: (i) May 25, 2023 and (ii) the date on which email, telephone or other method notice permissible hereunder is delivered by EPCC or its agents to Licensee notifying Licensee of the termination of the License.

3. **As-Is Nature of License; Disclaimers.** Licensee hereby accepts the License and the Property in its as-is, where-is, and with all faults condition. Without limiting the generality of the foregoing sentence, EPCC hereby specifically disclaims any warranty, guaranty or representation, oral or written, express or

implied, past, present or future, of, as to or concerning (i) the nature, quality, and condition of the Property, including, without limitation, the water, soil, and geology thereof, (ii) the suitability of the Property for any activities and uses which Licensee may elect to conduct thereon, or the habitability, merchantability, or fitness thereof for a particular purpose; (iii) the manner of construction and condition and state of repair or lack of repair of any improvements thereon; (iv) the nature and extent of any easement, right-of-way, lease, possession, lien, encumbrance, license, reservation, or condition affecting the Property; (v) the compliance of the Property or the operation of the Property with any laws, rules, ordinances or regulations of any governmental body, and specifically, EPCC does not make any representations regarding hazardous waste, as defined by the laws of the State of Texas or the United States of America, and any regulations adopted pursuant thereto or the compliance of the Property with any such laws.

4. **WAIVER.** LICENSEE ACKNOWLEDGES AND AGREES THAT (i) LICENSEE IS EXPERIENCED IN THE OPERATION OF PROPERTIES SIMILAR TO THE PROPERTY, (ii) LICENSEE IS REPRESENTED BY COUNSEL IN THIS TRANSACTION OR HAS HAD AN ADEQUATE OPPORTUNITY TO PROCURE COUNSEL AND HAS DECLINED TO DO SO, (iii) LICENSEE HAS INSPECTED THE PROPERTY TO ITS SATISFACTION, AND (iv) LICENSEE AND/OR ITS CONSULTANTS ARE QUALIFIED TO MAKE SUCH INSPECTIONS AND DETERMINATIONS. FURTHERMORE, LICENSEE: (1) ACKNOWLEDGES THAT IT IS FULLY RELYING ON ITS OWN INSPECTIONS OF THE PROPERTY AND NOT UPON ANY STATEMENT (ORAL OR WRITTEN) WHICH MAY HAVE BEEN MADE BY EPCC OR ANY OF EPCC'S REPRESENTATIVES; (2) ACKNOWLEDGES THAT IT HAS THOROUGHLY INSPECTED THE PROPERTY TO THE EXTENT DEEMED NECESSARY IN ORDER TO EVALUATE THE CONDITION THEREOF (OR HAS BEEN AFFORDED ADEQUATE OPPORTUNITY TO DO SO), AND IS RELYING SOLELY UPON SUCH INSPECTION; (3) EXPRESSLY ASSUMES ALL RISKS RESULTING OR ARISING FROM THE CONDITION OF THE PROPERTY; (4) EXPRESSLY WAIVES (TO THE EXTENT ALLOWED BY APPLICABLE LAW) ANY CLAIMS UNDER FEDERAL, STATE OR OTHER LAW THAT LICENSEE MIGHT OTHERWISE HAVE AGAINST EPCC RELATING TO THE CONDITION OF THE PROPERTY; AND (5) ACKNOWLEDGES AND AGREES THAT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH HEREIN ARE INTEGRAL PARTS OF THIS AGREEMENT, AND THAT EPCC WOULD NOT HAVE AGREED TO GRANT THE LICENSE WITHOUT THE DISCLAIMERS AND OTHER AGREEMENTS CONTAINED HEREIN. LICENSEE IS NOT RELYING ON ANY REPRESENTATION OR PROMISE MADE BY EPCC AT ANY TIME AND LICENSEE HEREBY DISCLAIMS RELIANCE ON REPRESENTATIONS BY EPCC OR ANY ONE ACTING ON BEHALF OF EPCC, IF ANY, AND LICENSEE HEREBY WAIVES AND SURRENDERS ANY RIGHT TO SUE BASED ON ANY REPRESENTATIONS OF EPCC. THE TERMS OF THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THIS AGREEMENT.

5. **Compliance with Law; Insurance.** The Display shall be in the form set forth on **Exhibit B** and shall not deviate therefrom in any respect. Licensee shall, at all times and at its sole cost and expense, cause the Display to comply with all applicable law, including without limitation: (i) regulations of the City of El Paso for the display of signs and (ii) the Federal Flag Code (4 U.S.C.A. §§ 1-10, as amended from time to time). Licensee shall immediately report to EPCC in writing any and all damage, loss, or injury that may occur on the Property or with respect to the Display in accordance with such procedures as EPCC may from time to time establish. **Notwithstanding anything set forth in this Agreement to the contrary, this Agreement shall not be considered binding and effective on EPCC unless and until Licensee provides EPCC with forms, policies or other evidence of general liability and other insurance coverage as EPCC may require in its sole discretion.**

6. **No Partnership.** Nothing contained herein shall be construed as a partnership, employer-employee joint venture, or any other relationship between them.

7. **Notices.** All notices, demands, requests, and other communications required or permitted hereunder shall be in writing and shall be deemed to have been given when: (i) presented personally; (ii) sent by overnight delivery using a nationally recognized overnight courier, in which case it shall be deemed delivered one (1) business day after deposit with such courier; (iii) three (3) days after deposit in a regularly maintained receptacle for the United States Postal Service, postage prepaid, registered or certified mail, return receipt requested, addressed to EPCC or the Licensee, as the case may be, at the respective addresses set forth below or such other address as EPCC or the Licensee may from time to time designate by written notice to the other as herein required; (iv), solely with respect to EPCC's right to terminate the License as set forth above, upon telephone call to Licensee or transmission of email to Licensee by EPCC or its agents to the email addresses set forth below.

EPCC

Mailing Address:

El Paso Community College
9050 Viscount Boulevard
El Paso, Texas 79925
Attention : Purchasing & Contract Management

Email: rgalla16@epcc.edu

Phone: (915) 831-6306

Licensee

Mailing Address:

Rotary Club of Northeast El Paso
4717 Hondo Pass Drive
PMB#227
El Paso, Texas 79904

Email: nerotaryelpaso@gmail.com

Phone: (915) 241-9303 and
(915) 274-5050

8. **Confidentiality.** To the fullest extent permissible by applicable law, all non-public information that Licensee receives from EPCC in connection with this Agreement or the transactions contemplated hereby, whether directly or indirectly, shall be treated by Licensee and its employees and agents as strictly confidential and shall not be disclosed to any third party without the prior written consent of EPCC (except as may be required by a valid, binding order from a court of competent jurisdiction during the term of this Agreement) for a period not to exceed four (4) years after the expiration or termination of this Agreement.

9. **Severability.** If any provision of this Agreement shall for any reason be held to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

10. **Entire Agreement.** This Agreement constitutes and expresses the entire Agreement between the parties and shall not be amended or modified except by written instrument signed by all parties.

11. **No Assignment.** Licensee shall have no right to assign or otherwise transfer any rights (including, without limitation, the License or use thereof), interests, or obligations under this Agreement.

12. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and the laws of the United States applicable to transactions within such state.

13. INDEMNITY. LICENSEE HEREBY DEFENDS, INDEMNIFIES AND HOLDS HARMLESS EPCC AND ITS TRUSTEES, ADMINISTRATORS, OFFICERS, EMPLOYEES, ATTORNEYS, REPRESENTATIVES, AND AGENTS FROM AND AGAINST ANY AND ALL DAMAGES, SUITS (INCLUDING WITHOUT LIMITATION ANY SUITS REGARDING FIRST AMENDMENT MATTERS), CLAIMS, CAUSES OF ACTION, JUDGMENTS, COSTS, EXPENSES, FEES (INCLUDING ATTORNEYS FEES) AND LIABILITIES CAUSED BY,

RESULTING FROM, OR IN ANY WAY CONNECTED TO THE LICENSE, THIS AGREEMENT, THE DISPLAY OR DISPLAYS, OR LICENSEE'S USE OF THE PROPERTY OR ANY IMPROVEMENTS THEREON, INCLUDING, WITHOUT LIMITATION, THE INSTALLATION, MAINTENANCE, AND REMOVAL OF THE DISPLAY OR DISPLAYS. THIS INDEMNIFICATION OBLIGATION SHALL: (I) EXPRESSLY INCLUDE CLAIMS FOR PERSONAL INJURY AND DEATH, AS WELL AS FOR PROPERTY DAMAGE, (II) BE APPLICABLE NOTWITHSTANDING THE NEGLIGENCE (CONTRIBUTORY OR OTHERWISE) OF EPCC, AND (III) SURVIVE THE TERMINATION AND EXPIRATION OF THIS AGREEMENT.

14. **Authority.** Licensee represents and warrants to EPCC that the person signing below on behalf of Licensee has the full right, power, and authority to execute, deliver, and perform this Agreement and to indemnify EPCC as set forth herein. This Agreement shall be binding on the successors of Licensee.

15. **No Waiver.** Except as otherwise provided, no term or condition of this Agreement shall be waived except by written waiver of the waiving party. The waiver of a breach of any term or condition of this Agreement shall apply to and be limited to the specific instance involved and shall not be construed to apply to any other subsequent breach of the same or any other term or condition of this Agreement.

16. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same agreement. To facilitate execution of this Agreement, the parties may execute and exchange counterparts of the signature pages by facsimile or by electronic mail in .pdf format.

(Signature Page Follows)

EXECUTED to be effective as of the Effective Date.

EPCC:

**EL PASO COUNTY COMMUNITY COLLEGE
DISTRICT**

By: _____
Name: _____
Title: _____

LICENSEE:

**ROTARY INTERNATIONAL DISTRICT 5520 AKA
NORTHEAST ROTARY CLUB EL PASO**

By: _____
Name: _____
Title: _____

Exhibit A

Legal Description of Property

That portion of Lot 1, Block 1, EL PASO COMMUNITY COLLEGE TRANSMOUNTAIN CAMPUS, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Clerk's File No. 20120077859, Real Property Records of El Paso County, Texas, shown in red outline in the drawing below:



Exhibit B

Permissible Form of Display



EL PASO COMMUNITY COLLEGE

**TREASURER'S REPORT
APRIL 30, 2022**

EXHIBIT 1.10.1

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CURRENT UNRESTRICTED FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
CURRENT UNRESTRICTED FUNDS
BALANCE SHEET
APRIL 30, 2022**

	<u>Education & General</u>	<u>Student Activities</u>	<u>Auxiliary Services</u>	<u>Intercollegiate Athletics</u>	<u>Total Current Unrestricted</u>
Assets:					
Cash	\$ 19,300	\$	\$	\$	\$ 19,300
Pooled investments	180,792,940	1,592,224	3,313,409	1,632,812	187,331,385
Property taxes receivable	4,340,927				4,340,927
Accrued interest receivable	58,173				58,173
Other receivables	12,604,024	1,285	460,728	8,000	13,074,037
Deferred Outflows-Pension	12,301,140				12,301,140
Deferred Outflows-OPEB	27,628,231				27,628,231
Due from restricted funds	905,992				905,992
Due from athletic funds			677,583		677,583
Prepaid expenses	453,631				453,631
Total assets	\$ 239,104,358	\$ 1,593,509	\$ 4,451,720	\$ 1,640,812	\$ 246,790,399
Liabilities:					
Accounts payable & accrued expenditures	\$ 5,453,869	\$	\$	\$	\$ 5,453,869
Due to auxiliary funds				677,583	677,583
Accrued compensated absences	4,999,566				4,999,566
Student property deposits	576,882				576,882
Deferred Tuition and Fees	9,603,319				9,603,319
Deferred Inflows-Pension	6,316,642				6,316,642
Deferred Inflows-OPEB	24,244,263				24,244,263
Net Pension Liability	34,283,254				34,283,254
Net OPEB Liability	87,547,632				87,547,632
Total liabilities	\$ 173,025,427	\$ 0	\$ 0	\$ 677,583	\$ 173,703,010
Fund balance:					
Beginning balance: September 1, 2021	\$ 24,315,595	\$ 1,344,839	\$ 4,369,723	\$ 369,646	\$ 30,399,803
Increase (decrease) in fund balance	41,763,336	248,670	81,997	593,583	42,687,586
Ending balance: April 30, 2022	\$ 66,078,931	\$ 1,593,509	\$ 4,451,720	\$ 963,229	\$ 73,087,389
Total liabilities and fund balance	\$ 239,104,358	\$ 1,593,509	\$ 4,451,720	\$ 1,640,812	\$ 246,790,399

**EL PASO COMMUNITY COLLEGE
EDUCATION AND GENERAL
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Budget</u>		<u>Actual</u>		<u>Open Commitments</u>	<u>Budget Balance Available</u>	<u>Percent Used</u>
	<u>Original</u>	<u>Revised</u>	<u>Current Month</u>	<u>Year To Date</u>			
Revenues:							
State Appropriations	\$ 31,601,314	\$ 31,601,314	\$ 2,996,803	\$ 19,558,080	\$	\$ 12,043,234	62%
Fed Appr/Grants	558,136	558,136	53,993	456,334		101,802	82%
Tuition & fees	39,743,305	39,743,305	243,425	31,552,063		8,191,242	79%
Property tax	65,414,038	65,414,038	(22,789)	67,236,768		(1,822,730)	103%
Interest income	110,000	110,000	52,660	136,818		(26,818)	124%
Other income	2,618,479	2,618,479	100,968	1,022,886		1,595,593	39%
Federal Recoveries	9,758,767	9,758,767	3,397,142	3,397,142		6,361,625	35%
Total revenues	<u>\$ 149,804,039</u>	<u>\$ 149,804,039</u>	<u>\$ 6,822,202</u>	<u>\$ 123,360,091</u>	<u>\$</u>	<u>\$ 26,443,948</u>	82%
Expenditures:							
Instruction	\$ 49,281,830	\$ 49,281,830	\$ 3,886,487	\$ 30,798,140	\$ 792,464	\$ 17,691,226	64%
Research	147,643	147,643	13,638	84,839	7,409	55,395	62%
Public service	5,381,029	5,381,029	257,874	2,063,323	296,360	3,021,346	44%
Academic support	15,963,498	15,963,498	1,307,744	10,220,550	739,970	5,002,978	69%
Student Services	8,988,558	8,988,558	609,441	4,978,372	284,810	3,725,376	59%
Institutional support	50,323,133	50,323,133	2,757,131	20,186,458	2,354,700	27,781,975	45%
Physical plant, operation & maintenance	12,140,093	12,140,093	738,515	6,553,198	2,303,022	3,283,873	73%
Total expenditures	<u>\$ 142,225,784</u>	<u>\$ 142,225,784</u>	<u>\$ 9,570,830</u>	<u>\$ 74,884,880</u>	<u>\$ 6,778,735</u>	<u>\$ 60,562,169</u>	57%
Transfers:							
TPEG	\$ 1,948,652	\$ 1,948,652	\$ (2,740)	\$ 1,688,753	\$	\$ 259,899	87%
Student Activities	494,906	494,906		391,765		103,141	79%
Athletics	1,833,868	1,833,868		1,340,515		493,353	73%
Other Transfers				(9,987)		9,987	
Plant fund	3,300,829	3,300,829		3,300,829		0	100%
Total transfers	<u>\$ 7,578,255</u>	<u>\$ 7,578,255</u>	<u>\$ (2,740)</u>	<u>\$ 6,711,875</u>	<u>\$ 0</u>	<u>\$ 866,380</u>	89%
Net increase/(decrease) in fund balance	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ (2,745,888)</u>	<u>\$ 41,763,336</u>			

**EL PASO COMMUNITY COLLEGE
STUDENT ACTIVITIES FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Balance Available</u>
Revenues:			
Student activity fee	\$ 494,906	\$ 394,840	\$ 100,066
Interest income		1,089	(1,089)
Other Income		<u>3,836</u>	<u>(3,836)</u>
 Total revenues	 <u>\$ 494,906</u>	 <u>\$ 399,765</u>	 <u>\$ 95,141</u>
Expenditures:			
Salaries & benefits	\$ 316,282	\$ 59,345	\$ 256,937
Supplies & services	159,624	86,572	73,052
Travel	7,000	30,286	(23,286)
Club support	<u>12,000</u>	<u>9,528</u>	<u>2,472</u>
 Total expenditures	 <u>\$ 494,906</u>	 <u>\$ 185,731</u>	 <u>\$ 309,175</u>
 Revenues over (under) expenditures:		 \$ 214,034	
Transfer from Custodial Funds (GASB 84)		\$ 34,636	
 Increase (decrease) in fund balance		 <u>\$ 248,670</u>	

**EL PASO COMMUNITY COLLEGE
AUXILIARY ENTERPRISE FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

Revenues:

Vehicle Registration	\$ 318,838	
Bookstore Commissions	209,072	
Pepsi Cola Commissions	96,942	
Vending Commissions	37,500	
GECU	20,292	
Subway Commissions	6,805	
The Basil Garden Commissions	2,274	
A/R Returned Checks	1,178	
ATM Commissions	<u>270</u>	\$ 693,171

Expenditures:

Vehicle Registration Expense	\$ 285,085	
Staff Scholarships	191,903	
Memberships	56,202	
Bookstore/Cafeteria Utilities Expense	43,333	
Advocacy Expense	16,882	
Cafeteria Maint. Expense	8,903	
Staff Educational Assistance	6,600	
Copy Machines Expenses	1,150	
Auxiliary Operations	960	
Classified Staff Association	<u>156</u>	<u>\$ 611,174</u>

Revenues over (under) expenditures \$ 81,997

Increase (decrease) in fund balance \$ 81,997

**EL PASO COMMUNITY COLLEGE
INTERCOLLEGIATE ATHLETICS FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

Revenues:		
Athletic Fee	\$ 1,340,515	
EPCC Tournaments	<u>2,500</u>	\$ 1,343,015
Expenditures:		
Baseball	\$ 232,177	
Softball	190,556	
Cross Country	166,555	
Athletic Administration	<u>160,144</u>	\$ <u>749,432</u>
Revenues over (under) expenditures:		\$ 593,583
Increase (decrease) in fund balance		\$ <u><u>593,583</u></u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CURRENT RESTRICTED FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS
BALANCE SHEET
APRIL 30, 2022**

	<u>Total Other Restricted</u>	<u>Total Sponsored Programs</u>	<u>Current Restricted Funds</u>
Assets:			
A/R federal agencies	\$	\$ 4,923,120	\$ 4,923,120
A/R state agencies	469,578		469,578
A/R county/local agencies	246,965		246,965
A/R students		698,539	698,539
A/R other	42,000		42,000
Net OPEB Asset	<u>11,973</u>		<u>11,973</u>
 Total assets	 <u>\$ 770,516</u>	 <u>\$ 5,621,659</u>	 <u>\$ 6,392,175</u>
Liabilities & fund balance:			
Accounts payable	\$ 1,137	\$ 24,539	\$ 25,676
Due to unrestricted funds	(4,630,468)	5,536,460	905,992
Deferred income	2,209,607	60,660	2,270,267
Fund balance	<u>3,190,240</u>		<u>3,190,240</u>
 Total liabilities & fund balance	 <u>\$ 770,516</u>	 <u>\$ 5,621,659</u>	 <u>\$ 6,392,175</u>

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS - OTHER
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	Fund Balance 09/01/21	Revenues Additions	Expenditures Deductions	Fund Balance 04/30/22
Gifts:				
Scholarships/donations	\$ 3,537,819	\$ 2,006,160	\$ 2,706,359	\$ 2,837,620
Clubs and Associations		367,420	26,773	340,647
Grants & contracts:				
State	11,973	4,864,178	4,864,178	11,973
Local	<u> </u>	<u>955,953</u>	<u>955,953</u>	<u>0</u>
Total	<u>\$ 3,549,792</u>	<u>\$ 8,193,711</u>	<u>\$ 8,553,263</u>	<u>\$ 3,190,240</u>

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS - SPONSORED PROGRAMS
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Projected Budget</u>	<u>Current Month</u>	<u>Current Year</u>	<u>Project Year</u>	<u>Open Commitments</u>	<u>Budget Balance Available</u>
Revenues:	\$ 278,128,527	\$ 4,327,223	\$ 69,728,259	\$ 206,259,305	\$ 1,080,755	\$ 70,788,467
Expenditures:						
2016-2017						
USDOJ La Tuna HVAC & Welding	\$ 96,977	\$	\$	\$ 66,999	\$	\$ 29,978
Rise to the Challenge Bridge 2017	327,501			326,027		1,474
2017-2018						
Early Alert Case Management FY 2018	523,299			378,297		145,002
2018-2019						
Rise to the Challenge Bridge 2018	324,498			320,923	2,653	922
USDOJ La Tuna HVAC & Welding Opt 1	98,931			62,391		36,540
Early Alert Case Management 2019	506,068	5,592	10,278	490,788		15,280
Rise to the Challenge Bridge 2019	324,000			303,297		20,703
2019-2020						
USDOJ La Tuna HVAC & Welding Opt 2	112,875			92,248		20,627
CCAMPIS 2020	250,000	12,761	40,911	182,518	67,482	0
PELL 2020	50,570,581		15	50,570,581		0
SSS Prog. 2020	683,717			673,064		10,653
Early Alert Case Management 2020	516,587	2,149	19,088	508,477		8,110
IMLS - Promising Practices for Small Libraries	49,913		9,956	48,704		1,209
CARES Act Emergency Relief Fund - IHE	8,295,072	17,581	190,018	8,203,941	91,131	0
CARES Higher Education Assistance	1,051,361			1,041,756		9,605
2020-2021						
DOE HEP 2020	475,000		7,156	475,000		0
CAMP 2020	280,098		14,948	280,098		0
Rise to the Challenge Bridge 2020	362,853	5,621	58,982	325,461	12,729	24,663
SSS Prog. 2021	707,647	1,343	15,620	695,516		12,131
CCAMPIS 2021	367,872		3,429	3,429	184,247	180,196
Early Alert Case Management 2021	507,854	4,474	111,153	472,626	20,318	14,910
DOL - Job Corps Scholars Programs	1,186,900	19,387	77,438	107,126	4,160	1,075,614
PELL 2021	38,533,248			38,433,248		100,000

**EL PASO COMMUNITY COLLEGE
CURRENT RESTRICTED FUNDS - SPONSORED PROGRAMS
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Projected Budget</u>	<u>Current Month</u>	<u>Current Year</u>	<u>Project Year</u>	<u>Open Commitments</u>	<u>Budget Balance Available</u>
Revenues:	\$ 278,128,527	\$ 4,327,223	\$ 69,728,259	\$ 206,259,305	\$ 1,080,755	\$ 70,788,467
Expenditures (continued):						
GREEN Advantage Emissary Program	\$ 185,474	\$ 9,332	\$ 27,614	\$ 49,759	\$ 5,086	\$ 130,629
DOL - Susan Harwood Training FY20	158,648		3,752	158,648		0
HEERF II CRRSAA - Student Aid	8,295,073		6,857,233	8,295,073		0
HEERF II CRRSAA - IHE Institution	27,983,664	3,923,884	8,134,568	24,870,777	143,916	2,968,971
Contract Opportunity Center 2021	359,507		125,328	338,220	1,345	19,942
HEERF III ARPA - Student Aid	31,907,525		17,908,025	31,907,525		0
HEERF III ARPA - IHE Institution	30,981,916		315,542	696,204		30,285,712
CRRSAA Higher Ed Assistance - MSI	1,954,655					1,954,655
ARPA Higher Ed Assistance - MSI	3,287,659					3,287,659
2021-2022						
DOE HEP 2021	474,696	35,341	260,383	328,648	3,420	142,628
DOE CAMP 2021	431,334	30,213	264,593	278,246	7,564	145,524
Rise to the Challenge Bridge 2021	324,000	17,009	103,215	103,215	40,670	180,115
NEH Connections & Planning	34,669	1,610	18,315	19,776		14,893
DOE IREPO-Curriculum Development	440,564	1,227	8,617	8,617	238,400	193,547
DOE IREPO-Distance Learning Support	514,691	6,847	20,392	20,392	6,238	488,061
DOE IREPO-Dual Credit	262,981	5,232	7,430	7,430		255,551
DOE IREPO-IT	340,000	132,000	167,023	167,023		172,977
SSS Prog. 2022	707,647	50,139	400,948	400,948	3,368	303,331
CCAMPIS 2022	132,128		21,556	21,556		110,572
SEOG Grant 2022	1,051,069	(1,053)	1,042,622	1,042,622		8,447
PELL 2022	60,000,000	(28,623)	32,516,747	32,516,747		27,483,253
DOL - OSHA Susan Harwood Training FY22	200,000	20,704	99,901	99,901	118	99,981
DOL - Susan Harwood Training Tgt Topic	160,000	24,188	95,785	95,785	8,710	55,505
DOE - Accelerate@EPCC Title V	535,622		4,386	4,386	239,200	292,036
Contract Opportunity Center 2022	373,377	26,665	116,601	116,601		256,776
Emergency SEOG	878,776	3,600	648,691	648,691		230,085
Total	<u>\$ 278,128,527</u>	<u>\$ 4,327,223</u>	<u>\$ 69,728,259</u>	<u>\$ 206,259,305</u>	<u>\$ 1,080,755</u>	<u>\$ 70,788,467</u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
LOAN FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
LOAN FUNDS
BALANCE SHEET
APRIL 30, 2022**

	<u>Nursing</u>	<u>Other</u>	<u>Loan Fund</u>
Assets:			
Cash & pooled investments	\$ 1,283	\$ 2,180,977	\$ 2,182,260
Loans receivable (net)	<u>13,371</u>	<u>1,044,145</u>	<u>1,057,516</u>
 Total assets	 <u>\$ 14,654</u>	 <u>\$ 3,225,122</u>	 <u>\$ 3,239,776</u>
 Liabilities and Fund Balance:			
Accounts payable general	\$	\$ 17,111	\$ 17,111
Nursing alumni loan fund		2,448	2,448
Emergency loan fund		3,157,143	3,157,143
Ed Alvarez emergency loan fund		5,000	5,000
Alternative Loans (Elm)		3,000	3,000
Direct Loan Program Subsidized		2,828	2,828
Direct Loan Program Unsubsidized		3,393	3,393
SGA Emergency Book Loan Program		34,199	34,199
Federal capital contribution	13,939		13,939
Institutional capital contribution	1,549		1,549
Interest collected	8,645		8,645
Investment income	10,481		10,481
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>\$ 14,654</u>	 <u>\$ 3,225,122</u>	 <u>\$ 3,239,776</u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
ENDOWMENT FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
ENDOWMENT FUNDS
BALANCE SHEET
APRIL 30, 2022**

Assets:	
Cash & Pooled Investments	\$ 784,497
Total assets	<u>\$ 784,497</u>
Fund balance:	
Fund balance	\$ 784,497
Total fund balance	<u>\$ 784,497</u>

**EL PASO COMMUNITY COLLEGE
ENDOWMENT FUNDS
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	Fund Balance 09/01/21	Revenues Additions	Expenditures Deductions	Fund Balance 04/30/22
Albert Horwitz	\$ 29,604	\$ 20	\$	\$ 29,624
Jose Cisneros	99,875	68		99,943
Amado Peña	100,792	69		100,861
Cecilia Ochoa Levine	31,699	22		31,721
Mack Quintana	50,262	1,335		51,597
Adair Margo	36,498	26		36,524
George W.S. Abbey	34,772	24		34,796
P. & B. Moreno Memorial	28,091	20		28,111
Lucy Scarbrough	36,685	25		36,710
Diane D. Rath	34,158	23		34,181
Bob Wingo	33,527	25		33,552
Raymond Paredes	32,238	21		32,259
María A. Peña	57,397	39		57,436
Michael W. Smith	36,714	25		36,739
Gerardo de los Santos	32,812	22		32,834
Augustine D. Gallego	27,040	26		27,066
James Vasquez	26,923	18		26,941
Diana S. Natalicio	26,792	18		26,810
Mark David Milliron	26,773	19		26,792
	<u>782,652</u>	<u>1,845</u>	<u>0</u>	<u>784,497</u>
Total	\$ <u>782,652</u>	\$ <u>1,845</u>	\$ <u>0</u>	\$ <u>784,497</u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
PLANT FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
PLANT FUNDS
BALANCE SHEET
APRIL 30, 2022**

	<u>Unexpended Plant</u>	<u>Renewals & Replacements</u>	<u>Debt Retirement</u>	<u>Investment In Plant</u>	<u>Total Plant Funds</u>
Assets:					
Pooled investments	\$ 26,756,921	\$ 2,302,308	\$ 25,123,274	\$	\$ 54,182,503
Property taxes receivable			32,768		32,768
Deferred Outflow-Bond Insurance Cost			237,393		237,393
Accrued Interest	823		2,248		3,071
Land				13,702,219	13,702,219
Land improvements				19,735,640	19,735,640
Accum. Depr. - Land Improv./Infra				(11,054,385)	(11,054,385)
Buildings - EPCC				180,526,029	180,526,029
Buildings - federal				9,958,316	9,958,316
Construction in progress				82,937,353	82,937,353
Accum. Depr. - Buildings				(66,693,720)	(66,693,720)
Furniture & Equipment				15,878,596	15,878,596
Furniture & Equipment - federal				6,624,395	6,624,395
Accum. Depr. - Furniture & Equip.				(18,743,230)	(18,743,230)
Library books EPCC				6,111,462	6,111,462
Library books - grant				63,151	63,151
Accum. Depr. - Library Books				(4,200,832)	(4,200,832)
Total assets	<u>\$ 26,757,744</u>	<u>\$ 2,302,308</u>	<u>\$ 25,395,683</u>	<u>\$ 234,844,994</u>	<u>\$ 289,300,729</u>
Liabilities:					
Accounts Payable - general	\$ 1,467,045	\$	\$	\$	\$ 1,467,045
Revenue bonds 2016			794,740	105,140,000	105,934,740
Unamortized Bond premium 2016				11,704,501	11,704,501
Revenue bonds 2017				11,960,000	11,960,000
Deferred Inflow-Gain on Bond Refunding			307,056		307,056
Accrued interest - Bonds			433,184		433,184
Total liabilities	<u>\$ 1,467,045</u>	<u>\$ 0</u>	<u>\$ 1,534,980</u>	<u>\$ 128,804,501</u>	<u>\$ 131,806,526</u>
Fund balance:					
Designated fund balance	\$ 25,290,699	\$ 2,302,308	\$ 23,860,703	\$ 106,040,493	\$ 157,494,203
Total fund balance	<u>\$ 25,290,699</u>	<u>\$ 2,302,308</u>	<u>\$ 23,860,703</u>	<u>\$ 106,040,493</u>	<u>\$ 157,494,203</u>
Total liabilities & fund balance	<u>\$ 26,757,744</u>	<u>\$ 2,302,308</u>	<u>\$ 25,395,683</u>	<u>\$ 234,844,994</u>	<u>\$ 289,300,729</u>

**EL PASO COMMUNITY COLLEGE
UNEXPENDED PLANT FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<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	6,395,000	6,395,000		2,238,991	2,238,991	4,156,009
2016 Revenue Bond Interest	2,500	2,500	1,775		1,775	725
Interest income	11,500	11,500		16,926	16,926	(5,426)
Total revenues	<u>\$ 9,599,829</u>	<u>\$ 9,599,829</u>	<u>\$ 1,775</u>	<u>\$ 5,446,746</u>	<u>\$ 5,448,521</u>	<u>\$ 4,151,308</u>
Expenditures:						
Intrafund transfers	\$ 6,395,000	\$ 6,395,000	\$	\$ 2,238,991	\$ 2,238,991	\$ 4,156,009
Interfund transfers	548,000	548,000		2,447,806	2,447,806	(1,899,806)
Repairs and rehabilitation	13,539,740	13,539,740		1,514,667	1,514,667	12,025,073
Equipment	5,786,312	5,786,312		968,725	968,725	4,817,587
2016 RB - Master Plan Phase I						
Buildings	4,186,593	4,186,593	2,466,814		2,466,814	1,719,779
Furniture and Equipment	728,729	728,729	211,388		211,388	517,341
District Wide Projects	129,139	129,139	33,775		33,775	95,364
Proj. Reserve Master Plan Phase I						
Furniture and Equipment	2,656,618	2,656,618		1,731,774	1,731,774	924,844
District Wide Projects	938,992	938,992		165,575	165,575	773,417
Total expenditures	<u>\$ 34,909,123</u>	<u>\$ 34,909,123</u>	<u>\$ 2,711,977</u>	<u>\$ 9,067,538</u>	<u>\$ 11,779,515</u>	<u>\$ 23,129,608</u>
Revenues over/(under) expenditures	\$ (25,309,294)	\$ (25,309,294)	\$ (2,710,202)	\$ (3,620,792)	\$ (6,330,994)	
Beginning balance - September 1, 2021	<u>31,621,693</u>	<u>31,621,693</u>	<u>5,041,961</u>	<u>26,579,732</u>	<u>31,621,693</u>	
Ending balance - April 30, 2022	<u>\$ 6,312,399</u>	<u>\$ 6,312,399</u>	<u>\$ 2,331,759</u>	<u>\$ 22,958,940</u>	<u>\$ 25,290,699</u>	

**EL PASO COMMUNITY COLLEGE
RENEWALS & REPLACEMENTS FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<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	\$ 548,000	\$ 548,000	\$ 2,447,806	\$ 2,447,806	\$ (1,899,806)
Transfer from unrestricted current funds	110,000	110,000	110,000	110,000	0
Transfer from auxiliary enterprises	325,000	325,000		0	325,000
Other Income	40,000	40,000	3,828	3,828	36,172
Interest income	500	500	1,363	1,363	(863)
Total revenues	<u>\$ 1,023,500</u>	<u>\$ 1,023,500</u>	<u>\$ 2,562,997</u>	<u>\$ 2,562,997</u>	<u>\$ (1,539,497)</u>
Expenditures:					
Replacements and Renovations	\$ 1,761,418	\$ 1,761,418	\$ 998,607	\$ 998,607	\$ 762,811
Total expenditures	<u>\$ 1,761,418</u>	<u>\$ 1,761,418</u>	<u>\$ 998,607</u>	<u>\$ 998,607</u>	<u>\$ 762,811</u>
Revenues over (under) expenditures	\$ (737,918)	\$ (737,918)	\$ 1,564,390	\$ 1,564,390	
Beginning balance-September 1, 2021	<u>737,918</u>	<u>737,918</u>	<u>737,918</u>	<u>737,918</u>	
Ending balance - April 30, 2022	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 2,302,308</u>	<u>\$ 2,302,308</u>	

**EL PASO COMMUNITY COLLEGE
DEBT RETIREMENT FUND
STATEMENT OF REVENUE AND EXPENDITURES
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Original Budget</u>	<u>Actual</u>			<u>Budget</u>
	<u>Debt Service</u>	<u>Revenue Bonds</u>	<u>G.O. Bonds 1975</u>	<u>Total</u>	<u>Balance Available</u>
Revenues:					
Property tax interest	\$		\$ 101	\$ 101	\$ (101)
General use fees	9,000,000	8,192,405		8,192,405	807,595
Interest income	7,000	4,745		4,745	2,255
Intrafund transfers	9,009,194			0	9,009,194
Interfund transfers		597,224		597,224	(597,224)
Tuition	800,000	696,435		696,435	103,565
Lost revenue recovery	1,801,953	626,113		626,113	1,175,840
Total revenues	<u>\$ 20,618,147</u>	<u>\$ 10,116,922</u>	<u>\$ 101</u>	<u>\$ 10,117,023</u>	<u>\$ 10,501,124</u>
Expenditures:					
Bond principal	\$ 3,820,000	\$ 3,820,000	\$	\$ 3,820,000	\$ 0
Bond interest	5,244,787	3,512,051		3,512,051	1,732,736
Intrafund transfers	9,009,194			0	9,009,194
Agents fee	1,825	1,695		1,695	130
Other bond costs	9,042	7,700		7,700	1,342
Amortization of bond insurance	11,304			0	11,304
Loss (gain) on bond refunding	(76,764)			0	(76,764)
Total expenditures	<u>\$ 18,019,388</u>	<u>\$ 7,341,446</u>	<u>\$ 0</u>	<u>\$ 7,341,446</u>	<u>\$ 10,677,942</u>
Revenues over/(under) expenditures	\$ 2,598,759	\$ 2,775,476	\$ 101	\$ 2,775,577	
Beginning balance - September 1, 2021	<u>21,085,126</u>	<u>21,043,413</u>	<u>41,713</u>	<u>21,085,126</u>	
Ending balance - April 30, 2022	<u>\$ 23,683,885</u>	<u>\$ 23,818,889</u>	<u>\$ 41,814</u>	<u>\$ 23,860,703</u>	

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
CUSTODIAL FUNDS
APRIL 30, 2022**

**EL PASO COMMUNITY COLLEGE
CUSTODIAL FUNDS
BALANCE SHEET
APRIL 30, 2022**

	<u>Custodial Funds</u>
Assets:	
Cash and cash equivalents	\$ <u>236,185</u>
Total assets	\$ <u><u>236,185</u></u>
Liabilities:	
Accounts payable and other liabilities	\$ 0
Total liabilities	\$ <u>0</u>
Fund balance:	
Beginning balance: September 1, 2021	\$ 1,035,815
Increase (decrease) in fund balance	<u>(799,630)</u>
Ending balance: April 30, 2022	\$ <u>236,185</u>
Total liabilities & fund balance	\$ <u><u>236,185</u></u>

**EL PASO COMMUNITY COLLEGE
CUSTODIAL FUNDS
STATEMENT OF CHANGES IN FUND BALANCE
FOR THE EIGHT MONTHS ENDED APRIL 30, 2022**

	<u>Custodial Funds</u>
Additions:	
Miscellaneous	\$ <u>220,458</u>
Total additions	\$ <u>220,458</u>
Deductions:	
Scholarship payments to students	\$ 409,533
Transfers to other funds (GASB 84)	<u>610,555</u>
Total deductions	\$ <u>1,020,088</u>
Net increase (decrease) in fund balance	\$ <u><u>(799,630)</u></u>

**EL PASO COMMUNITY COLLEGE
FINANCIAL STATEMENTS
TEMPORARY INVESTMENTS
APRIL 30, 2022**

PORTFOLIO SUMMARY
EL PASO COMMUNITY COLLEGE
APRIL 30, 2022

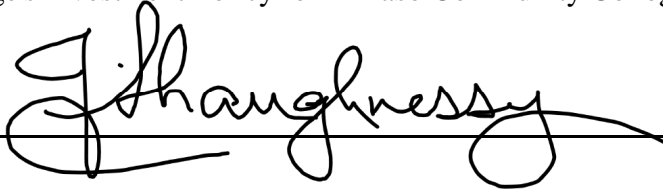
PORTFOLIO	Book Value			Market Value		
	Beginning Balance	Change	Ending Balance	Beginning Balance	Change	Ending Balance
Pooled Investments	\$ 240,928,231	\$ (7,985,562)	\$ 232,942,669	\$ 240,928,231	\$ (7,985,562)	\$ 232,942,669
Revenue Bonds	3,717,700	(1,207,113)	2,510,587	3,717,700	(1,207,113)	2,510,587
Debt Service Reserve Fund	9,556,106	1,325	9,557,431	9,556,106	1,325	9,557,431
Total Portfolio	<u>\$ 254,202,037</u>	<u>\$ (9,191,350)</u>	<u>\$ 245,010,687</u>	<u>\$ 254,202,037</u>	<u>\$ (9,191,350)</u>	<u>\$ 245,010,687</u>

Effective yield for April 30, 2022 = 0.2958%

Benchmark: Average 13-week T-Bill rate for April = 0.8013%

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.

Josette Shaughnessy, CPA
Vice President
Financial & Administrative Operations



Fernando Flores, CPA
Associate Vice President
Budget & Financial Services

Fernando Flores

Ana P. Zúñiga, CPA
Comptroller



**EL PASO COMMUNITY COLLEGE
TEMPORARY INVESTMENTS
APRIL 30, 2022**

	Amount	Rate	Duration	Purchase	Maturity	Earned YTD	Accrued YTD
Pooled Investments							
TexPool	\$ 161,312,232.79	0.3039	30	03/31/22	04/30/22	\$	\$ 40,670.71
Texas Daily	58,338,203.85	0.2900	30	03/31/22	04/30/22		13,774.53
Wells Fargo	21,277,794.14	0.2500	3	03/25/22	03/28/22		443.29
Balance 4/1/2022	\$ 240,928,230.78					\$ 67,839.26	\$ 54,888.53
TexPool	\$ 3,774,983.39	0.3039	30	03/31/22	04/30/22	\$ 20,971.08	\$ 0.00
Texas Daily	1,214,406.40	0.2900	30	03/31/22	04/30/22	6,857.35	0.00
Wells Fargo	326,211,518.04	0.2500	34	03/25/22	04/28/22	5,694.65	3,284.84
Purchases & Transfers in April 2022	\$ 331,200,907.83					\$ 33,523.08	\$ 3,284.84
Wells Fargo	339,186,469.96	0.2500	34	03/25/22	04/28/22		0.00
Maturities & Transfers in April 2022	\$ 339,186,469.96					\$ 0.00	\$ 0.00
Balance 4/30/22	\$ 232,942,668.65					\$ 101,362.34	\$ 58,173.37
Revenue Bond							
Texas Daily	\$ 3,717,699.78	0.2900	30	03/31/22	04/30/22	\$	\$ 823.07
Balance 4/1/2022	\$ 3,717,699.78					\$ 515.27	\$ 823.07
Texas Daily	\$ 436.57	0.2900	30	03/31/22	04/30/22	\$ 436.57	\$ 0.00
Purchases & Transfers in April 2022	\$ 436.57					\$ 436.57	\$ 0.00
Texas Daily	\$ 1,207,549.05	0.2900	30	03/31/22	04/30/22	\$ 0.00	\$ 0.00
Maturities & Transfers in April 2022	\$ 1,207,549.05					\$ 0.00	\$ 0.00
Balance 4/30/22	\$ 2,510,587.30	0.00	0.00	0.00	0.00	\$ 951.84	\$ 823.07

**EL PASO COMMUNITY COLLEGE
 TEMPORARY INVESTMENTS
 APRIL 30, 2022**

		Amount	Rate	Duration	Purchase	Maturity	Earned YTD	Accrued YTD
Debt Reserve	TexPool	\$ 2.00	0.3039	30	03/31/22	04/30/22	\$	\$ 0.00
	Texas Daily	9,556,104.25	0.2900	30	03/31/22	04/30/22		2,247.91
Balance 4/1/2022		\$ 9,556,106.25					\$ 1,172.17	\$ 2,247.91
	TexPool	\$ 202.45	0.3039	30	03/31/22	04/30/22	\$ 202.45	\$ 0.00
	Texas Daily	1,122.16	0.2900	30	03/31/22	04/30/22	1,122.16	0.00
Purchases & Transfers in April 2022		\$ 1,324.61					\$ 1,324.61	\$ 0.00
Balance 4/30/22		\$ 9,557,430.86					\$ 2,496.78	\$ 2,247.91
All Funds		\$ 245,010,686.81					\$ 104,810.96	\$ 61,244.35

BOARD POLICY ABSTRACT

Policies to be Considered: TASB Legal Policies	Policy #: see list below
Policy Section: C (Business and Support Services) D (Personnel) E (Instruction) F (Students) G (Community and Governmental Relations)	_____ New ___ <input checked="" type="checkbox"/> ___ Revision
Action: ___ <input checked="" type="checkbox"/> ___ For information only (no action required) _____ For Adoption (_____ 2 nd Reading and 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: 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 As part of Localized Manual Update 43, changes to the following TASB (Legal) Policies are based on legislation from the 87th Regular Legislative Session and changes from federal and state rulemaking authorities. References to legislative bills refer to Senate Bills (SB) or House Bills (HB) from the 87th Regular Legislative Session. All referenced bills have already gone into effect unless otherwise noted. CAD (Appropriations And Revenue Sources: Bond Issues). This legally referenced policy has been updated to include existing state statutes on Limitation to General Obligation Bonds and Authority to Contract for Services; and existing federal statutes at Federal Securities Law. In addition, Administrative Code language at Attorney General Review and Approval has been clarified. CAIA (Ad Valorem Taxes: Exemptions And Payments). SJR 35 proposed a constitutional amendment to permit the legislature to create an ad valorem tax exemption for the residence homestead of a qualified surviving spouse of a member of the U.S. armed services who is killed or fatally injured in the line of duty. Because the amendment was approved, SB 611 implements this change. CDDA (Payroll Procedures: Salary Deductions). This legally referenced policy has been updated to include existing state statutes on Credit Unions and Employee Membership Organizations.	

CH (Site Management). This legally referenced policy has been updated to reflect recent Administrative Code amendments addressing Human Trafficking Signs at Cosmetology Facilities. A college district that does not post signage as required may be fined \$200 per violation per day.

CIA (Equipment And Supplies Management: Records Management). This legally referenced policy has been revised to include existing language at Records Management Program, Permanent Records, Microfilm, and Records That May Be Destroyed. The policy has also been updated to reflect recently amended Administrative Code provisions addressing Electronic Records Management and Electronic Records Destruction. The language added at Records Management Program includes the requirement that the college district submit its records management policy and any amendments to that policy to the Texas State Library and Archives Commission (TSLAC). Additional changes are for clarity and to adhere to TASB style.

CJ (Transportation Management). This legally referenced policy has been updated to reflect recent Administrative Code amendments addressing Human Trafficking Signs in buses and at bus stops and rest areas. A college district that does not post signage as required by law may be fined \$200 per violation per day. Additional amendments add clarity and conform to TASB style.

CKE (Insurance And Annuities Management: Workers' Compensation). At Ombudsman Program and at First Responder Liaison, provisions have been updated to reflect Administrative Code revisions addressing notice requirements. Additional clarifying language has also been added.

CM (Facilities Construction). HB 692 amends the authority of a college district to withhold Retainage under a public works contract.

CS (Information Security). This legally referenced policy has been updated to reflect recent amendments to the Administrative Code and federal regulations, including the addition of Expanded responsibilities for the Information Security Officer; a new section on Risk and Authorization Management Program for Cloud Computing Services; and Expanded Elements of the Financial Information Security Program.

DC (Employment Practices). At Report, this legally referenced policy has been updated to include revised Administrative Code language.

DGC (Employee Rights And Privileges: Employee Expression And Use Of College Facilities). SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

DHA (Employee Standards Of Conduct: Searches And Alcohol/Drug Testing). All previous content from DHB has been moved to this policy without changes to accommodate the new Employee Solicitations policy at DHC.

DHB (Employee Standards Of Conduct: Child Abuse And Neglect Reporting). To accommodate the new Employee Solicitations policy at DHC, this policy has been renamed, all previous content from this policy has been moved without changes to DHA, and all previous content from DHC has been moved to this policy without changes.

DHC (Employee Standards Of Conduct: Employee Solicitations). Language on Charitable Raffles has been included in this new Employee Solicitations policy.

EBB (Alternate Methods Of Instruction: Off Campus Instruction). This legally referenced policy has been updated to include revised Administrative Code citations on Regional Councils.

ECC (Instructional Arrangements: Course Load And Schedules). At Good Cause, this legally referenced policy has been updated to reflect amendments to Administrative Code requirements related to dropping courses after certain disasters.

EDA (Instructional Resources: Instructional Materials). HB 1027 expands upon existing requirements that college districts publish Course Material Information each semester, including all costs and itemization of fees. These requirements will be effective starting in fall 2022. Additional changes were made for clarity and to adhere to TASB style.

EFA (Curriculum Design: Instructional Programs And Courses). HB 1027 expands upon existing requirements that college districts publish a Course Schedule each semester and includes a deadline for publication. These requirements will be effective starting in fall 2022.

EFBB (Degrees And Certificates: Baccalaureate Degrees). This legally referenced policy has been updated for clarification and to reflect recent amendments to the Administrative Code regarding baccalaureate degree programs provided by Navarro College and Limitations on baccalaureate degree programs.

FC (Attendance). This legally referenced policy has been revised to include recent amendments to Administrative Code provisions related to absences due to required military service.

FLA (Student Rights And Responsibilities: Student Expression And Use Of College Facilities). SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

GCA (Public Information Program: Access To Information). HB 1027 states that any agreement relating to course material fees or charges, entered into as of fall 2022, is considered public information under the PIA.

GD (Community Expression And Use Of College Facilities). SJR 27 proposed a constitutional amendment to prohibit a college district from placing limits to Religious Services in Texas. The amendment was approved by voters at the November election.

GH (Relations With Schools And Districts). This legally referenced policy has been updated to reflect amendments to Administrative Code provisions addressing Dual Credit Agreements. Additional changes were made to adhere to TASB style.

Recommendation: Review by the Board of Trustees.

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

**Tax Bonds and
Maintenance Tax**

The governing board of each junior college district shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings and the purchase of the necessary sites therefor, and levy and pledge annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as they come due, and to levy annual ad valorem taxes for the maintenance of its public junior college or junior colleges; provided that the annual bond tax shall never exceed \$0.50 on the \$100 valuation of taxable property in the district, and the annual bond tax, if any, together with the annual maintenance tax shall never exceed the aggregate of \$1 on the \$100 valuation of taxable property in the district.

Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of the board. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by the board in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

All bonds shall be issued in accordance with the Public Security Procedures Act, Government Code Chapter 1201, and Education Code 130.122.

Education Code 130.122(a); Gov't Code 1201

General Obligation
Bonds

Notwithstanding any other provision of law, a political subdivision, including a college district, may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002(b)*

*Investment of
Bond Proceeds*

For legal requirements regarding investment of bond proceeds, see CAK(LEGAL).

*Use of Unspent
Proceeds*

A political subdivision other than a school district may use the unspent proceeds of issued general obligation bonds only for the specific purposes for which the bonds were authorized, to retire the bonds, or for a purpose other than the specific purposes for which the bonds were authorized if:

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

1. The specific purposes are accomplished or abandoned; and
2. A majority of the votes cast in an election held in the political subdivision approve the use of the proceeds for the proposed purpose.

The election order and the notice of election for an election described by item 2 must state the proposed purpose for which the bond proceeds are to be used. A political subdivision must hold the election in the same manner as an election to issue bonds in the political subdivision.

Gov't Code 1253.003

Capital Appreciation
Bonds

"Capital appreciation bond" means a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

A junior college district or other political subdivision may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;
2. The governing body of the political subdivision has received a written estimate of the cost of the issuance, including:
 - a. The amount of principal and interest to be paid until maturity;
 - b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;
 - c. The amount of fees to be paid to each financing team member; and
 - d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;
3. The governing body of the political subdivision has determined in writing whether any personal or financial relationship exists between the members of the governing body and any financial adviser, bond counsel, bond underwriter, or other professional associated with the bond issuance. The governing body of a political subdivision that makes a determination that a personal or financial relationship exists shall submit the determination to the Texas Ethics Commission; and

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

4. The governing body of the political subdivision posts prominently on the political subdivision's internet website and enters in the minutes of the governing body:
 - a. The total amount of the proposed bonds;
 - b. The length of maturity of the proposed bonds;
 - c. The projects to be financed with bond proceeds;
 - d. The intended use of bond proceeds not spent after completion of the projects identified in paragraph 4c;
 - e. The total amount of the political subdivision's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;
 - f. The total amount of the political subdivision's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and
 - g. The information received under item 2 and determined under item 3.

The total amount of capital appreciation bonds may not exceed 25 percent of the political subdivision's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

The governing body of a political subdivision shall regularly update the debt information posted on the political subdivision's internet website under paragraph 4f to ensure that the information is current and accurate.

Gov't Code 1201.0245(a)–(d), (g)

Exclusions

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life, determined based on the depreciable life of the asset under the Internal Revenue Code of 1986, that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or
2. Transportation-related items, including buses.

Government Code 1201.0245 does not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

appreciation bonds for the purpose of financing transportation projects.

Gov't Code 1201.0245(e), (j)

*Unspent
Proceeds*

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the political subdivision's website under paragraph 4d, above, unless another use is approved by the voters of the political subdivision at an election held for that purpose. *Gov't Code 1201.0245(f)*

*Extension of
Maturity Date*

A junior college district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date. *Gov't Code 1201.0245(h)*

Exception

A political subdivision, other than a school district, may extend the maturity date of an issued capital appreciation bond only if the extension of the maturity date will decrease the total amount of projected principal and interest to maturity.

Gov't Code 1201.0245(i)

Credit Agreements

A junior college district that at the time of the issuance of obligations and execution of credit agreements has at least 2,000 full-time students or the equivalent or a combined aggregate principal amount of at least \$50 million of outstanding bonds and voted, but unissued, bonds may, in the issuance of bonds as provided by Education Code 130.122, exercise the powers granted to the governing body of an issuer with regard to the issuance of obligations and execution of credit agreements under Government Code Chapter 1371.

A proposition to issue bonds to which Education Code 130.1221 applies must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds and the costs of any credit agreements executed in connection with the bonds.

Limits

A district may not issue bonds in an amount greater than the greater of:

1. Twenty-five percent of the sum of:
 - a. The aggregate principal amount of all district debt payable from ad valorem taxes that is outstanding at the time the bonds are issued; and

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

- b. The aggregate principal amount of all bonds payable from ad valorem taxes that have been authorized but not issued;
2. Twenty-five million dollars, in a district that has at least 3,500 but not more than 15,000 full-time students or the equivalent; or
3. Fifty million dollars, in a district that has more than 15,000 full-time students or the equivalent.

Government Code 1371.057 and 1371.059 govern approval by the attorney general of obligations issued under the authority of Education Code 130.1221.

Education Code 130.1221

Elections

No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the electors voting at an election held for such purpose in accordance with law, at the expense of the junior college district. Each such election shall be called by resolution or order of the board, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by the board.

The election shall be held on a uniform election date.

Education Code 130.122(b); Election Code 41.001(a) [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be called not later than the 78th day before election day. [See BBB] *Election Code 3.003, .005, 41.002*

Notice of Election

Notice of said election shall be given by publishing a substantial copy of the election resolution or order one time, at least ten days prior to the date set for the election, in a newspaper of general circulation in the district. The person responsible for giving the notice must retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Education Code 130.122(b); Election Code 4.003(a)(1), (c), .005*

The governing body of a political subdivision, including a college district, that orders an election shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the political subdivision is located not later than the 60th day before election day. *Election Code 4.008(a)*

*Posting Notice of
Election*

In addition, not later than the 21st day before election day, a county shall post a copy of a notice of the election provided to the county under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. The notice posted under this provision must remain posted continuously through election day.

The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made.

Election Code 4.003(a)(1), (b)-(c), .004-.005

Election Order

"Debt obligation" means an issued public security, as defined by Government Code 1201.002, that is secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities.

The document ordering an election to authorize a political subdivision to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;
2. The purpose for which the debt obligations are to be authorized;
3. The principal amount of the debt obligations to be authorized;
4. That taxes sufficient to pay the principal of and interest on the debt obligations may be imposed;
5. A statement of the estimated tax rate if the debt obligations are authorized or of the maximum interest rate of the debt obligations or any series of the debt obligations, based on the market conditions at the time of the election order;
6. The maximum maturity date of the debt obligations to be authorized or that the debt obligations may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

7. The aggregate amount of the outstanding principal of the political subdivision's debt obligations as of the date the election is ordered;
8. The aggregate amount of the outstanding interest on the debt obligations of the political subdivision as of the date the election is ordered, which may be based on the political subdivision's expectations relative to variable rate debt obligations; and
9. The ad valorem debt service tax rate for the political subdivision at the time the election is ordered, expressed as an amount per \$100 valuation of taxable property.

Election Code 3.009

*Posting the
Election Order*

A debt obligation election order required under Election Code 3.009 shall be posted on election day and during early voting by personal appearance, in a prominent location at each polling place; not later than the 21st day before the election, in three public places in the boundaries of the political subdivision holding the election; and during the 21 days before the election, on the political subdivision's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the political subdivision maintains an internet website. *Election Code 4.003(f)*

Propositions

The ballot for a measure seeking voter approval of the issuance of debt obligations by a political subdivision shall specifically state:

1. A general description of the purposes for which the debt obligations are to be authorized;
2. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
3. The total principal amount of the debt obligations to be authorized; and
4. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

Gov't Code 1251.052(a)-(a-1); Election Code 52.072(f)

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

Voter Information
Document

A political subdivision with at least 250 registered voters on the date the governing body of the political subdivision adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election. The political subdivision shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) and may include the voter information document in the debt obligation election order. The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
 - a. The principal of the debt obligations to be authorized;
 - b. The estimated interest for the debt obligations to be authorized;
 - c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
 - d. As of the date the political subdivision adopts the debt obligation election order:
 - (1) The principal of all outstanding debt obligations of the political subdivision;
 - (2) The estimated remaining interest on all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations; and
 - (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the political subdivision, which may be based on the political subdivision's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the political subdivision with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the governing body of the political subdivision; and
4. Any other information that the political subdivision considers relevant or necessary to explain the required information.

Gov't Code 1251.052(b)

The governing body of the political subdivision shall identify in the voter information document the major assumptions made in connection with the statement required by item 3, including:

1. The amortization of the political subdivision's debt obligations, including outstanding debt obligations and the proposed debt obligations;
2. Changes in estimated future appraised values within the political subdivision; and
3. The assumed interest rate on the proposed debt obligations.

A political subdivision that maintains an internet website shall provide the information described by Government Code 1251.052(b) on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

Gov't Code 1251.052(c)-(d)

Canvass

The board shall canvass the returns and declare the results of such election. *Education Code 130.122(b)*

Political Advertising

An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The restriction does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation in a written opinion issued by a court of record, the attorney general, or the Texas Ethics Commission.

On written request of the governing body of a political subdivision that has ordered an election on a measure, the Texas Ethics Commission shall prepare an advance written advisory opinion as to

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

whether a particular communication relating to a measure complies with the section.

Election Code 255.003(a)–(b-1), (d)–(e) [See CHE]

Newsletters

A newsletter of a public officer of a political subdivision is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 1/2" x 11" or larger, with a reasonable reduction of the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

**Attorney General
Review and Approval**

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general in accordance with Government Code Chapter 1202 and 1 Administrative Code Chapter 53, Subchapter A. *Gov't Code 1202.003(a); 1 TAC Ch. 53, Subch. A*

Refunds

An issuer, including a college district, may issue refunding bonds under Government Code Chapter 1207 to refund all or any part of the issuer's outstanding bonds, notes, or other general or special obligations.

Subject to the provisions of Government Code Chapter 1207 and Education Code 130.122, the governing board of each junior college district is authorized to refund or refinance all or any part of any of its outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable coupon refunding bonds payable from ad valorem taxes.

Gov't Code 1207.002; Education Code 130.122(c)

APPROPRIATIONS AND REVENUE SOURCES
BOND ISSUES

CAD
(LEGAL)

Authorized Unissued Bonds

All tax bonds voted in any junior college district in accordance with law but unissued by September 1, 1969, may be issued in the manner provided in Education Code 130.122, without an additional election; and all maintenance taxes voted in any district in accordance with law may be levied and collected in the manner provided by law without an additional election. *Education Code 130.122(g)*

Authority to Contract for Services

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. [See CF(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements] *Gov't Code 1201.027(a)*

Federal Securities Law

Disclosure Obligations for Bond and Other Debt Offerings

Prior to publicly offering bonds, a college district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the college district itself, financial and operating data of the college district, and any other information that may be material to an investor interested in purchasing the college district's bonds or otherwise required by Rule 15c2-12 of the Securities and Exchange Commission (SEC) (SEC Rule 15c2-12(b)). [See Note, below] *17 C.F.R. 240.15c2-12*

Continuing Disclosure after Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the college district when the college district issues bonds. A CDA obligates the college district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within ten business days following the occurrence of any such event. [See Note, below] *17 C.F.R. 240.15c2-12*

Liability under Federal Securities Law

College districts, board members, and certain employees of the college district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a college district's bonds (or the omission of material facts from such statements), including the official statement itself and any

other statement reasonably expected to reach bond investors (disclosures). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a college district's continuing disclosure obligations under SEC Rule 15c2-12(b) after a college district's bonds are issued. [See Continuing Disclosure after Issuing Bonds, above] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29*

Note: In preparing an official statement, a college district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a college district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A college district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other primary disclosures relating to a bond offering. Creation of internal procedures may help to insulate a college district against criticism or liability under federal securities laws.

College districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that (1) reporting requirements imposed by a CDA are satisfied; and (2) information disclosed in periodic and occasional reports is accurate and complete.

Internal procedures may provide for (1) appointment of, and disclosure training for, college district officials and employees who will be part of the financing team; (2) a procedure of accountability for review of the disclosures; and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012)]

Tax Exemptions

Homestead
Exemptions

An individual who is disabled or is 65 or older is entitled to an exemption from taxation by a taxing unit of a portion, the amount of which is fixed as provided by Tax Code 11.13(e), of the appraised value of the individual's residence homestead if the exemption is adopted either:

1. By the governing body of the taxing unit; or
2. By a favorable vote of a majority of the qualified voters of the taxing unit at an election called by the governing body of a taxing unit, and the governing body shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the taxing unit.

The amount of an exemption adopted is \$3,000 of the appraised value of the residence homestead unless a larger amount is specified by the governing body authorizing the exemption as described at item 1 or the petition for the election if the exemption is authorized as described at item 2.

Once authorized, an exemption adopted as provided in this section may be repealed or decreased or increased in amount by the governing body of the taxing unit or by the procedure authorized by item 2 above. In the case of a decrease, the amount of the exemption may not be reduced to less than \$3,000 of the market value.

Tax Code 11.13(d)–(f)

*Application for
Exemption*

To receive the residence homestead exemption, a person claiming the exemption must apply for the exemption. *Tax Code 11.43(a)*

*Homesteads
Rendered
Uninhabitable or
Unusable*

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135 and 11.26(n)–(o) and 34 Administrative Code 9.416. *Tax Code 11.135, .26(n)–(o); 34 TAC 9.416*

*Disabled
Veterans and
Their Families*
Portion of
Assessed Value
Owned
Residence

Pursuant to Tax Code 11.22, a disabled veteran and, if that person dies, the person's unmarried surviving spouse or unmarried children, is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates in accordance with Tax Code 11.22(f). *Tax Code 11.22*

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

*Donated
Residence*

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization:

1. At no cost to the disabled veteran; or
2. At some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date the donation is made.

The surviving spouse of a disabled veteran who qualified for the exemption of a percentage of the appraised value of the disabled veteran's residence homestead when the disabled veteran died is entitled to an exemption in accordance with Tax Code 11.132.

Tax Code 11.132(b)–(c)

Total Appraised
Value

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead.

The surviving spouse of a disabled veteran who qualified for an exemption under Tax Code 11.131(b) when the disabled veteran died, or of a disabled veteran who would have qualified for an exemption under Section 11.131(b) if Section 11.131(b) had been in effect on the date the disabled veteran died, is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, or to which the disabled veteran's exemption would have applied if the exemption had been authorized on the date the disabled veteran died, if the surviving spouse has not remarried since the death of the disabled veteran; and the property:

1. Was the residence homestead of the surviving spouse when the disabled veteran died; and
2. Remains the residence homestead of the surviving spouse.

If a surviving spouse who qualifies for an exemption under Tax Code 11.131(c) subsequently qualifies a different property as the surviving spouse's residence homestead, the surviving spouse is

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

entitled to an exemption from taxation of the subsequently qualified homestead in accordance with Tax Code 11.131(d).

Tax Code 11.131(b)–(d)

*Surviving Spouse
of Armed
Services Member*

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.133. *Tax Code 11.133(b)*

*Surviving Spouse
of First
Responder*

The surviving spouse of a first responder listed in Government Code 615.003 who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead in accordance with Tax Code 11.134. *Tax Code 11.134(b)*

Exemption for
Property Damaged
by a Disaster

A person is entitled to an exemption from taxation by a taxing unit of a portion of the appraised value of qualified property that the person owns in an amount determined under Tax Code 11.35(h). *Tax Code 11.35(b)*

*Application for
Exemption*

A person who qualifies for an exemption under this section must apply for the exemption in accordance with Tax Code 11.43(s). *Tax Code 11.43(s)*

*Expiration of
Exemption*

The exemption authorized by this section expires as to an item of qualified property on January 1 of the first tax year in which the property is reappraised under Tax Code 25.18. *Tax Code 11.35(k)*

*Qualified
Property*

"Qualified property" means property that:

1. Consists of tangible personal property used for the production of income; an improvement to real property; or a manufactured home as that term is defined by Occupations Code 1201.003 that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Occupations Code 1201.2055;
2. Is located in an area declared by the governor to be a disaster area following a disaster;
3. Is at least 15 percent damaged by the disaster, as determined by the chief appraiser under Tax Code 11.35; and
4. For property described by item 1, is the subject of a rendition statement or property report filed by the property owner under Tax Code 22.01 that demonstrates that the property had taxable situs in the disaster area for the tax year in which the disaster occurred.

Tax Code 11.35(a)

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

Goods-in-Transit	<p>A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit. <i>Tax Code 11.253(b)</i></p> <p>In accordance with Tax Code 11.253, the governing body of a taxing unit, in a manner required for official action by the governing body, may provide for the taxation of goods-in-transit exempt as set out above and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the governing body proposes to tax goods-in-transit. Before acting to tax the exempt property, the governing body must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). The goods-in-transit remain subject to taxation by the taxing unit until the governing body of the taxing unit, in the manner required for official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption prescribed above will apply to that taxing unit. <i>Tax Code 11.253(j)</i></p> <p>Notwithstanding Tax Code 11.253(j) or official action that was taken before October 1, 2011, to tax goods-in-transit under the above exemption, a taxing unit may not tax such goods-in-transit in a tax year that begins on or after January 1, 2012, unless the governing body of the taxing unit takes official action on or after October 1, 2011, in the manner required for official action by the board, to provide for the taxation of the goods-in-transit. <i>Tax Code 11.253(j-1)</i></p>
<i>Exception</i>	<p>If the governing body of the taxing unit, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the taxing unit, the tax officials of the taxing unit may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created. <i>Tax Code 11.253(j-2)</i></p>
<i>Extension for Property in Disaster Area</i>	<p>This provision applies only to a taxing unit any part of which is located in an area designated a disaster area by a disaster declaration issued under Government Code 418.040 or 418.108 on or after January 1, 2020. The governing body of a taxing unit, in the manner provided by law for official action, may extend the date by which goods-in-transit must be transported to another location in this state or outside this state to a date not later than the 270th day after the date the person acquired the property in or imported the property into this state. An extension adopted by official action under this provision applies only to the exemption from ad valorem taxation by the taxing unit adopting the extension and the tax year in which the extension is adopted. <i>Tax Code 11.253(l)</i></p>

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

Additional Exemptions	A taxing unit is required or permitted, as applicable, to grant additional tax exemptions as provided by law. <i>Tex. Const. Art. VIII, Sec. 1-b; Tax Code Ch. 11, Subch. B</i>
Notice of Optional Exemption	If a taxing unit adopts, amends, or repeals an exemption that the unit by law has the option to adopt or not, the taxing unit shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. <i>Tax Code 6.08</i>
Tax Payments	
Discounts	The governing body of a taxing unit may adopt one of the discounts described below, or both, in the manner required by law for official action by the body. <i>Tax Code 31.05(a)</i>
<i>Option 1</i>	A taxing unit may adopt the following discounts to apply regardless of the date of which it mails its tax bills: <ol style="list-style-type: none">1. Three percent if the tax is paid in October or earlier;2. Two percent if the tax is paid in November; and3. One percent if the tax is paid in December. This discount does not apply to taxes that are calculated too late for it to be available. <i>Tax Code 31.04(c), .05(b)</i>
<i>Option 2</i>	A taxing unit may adopt the following discounts to apply when it mails its tax bills after September 30: <ol style="list-style-type: none">1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed;2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed; and3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed. <i>Tax Code 31.05(c)</i>
<i>Both Options</i>	If a taxing unit adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the unit are mailed after September 30, in which case only the discounts described at Option 2 apply. <i>Tax Code 31.05(a)</i>
<i>Rescission</i>	The governing body of a taxing unit may rescind a discount adopted by the governing body in the manner required by law for official action by the body. The rescission of a discount takes effect

in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payment

The governing body of a taxing unit that collects its own taxes may provide, in a manner required by law for official action by the body, that a person who pays one-half of the unit's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest before July 1 of the following year. The split-payment option, if adopted, applies to taxes for all units for which the adopting taxing unit collects taxes.

If one or more taxing units contract with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the district collects and filed with the secretary of the appraisal district board of directors. After an appraisal district provides for the split-payment option, the option applies to all taxes collected by the district until revoked. It may be revoked in the same manner as provided for adoption.

This payment option does not apply to taxes that are calculated too late for it to be available.

Tax Code 31.03, .04(c)

*In Certain
Counties*

The governing body of a taxing unit located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide that the split-payment option does not apply to the taxing unit's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment
Payments

*Certain
Homesteads*

Tax Code 31.031 applies only to an individual who is disabled or at least 65 years of age and qualified for an exemption under Tax Code 11.13(c) or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22. Subject to Section 31.031, an individual to whom this section applies may pay a taxing unit's taxes imposed on property that the person owns and occupies as a residence homestead in four equal installments without penalty or interest if the first installment is before the delinquency date and is accompanied by notice that the individual will pay the remaining taxes in three equal installments. If the delinquency date is February 1, the second installment must be paid before April 1, the third installment must be paid before June 1, and the fourth installment must be paid before August 1. If the delinquency date is a date other than February 1, the second installment must be paid

before the first day of the second month after the delinquency date, the third installment must be paid before the first day of the fourth month after the delinquency date, and the fourth installment must be paid before the first day of the sixth month after the delinquency date.

Notwithstanding the deadline prescribed above for payment of the first installment, an individual to whom this section applies may pay the taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.031(a)-(a-2)

*Damaged
Property in a
Disaster or
Emergency Area*

This section applies to:

1. Real property that:
 - a. Is the residence homestead of the owner or consists of property that is used for residential purposes and that has fewer than five living units or is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;
 - b. Is located in a disaster area or emergency area; and
 - c. Has been damaged as a direct result of the disaster or emergency;
2. Tangible personal property that is owned or leased by a business entity described above at paragraph 1a; and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

A person may pay a taxing unit's taxes imposed on property that the person owns in four equal installments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments in accordance with Tax Code 31.032.

Notwithstanding the deadline prescribed above for payment of the first installment, a person to whom this section applies may pay the taxes in four equal installments as provided above if the first installment is paid and the required notice is provided before the first day of the first month after the delinquency date.

Tax Code 31.032(a)-(b-1)

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

*Undamaged
Property in a
Disaster or
Emergency Area*

This section applies to:

1. Real property that:
 - a. Is owned or leased by a business entity that had not more than the amount calculated as provided by Tax Code 31.032(h) in gross receipts in the entity's most recent federal tax year or state franchise tax annual period, according to the applicable federal income tax return or state franchise tax report of the entity;
 - b. Is located in a disaster area or emergency area; and
 - c. Has not been damaged as a direct result of the disaster or emergency;
2. Tangible personal property that is owned or leased by a business entity described above at paragraph 1a; and
3. Taxes that are imposed on the property by a taxing unit before the first anniversary of the disaster or emergency.

The governing body of a taxing unit may authorize a person to pay the taxing unit's taxes imposed on property that the person owns in installments in accordance with Tax Code 31.032(b)–(d).

Tax Code 31.033(b)–(c)

Partial Payments

A tax collector may adopt a policy of accepting partial payments of property taxes. Acceptance of a partial payment does not affect the date that the tax becomes delinquent, but the penalties and interest provided by Tax Code 33.01 are incurred only by the portion of tax that remains unpaid on the date the tax becomes delinquent. A payment option provided by Tax Code 31.03 or a discount adopted under Tax Code 31.05 does not apply to any portion of a partial payment. *Tax Code 31.07(c)*

Performing Services
in Lieu of Paying
Taxes

In accordance with Tax Code 31.035, the governing body of a taxing unit may permit an individual who is at least 65 years of age to perform service to the taxing unit in lieu of paying property taxes imposed by the taxing unit on property owned by the individual and occupied as the individual's residence homestead. While performing service for the taxing unit, the property owner is not an employee of the taxing unit and is not entitled to any benefit, including workers' compensation coverage, that the taxing unit provides to an employee of the taxing unit. *Tax Code 31.035(a), (f)*

Delinquency Date

Taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed, except as provided below:

AD VALOREM TAXES
EXEMPTIONS AND PAYMENTS

CAIA
(LEGAL)

1. The taxing unit has provided for split payments, as described above. *Tax Code 31.03*
2. The taxing unit's tax bills are mailed after January 10. *Tax Code 31.04(a)*
3. The taxing unit's tax bills are mailed after September 30 and the taxing unit has adopted discounts provided by Tax Code 31.05(c). *Tax Code 31.04(d)*
4. A person who owns any interest in the property is an eligible person serving on active duty in any branch of the U.S. armed forces as provided by Tax Code 31.02(b).

Tax Code 31.02

Delinquent Tax
Collection

The governing body of a taxing unit may contract with any competent attorney to represent the unit to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)*

Penalties and
Interest

Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

Additional Penalties

A taxing unit or appraisal district may provide, in the manner required by law for official action by the body, that taxes that become delinquent on or after February 1 but not later than May 1 of that year and remain delinquent on July 1 of the year in which they become delinquent incur an additional penalty to defray costs of collection, if the unit or district or another unit that collects taxes for the unit has contracted with a private attorney for the collection of delinquent taxes pursuant to Tax Code 6.30. The amount of the penalty may not exceed the amount of the compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the penalty. If a taxing unit or appraisal district provides for a penalty under this section, the collector shall deliver notice of the delinquency and of the penalty to the property owner at least 30 and not more than 60 days before July 1.

If the governing body of the taxing unit or appraisal district has imposed the penalty for collection costs described above and the taxing unit or appraisal district, or another taxing unit that collects taxes for the unit, has entered into a contract with an attorney under Tax Code 6.30 for collection of delinquent taxes, the governing body of the taxing unit or appraisal district, in a manner required by

law for official action, may provide that taxes that become delinquent on or after June 1 under Tax Code 26.075(j), 26.15(e), 31.03, 31.031, 31.032, 31.033, 31.04, or 42.42 incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount of compensation specified in the contract with the attorney to be paid in connection with the collection of the delinquent taxes. A tax lien attaches to the property on which the tax is imposed to secure payment of the additional penalty. After the taxes become delinquent, the collector for a taxing unit or appraisal district that has provided for the additional penalty shall send a notice of the delinquency and the penalty to the property owner. The penalty is incurred on the first day of the first month that begins at least 21 days after the date the notice is sent.

Tax Code 33.07-.08

Income Tax	Except as otherwise provided in 26 U.S.C. 3402, every employer making payment of wages shall deduct and withhold upon such wages an income tax determined in accordance with tables or computational procedures prescribed by the Secretary of the Treasury. <i>26 U.S.C. 3401–3402</i>
Medicare Tax	The tax imposed by 26 U.S.C. 3101 shall be collected by the employer of the taxpayer hired after March 31, 1986, by deducting the amount of the tax from the wages as and when paid as required by law. <i>26 U.S.C. 3102(a), 3121(u)</i>
Retirement	<p>Each payroll period, each employer shall deduct from the compensation of each member employed by the employer the amount required by Government Code 825.402. <i>Gov't Code 825.403</i></p> <p>Each employer shall pick up the employee contribution required of each of its employees by Government Code 825.403. An employer shall pick up these contributions by a corresponding reduction in the cash salary of the employees, by an offset against a future salary increase, or by a combination of salary reduction and offset against a future salary increase.</p> <p>"Employee" means a person who is employed, as determined by the Teacher Retirement System of Texas, on other than a temporary basis by a single employer for at least one-half time at a regular rate of pay comparable to that of other persons employed in similar positions.</p> <p><i>Gov't Code 821.001(6), 825.409(a); Atty. Gen. Op. JH-871 (1976)</i></p>
Optional Retirement Program	A participant in the optional retirement program and the employing institution of higher education acting through its governing board shall execute an agreement under which the salary of the participant is reduced by the amount of the contribution required under Government Code 830.201 in accordance with Government Code 830.204. <i>Gov't Code 830.204</i>
Child Support Payments	<p>In accordance with Family Code Chapter 158, an employer shall begin to withhold income in accordance with an order or writ of withholding issued under Chapter 158 not later than the first pay period following the date on which the order or writ was delivered to the employer and shall continue to withhold income as required by the order or writ as long as the obligor is employed by the employer. The employer shall remit the amount to be withheld to the person or office named in the order or writ on each pay date.</p> <p>An employer may deduct an administrative fee of not more than \$10 each month from the obligor's disposable earnings in addition to the amount withheld as child support.</p> <p><i>Family Code 158.202–.204</i></p>

**Spousal
Maintenance**

An order or writ of withholding issued under Family Code Chapter 8 for spousal maintenance and delivered to an employer doing business in this state is binding on the employer without regard to whether the obligor resides or works outside this state. In accordance with Chapter 8, the employer shall remit to the person or office named in the order or writ of withholding the amount of income withheld from an obligor on each pay date.

An employer may deduct an administrative fee of not more than \$5 each month from the obligor's disposable earnings in addition to the amount withheld as spousal maintenance.

Family Code 8.107, .203-.204

Social Security

An employer shall deduct from the salaries of designated employees the amount of Social Security tax required by federal law. *26 U.S.C. 3101-3102, 3121(b)(7); 26 C.F.R. 31.3121(b)(7)-2*

**Federal Education
Loans**

An employer shall pay to the U.S. Secretary of Education, the Texas Guaranteed Student Loan Corporation, or any other guaranty agency for federal education loans as directed in the withholding order issued in an action to recover delinquent federal education loan payments. *20 U.S.C. 1095a(a)(6)*

**Prepaid Higher
Education Tuition
Program**

An employee of a political subdivision of the state, including a college district, may make payments under a prepaid tuition contract by payroll deductions made by the appropriate officer of the political subdivision. *Education Code 54.626(c)*

**Higher Education
Savings Plan**

An employee of a political subdivision of the state, including a college district, may make contributions to a higher education savings trust account established under the higher education savings plan by payroll deductions made by the appropriate officer of the state or political subdivision. *Education Code 54.708(a)*

**English Proficiency
Course**

The cost of such English proficiency course offered under Education Code 51.917 will be deducted from said faculty member's salary. *Education Code 51.917*

**Parking Fees and
Permits**

An employee of an institution of higher education, including a college district, may authorize in writing a reduction each pay period from the employee's salary or wage payment for the payment of any fee or charge for parking, a parking permit, a transportation pass, or other qualified transportation benefit authorized under Section 132(f), Internal Revenue Code of 1986, as amended. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(a)*

**Club and
Recreational Fees**

An employee of an institution of higher education, including a college district, may authorize in writing a deduction each pay period

from the employee's salary or wage payment for the payment of any fee or charge for parking or for a club membership, recreational sports membership, or similar activity or program. The institution shall determine which fee or charge an employee may pay under this provision. *Gov't Code 659.202(b)*

Status of Deduction

If so designated by the employing institution of higher education, a salary deduction made by an employee under Government Code Chapter 659, Subchapter J, shall be considered compensation under Government Code Chapter 659 and salary and wages and member compensation under Government Code Title 8.

If authorized by federal law, a salary deduction or salary reduction under Government Code Chapter 659, Subchapter J, may be made on a pretax basis.

Gov't Code 659.205

Credit Unions

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to a credit union to be credited to a share or deposit account of the employee. The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G. *Gov't Code 659.103*

**Employee
Membership
Organizations**

An employee of a state agency, including a college district, may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to an eligible state employee organization of a membership fee in the organization. "Eligible state employee organization" means a state employee organization with a membership of at least 2,000 active or retired state employees who hold or who have held certification from the Texas Commission on Law Enforcement.

The deduction shall be administered in accordance with Government Code Chapter 659, Subchapter G, and 34 Administrative Code 5.46.

Gov't Code 659.1031; 34 TAC 5.46

**Charitable
Contributions**

For purposes of Government Code Chapter 659, Subchapter H, a public junior college is considered to be an institution of higher education and employees of the public junior college are considered to be state employees during a state fiscal year unless an affirmative decision not to participate in the state employee charitable contribution program is made by the governing board of the public junior college not later than April 1 of the preceding state fiscal year. An employee of a public junior college that elects not to participate in the state employee charitable contribution program may authorize a deduction from the employee's salary or wage payment

for a charitable contribution as provided by the policy of the governing board of the public junior college. *Gov't Code 659.1311*

**Charitable
Contributions to
Institution of Higher
Education**

An employee of an institution of higher education, including a college district, may authorize a deduction each pay period from the employee's salary or wage payment for a contribution to an institution of higher education or a charitable contribution to a nonprofit organization the purpose of which is to support the programs of an institution of higher education.

To be eligible to receive charitable contributions, a nonprofit organization must comply with the rules adopted under Government Code 2255.001 by the institution of higher education the organization supports. An institution of higher education shall establish procedures to enable an employee of the institution to authorize a deduction under this section.

Education Code 51.947

Assignments

An employee's assignment, pledge, or transfer, as security for indebtedness, of any interest in or part of the employee's salary or wages then due or that may become due under an existing contract of employment is enforceable only if, before or at the time of execution, delivery, or acceptance of an assignment, pledge, or transfer, written approval is obtained in accordance with the policy of the employing institution; and to the extent that the indebtedness it secures is a valid and enforceable obligation.

An institution of higher education shall honor an assignment, pledge, or transfer fulfilling the conditions of Education Code 51.934(b) without incurring any liability to the employee executing the assignment, pledge, or transfer. Payment to any assignee, pledgee, or transferee in accordance with the terms of the instrument is payment to or for the account of the assignor, pledgor, or transferor. An assignment, pledge, or transfer is enforceable only to the extent of salary due or that may become due during continuation of the assignor's employment as an employee of the institution.

Education Code 51.934; Atty. Gen. Op. GM-3474 (1941)

**Deferred
Compensation**

The governing board of a state-supported institution of higher education, including a college district, may reduce the salary of participants in approved deferred compensation and annuity programs when authorized by the participants and shall apply the amount of the reduction to the purchase of annuity contracts or to contributions to any type of investment authorized in Section 403(b), Internal Revenue Code of 1986, and its subsequent amendments, the exclusive control of which will vest in the participants and develop a system to allow or require participants to electronically authorize

participation under Revised Civil Statutes Article 6228a-5, purchases of annuity contracts, and contributions to investments. [See CKC] *Rev. Civ. Stat. Art. 6228a-5, Sec. 2(b); Gov't Code Chapter 609*

Cafeteria Plans

An employer shall withhold from an employee's salary the amount designated by an employee for participation in the college district's cafeteria plan authorized under 26 U.S.C 125. *26 U.S.C. 125*

Public Purpose and Employee Benefit

The governing board of an institution of higher education, including a college district, that is not a component institution of a university system may authorize employees of the institution to elect a payroll deduction for any purpose that the governing board determines serves a public purpose and benefits employees. The board may adopt policies and procedures governing payroll deductions under this section. A payroll deduction under this section is in addition to payroll deductions authorized by other law.

The payroll deduction must be at the written request of the employee, and the request must state the amount to be deducted and the entity to which the deducted amount is to be transferred. A payroll deduction is in effect until revoked in writing by the employee, but the policies and procedures of the institution of higher education may provide for enrollment periods.

An institution of higher education may collect an administrative fee to cover the costs of making a deduction.

This section does not authorize a payroll deduction for dues or membership fees payable to a labor union or employees' association.

Education Code 51.9611

Administrative Fee for Required Deductions

An employer who is required by state or federal law to deduct from the current wages of an employee an amount garnished under a withholding order may deduct monthly an administrative fee from the employee's disposable earnings in addition to the amount required to be withheld under the withholding order. This section does not apply to income withholding under Family Code Chapter 158.

The administrative fee may not exceed the lesser of:

1. The actual administrative cost incurred by the employer in complying with the withholding order; or
2. \$10.

Civ. Prac. and Rem. Code 63.006(a)-(b)

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. *Education Code 51.927(e)*

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

SITE MANAGEMENT

CH
(LEGAL)

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)

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-.211*

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*

Human Trafficking Signs at Cosmetology Facilities

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 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.

Education Code 1.004

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;

EQUIPMENT AND SUPPLIES MANAGEMENT
RECORDS MANAGEMENT

CIA
(LEGAL)

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 at least ten days before destroying a local government record that does not appear on a records retention schedule issued by the commission; 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 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 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 13 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 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 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.

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. 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.

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 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)*

EQUIPMENT AND SUPPLIES MANAGEMENT
RECORDS MANAGEMENT

CIA
(LEGAL)

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 and the local government provides notice to the commission at least ten days before destroying the record as required by Government Code 441.169.

Local governments may destroy the following records without first filing records destruction requests with the TSLAC director and librarian:

1. Records the destruction or obliteration of which is directed by an expunction order issued by a court pursuant to state law.
2. Any record whose retention period in a records retention schedule is AV (as long as administratively valuable).
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

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. 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*

EQUIPMENT AND SUPPLIES MANAGEMENT
RECORDS MANAGEMENT

CIA
(LEGAL)

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>

- Vehicle Registration** The owner of a motor vehicle, trailer, or semitrailer may apply for registration under Transportation Code 502.451 and is exempt from the payment of a registration fee under Transportation Code Chapter 502 if the vehicle is owned by and used exclusively in the service of the United States, this state, or a county, municipality, or school district in this state. An application for registration under this section must be made by a person having the authority to certify that the vehicle meets the exemption requirements. *Transp. Code 502.453*
- Vehicle Identification** A motor vehicle, trailer, or semitrailer that is the property of and used exclusively by any institution of higher education, including a college district, must have the name of the institution printed on the side of the vehicle. The inscription must be in a color sufficiently different from the body of the vehicle and must be of letters of sufficient height so that the lettering is plainly legible at a distance of not less than 100 feet. This requirement does not apply to a motor vehicle used by a peace officer commissioned under Education Code Chapter 51, Subchapter E, or the chancellor or president of an institution of higher education. *Education Code 51.932*
- Driver Qualifications** A person who is 18 years of age or older and who is licensed by the Department of Public Safety to operate a motor vehicle as a school bus may operate the motor vehicle for the transportation of junior college students and employees to and from school or official school activities. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Transp. Code 521.023(a), (c)*
- Transportation of Public School Students** A school bus operated by a junior college may also be used to transport public school students if it is convenient. If students of a local public school district are transported to and from school on a bus operated by a junior college and the operator is under 21 years of age, the selection of the operator must be approved by the principal of the public school whose students are transported on that bus. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Transp. Code 521.023(b)–(c)*
- Student Travel** Each governing board of an institution of higher education, including each college district, shall adopt a policy regulating travel that is undertaken by one or more students presently enrolled at the institution to reach an activity or event that is located more than 25 miles from the institution that is organized and sponsored by the institution and that is:
1. Funded by the institution, and the travel is undertaken using a vehicle owned or leased by the institution; or

2. Required by a student organization registered at the institution.

The governing board shall seek advice and comment from the faculty and students of the institution before adopting any policy. The policy must contain provisions that address:

1. Different modes of travel likely to be used by students; and
2. Safety issues related to student travel, including:
 - a. Use of seat belts or other safety devices;
 - b. Passenger capacity; and
 - c. For the person providing transportation services:
 - (1) Qualifications and training required to operate that particular mode of travel; and
 - (2) Fatigue at the time of travel.

The governing board shall make the policy available to the public by publishing the policy in the college district's catalog and by any other method the board considers appropriate.

The board shall file a copy of the policy, and any amendments to that policy, with the Coordinating Board.

Education Code 51.950

**Human Trafficking
Signs**

A person, including a college district, who operates a transportation hub 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. "Transportation hub" includes a bus, bus stop, or rest area.

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)(7), (a-1), (b)–(d); 1 TAC 54.80

**Use of Wireless
Devices**

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. The prohibition does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e)*

Options

A political subdivision, including a college district, shall extend workers' compensation benefits to its employees by:

1. Becoming a self-insurer;
2. Providing insurance under a workers' compensation insurance policy; or
3. Entering into an interlocal agreement with other political subdivisions providing for self-insurance.

Labor Code 504.011

Employee

In Labor Code Chapter 504, unless a different meaning is plainly required by the context, "employee" means a person in the service of a political subdivision, including a college district, who has been employed as provided by law, or a person for whom optional coverage is provided under Labor Code 504.012 or 504.013. A person is not an employee and is not entitled to compensation under Chapter 504 if the person:

1. Is in the service of a political subdivision and is paid on a piecework basis other than by the hour, day, week, month, or year; or
2. Performs services that may benefit a political subdivision, or is employed by or under contract with a performer providing those services, but does not receive payment from the political subdivision for the performance of the services, if the services are performed in connection with the operation or production of a musical, vocal, or theatrical performance, or another entertainment event.

Labor Code 504.001(2), .014

Notice to TDI

A political subdivision, including a college district, shall notify the Texas Department of Insurance (TDI) of the method by which its employees will receive benefits, the approximate number of employees covered, and the estimated amount of payroll. *Labor Code 504.018(a)*

Notice to Employees

A political subdivision shall notify its employees of the method by which the employees will receive benefits and the effective date of the coverage.

Employers shall post notices in the workplace to inform employees about workers' compensation issues as required by 28 Administrative Code 110.101. These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CKE
(LEGAL)

type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

Labor Code 504.018(b); 28 TAC 110.101(e)

Report to Carrier

First Report of
Injury

The employer, including a college district, shall report to the employer's insurance carrier each death, each occupational disease of which the employer has received notice of injury or has knowledge, and each injury that results in more than one day's absence from work for the injured employee. The term "knowledge" includes receipt of written or oral information regarding diagnosis of an occupational disease, or diagnosis of an occupational disease through direct examination or testing by a doctor employed by the employer.

TDI shall prescribe the form, format, and manner of the employer's first report of injury (report). The report shall contain the information required by 28 Administrative Code 120.1(a) (relating to Employer's Record of Injuries), any additional information prescribed by TDI in accordance with the Labor Code 402.00128(b)(10), and the information necessary for an insurance carrier to electronically transmit a first report of injury to TDI. The report shall be filed with the insurance carrier not later than the eighth day after having received notice of or having knowledge of an occupational disease or death, or not later than the eighth day after the employee's absence from work for more than one day due to a work-related injury. A report is filed when personally delivered, mailed, reported via tele-claims, electronically submitted, or sent via facsimile.

The employer shall maintain a record of the date the report of injury is filed with the insurance carrier.

Labor Code 409.005-.006; 28 TAC 120.2(a)-(c), (f)

Copy to Employee

The employer shall provide a written copy of the report and a written copy of the Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System (Notice of Rights and Responsibilities) adopted by the Public Counsel of the Office of Injured Employee Counsel to the injured employee by personal delivery, mail, electronic submission or facsimile at the time that the report is made with the insurance carrier. The Notice of Rights and Responsibilities shall be in English and Spanish, or in English and any other language common to the employee. The written report may be the report specified in 28 Administrative Code 120.2(b), or at a minimum shall contain the information listed in 28 Administrative Code 120.1(a).

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CKE
(LEGAL)

The employer shall maintain a record of the date the copy of the report of injury and the date the Notice of Rights and Responsibilities were provided to the employee.

Labor Code 409.005(c), (g); 28 TAC 120.2(d), (f)

Notice of Modified
Duty Program

The employer shall, on the written request of the employee, a doctor, the insurance carrier, or TDI, notify the employee, the employee's treating doctor if known to the employer, and the insurance carrier of the existence or absence of opportunities for modified duty or a modified duty return-to-work program available through the employer. If those opportunities or that program exists, the employer shall identify the employer's contact person and provide other information to assist the doctor, the employee, and the insurance carrier to assess modified duty or return-to-work options.
Labor Code 409.005(j)

Supplemental
Report of Injury

As provided in 28 Administrative Code 129.4 relating to adjustment of temporary income benefit amount, the employer shall file the supplemental report of injury, in the form, format and manner prescribed by TDI. The report shall be filed with the employer's carrier and provided to the employee within ten days after:

1. The end of each pay period in which the employee has a change in earnings, including reporting all post-injury earnings as that term is used in 28 Administrative Code Chapter 129 [see Offsetting Paid Leave Against Workers' Compensation Income Benefits, below], as a result of the injury; or
2. The employee resigns or is terminated.

The employer's duty to file supplemental reports continues until the employee reaches maximum medical improvement (MMI) or is no longer employed by the employer and the employer has made the required report. The employer may contact the insurance carrier for information regarding the employee's MMI status.

For injuries requiring a First Report of Injury, above, unless the information required in this subsection is provided on the first report, the employer shall file the supplemental report with the employer's carrier and provide a copy to the employee within three days after:

1. The employee begins to lose time from work as a result of the injury;
2. The employee returns to work; or
3. The employee, after returning to work, experiences an additional day(s) of disability as a result of the injury.

The employer shall file the supplemental report of injury with the carrier by personal delivery, telephone, facsimile or electronic

transmission. The employer shall provide a copy of the report to the employee by facsimile or electronic transmission if the employee has identified a personal facsimile number or a personal email address to be used and the employer has the means of sending such a transmission. Otherwise the report shall be provided by personal delivery or sent by mail.

The employer shall maintain a record of the date the supplemental report is filed with the carrier and provided to the employee.

Labor Code 409.005(i); 28 TAC 120.3

**Injury and
Occupational
Disease Report**

An employer that has workers' compensation insurance coverage (subscriber) shall file a report of injury with TDI pursuant to Labor Code 411.032. A subscribing employer's report of injury filed in accordance with Labor Code 409.005 and applicable TDI rules satisfies that employer's requirement to file an injury and occupational disease report under Labor Code 411.032, unless TDI requests that the employer file a report with TDI for a specific injury. *28 TAC 160.3(a)*

Wage Reports

The employer is required to timely file a complete wage statement in the form and manner prescribed by TDI. The term "filed" means "received."

The wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within 30 days of the earliest of:

1. The date the employer is notified that the employee is entitled to income benefits; or
2. The date of the employee's death as a result of a compensable injury.

A subsequent wage statement shall be filed with the carrier, the claimant, and the claimant's representative, if any, within seven days of a change in any wage information provided on the previous wage statement, such as because the employer has discontinued providing a nonpecuniary wage that was originally continued after the injury. A wage statement shall be filed with TDI within seven days of receiving a request from TDI.

28 TAC 120.4(a)

Record of Injuries

An employer shall keep a record of all injuries and fatal injuries to employees as reported to an employer, or otherwise made known to an employer. The record shall include:

1. The name, address, date of birth, sex, wage, length of service, social security number, and occupation of the employee;

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CKE
(LEGAL)

2. The reported cause and nature of the injury, the part of the body affected, and a description of any equipment involved;
3. The date, time, and location where the injury occurred;
4. The name of the employee's immediate supervisor;
5. The names of any witnesses (if known);
6. The name and address of the treating health-care provider, if known; and
7. Any voluntary benefits paid by the employer under the Texas Workers' Compensation Act.

These records shall be open to inspection by TDI, upon at least five working days' notice to the employer, at a reasonable time and place. The employer shall retain a record of an injury until the expiration of five years from the last day of the year in which the injury occurred.

28 TAC 120.1(a)–(c)

**Ombudsman
Program**

The Office of Injured Employee Counsel (OIEC) shall maintain an ombudsman program as provided by Labor Code Chapter 404, Subchapter D to assist injured employees and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

All employers participating in the workers' compensation system shall post notice of the OIEC's Ombudsman Program. This notice shall be posted in the workplace where each employee is likely to see the notice on a regular basis. This notice of the Ombudsman Program shall be publicly posted in English, Spanish, and any other language that is common to the employer's employees. The text of the notice shall be as described by 28 Administrative Code 276.5(c) without any additional words or changes.

Labor Code 404.151(a), .153(a); 28 TAC 276.5(a)–(c)

**First Responder
Liaison**

An employer that employs first responders or supervises volunteer first responders shall notify the first responders of the first responder liaison. The notice shall be posted in the personnel office and in the workplace where employees or volunteers are likely to read the notice on a regular basis. The notice shall be printed in English and Spanish or in English and any other language common to the employer's affected employee population. The text of the notice shall be that contained in 28 Administrative Code 276.5(d)(3) without any additional words or changes.

"First responder" means:

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CKE
(LEGAL)

1. An individual employed by a political subdivision of this state who is:
 - a. A peace officer under Code of Criminal Procedure Article 2.12;
 - b. A person licensed under Health and Safety Code Chapter 773, as an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, or licensed paramedic; or
 - c. A firefighter subject to certification by the Texas Commission on Fire Protection under Government Code Chapter 419, whose principal duties are firefighting and aircraft crash and rescue; or
2. An individual covered under Labor Code 504.012(a) who is providing volunteer services to a political subdivision of this state as:
 - a. A volunteer firefighter, without regard to whether the volunteer firefighter is certified under Government Code Chapter 419, Subchapter D; or
 - b. An emergency medical services volunteer, as defined by Health and Safety Code 773.003.

Labor Code 404.153(a-1), 504.055(a); 28 TAC 276.5(d)

**Reports of Safety
Violations**

TDI shall maintain a 24-hour toll-free telephone service in English and Spanish for reports of violations of occupational health or safety law. Each employer, including each college district, shall notify its employees of this service.

These notices shall be posted in the personnel office, if the employer has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis. The notices shall be printed with a title in at least 26-point bold type, subject in at least 18-point bold type, and text in at least 16-point normal type, and shall include English, Spanish, and any other language common to the employer's employee population. The text for the notices shall be the text provided by TDI on the sample notice without any additional words or changes.

An employer may not suspend or terminate the employment of or otherwise discriminate against an employee for using the telephone service to report in good faith an alleged violation of an occupational health or safety law.

Labor Code 411.081-.082; 28 TAC 110.101(e)

**Relation to Paid
Leave**

Once temporary income benefits (TIBs) accrue, an injured employee is entitled to TIBs to compensate the employee for lost wages due to the compensable injury during a period in which the employee has a disability and has not reached maximum medical improvement.

“Lost wages” are the difference between the employee’s gross average weekly wage (AWW) and the employee’s gross post-injury earnings (PIE). If the employee’s PIE equals or exceeds the employee’s AWW, the employee has no lost wages.

PIE shall include, but not be limited to, the documented weekly amount of:

1. The value of any full days of accrued sick leave or accrued annual leave that the employee voluntarily elects to use after the date of injury; and
2. The value of any partial days of accrued sick leave or accrued annual leave that the employee has voluntarily elected to use after the date of injury that, when combined with the employee’s TIBs, exceeds AWW.

28 TAC 129.2

**Offsetting Paid
Leave Against
Workers’
Compensation
Income Benefits**

The governing body of a political subdivision, including a college district board of trustees, by majority vote, may provide that while an employee of the political subdivision is receiving workers’ compensation benefits, the employee may elect to receive previously accrued sick leave benefits, whether statutory or contractual, in an amount equal to the difference between the workers’ compensation benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim. Sick leave benefits that are received shall be deducted proportionately from the employee’s sick leave balance. *Labor Code 504.052*

Unless the governing body adopts the option provided by Labor Code 504.052, sick leave benefits and annual leave benefits shall not be offset against benefits paid under the Workers’ Compensation Law. [See DEC] *Atty. Gen. Op. JC-0040 (1999)*

**Prohibited
Discrimination**

A person may not discharge or in any other manner discriminate against an employee because the employee has:

1. Filed a workers’ compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers’ Compensation Act.

4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the discrimination prohibition is liable for reasonable damages incurred by the employee as a result of the violation. An employee discharged in violation of the discrimination prohibition is entitled to reinstatement in the former position of employment. *Labor Code 451.002(a)–(b)*

A first responder who alleges a violation of Labor Code 451.001 by a state or local governmental entity, including a college district that employs the first responder, may sue the governmental entity for the relief provided by Labor Code Chapter 451. Sovereign or governmental immunity from suit is waived and abolished to the extent of liability created by Chapter 451. To the extent a person has official or individual immunity from a claim for damages, this section does not affect that immunity.

"First responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency. The term includes:

1. A peace officer whose duties include responding rapidly to an emergency;
2. Fire protection personnel under Government Code 419.021;
3. A volunteer firefighter who is certified by the Texas Commission on Fire Protection or by the State Firemen's and Fire Marshalls' Association of Texas or a member of an organized volunteer fire-fighting unit as described by Government Code 615.003;
4. An individual certified as emergency medical services personnel by the Department of State Health Services;
5. An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies; and
6. Other emergency response personnel employed by an agency.

Labor Code 451.0025; Gov't Code 421.095(1)

Leaves of Absence

The employer shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent

from the employee's workers' compensation claim. [See DEC] *Atty. Gen. Op. JM-227 (1984)*

Note: For information on procuring goods and services under Education Code Chapter 44, including the delegation of authority and pursuit of injunctions, see CF(LEGAL). For information on expenditures using federal funds, see CAAB. For information on providing notice to the Legislative Budget Board (LBB) regarding contracts, see GGC.

Board Authority

Education Code Chapter 44, Subchapter B, applies to junior college districts. *Education Code 44.0311(a)*

A governmental entity, including a college district, may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051*

Delegation of
Authority

The governing body of a governmental entity may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person.

The governmental entity shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov't Code 2269.053

**Contracts Valued at
or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all college district contracts valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method that provides the best value for the district: [See also CF]

1. An interlocal contract. [See CF]
2. Competitive bidding. [See CMA]
3. Competitive sealed proposals. [See CMB]
4. Construction manager-agent method. [See CMC]
5. Construction manager-at-risk method. [See CMD]
6. Design-build method. [See CME]
7. The reverse auction procedure as defined by Government Code 2155.062(d). [See CF]

Education Code 44.031(a); Gov't Code Ch. 2269

Selecting a
Contracting Method

The governing body of a governmental entity that considers a construction contract using a method authorized by Government Code

FACILITIES CONSTRUCTION

CM
(LEGAL)

Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity. *Gov't Code 2269.056(a)*

Exceptions

*Emergency
Damage or
Destruction*

If school equipment, a school facility, or a portion of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

*Contracts
Requiring a Bond*

A reverse auction procedure, whether the same or similar to that described by Government Code 2155.062, may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. *Gov't Code 2253.021(h)*

Public Notice

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g); Gov't Code 2269.052(a)-(b)*

**Contract Selection
Criteria**

In determining the award of a contract, the governmental entity shall:

1. Consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and
2. Consider and apply any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women- or minority-owned, small, or disadvantaged businesses.

In determining the award of a contract, the governmental entity may consider:

1. The price.

FACILITIES CONSTRUCTION

CM
(LEGAL)

2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the governmental entity to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

Out-of-State Bidder

A governmental entity, including a college district, may not award a governmental contract for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment to a nonresident bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located or the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed.

This requirement does not apply to a contract involving federal funds. A governmental entity shall use the information published by the comptroller in the Texas Register to evaluate the bid of a nonresident bidder.

Gov't Code 2252.001-.004

Publishing Criteria

The governmental entity shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors, the applicable weighted value for each criterion, and a detailed methodology for scoring each criterion. *Gov't Code 2269.056(b)*

Contracts Valued at or Above \$1 Million

The contract requirements in Government Code Chapter 552, Subchapter J apply to an entity that is not a governmental body that executes a contract with a governmental body that:

FACILITIES CONSTRUCTION

CM
(LEGAL)

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the governmental body in a fiscal year of the governmental body.

Gov't Code 552.371(a) [See CF]

Contracts Prohibited

Scrutinized
Companies

A governmental entity, including a college district, may not enter into a governmental contract with a company that is identified on a list prepared and maintained by the comptroller under Government Code 806.051, 807.051, or 2252.153.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain a professional or consulting service subject to Government Code Chapter 2254.

Gov't Code 2252.001(3), .152

Companies that
Boycott Israel

Government Code 2271.002 applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract.

"Boycott Israel" has the meaning assigned by Government Code 808.001.

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship.

Gov't Code 2271.001(1)–(2), .002

Companies that
Boycott Energy
Companies

Government Code 2274.002 applies only to a contract that:

1. Is between a governmental entity and a company with 10 or more full-time employees; and
2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

“Boycott energy company” has the meaning assigned by Government Code 809.001.

“Company” has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov’t Code 2274.001(1)–(2), .002(a)–(b)

Exception

The above prohibition does not apply to a governmental entity that determines the requirements of that section are inconsistent with the governmental entity's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds. *Gov’t Code 2274.002(c)*

Companies that
Discriminate
Against a Firearm
Entity or Firearm
Trade Association

Government Code 2274.002 applies only to a contract that:

1. Is between a governmental entity and a company with at least ten full-time employees; and
2. Has a value of at least \$100,000 that is to be paid wholly or partly from public funds of the governmental entity.

A governmental entity may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

Gov’t Code 2274.002(a)–(b)

Definition

"Discriminate against a firearm entity or firearm trade association" means, with respect to the entity or association, to:

1. Refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association;
2. Refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or

3. Terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.

The term does not include:

1. The established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and
2. A company's refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship:
 - a. To comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or
 - b. For any traditional business reason that is specific to the customer or potential customer and not based solely on an entity's or association's status as a firearm entity or firearm trade association.

Gov't Code 2274.001(3)

Exceptions

The prohibition does not apply to a governmental entity that contracts with a sole-source provider or does not receive any bids from a company that is able to provide the written verification required by this section.

The prohibition does not apply to a contract entered into in connection with or relating to the issuance, sale, or delivery of notes under Government Code Chapter 404, Subchapter H, or the administration of matters related to the notes, including the investment of note proceeds, as provided by Government Code 2274.003.

Gov't Code 2274.002(c), .003

Contracts with
Foreign-Owned
Companies

A governmental entity may not enter into a contract or other agreement relating to critical infrastructure in this state with a company:

1. If, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes; and
2. If the governmental entity knows that the company is:
 - a. Owned by or the majority of stock or other ownership interest of the company is held or controlled by:

FACILITIES CONSTRUCTION

CM
(LEGAL)

- (1) Individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; or
- (2) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or

- b. Headquartered in China, Iran, North Korea, Russia, or a designated country.

"Company" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

"Critical infrastructure" means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

"Designated country" means a country designated by the governor as a threat to critical infrastructure under Government Code 2274.0103.

Gov't Code 2274.0101(1), (2), (4), .0102(a)

Required Disclosures

Disclosure of Interested Parties

A governmental entity or state agency may not enter into a contract with a business entity that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305, with certain exceptions, unless the business entity, in accordance with Government Code 2252.908 and rules adopted by the Texas Ethics Commission, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. [See GL] *Gov't Code 2252.908*

Disclosures by Purchasing Personnel

Before a state agency, including a college district, may award a major contract, a contract that has a value of at least \$1 million, for the purchase of goods or services to a business entity, each of the state agency's purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds \$25,000, or other owner of the business entity who

is within a degree described by Government Code 573.002, the third degree by consanguinity or within the second degree by affinity of the purchasing employee. The state auditor shall develop a form for use in reporting a specified relationship.

"Purchasing personnel" means an employee of a state agency who makes decisions on behalf of the state agency or recommendations regarding contract terms or conditions on a major contract, who is to be awarded a major contract, preparation of a solicitation for a major contract, or evaluation of a bid or proposal.

Gov't Code 2262.001(4), .004

*Notice
Publication*

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Submission

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

Electronic Bids or
Proposals

A college district may receive bids or proposals through electronic transmission if the board of trustees of the college district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. An electronic bid or proposal is not required to be sealed. A provision of this chapter that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission. *Education Code 44.0313*

Selection

The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2269.056(b)*

**Making Evaluations
Public**

The governmental entity shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded. *Gov't Code 2269.056(c), .105*

FACILITIES CONSTRUCTION

CM
(LEGAL)

Disclosure to
Offeror upon
Request

Not later than the 30th day after the date a request is made by an offeror for documents related to the evaluation of the offeror's submission under Government Code 2269.060, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission. [See CMB for competitive sealed proposal evaluations] *Gov't Code 2269.060*

**Consolidated
Insurance Program**

If a construction contract requires a person to enroll in a consolidated insurance program, the parties are subject to the disclosure requirements described by Insurance Code Chapter 151, Subchapter A.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

**Inspection,
Verification, and
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a governmental entity shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the governmental entity. The governmental entity shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

**Energy Savings
Performance
Contracts**

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts described at Education Code 51.927. [See CH] *Education Code 51.927(k)*

FACILITIES CONSTRUCTION

CM
(LEGAL)

Professional Services

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the governmental entity, the governmental entity shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code 2269.057

Registered Architect

An architectural plan or specification for any of the following may be prepared only by an architect registered under Occupations Code Chapter 1051 to engage in the practice of architecture:

1. A new building having construction costs exceeding \$100,000 that is to be constructed and owned by a political subdivision of this state and used for education, assembly, or office occupancy.
2. An alteration or addition having construction costs exceeding \$50,000 that is to be made to an existing building that is owned by a political subdivision of this state and is or will be used for education, assembly, or office occupancy and requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This section does not prohibit an owner of a building from contracting with an architect or an engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.101(1), .703; 22 TAC 1.212

Registered Engineer

The following work is exempt from Occupations Code Chapter 1001:

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

Occupations Code 1001.053; Atty. Gen. Op. WC-791 (1966)

FACILITIES CONSTRUCTION

CM
(LEGAL)

Certification for
Purchases Through
Purchasing
Cooperatives

A local government may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative in an amount greater than \$50,000 unless a person designated by the local government certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupations Code Chapters 1001 or 1051; or
2. The plans and specifications required under Occupations Code Chapters 1001 and 1051 have been prepared.

“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

Procuring
Professional
Services

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect. A college district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

A governmental entity, including a college district, may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, a registered nurse, or a forensic analyst or forensic science expert; or

FACILITIES CONSTRUCTION

CM
(LEGAL)

3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002, .003(a)

In procuring architectural, engineering, or land-surveying services, a governmental entity shall:

1. First select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, the entity shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The entity shall continue the process to select and negotiate with providers until a contract is entered into.

Gov't Code 2254.004

An interlocal contract between a governmental entity and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Certain Medical
Services

If a governmental entity is procuring services provided in connection with the professional employment or practice of a physician, including a surgeon, or an optometrist or registered nurse and the number of contracts to be awarded under this section is not otherwise limited, the governmental entity may make the selection and award on the basis of:

1. The provider's agreement to payment of a set fee, as a range or lump-sum amount; and
2. The provider's affirmation and the governmental entity's verification that the provider has the necessary occupational licenses and experience.

Gov't Code 2254.008(a)

Professional
Services Contract
Exceeding \$50,000

A state agency, including a college district and other institutions of higher education, shall provide written notice to the LBB of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract,

exceeds \$50,000. The notice must be on a form prescribed by the LBB and filed not later than the 30th day after the date the agency enters into the contract. *Gov't Code 2254.006*

*Contracts for
Engineering or
Architectural
Services*

Required
Standard of
Care

A contract for engineering or architectural services to which a governmental agency is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a governmental agency is a party, a provision establishing a different standard of care is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Local Gov't Code 271.904(d)–(e)

Limitation on In-
demnification

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the governmental agency against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

Except as provided by Local Government Code 271.904(c), a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the governmental agency, the agency's agent, the agency's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the governmental agency exercises control. A covenant or promise may provide for

the reimbursement of a governmental agency's reasonable attorney's fees in proportion to the engineer's or architect's liability.

Notwithstanding Local Government Code 271.904(b), a governmental agency may require in a contract for engineering or architectural services to which the governmental agency is a party that the engineer or architect name the governmental agency as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

Local Gov't Code 271.904(a)–(c)

Criminal History

A person or business entity, with the exception of a publicly held corporation, that enters into a contract with a college district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. A college district may terminate a contract with a person or business if the district determines that the person or business entity failed to give such notice or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.
Education Code 44.034

Right to Work

When engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, the governmental entity:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Gov't Code 2269.054

Accessibility

Each facility or part of a facility constructed by, on behalf of, or for the use of the 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. Alterations of facilities that affect or could affect their usability shall, to the maximum extent feasible, be altered in such manner that the altered portion is readily accessible to and usable by individuals with disabilities.
28 C.F.R. 35.151; 34 C.F.R. 104.23

Payment and Performance Bonds

A governmental entity that makes a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public

FACILITIES CONSTRUCTION

CM
(LEGAL)

work contract with a prime contractor shall require the contractor, before beginning the work, to execute payment and/or performance bonds as specified below. The bonds must be executed by a corporate surety in accordance with Insurance Code 7.19-1. A bond executed for a public work contract with another governmental entity must be payable to and its form must be approved by the awarding governmental entity.

For a contract in excess of \$100,000, a performance bond shall be executed. The performance bond is solely for the protection of the governmental entity awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents.

For a contract in excess of \$25,000, a payment bond shall be executed. The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material and in the amount of the contract.

Gov't Code 2253.021(a)–(e)

Failure to Obtain
Payment Bond

If a governmental entity fails to obtain from a prime contractor a payment bond as required by Government Code 2253.021 the entity is subject to the same liability as a surety would have if the surety had issued a payment bond and if the entity had obtained the bond, and a payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the contract were subject to Property Code Chapter 53, Subchapter J. *Gov't Code 2253.027*

No Bond for Design
Services Only

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under Government Code Chapter 2269, Subchapter G. [See CME for more information on design/build contracts, including bond amounts] *Gov't Code 2269.311(a)*

Bond for Insured
Loss

A governmental entity shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the governmental entity, furnishes or has furnished by a contractor, in accordance with Government Code Chapter 2253:

1. A performance bond as described by Government Code 2253.021(b) for the benefit of the governmental entity; and
2. A payment bond as described in Government Code 2253.021(c) for the benefit of the beneficiaries described by

FACILITIES CONSTRUCTION

CM
(LEGAL)

that subsection. If the payment bond is not furnished, the governmental entity is subject to the same liability that a surety would have if the surety had issued the payment bond and the governmental entity had required the bond to be provided.

The bonds must be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish the bonds.

Gov't Code 2253.022(a)–(c), (f)

Exception to Bond Requirement

Government Code 2253.022 does not apply to a governmental entity when a surety company is complying with an obligation under a bond that had been issued for the benefit of the governmental entity. *Gov't Code 2253.022(e)*

Prevailing Wage on Public Works

A worker, such as a laborer or mechanic, employed on a public work, exclusive of maintenance work, by or on behalf of a political subdivision, including a college district, shall be paid not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work. A worker is employed on a public work if the worker is employed by a contractor or subcontractor in the execution of a contract for the public work with a political subdivision of the state or any officer or public body of a political subdivision of the state. *Gov't Code 2258.001, .021(3)*

For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed or using the prevailing wage rate as determined by the U.S. Department of Labor.

The public body shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A public body shall specify in the call for bids for the contract and in the contract itself the calculated prevailing wage rates. The public body's determination of the general prevailing rates of per diem wages shall be final.

Gov't Code 2258.022

Enforcement

A public body awarding a contract, and an agent or officer of the public body, shall take cognizance of complaints of all violations of Government Code Chapter 2258, and withhold money forfeited or

required to be withheld under this chapter from the payments to the contractor under the contract, except that the public body may not withhold money from other than the final payment without a determination by the public body that there is good cause to believe that the contractor has violated Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 by a contractor or subcontractor, a public body shall make an initial determination as to whether good cause exists to believe that the violation occurred. A public body must make its determination before the 31st day after the date the public body receives the information. A public body shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051, .052(a)–(c)

Retainage and
Reimbursement

A public body shall retain any amount due under the contract pending a final determination of the violation. A public body shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The public body may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.052(d), .056*

Penalty for
Noncompliance

The contractor who is awarded a contract by a public body or a subcontractor of the contractor shall pay not less than the rates determined under Government Code 2258.022 to a worker employed in the execution of the contract. A contractor or subcontractor who fails to pay the specified rates as required shall pay to the political subdivision of the state on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates specified in the contract. A public body awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a public body awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as provided by Section 2258.022. The public body shall use any penalty money collected under this section to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

**Required Workers'
Compensation
Coverage**

A governmental entity that enters into a building or construction contract on a project, which includes the provision of all services related to a building or construction contract for a governmental entity, shall:

FACILITIES CONSTRUCTION

CM
(LEGAL)

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverages described in 28 Administrative Code 110.110(c)(7). [See CM(EXHIBIT)]
2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities described in 28 Administrative Code 110.110(d). [See CM(EXHIBIT)]
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person's beginning work on the project. "Person providing services on the project" includes but is not limited to all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. "Services" include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage.
5. Before the end of the coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project.
6. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
7. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
8. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
9. Use the prescribed language for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they

are contained or to impose stricter standards of documentation. [See CM(EXHIBIT) for prescribed language]

Labor Code 406.096; 28 TAC 110.110(a)(7)–(8), (c)

Exception

A sole proprietor, partner, or corporate executive officer of a business entity that elects to provide workers' compensation insurance coverage is entitled to benefits under that coverage as an employee unless the sole proprietor, partner, or corporate executive officer is specifically excluded from coverage through an endorsement to the insurance policy or certificate of authority to self-insure. *Labor Code 406.097; 28 TAC 110.110(i)*

Use of Student Fees in Construction

A junior college district facility constructed with student fees may be used only for junior college district purposes, as determined by the board. Student fees may not be used for construction, repair, or rehabilitation of a community center or junior college district auxiliary enterprise unless the enterprise serves as a student center or dormitory. *Education Code 130.124; Atty. Gen. Op. JM-139 (1984)*

Retainage

A governmental entity, including a college district, shall:

1. Include in each public works contract a provision that establishes the circumstances under which:
 - a. The public works project that is the subject of the contract is considered substantially complete; and
 - b. The governmental entity may release all or a portion of the retainage for substantially completed portions of the project or fully completed and accepted portions of the project;
2. Maintain an accurate record of accounting for:
 - a. The retainage withheld on periodic contract payments; and
 - b. The retainage released to the prime contractor for a public works contract; and
3. For a public works contract described by Government Code 2252.032(c), pay any remaining retainage described by paragraph 2a and the interest earned on the retainage to the prime contractor on completion of the work required to be performed under the contract.

A governmental entity may withhold retainage only as described by Government Code 2252.032. Section 2252.032 may not be construed as affecting a governmental entity's ability to retain certain

FACILITIES CONSTRUCTION

CM
(LEGAL)

amounts due under a contract as required by Government Code Chapter 2258.

Gov't Code 2252.032

Exception

This section does not apply to a public works contract in which the total contract price estimate at the time of execution of the contract is less than \$400,000. *Gov't Code 2252.033*

Impermissible Practices

Violation of Purchasing Laws

An officer, employee, or agent of a college district who knowingly or with criminal negligence violates the purchasing laws found in Education Code Chapter 44 as described at Education Code 44.032 is subject to criminal penalties. [See CF] *Education Code 44.032*

Prohibition on Collective Bargaining Agreements

A governmental entity, including a college district, awarding a public work contract funded with state money, including the issuance of debt guaranteed by this state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described above based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541

Enforcement Actions

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th calendar day after the date on which the contract is awarded. *Gov't Code 2269.452(a)*

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to the governmental entity in a dispute in which the entity prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute. *Gov't Code 2252.904(b)*

Public and Private Facilities and Infrastructure Partnerships

A governmental entity, including a college district, may enter into a partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, and installation of education facilities, technology and other public infrastructure, and government facilities that serve a public need and purpose in accordance with the requirements of Government Code Chapter 2267. *Gov't Code Ch. 2267*

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 Infor-

mation 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 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 institution 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 SECURITY

CS
(LEGAL)

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.

Gov't Code 2054.515; 1 TAC 202.75

Reporting

To the Institution

Each Information Security Officer shall directly report to the agency, 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)

To DIR

*Urgent Incident
Report*

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 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 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.

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 days after the end of the month. Institutions of higher education shall submit summary 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 the form and manner specified by DIR, unless otherwise directed by the institution of higher education. *1 TAC 202.73(b)(2)*

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)

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 202.77(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)

**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.

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)

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(q)*

**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
Security

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)*

Removal of Personal Information

A non-federal entity sharing a cyber threat indicator pursuant to 6 U.S.C. Chapter 6, Subchapter I shall, prior to sharing:

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.

6 U.S.C. 1503(d)(2)

Use of Information

A cyber threat indicator or defensive measure shared or received may, for cybersecurity purposes:

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.

6 U.S.C. 1503(d)(3)

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. *Business and Commerce Code 521.053(c); Local Gov't Code 205.010*

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 not later than the 60th day after the date on which the person determines that the breach occurred if the breach involves at least 250 residents of this state. *Business and Commerce Code 521.053(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. *Business and Commerce Code 521.053(h); Local Gov't Code 205.010*

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. *Business and Commerce Code 521.053(d); Local Gov't Code 205.010*

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. *Business and Commerce Code 521.053(g); Local Gov't Code 205.010*

Definitions

*Breach of System
Security*

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

*Sensitive
Personal
Information*

“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.

EMPLOYMENT PRACTICES

DC
(LEGAL)

**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**

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

New Hire

1. Physically examine 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

An employer who hires an individual for employment for a duration of less than three business days must comply with 8 C.F.R.

EMPLOYMENT PRACTICES

DC
(LEGAL)

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

**Criminal History
Records of Certain
Applicants**

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

**Drug and Alcohol
Clearinghouse Pre-
Employment Inquiry**

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.

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.

49 C.F.R. 382.701(a)

**Pre-Employment
Inquiry for Peace
Officers and
Telecommunications
Officers**

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):

1. Obtain the person's written consent for the agency to review the information required to be reviewed under this section;
2. Request from TCOLE and any other applicable person information required to be reviewed under this section; 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 1701.451(b), obtained and reviewed as related to the person, as applicable, the information described by Section 1701.451(a)(3)(B).

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.

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 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

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. *Gov't Code 824.6022; 34 TAC 31.2*

Employment Preference for Veterans

The following definitions shall apply to employment preferences for veterans.

Veteran

"Veteran" has the meaning assigned by Government Code 2308.251. *Gov't Code 657.001(2)*

Veteran with a Disability

"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)*

Eligibility

The following individuals qualify for a veteran's employment preference:

EMPLOYMENT PRACTICES

DC
(LEGAL)

1. A veteran, including a veteran with a disability;
2. A veteran's surviving spouse who has not remarried; and
3. An orphan of a veteran if the veteran was killed while on active duty.

Gov't Code 657.002

Application of the
Preference

An individual who qualifies for a veteran's 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.

A state agency shall provide to an individual entitled to a veteran's employment preference for employment or appointment over other applicants for the same position who do not have a greater qualification a veteran's employment preference, in the following order of priority:

1. A veteran with a disability;
2. A veteran;
3. A veteran's surviving spouse who has not remarried; and
4. An orphan of a veteran if the veteran was killed while on active duty.

If a state agency requires a competitive examination under a merit system or civil service plan for selecting or promoting employees, an individual entitled to a veteran's 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 veteran's 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*

EMPLOYMENT PRACTICES

DC
(LEGAL)

Designation of Open Position	<p>A state agency may designate an open position as a veteran's position and only accept applications for that position from individuals who are entitled to a veteran's 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 veteran's 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 veteran's employment preference and determines the individual meets the qualifications required for the position. <i>Gov't Code 657.0045</i></p>
Interviews	<p>For each announced open position at a state agency, the state agency shall interview:</p> <ol style="list-style-type: none">1. If the total number of individuals interviewed for the position is six or fewer, at least one individual qualified for a veteran's employment preference under Government Code 657.003; or2. If the total number of individuals interviewed for the position is more than six, a number of individuals qualified for a veteran's employment preference under Section 657.003 equal to at least 20 percent of the total number interviewed. <p>A state agency that does not receive any applications from individuals who qualify for a veteran's employment preference under Section 657.003 is not required to comply.</p> <p><i>Gov't Code 657.0047</i></p>
Employment Investigation	<p>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 veteran's 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. <i>Gov't Code 657.005</i></p>
Federal Law and Grants	<p>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. <i>Gov't Code 657.006</i></p>
Reporting	<p>A state agency shall file quarterly with the comptroller a report that states:</p>

EMPLOYMENT PRACTICES

DC
(LEGAL)

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 veteran's 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 veteran's preference was not applied. *Gov't Code 657.010*

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

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. *Gov't Code 672.002(b)*

Conflict with Federal Law or Grant

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. *Gov't Code 672.003*

Grievance Process

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. *Gov't Code 672.004*

Campus Programs for Minors

A program operator may not employ an individual in a position involving contact with campers at a campus program for minors unless:

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; or

2. 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.

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.

A program operator must:

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.

15 U.S.C. 1681a(d), (f), (h), (k)

Obtaining Reports

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:

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; and
2. 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.

15 U.S.C. 1681b(b)(2)(A)

Exception

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. *15 U.S.C. 1681b(b)(2)(B)*

Adverse Action

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 whom 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. *15 U.S.C. 1681b(b)(3)*

Note: The following provisions apply to a college district that uses consumer reports.

Address
Discrepancies

"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.

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>

Note: For additional legally referenced material relating to this subject matter, see DAA(LEGAL). For information on student expression on campus, see FLA. For information on community expression on campus, see GD.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

College district employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to the employee's official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) [See also GD]

**Academic Freedom
Exception**

Expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by the U.S. Supreme Court's customary employee-speech jurisprudence. We need not, and for that reason do not, decide whether the analyses we conduct today would apply in the same manner to a case through speech related to scholarship or teaching. *Garcetti v. Ceballos*, 547 U.S. 410 (2006)

**Protected
Expression on
Campus Under State
Law**

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

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members

from maintaining order in the classroom. *Education Code 51.9315(e)*

Time, Place, and
Manner Restrictions

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LEGAL)

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

EMPLOYEE RIGHTS AND PRIVILEGES
EMPLOYEE EXPRESSION AND USE OF COLLEGE FACILITIES

DGC
(LEGAL)

“Place of worship” means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

Searches—General Rule

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. *U.S. Const. Amend. IV; Tex. Const. Art. I, Sec. 9*

A governmental entity, including a college district, may search an employee or an employee's property if:

1. The governmental entity has reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct or that the search is necessary for a non-investigatory, work-related purpose; and
2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

City of Ontario, Cal. v. Quon, 560 U.S. 746 (2010); *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Drug / Alcohol Testing

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989)

Random Drug Testing

A governmental entity may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602 (1989); *Nat'l Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989)

Safety-Sensitive Positions

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and the governing board of a governmental entity is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. School Board of LaFayette Parish*, 148 F.3d 559 (5th Cir. 1998)

Note: The following testing requirements apply to every employee who operates a commercial motor vehicle and is subject to commercial driver's license requirements in accordance with federal regulations.

Testing of Drivers

An employer, including a college district, shall conduct testing, in accordance with federal regulations, of commercial motor vehicle

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 31306; 49 C.F.R. Part 382*

Commercial Motor Vehicle

A “commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

1. Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
2. Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, 49 U.S.C. 5103(b), and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F.

49 C.F.R. 382.107

Testing Procedures

Each employer shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. *49 C.F.R. 382.105*

Tests Required

No driver shall refuse to submit to a preemployment controlled substance test required under 49 C.F.R. 382.301, a post-accident alcohol or controlled substances test required under 49 C.F.R. 382.303, a random alcohol or controlled substances test required under 49 C.F.R. 382.305, a reasonable suspicion alcohol or controlled substances test required under 49 C.F.R. 382.307, a return-to-duty alcohol or controlled substances test required under 49 C.F.R. 382.309, or follow-up alcohol or controlled substances test required under 49 C.F.R. 382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 C.F.R. 382.211*

Education and Treatment

As an employer, a college district is not required to provide a substance abuse professional (SAP) evaluation or any subsequent recommended education or treatment for an employee who has violated a U.S. Department of Transportation (DOT) drug and alcohol regulation.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

However, if a college district offers that employee an opportunity to return to a DOT safety-sensitive duty following a violation, the college district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP and that the employee successfully complies with the SAP's evaluation recommendations. Payment for SAP evaluations and services is left for employers and employees to decide and may be governed by existing management-labor agreements and health care benefits.

49 C.F.R. 40.289

Return-to-Duty
Testing

As the employer, if a college district decides that it wants to permit the employee to return to the performance of safety-sensitive functions, the college district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. *49 C.F.R. 40.305(a)*

As an employer, a college district must not return an employee to safety-sensitive duties until the employee meets the conditions of 49 C.F.R. 40.305(a). However, the college district is not required to return an employee to safety-sensitive duties because the employee has met these conditions. That is a personnel decision that the college district has the discretion to make, subject to legal requirements. *49 C.F.R. 40.305(b)*

Drug and Alcohol
Clearinghouse

The U.S. Secretary of Transportation shall establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators. The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in 49 C.F.R. Part 382, Subpart B or any subsequent corresponding regulations. *49 U.S.C. 31306a(a)(1), (3)*

Annual Query

In accordance with 49 C.F.R. 382.701(b), employers must conduct a query of the clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists in the clearinghouse about those employees. *49 C.F.R. 382.701(b)(1)*

Prohibition

Except as described by 49 C.F.R. 382.701(d), no employer may allow a driver the employer employs or intends to hire or use to perform any safety-sensitive function if the results of a clearinghouse

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

query demonstrate that 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. *49 C.F.R. 382.701(d)*

Recordkeeping

Employers must retain for three years a record of each query and all information received in response to each query. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement. *49 C.F.R. 382.701(e)*

Educational
Materials

Each employer shall provide educational materials that explain the requirements of 49 C.F.R. Part 382 and the employer's policies and procedures with respect to meeting these requirements. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under Part 382 and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle. Each employer shall provide written notice to representatives of employee organizations of the availability of this information. The materials to be made available to drivers shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. Each employer shall ensure that each driver is required to sign a statement certifying that the driver has received a copy of these materials. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. *49 C.F.R. 382.601*

Reports

Federal

Employers must report the following information about a driver to the clearinghouse by the close of the third business day following the date on which they obtained that information:

1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative return-to-duty test result;
3. A refusal to take an alcohol test pursuant to 49 C.F.R. 40.261;
4. A refusal to test determination made in accordance with 49 C.F.R. 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under 49 C.F.R. 40.191(a)(11), the employer may report only those admissions made to the specimen collector; and

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

5. A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with 49 C.F.R. 40.307, 40.309, and 40.311.

An employer must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at 49 C.F.R. 382.107, of:

1. On-duty alcohol use pursuant to 49 C.F.R. 382.205;
2. Pre-duty alcohol use pursuant to 49 C.F.R. 382.207;
3. Alcohol use following an accident pursuant to 49 C.F.R. 382.209; and
4. Controlled substance use pursuant to 49 C.F.R. 382.213.

The reports must contain the information described by 49 C.F.R. 382.705(b).

Any employer may designate a consortium/third-party administrator (C/TPA) to perform the employer reporting requirements. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with the reporting requirements.

49 C.F.R. 382.107, .705(b)–(c)

State

An employer required to conduct alcohol and drug testing of an employee who holds a commercial driver's license under Transportation Code Chapter 522 under federal safety regulations as part of the employer's drug testing program or consortium, as defined by 49 C.F.R. Part 382, shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 C.F.R. 40.87 on a confirmation drug test. "Dilute specimen" means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.
2. A refusal to provide a specimen for an alcohol or drug test.
3. An adulterated specimen or substituted specimen, as those terms are defined by 49 C.F.R. 40.3, on an alcohol or drug test performed.

For purposes of this requirement, "employee" means any person who is designated in a U.S. Department of Transportation (DOT)

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHA
(LEGAL)

agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to preemployment testing.

Transp. Code 644.251–.252; 49 C.F.R. 40.3

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LEGAL)

**Child Abuse
Reporting Policy and
Training**

Each institution of higher education shall adopt a policy governing the reporting of child abuse and neglect as required by Family Code Chapter 261 for the institution and its employees. The policy must require each employee of the institution to report child abuse and neglect in the manner required by Family Code Chapter 261.

Each institution of higher education shall provide training for employees who are professionals as defined by Family Code 261.101 in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The training must include:

1. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
2. Factors indicating a child is at risk for sexual abuse or other maltreatment;
3. The warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
4. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Family Code Chapter 261.

Education Code 51.9761

**Reporting Abuse and
Neglect**

All Employees

A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by Family Code Chapter 261, Subchapter B. *Family Code 261.101(a)*

A person or professional shall make a report in the manner required by Family Code 261.101(a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

1. Another child; or
2. An elderly person or person with a disability as defined by Human Resources Code 48.002.

Family Code 261.101(b-1)

Professional
Employees

If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LEGAL)

a child is a victim of an offense under Penal Code 21.11 (indecenty with a child), and the professional has reasonable cause to believe that the child has been abused as defined by Family Code 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Penal Code 21.11 (indecenty with a child). A professional may not delegate to or rely on another person to make the report.

"Professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and employees of a clinic or health care facility that provides reproductive services.

Family Code 261.101(b)

Appropriate Agency
to Receive Reports

A report shall be made to:

1. Any local or state law enforcement agency;
2. The Department of Family and Protective Services (DFPS); or
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

A report, other than a report under item 3, must be made to DFPS if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

Family Code 261.103

**Adverse
Employment Action
Prohibited**

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who is a professional and who in good faith:

1. Reports child abuse or neglect to:
 - a. The person's supervisor;
 - b. An administrator of the facility where the person is employed;
 - c. A state regulatory agency; or
 - d. A law enforcement agency; or

EMPLOYEE STANDARDS OF CONDUCT
CHILD ABUSE AND NEGLECT REPORTING

DHB
(LEGAL)

2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

“Adverse employment action” means an action that affects an employee’s compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

Family Code 261.110(a)–(b)

EMPLOYEE STANDARDS OF CONDUCT
EMPLOYEE SOLICITATIONS

DHC
(LEGAL)

Charitable Raffles

A qualified organization may conduct a raffle subject to the conditions imposed by Occupations Code Chapter 2002, Subchapter B. [See GE] *Occupations Code 2002.051*

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

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

- Clinical Course A "clinical course" is an academic credit course that is a health-related, work-based learning experience that enables the student to apply specialized occupational theory, skills, and concepts. *19 TAC 4.272(4)*
- Clinical Facility A "clinical facility" is a health-care facility that provides learning experiences for students. *19 TAC 4.272(5)*
- Continuing Education Course A "continuing education course" is a non-credit higher education technical course offered for continuing education units (CEUs), has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. *19 TAC 4.272(8)*
- Non-Credit Course A "non-credit course" is a course that results in the award of CEUs as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. *19 TAC 4.272(17)*
- Off-Campus Course An "off-campus course" means a course in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are outside the service area. *19 TAC 4.272(18)*
- Off-Campus Degree or Certificate Program An "off-campus 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 off-campus courses. *19 TAC 4.272(19)*
- Off-Campus Instruction "Off-campus instruction" is the formal educational process in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are sites outside of the service area. *19 TAC 4.272(20)*
- Out-of-State / Out-of-Country Courses and Programs "Out-of-state/out-of-country courses and programs" are academic credit courses and programs delivered outside Texas/United States to individuals or groups who are not regularly enrolled on-campus students. Out-of-state and out-of-country courses do not receive formula funding. *19 TAC 4.272(21)*

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

Regular On-Campus Student	A “regular on-campus student” is a student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding and more than 50 percent of coursework is primarily taken at an institution's main campus or on one or more of the campuses within a multi-campus community college system. <i>19 TAC 4.272(26)</i>
Self-Supporting Courses and Programs	“Self-supporting courses and programs” are academic credit courses and programs whose semester credit hours are not submitted for formula funding. <i>19 TAC 4.272(27)</i>
Study-in-America Courses	“Study-in-America courses” are off-campus, academic credit instruction, which is delivered outside Texas but in the United States primarily to regular on-campus students. <i>19 TAC 4.272(30)</i>
Study-Abroad Courses	“Study-abroad courses” are off-campus, academic credit instruction, which is delivered outside the United States primarily to regular on-campus students. <i>19 TAC 4.272(31)</i>
Workforce Continuing Education Course	“Workforce continuing education course” is 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 avocational purposes which is not supported by state funding. <i>19 TAC 4.272(32)</i>
Applicability of Subchapter Q	Administrative Code Title 19, Chapter 4, Subchapter Q, governs the following types of instruction offered by institutions of higher education: academic credit courses, clinical courses, degree and certificate programs, and formula-funded workforce continuing education provided by a community college outside the boundaries of its service area through off-campus instruction; academic credit courses and programs offered by any public institution of higher education outside of Texas, including Study-Abroad, Study-in-America, out-of-state, and out-of-country courses; and self-supporting courses and programs that are offered through off-campus instruction. Administrative Code Title 19, Chapter 4, Subchapter Q, does not apply to continuing education, except for formula-funded workforce continuing education, provided by public two-year colleges. <i>19 TAC 4.273</i>
Standards and Criteria	The following provisions apply to all institutions, including college districts, covered under 19 Administrative Code Chapter 4, Subchapter Q, unless otherwise specified:
Generally	1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

2. For off-campus programs and self-supporting programs, the parent institution shall notify all potentially affected area institutions in accordance with Coordinating Board policy and procedures.
3. Institutions shall report enrollments, courses, and graduates associated with self-supporting offerings as required by the commissioner.
4. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.
5. Students shall be provided academic support services appropriate for off-campus instruction such as academic advising, career counseling, library, and other learning resources.
6. Off-campus instruction sites shall be of sufficient quality for the delivery methods and courses offered.

19 TAC 4.274

Off-Campus
Programs

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. An institution offering an off-campus degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
4. Each degree program offered off-campus shall be approved by the institution's governing board or the board's institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.
5. Institutions shall require that students (except for students in out-of-country programs) enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home

institution. Out-of-country students shall meet equivalent standards for admission into programs.

19 TAC 4.275

Off-Campus
Courses

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q, unless otherwise specified:

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.
2. Prior Coordinating Board approval may be required before an institution may offer courses in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. Study-in-America and Study-Abroad courses offered by institutions of higher education, or by an approved consortium composed of Texas public institutions, must be reported to the Coordinating Board in the manner prescribed by the commissioner in order for the semester credit hours or contact hours generated in those courses to receive formula funding.
4. All courses shall meet the quality standards applicable to on-campus courses.
5. Institutions shall report to the Coordinating Board and shall notify all potentially affected area institutions of all off-campus courses and programs in accordance with Coordinating Board policy and procedures.
6. Except for students in out-of-country courses, students shall satisfy the same requirements for enrollment in an academic credit course as required of on-campus students. Out-of-country students shall be assessed for academic guidance purposes.
7. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

19 TAC 4.276

**Off-Campus Program
and Course Faculty**

The following standards and criteria apply to faculty teaching in programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter Q:

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

to select and evaluate faculty responsible for on-campus courses.

2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching off-campus or self-supporting courses.
3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

19 TAC 4.277

Regional Councils

Public community colleges shall submit for the appropriate regional council's review all off-campus lower-division courses proposed for delivery to sites outside their service areas. All institutions of higher education, including community colleges, shall provide notice to the Higher Education Regional Councils when planning to offer requested off-campus and/or electronic to groups dual credit courses in the council's service area. *19 TAC 4.278(f), (k)*

With the exception of 19 Administrative Code 4.278(e), (i), and (j), regional councils in each of the ten uniform state service regions shall make recommendations to the commissioner and shall resolve disputes regarding plans for lower-division courses and programs proposed by public institutions. *19 TAC 4.278(b)*

Each regional council shall make recommendations to the commissioner regarding off-campus courses and programs proposed for delivery within its uniform state service region in accordance with the consensus views of council members, except for courses and programs proposed to be offered by public community colleges in their designated service areas and courses and programs governed by the provisions of 19 Administrative Code 4.278(e), (i), and (j). *19 TAC 4.278(d)*

A public community college may enter into an agreement to offer dual credit courses with a high school located in the service area of another public community college without additional regional council approval. [For more information on dual credit, see GH] *19 TAC 4.278(e)*

Clinical Courses

Public community and technical colleges may offer clinical courses at clinical facilities without regional council approval if each of the following criteria is met:

1. The student(s) enrolled in the clinical course is already employed by the clinical facility;

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

2. The institution receives written verification from the clinical facility that there will be no reduction in the number of clinical opportunities available for use by area institutions; and
3. The institution of higher education notifies the appropriate regional council(s) of the clinical course and provides the regional council(s) with written verification from the clinical facility that the course will not reduce the number of clinical opportunities available for use by area institutions.

19 TAC 4.278(h)

Workforce
Education or
Programs
Requested by
Employers

An institution of higher education may enter into an agreement with an employer to provide a credit or noncredit off-campus workforce education or lower-division program to the institution's students at a site requested by the employer without the approval of a higher education regional council, regardless of whether the site at which the program would be offered is located within the institution's uniform state service region or, if the institution is a public junior college, within the junior college district's service area, if:

1. The employer has solicited an agreement to offer the program at that site with another institution of higher education that offers the same or substantially equivalent coursework as that requested by the employer;
2. The proposed site for the off-campus program is located within the uniform state service region in which the institution described by item 1 is located or, if the institution is a public junior college, within the junior college district's service area; and
3. The institution of higher education described by item 1 does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks after the employer's initial written solicitation requesting the institution to offer the program.

Education Code 51.981; 19 TAC 4.278(i)

Formula Funding

Institutions, including college districts, shall report off-campus courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter Q.

Institutions shall not submit for formula-funding courses in out-of-state or out-of-country programs, nor shall they submit self-supporting courses for formula funding.

ALTERNATE METHODS OF INSTRUCTION
OFF CAMPUS INSTRUCTION

EBB
(LEGAL)

Institutions shall not submit non-state-funded, lower-division credit courses to regional councils.

Institutions shall not jeopardize or diminish the status of formula-funded, on-campus courses and programs in order to offer self-supporting courses. Self-supporting courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.

For courses not submitted for formula funding, institutions shall charge fees that are equal to 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.

Fee Reports

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 4.279

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:

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LEGAL)

- 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,

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LEGAL)

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(d)–(e)

*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)

Determining
Number of Courses
Dropped

In determining the number of courses dropped by a student for purposes of this section, 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:

1. Concurrent enrollment in both courses is required; and
2. 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.

Education Code 51.907(f)

**Course Material
Information**

State Law

"Course material" means a textbook, supplemental material, or open educational resource. *Education Code 51.4521(a)*

Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each institution of higher education, including each college district, shall:

1. With respect to each course, include with the course schedule [see EFA], or provide in a prominent location in the schedule a link to an internet website, such as the internet website of a college bookstore, that contains a list of the required and recommended textbooks that specifies, to the extent practicable, the following information for each course material, as applicable:
 - a. The retail price;
 - b. The author;
 - c. The publisher or provider;
 - d. The most recent copyright date;
 - e. The International Standard Book Number (ISBN) assigned, if any;
 - f. Whether the course material is an open educational resource; and
 - g. Any associated fee or charge, such as a technology cost, library use cost, or printing or publication fee;
2. In a prominent location in the schedule, state or provide an internet website link to:
 - a. The full amount of any fee or charge for course materials assessed by the institution or another entity under an agreement with the institution, including a statement regarding whether the fee or charge is included in the cost of tuition;
 - b. If a course material is in a primarily electronic format, the terms under which the publisher or provider collects and uses student data obtained through a student's use of the course material; and
 - c. Any provision that allows the student to opt out of a fee or charge described by paragraph 2a; and
3. Make information regarding the cost of course materials on the course materials list under item 1 available to college

bookstores and other providers of course materials that serve the students of the institution.

Education Code 51.4521(b)

*Low-Cost Course
Material
Designation*

If an institution of higher education designates in the institution's course schedule certain courses or sections of courses as having low course material costs or a similar designation, the institution shall, in a prominent location in the schedule, state or provide an internet website link to the criteria for that designation. *Education Code 51.4521(h)*

Revisions

As soon as practicable after the information becomes available, each institution of higher education shall make available specific information regarding any revisions to the institution's course schedule and course materials list. *Education Code 51.4521(c)*

*Website with
Search Function*

If an institution of higher education or a college bookstore publishes a course materials list with a course schedule on an internet website that provides a search function, the institution or bookstore must:

1. Ensure that the search function permits a search based on whether a course or section of a course requires or recommends only open educational resources; or
2. Provide a searchable list of courses and sections of courses that require or recommend only open educational resources.

Education Code 51.4521(g)

*Itemization on
Student Bills*

An institution of higher education shall itemize a fee or charge for course materials assessed by the institution or another entity under an agreement with the institution separately from any other fees or charges assessed for a course or course section in the institution's billing to the student. This subsection may not be construed to prohibit an institution of higher education from including the cost of course materials as part of the institution's tuition. *Education Code 51.4521(d)*

*Faculty
Submission*

To allow for timely placement of course material orders by students, each institution of higher education shall establish a deadline by which faculty members must submit information to be included in the course schedule and course materials list.

Education Code 51.4521 may not be construed to affect any authority granted to a faculty member by an institution of higher education to select course materials for courses taught by the faculty member.

Education Code 51.4521(f), (i)

*Agreements with
Third Parties*

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)*

Federal Law

*Provision of ISBN
College Textbook
Information in
Course
Schedules*

To the maximum extent practicable, each institution of higher education, including each college district, receiving federal financial assistance shall:

1. Disclose, on the institution's internet course schedule and in the manner of the institution's choosing, the ISBN and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes. If the ISBN is not available for such college textbook or supplemental material, then the institution shall include in the internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material. If the institution determines that the disclosure of the information described above is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required under this subsection; and
2. If applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's internet course schedule, and the internet address for such schedule.

20 U.S.C. 1015b(d)

*Availability of
Information for
College
Bookstores*

The institution shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as practicable upon the request of such college bookstore, the most accurate information available regarding:

1. The institution's course schedule for the subsequent academic period; and
2. For each course or class offered by the institution for the subsequent academic period, the information required by 20 U.S.C. 1015b(d)(1), above, for each college textbook or supplemental material required or recommended for such course or class, the number of students enrolled in such course or class, and the maximum student enrollment for such course or class.

20 U.S.C. 1015b(e)

Textbook Availability Each institution of higher education, including each college district, shall provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through university-affiliated bookstores and through retailers other than university-affiliated bookstores.

The institution shall provide written notice regarding the availability of textbooks to:

1. Each student of the institution during the week preceding each fall and spring semester;
2. Each student enrolled at the institution in a semester or summer term during the first three weeks of the semester or the first week of the summer term, as applicable; and
3. Students or prospective students of the institution attending an orientation conducted by or for the institution.

The notice shall be provided in a hard-copy or electronic format in a manner that ensures that the notice is reasonably likely to come to the attention of a student receiving the notice. For current students of an institution, an email sent to a student's designated email address, or institutional email account if another is not designated, shall be sufficient, as shall a hard copy mailed to the student's physical address. For students or prospective students attending an orientation, either an email to their designated email address or a hard copy provided directly to the students shall be sufficient.

The notice must contain the following statement: "A student of this institution is not under any obligation to purchase a textbook from a university-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer."

Education Code 51.9705; 19 TAC 4.216(1), .217-.218

University-Affiliated
Bookstore

A "university-affiliated bookstore" means a bookstore that sells textbooks for courses offered by an institution of higher education, regardless of whether the bookstore is located on the campus of the institution and is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise. *Education Code 51.9705(a)(2); 19 TAC 4.216(2)(c)*

Textbook Assistance

State Law

To the extent practicable, an institution of higher education, including a college district, shall make reasonable efforts to disseminate to its students information regarding:

1. Available institutional programs for renting textbooks or for purchasing used textbooks;

2. Available institutional guaranteed textbook buy-back programs;
3. Available institutional programs for alternative delivery of textbook content;
4. The availability of courses and sections of courses that require or recommend only open educational resources; and
5. Other available institutional textbook cost-savings strategies.

Education Code 51.453

Federal Law

An institution disclosing the information required by 20 U.S.C. 1015b(d)(1), above, is encouraged to disseminate to students information regarding:

1. Available institutional programs for renting textbooks or for purchasing used textbooks;
2. Available institutional guaranteed textbook buy-back programs;
3. Available institutional alternative content delivery programs; or
4. Other available institutional cost-saving strategies.

20 U.S.C. 1015b(f)

**Instructional Material
for Certain Students
with Disabilities**

This section applies only to instructional material that is written and published primarily for postsecondary instruction of students; and required or essential for a student's success in a course at an institution of higher education, as identified by the instructor of the course for which the instructional material will be used, in consultation with the person at the institution with primary responsibility for services for students with disabilities and in accordance with the rules below. *Education Code 51.970(b); 19 TAC 4.204*

Materials that are considered required or essential for a course or program requirement are those materials that are:

1. Identified in writing by an academic department or instructor as being essential for the student to complete a course and/or program requirements;
2. Listed on a course syllabus or other written format used to describe course; or
3. Identified by agreement between instructor and student as essential for completing a program requirement not part of a specific course, such as an independent research project.

19 TAC 4.205(a)

INSTRUCTIONAL RESOURCES
INSTRUCTIONAL MATERIALS

EDA
(LEGAL)

Request for
Materials

Students who qualify to receive instructional materials under this provision will submit their request to the publisher or manufacturer through their institution. To assist the institution in producing special instructional material, a publisher or manufacturer of instructional material assigned by an institution of higher education for use by students in connection with a course at the institution shall provide to the institution, on the institution's request in accordance with this section, a copy in an electronic format of the instructional material. The publisher or manufacturer, as applicable, shall provide the electronic copy not later than the 15th business day after the date of receipt of the request or 15th business day after publication of the material, whichever comes later.

A request made by an institution of higher education must:

1. Certify that for each blind or visually impaired student or student with dyslexia who will use specialized instructional material based on the requested copy of the material in an electronic format for a course in which the student is enrolled at the institution, either the institution or the student has purchased a printed copy of the instructional material;
2. Be signed by the person at the institution with primary responsibility for services for students with disabilities; and
3. Include all available identifying information related to the material, to include but not be limited to ISBN number.

Education Code 51.970(c)–(d); 19 TAC 4.206(a)–(b)

A publisher or manufacturer may require that a request made by an institution of higher education include from each student for whom the institution is making the request a signed statement described in 19 Administrative Code 4.206(c). *Education Code 51.970(e); 19 TAC 4.206(c)*

In order to facilitate students getting their materials in a timely manner, instructors and academic departments shall comply with their institution's procedures for turning in materials and reading lists by the established deadlines. *19 TAC 4.205(b)*

Electronic Copies

Each electronic copy of instructional material must:

1. Be in a format that contains all of the information that is in the instructional material, including any text, sidebar, table of contents, chapter headings, chapter subheadings, footnotes, index, glossary, and bibliography, and is approved by the publisher or manufacturer, as applicable, and the institution of higher education as a format that will contain that material; and is compatible with commonly used Braille translation and speech synthesis software; and

2. Include any correction or revision available at the time the electronic copy is provided.

If the publisher or manufacturer and the institution of higher education are not able to agree on a format, the publisher or manufacturer, as applicable, shall provide the electronic copy of the instructional material in a format that can be read by a word processing application and that contains as much of the material specified by that subsection as is practicable.

Education Code 51.970(f)–(g); 19 TAC 4.206(d)

Repository of
Electronic Formats

The manufacturer or publisher has the sole discretion to allow an institution to maintain a repository of electronic formats of previously requested instructional materials for re-use in order to comply with this section. An institution that is authorized to re-use previously requested instructional materials must comply with provisions in 19 Administrative Code 4.206(b) and (c) related to requesting instructional material and all other provisions outlined in this section.
19 TAC 4.206(g)

Annual List of Courses

Each governing board, including each college district governing board, shall submit to the Coordinating Board once each year on dates designated by the Coordinating Board a comprehensive list by department, division, and school of all courses, together with a description of the content, scope, and prerequisites of all those courses, that will be offered by each institution under the supervision of the governing board during the following academic year. The list for each institution must also specifically identify any course included in the common course numbering system under Education Code 61.832 that has been added to or removed from the institution's list for the current academic year, and the board shall distribute that information as necessary to accomplish the purposes of Section 61.832. Each governing board must certify at the time of submission that the institution does not:

1. Prohibit the acceptance of transfer credit based solely on the accreditation of the sending institution; or
2. Include language in any materials published by the institution, whether in printed or electronic form, suggesting that such a prohibition exists.

After the comprehensive list of courses is submitted by a governing board, the governing board shall submit on dates designated by the Coordinating Board any changes in the comprehensive list of courses to be offered, including any changes relating to offering a course included in the common course numbering system. The Coordinating Board may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board involved.

Education Code 61.052

Course Schedule

Not later than the 30th day before the first day that classes are conducted for each semester or academic term, each institution of higher education, including each college district, shall compile a course schedule indicating each course offered by the institution for the semester or term to postsecondary students. Course material information must be included with the course schedule as described by Education Code 51.4521 [see EDA]. *Education Code 51.4521(b)*

Online Posting Requirement

Each institution of higher education, including each college district but excluding each medical and dental unit, shall make available to the public on the institution's internet website the following information for each undergraduate classroom course offered for credit by the institution:

1. A syllabus that satisfies any standards adopted by the institution; provides a brief description of each major course requirement, including each major assignment and examination; includes the measurable learning outcomes for the course, as defined in 19 Administrative Code 4.104; lists any required or recommended reading; and provides a general description of the subject matter of each lecture or discussion. If multiple sections of a course use an identical syllabus with identical assignments and readings, only one syllabus shall be posted.
2. A curriculum vitae of each regular instructor, including each instructor of record for each section of the course, that lists at least all institutions of higher education attended, with the degree(s) earned; all previous teaching positions, including the names of the institutions, the position, beginning and ending dates; and a list of significant professional publications relevant to the academic positions held, including full citation data for each entry. The curriculum vitae may include the instructor's professional contact information, such as office telephone number, work address, and institutional email address. The curriculum vitae may not include any personal information, including the instructor's home address or home telephone number.
3. The departmental budget report. If a course is offered through a unit other than a department — such as a program, college, or institute — substitute the budget for that unit as appropriate. If the institution posts general budget data on its website in which the information required by statute is reported, it may substitute a hyperlink to that data in place of a separate departmental budget report. The budget report shall include detail for the most recent academic year for which data are available; income from all sources; and a summary by functional categories such as salaries and wages, travel, and the like (as defined by the National Association of College and University Business Officers).

Education Code 51.974(a)-(a-1); 19 TAC 4.227(a)(2)-(3), (9), .228(a)-(b)

Definitions

Instructor(s) of Record

The “instructor(s) of record” is the primary instructor or co-instructors of a course who are responsible for the course content and the assignment of final grades. This includes tenured and tenure-track faculty, lecturers, adjuncts, and graduate assistants who are not working under the supervision of an instructor of record. It does not include guest lecturers or others who may be brought in to teach less than 50 percent of the class sessions. *19 TAC 4.227(5)*

CURRICULUM DESIGN
INSTRUCTIONAL PROGRAMS AND COURSES

EFA
(LEGAL)

<i>Undergraduate Classroom Course</i>	An “undergraduate classroom course” is any lower- or upper-division credit course offered to five or more students. This includes on-campus, off-campus, distance education, and dual credit courses (including those taught on high school campuses). It excludes courses with highly variable subject content that are tailored specifically to individual students, such as Independent Study and Directed Reading courses. It excludes laboratory, practicum, or discussion sections that are intrinsic and required parts of larger lecture courses and are directly supervised by the same instructor(s) of record for those large courses. <i>19 TAC 4.227(10)</i>
Accessibility	This course information must be accessible from the institution’s internet website home page by use of not more than three links. The information must be searchable by keywords and phrases and accessible to the public without requiring registration or use of a username, a password, or another user identification. <i>Education Code 51.974(b); 19 TAC 4.228(c)</i>
Time Frame for Posting	The institution shall make the online course information available not later than the seventh day after the first day of classes for the semester or other academic term during which the course is offered. The institution shall continue to make the information available on the institution’s internet website until at least the second anniversary of the date on which the institution initially posted the information. <i>Education Code 51.974(c); 19 TAC 4.228(c)</i>
Updating Information	The institution shall update the online course information as soon as practicable after the information changes at least once for every semester in which the course is offered. <i>Education Code 51.974(d); 19 TAC 4.228(c)</i>
Designation of Responsible Administrator	The governing body of the institution shall designate an administrator to be responsible for ensuring the implementation of the posting requirement. The administrator may assign duties under this section to one or more administrative employees. <i>Education Code 51.974(e); 19 TAC 4.228(f)</i>
Report Required	Not later than January 1 of each odd-numbered year, each institution of higher education shall submit a written report regarding the institution’s compliance with the posting requirement to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over higher education. <i>Education Code 51.974(f); 19 TAC 4.228(f)</i>
Minimum Length of Courses	Traditionally delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

Institutions of higher education, including college districts, may offer a course in a nontraditional way, for example, over the internet or through a shortened, intensive format, that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

19 TAC 4.6(a), (d)–(e)

**Texas Common
Course Numbering
System**

Each institution, including each college district, shall include the applicable course numbers from the Texas Common Course Numbering System (TCCNS) in its printed and electronic catalogs, course listings, and any other appropriate informational resources, and in the application of the provisions of 19 Administrative Code Chapter 4, Subchapter B. Institutions that do not use the TCCNS taxonomy as their sole means of course numbering shall publish the following information in their printed and electronic catalogs, course listings, and any other appropriate informational resources:

1. The TCCNS prefix and number must be displayed immediately adjacent to the institutional course prefix and number [e.g., ENG 101 (ENGL 1301)] at the beginning of each course description; and
2. The printed and electronic catalogs shall include a chart, table, or matrix, alphabetized by common course prefix, listing all common courses taught at the institution by both the common and local course number. For printed catalogs, the chart, table, or matrix should be referenced in a table of contents and/or a subject index.

Each institutional catalog shall include an explanation of the TCCNS and the significance of TCCNS courses for transfer purposes.

For good cause, the commissioner may approve an exemption from the requirements of this section.

19 TAC 4.37

Learning Outcomes

To foster a transparent student learning environment at institutions of higher education and to facilitate the universal articulation of undergraduate courses that are transferable for credit among all insti-

tutions of higher education, each institution of higher education, including each college district, shall identify, adopt, and make available for public inspection measurable learning outcomes for each undergraduate course, as defined in 19 Administrative Code 4.103(3), offered by the institution other than:

1. A course with a highly variable subject content that is tailored specifically to an individual student, such as an independent study or directed reading course; or
2. A laboratory, practicum, or discussion section that is an intrinsic and required component of a lecture course.

An institution of higher education may adopt learning outcomes for a course that are the same as or based on those identified for that course by the institution's recognized accrediting agency.

Statements of the measurable learning outcomes shall be kept on file for at least two years after the course is taught and made available for public inspection upon request to the provost's office of each institution.

If the institution is in compliance with 19 Administrative Code 4.225–4.228 (relating to Public Access to Course Information), then the institution is also in compliance with this section since learning outcomes are required to be a part of each course syllabus posted on the institution's website.

Education Code 51.96851(b)–(c); 19 TAC 4.104(b)–(c)

Measurable
Learning Outcomes

“Measurable learning outcomes” are defined as the knowledge and skills a student is expected to acquire or achieve upon completion of a course. Measurement may be quantitative or qualitative, depending upon the subject matter of the course. *19 TAC 4.103(2)*

**State-Funded
Courses**

State funding shall be provided for lower-division academic courses at public community colleges, public technical colleges, or public state colleges if such courses:

1. Are approved for inclusion in the Lower-Division Academic Course Guide Manual (ACGM);
2. Have been reviewed and approved by Coordinating Board staff in accordance with the criteria for unique need courses [see 19 Administrative Code 9.74]; and
3. Are consistent with the TCCNS.

19 TAC 9.73(a)

Course Report

Not later than March 1 of each year and in the form prescribed by the Coordinating Board, each public junior college 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.

A report required by this section must include the total number of:

1. Courses attempted and completed at the college, including the total number of semester credit hours for those courses, disaggregated by whether the course is in the Workforce Education Course Manual or its successor adopted by the Coordinating Board or the Lower-Division Academic Course Guide Manual or its successor adopted by the Coordinating Board;
2. Courses attempted and completed at the college that are not in the recommended core curriculum developed by the Coordinating Board under Education Code 61.822; and
3. Dual credit courses, including courses for joint high school and junior college credit under Education Code 130.008, attempted and completed at the college.

Education Code 51.4034

Notice of Licensing Requirements

An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

1. The potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
2. The current guidelines issued under Occupations Code 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;
3. Any other state or local restriction or guideline used by a licensing authority to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
4. The right to request a criminal history evaluation letter under Occupations Code 53.102.

The entity shall provide the required notice to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the required notice to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

1. Refund the amount of any tuition paid by the individual to the entity; and
2. Pay to the individual an amount equal to the total of the following, as applicable:
 - a. The amount of any application fees paid by the individual to the licensing authority; and
 - b. The amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

Occupations Code 53.152--153

DEGREES AND CERTIFICATES
BACCALAUREATE DEGREES

EFBB
(LEGAL)

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 baccalaureate degree programs offered at public junior colleges must comply with the provisions of 19 Administrative Code Chapter 9, Subchapter N. 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.

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 9.673(a)–(b), (e)–(f)

Definitions

Baccalaureate Degree Programs	“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. <i>19 TAC 9.672(1)</i>
Bachelor of Applied Arts and Science	A “Bachelor of Applied Arts and Science (BAAS)” 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 Technology (BAT) or Bachelor of Applied Science (BAS). <i>19 TAC 9.672(2)</i>
Pilot Project	“Pilot project” refers to a public junior college authorized by the Coordinating Board to offer a baccalaureate degree before January 1, 2017. <i>19 TAC 9.672(10)</i>
Positive Assessment of the Overall Financial Health of a District	“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 Texas Legislature, Article III, Public Community/Junior Colleges, Rider 12 and any successor(s) thereto). <i>19 TAC 9.672(11)</i>

DEGREES AND CERTIFICATES
BACCALAUREATE DEGREES

EFBB
(LEGAL)

**Former Pilot
Program Participants**

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. *Education Code 130.303(a)*

Applied Science

The Coordinating Board may authorize baccalaureate degree programs at one or more public junior colleges that offer a degree program in the field 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 have demonstrated a workforce need. *Education Code 130.303(b)*

Dental Hygiene

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. *Education Code 130.304*

**Financial
Requirements**

A public junior college may be approved to offer a baccalaureate degree program only if its junior college district:

1. Has a taxable property valuation of not less than \$6 billion based on 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; and
2. 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 the institution, 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)

DEGREES AND CERTIFICATES
BACCALAUREATE DEGREES

EFBB
(LEGAL)

Navarro College The requirement of item 1, above, does not apply to baccalaureate degree programs in nursing if the public junior college district:

1. Has a taxable property valuation of not less than \$4 billion on the preceding year's calculations as determined by the county's appraisal district; and
2. Does not have a four-year institution of higher education located in county(ies) of the public junior college district.

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. Whether those degree programs would unnecessarily duplicate the degree programs offered by other institutions of higher education; and
 - b. 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:

1. Workforce need for the degree program must be documented in the region served by the junior college;
2. How the degree program would complement the other programs and course offerings of the junior college; and
3. 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)

DEGREES AND CERTIFICATES
BACCALAUREATE DEGREES

EFBB
(LEGAL)

Nursing Programs

Before a public junior college may offer a baccalaureate degree program in nursing, the institution shall:

1. 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 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;
2. 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;
3. Be a bachelor of science degree program that meets 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. Be accredited or seeking accreditation by a national nursing accrediting body recognized by the United States 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; and
 - b. 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.

Before a public junior college may offer a baccalaureate degree program, the institution must provide at least three articulation agreements with general academic teaching institutions or medical and dental units that:

1. 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
2. Explain why existing facilities and resources cannot be expanded to meet workforce need; and
3. Documentation that the established articulation agreements are at capacity; or
4. 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)*

Articulation Agreement

Each public junior college that offers a baccalaureate degree program must enter into a teach-out 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.

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.

Each public junior college that offers a baccalaureate program must inform all students who enroll in the program covered by the articulation agreement about the opportunity to complete the degree at a general academic teaching institution or medical and dental unit.

Education Code 130.309; 19 TAC 9.675(c)–(e)

Funding

A baccalaureate degree program may be funded solely by a public junior college's proportionate share of state appropriations under Education Code 130.003, local funds, and private sources. This provision does not require the legislature to appropriate state funds to support a baccalaureate degree program.

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 proportionate share of state appropriations under Section 130.003 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 as that provided to a general academic teaching institution for substantially similar courses.

Education Code 130.310(a); 19 TAC 9.677(a)–(d)

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 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. *Education Code 130.011; 19 TAC 9.678*

ATTENDANCE

FC
(LEGAL)

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)] *Education Code 51.9111(b)*

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. *Education Code 51.9111(a)(2); 19 TAC 4.3(1)*

ATTENDANCE

FC
(LEGAL)

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. *Education Code 51.9111(c); 19 TAC 4.8(a)–(b)*

Policies and
Procedures

Each institution shall adopt a policy which includes:

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.

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.

19 TAC 4.8(c), (e)

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

Note: For additional legally referenced material relating to this subject matter, see FA(LEGAL). For information on employee expression on campus, see DGC. For information on community expression on campus, see GD. For use of the college district’s mail system, see CHE.

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A “traditional public forum” includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985). An institution’s property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution’s property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the “strict scrutiny” standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental interest if a sufficient number of alternative communication channels are available. *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37 (1983)

Designated Public Forum

A “designated public forum” is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. *Cornelius v. NAACP Legal Def. and Educ. Fund, Inc.*, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. *Widmar v. Vincent*, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. *Chiu v. Plano Indep. School Dist.*, 260 F.3d 330 (5th Cir. 2001)

Limited Public Forum

A “limited public forum” is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. *Christian Legal Society v. Martinez*, 130 S.Ct. 2971 (2010); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LEGAL)

viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "non-public forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

Time, Place, and
Manner Restrictions

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

**Protected
Expression on
Campus Under State
Law**

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

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

Time, Place, and
Manner Restrictions

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LEGAL)

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others, and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;
3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LEGAL)

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section, available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook, providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. *Education Code 51.9315(i)*

Report

Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. *Education Code 51.9315(k)*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT EXPRESSION AND USE OF COLLEGE FACILITIES

FLA
(LEGAL)

“Place of worship” means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

Table of Contents	Section I: Public Information Generally..... 3
	Definitions 3
	Availability of Public Information 4
	Information That Must Be Disclosed Unless Confidential Under Law 4
	Section II: Information that is Confidential..... 7
	Certified Agenda or Recording of a Closed Meeting 7
	Personal Information 7
	Student Records..... 9
	Protected Health Information10
	Credit Card, Debit Card, Charge Card, and Access Device Numbers..... 11
	Confidential Investment Information 11
	Email Addresses.....12
	Participant in Address Confidentiality Program13
	Crime Victim Information 13
	Library Records14
	Certain Products, Devices, and Processes 15
	Research.....15
	Research and Development Facility 16
	Compliance Investigations16
	Computer Network Security.....17
	Security System Specifications, Operations, and Locations.....18
	Emergency Alert System 18
	Sensitive Crime Scene Image18
	Military Discharge Records.....18
	Retirement System Information18
	Election Judge or Clerk Information.....18
	Section III: Information Excepted from Public Disclosure19
	Confidential Information..... 19
	Personnel File19
	Substantial Threat of Physical Harm.....19
	Litigation.....19
	Competition or Bidding20

PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

GCA
(LEGAL)

Location or Price of Property	20
Drafts and Working Papers.....	20
Legal Matters.....	20
Law Enforcement Information	21
Private Correspondence and Communications.....	21
Contracting Information	21
Agency Memoranda	23
Audit Working Paper.....	23
Contact Information	23
Photographs of Peace Officers	24
Test Items	24
Rare Books and Original Manuscripts	24
Documents Held for Historical Research	24
Chief Executive Officer Applicants	24
Motor Vehicle Record Information.....	25
Commercial Book or Publication.....	25
Social Security Numbers	26
Donor Information.....	26
Safety and Security Audit.....	26

**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. This chapter 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)

PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

GCA
(LEGAL)

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**

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)*

Certified Agenda or
Recording of a
Closed Meeting

"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*

PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

GCA
(LEGAL)

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)

PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

GCA
(LEGAL)

Participant in 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, 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. <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 Chapter 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; orb. An offense that is part of the same criminal episode, as defined by Penal Code 3.01 as an offense described by paragraph 1a; or2. A victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed. <i>Gov't Code 552.1315(a)</i>
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; or3. In accordance with a court order requiring the disclosure. <i>Gov't Code 552.1315(b)</i>
<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*

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

PUBLIC INFORMATION PROGRAM
ACCESS TO INFORMATION

GCA
(LEGAL)

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 Section 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>
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>	An email address or phone number described by Election Code 32.076(a), above, shall be made available on request to: <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.

Election Code 32.076(b)

**Section III:
Information
Excepted from
Public Disclosure**

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. *Gov't Code 552.007*

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. *Gov't Code 552.0215*

Confidential
Information

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. *Gov't Code 552.101*

Personnel File

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. *Gov't Code 552.102*

Substantial Threat
of Physical Harm

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 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*

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. *Gov't Code 552.104(c)*

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. *Gov't Code 552.105*

Drafts and Working
Papers

A draft or working paper involved in the preparation of proposed legislation is excepted from the requirements of the PIA. *Gov't Code 552.106*

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.
Gov't Code 552.107

Law Enforcement
Information

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:

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.

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:

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.

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.

Gov't Code 552.108

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.

	<p><i>Gov't Code 552.117</i> [For officer information that is confidential under Government Code 552.1175, see Section II: Information that is Confidential]</p>
Photographs of Peace Officers	<p>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:</p> <ol style="list-style-type: none">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; or3. The photograph is introduced as evidence in a judicial proceeding. <p>A photograph excepted from disclosure as described above may be made public only if the peace officer gives written consent to the disclosure.</p>
	<p><i>Gov't Code 552.119</i></p>
Test Items	<p>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></p>
Rare Books and Original Manuscripts	<p>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></p>
Documents Held for Historical Research	<p>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></p>
Chief Executive Officer Applicants	<p>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</p>

meeting at which final action or a vote is to be taken on the employment of the person. *Gov't Code 552.123*

Motor Vehicle
Record Information

Information is excepted from the requirements of the PIA if the information relates to:

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 additional legally referenced material relating to this subject matter, see GA(LEGAL). For information on employee expression on campus, see DGC. For information on student expression on campus, see FLA. For use of the college district’s mail system, see CHE.

Prohibited Acts

An officer or employee of the state or of a political subdivision of the state, including a college district, who is acting or purporting to act in an official capacity may not, because of a person’s race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

First Amendment

A governmental entity, including a college district, shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the board for a redress of grievances. *U.S. Const. Amend. I, XIV*

Forum Analysis

Traditional Public Forum

A “traditional public forum” includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. *Cornelius v. NAACP Legal Def. & Educ. Fund, Inc.*, 473 U.S. 788 (1985) An institution’s property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. *Widmar v. Vincent*, 454 U.S. 263 (1981); *Brister v. Faulkner*, 214 F.3d 675 (2000)

If an institution’s property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the “strict scrutiny” standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental

interest if a sufficient number of alternative communication channels are available. Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983)

*Designated
Public Forum*

A "designated public forum" is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. Widmar v. Vincent, 454 U.S. 263 (1981). Any content limitations are subject to the strict scrutiny standard described above. Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

*Limited Public
Forum*

A "limited public forum" is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. Christian Legal Society v. Martinez, 130 S.Ct. 2971 (2010); Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum's nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

Nonpublic Forum

If an institution has not opened a public forum, it remains a "non-public forum." Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

*Time, Place, and
Manner Restrictions*

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

**Protected
Expression on
Campus Under State
Law**

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

1. Ensure that the common outdoor areas of the institution's campus are deemed traditional public forums; and
2. Permit any person to engage in expressive activities in those areas of the institution's campus freely, as long as the person's conduct is not unlawful, and does not materially and substantially disrupt the functioning of the institution.

Education Code 51.9315(c)

Education Code 51.9315(c) and (d) do not limit the right of student expression at other campus locations or prohibit faculty members from maintaining order in the classroom. *Education Code 51.9315(e)*

**Time, Place, and
Manner Restrictions**

An institution of higher education may adopt a policy that imposes reasonable restrictions on the time, place, and manner of expressive activities in the common outdoor areas of the institution's campus if those restrictions:

1. Are narrowly tailored to serve a significant institutional interest;
2. Employ clear, published, content-neutral, and viewpoint-neutral criteria;
3. Provide for ample alternative means of expression; and
4. Allow members of the university community to assemble or distribute written material without a permit or other permission from the institution.

Education Code 51.9315(d)

Policy Required

By August 1, 2020, each institution of higher education shall adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

1. Allow any person to, subject to reasonable restrictions adopted under Education Code 51.9315(d), engage in expressive activities on campus, including by responding to the expressive activities of others; and student organizations and faculty to, subject to Education Code 51.9315(h), invite speakers to speak on campus;
2. Establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

3. Include a grievance procedure for addressing complaints of a violation of this section;
4. Be approved by a majority vote of the institution's governing board before final adoption; and
5. Be posted on the institution's internet website.

Education Code 51.9315(f)

Discrimination
Prohibited

An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization. *Education Code 51.9315(g)*

Approval of
Speaker or
Determination of
Fee

In determining whether to approve a speaker to speak on campus or in determining the amount of a fee to be charged for use of the institution's facilities for purposes of engaging in expressive activities, an institution of higher education:

1. May consider only content-neutral and viewpoint-neutral criteria related to the needs of the event, such as:
 - a. The proposed venue and the expected size of the audience;
 - b. Any anticipated need for campus security;
 - c. Any necessary accommodations; and
 - d. Any relevant history of compliance or noncompliance by the requesting student organization or faculty member with the institution's policy adopted under Education Code 51.9315(f) and any other relevant policies; and
2. May not consider any anticipated controversy related to the event.

Education Code 51.9315(h)

Employee
Awareness

Each institution of higher education shall develop materials, programs, and procedures to ensure that the institution's employees responsible for educating or disciplining students understand the requirements of this section and all policies adopted by the institution in accordance with this section. *Education Code 51.9315(j)*

Publication

Each institution of higher education shall make the institution's policies adopted in accordance with this section available to students enrolled at and employees of the institution by including the policies in the institution's student handbook and personnel handbook,

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

	<p>providing a copy of each policy to students during the institution's freshman or transfer student orientation, and posting the policies on the institution's internet website. <i>Education Code 51.9315(i)</i></p>
Report	<p>Not later than December 1, 2020, each institution of higher education shall prepare, post on the institution's internet website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of the requirements under this section. <i>Education Code 51.9315(k)</i></p>
Fees for Use	<p>The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by such board. <i>Education Code 130.123(c)</i></p>
Facilities as Polling Places	<p>The entity, including a college district, that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located. If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the entity that owns or controls the building shall determine which authority may use the building. <i>Election Code 43.031(c)</i></p> <p>No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of an election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i></p>
Electioneering	<p>"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114. <i>Election Code 61.003(b)(1), 85.036(f)(2)</i></p>
<i>During the Regular Voting Period</i>	<p>A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.</p> <p>The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit</p>

electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 61.003(a)–(a-1)

*During Early
Voting*

During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located. A person commits an offense if the person electioneers in violation of this provision.

The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Election Code 85.036(a)–(b), (d)

**Political Party
Conventions**

No charge may be made for the use of a public building for a precinct, county, or senatorial district convention except for reimbursement for the actual expenses resulting from use of the building for the convention. The reimbursing authority is entitled to an itemized statement of expenses before making remittance. A person commits an offense if the person assesses a charge for the use of a public building for a precinct, county, or senatorial district convention in violation of this provision. *Election Code 174.0631*

Religious Services

This state or a political subdivision of this state, including a college district, may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief. *Tex. Const. Art. I, Sec. 6-a*

Places of Worship

A government agency, including a college district, or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state. "Place of worship" means a building or grounds where religious activities are conducted. *Civ. Prac. & Rem. Code 110.001(a), .0031*

**Search and Rescue
Dogs**

"Search and rescue dogs" mean canines that are trained or being trained to assist a nationally recognized search and rescue agency in search and rescue activities. *Health and Safety Code 785.001(4)*

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

Public Facility The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility. The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog. The discrimination prohibited by this section includes:

1. Refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;
2. A ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and
3. Failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

Health and Safety Code 785.002(a)–(b), (d)

Transportation The owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within this state, or an employee or other agent of the owner, manager, or operator, may not:

1. Refuse to accept as a passenger a search and rescue dog or the dog's handler; or
2. Require the dog's handler to pay an additional fare because of the search and rescue dog.

Health and Safety Code 785.002(c)

Housing A search and rescue dog's handler is entitled to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limitation established by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog. *Health and Safety Code 785.002(f)*

Handler "Handler" means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.001(1)*

Credentials A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES

GD
(LEGAL)

National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.005*

Responsibilities

A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog's handler for personal injury, property damage, or death resulting from the failure of the dog's handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals. The handler of a search and rescue dog is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations. *Health and Safety Code 785.004(a)–(b)*

Policy

A policy relating to the use of a public facility by a designated class of persons from the general public may not prohibit the use of the particular public facility by a search and rescue dog or the dog's handler. *Health and Safety Code 785.002(e)*

Penalty

A person who violates Health and Safety Code 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000. It is a defense to prosecution that the actor requested the search and rescue dog handler's credentials under Health and Safety Code 785.005 and the handler failed to provide the actor with the credentials. *Health and Safety Code 785.003*

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)

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

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)*

Instructional Partnerships with Public Secondary Schools

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 the Texas Education Agency (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;

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

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. 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
11. 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)

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

<i>Instructors</i>	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. <i>19 TAC 9.125(b)(1)</i>
<i>Funding</i>	Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school. <i>19 TAC 9.125(b)(3)</i>
Dual Credit Programs	<p>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:</p> <ol style="list-style-type: none">1. Course credit toward the student's high school academic requirements; and2. 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. <p>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.</p> <p><i>Education Code 130.008(a), (d), (g-1)</i></p>
<i>Student Eligibility Requirements</i>	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:

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

- 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;

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

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); 19 TAC 4.255-.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 col-

lege 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 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 proportionate share of the state money appropriated and

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

distributed to public junior colleges under Education Code 130.003 and 130.0031, 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)

No Requirement

An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. *19 TAC 4.85(b)(8)*

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. *19 TAC 9.143(c)*

Remedial Programs

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.

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.

Remedial and developmental courses may not be offered for dual credit.

Education Code 130.090(a)-(a-1); 19 TAC 9.143(d), .146(a)–(c)

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

*Tuition and
Funding*

The governing board of a junior college district may exempt from tuition a student enrolled in a remedial program.

Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations.

Education Code 130.090(b)–(d); 19 TAC 9.146(d)

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

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

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)

*Credit May Be
Awarded*

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. *Education Code 28.014(f)*

Funding

College preparatory courses are not eligible for state appropriations through two-year college formula funding. *19 TAC 9.147(c)*

**Workforce
Continuing
Education**

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:

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.

This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Education Code 130.303; 19 TAC 9.114(c) [See EFAB for general workforce continuing education]

Funding

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. *Education Code 130.302*

*Waiver of Tuition
and Fees*

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:

1. The student:

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

- 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 agree-

ment 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 private 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, 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 an associate degree or at least 60 semester credit hours toward a baccalaureate degree;
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

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Basurto, Priscilla

Librarian
Faculty
Library
Tenure Track*
08/15/22 – 05/12/23
Grade C/2
Competitive Appointment
(New Position)

Elliott, Robert

Director, Grants Management & Development
Administrator
Grants Management Office
05/31/22 – 08/31/22
Grade C
Competitive Appointment
(Replacement Action)

Bautista, Barry

Heating, Ventilation, & Air Conditioning
(HVAC) Controls Technician
Classified Staff
Physical Plant
05/31/22 – 08/31/22
Grade F
Competitive Appointment
(Replacement Action)

Erickson Alvarado, Laura

Instructor
Faculty
Speech
Tenure Track*
08/15/22 – 05/12/23
Grade E/2
Competitive Appointment
(Replacement Action)

Becker, Ashley

Instructor
Faculty
Respiratory Care Technology
Tenure Track*
08/15/22 – 05/12/23
Grade A/5
Competitive Appointment
(Replacement Action)

Field, Maria

Employee Relations Advisor
Professional Staff
Human Resources
Temporary Status
06/01/22 – 08/31/22
Grade E
Extension of Appointment

Elliott, Robert

Interim Director, Grants Management &
Development
Administrator
Grants Management Office
Temporary Status
05/01/22 – 05/30/22
Grade C
Extension of Appointment

Flores, Julianne

Grants Specialist
Classified Staff
Grants Management Office
05/31/22 – 08/31/22
Grade E
Competitive Appointment
(Replacement Action)

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Guerra, Daniel

Dean, Communication & Performing Arts
Administrator
Communication & Performing Arts
05/31/22 – 08/31/22
Grade E
Competitive Appointment
(Replacement Action)

Iniguez, Jose

Grounds Foreman
Classified Staff
Physical Plant
05/31/22 – 08/31/22
Grade G
Competitive Appointment
(Replacement Action)

Gutierrez, Karla

Senior Administrative Associate
Classified Staff
Arts, Career & Technical Education,
Communication & Social Sciences
05/31/22 – 08/31/22
Grade F
Competitive Appointment
(Replacement Action)

Lara, Gabriela

Security Specialist
Classified Staff
Police Department
05/31/22 – 08/31/22
Grade E
Competitive Appointment
(Replacement Action)

Heiney, James

Interim Director, Marketing & Community
Relations
Administrator
Marketing & Community Relations
Temporary Status
06/01/22 – 08/31/22
Grade D
Extension of Appointment

Lobato, Richard

Executive Director, Physical Plant
Administrator
Physical Plant
05/01/22 – 08/31/22
Grade E
Temporary Increase in Responsibilities (10%)

Huerta, Yvette

Director, Institutional Effectiveness
Administrator
Institutional Effectiveness
07/05/22 – 08/31/22
Grade C
Competitive Appointment
(Replacement Action)

Olivas, Elizabeth

Manager, Academic Resources
Professional Staff
Student Success
05/31/22 – 08/31/22
Grade D
Competitive Appointment
(Replacement Action)

Exhibit 3.1
Full-Time Institutionally-Funded Actions

Salazar, Louie

Lab Facilities Supervisor
Professional Staff
Art
05/31/22 – 08/31/22
Grade B
Competitive Appointment
(Replacement Action)

Talamantes, Michael

Director, Recruitment Services
Administrator
Recruitment Services
05/31/22 – 08/31/22
Grade C
Competitive Appointment
(Replacement Action)

Salcido, Cindy

Instructor
Faculty
Respiratory Care Technology
Tenure Track*
08/15/22 – 05/12/23
Grade A/5
Competitive Appointment
(Replacement Action)

Torres-Garcia, Blanca

Coordinator, Employee Relations
Professional Staff
Human Resources
Temporary Status
05/12/22- 08/31/22
Grade D
Extension of Appointment

Sanchez, Saul

Maintenance Specialist
Classified Staff
Physical Plant
05/31/22 – 08/31/22
Grade F
Competitive Appointment
(Replacement Action)

Watkins, Timothy

Instructor
Faculty
Speech
Tenure Track*
08/15/22 – 05/12/23
Grade G/2
Competitive Appointment
(Replacement Action)

Silva, Andrew

Center for Students with Disabilities
Recruitment, Transition & Training Coordinator
Professional Staff
Center for Students with Disabilities
05/31/22 – 08/31/22
Grade C
Competitive Appointment
(New Position)

*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

Amador, Nancy

Resource Advisor
Professional Staff
Advanced Technology Center
D.O.L.- Job Corps Scholars Program
Temporary Status
05/02/22 – 08/31/22
Grade C
Noncompetitive Appointment
(Replacement Action)

Gonzales, Nicole

Resource Advisor
Professional Staff
Advanced Technology Center
D.O.L.- Job Corps Scholars Program
Temporary Status
05/16/22 – 08/31/22
Grade C
Noncompetitive Appointment
(Replacement Action)

Guerra, Kathryn

Dual Credit Academic Advisor
Professional Staff
Dual Credit & Early College High School
D.O.E.- I.R.E.P.O. Dual Credit Grant
Temporary Status
05/31/22 – 08/31/22
Grade C
Competitive Appointment
(New Position)

Velasquez, Rameses

Resource Advisor
Professional Staff
Advanced Technology Center
D.O.L.- Job Corps Scholars Program
Temporary Status
05/16/22 – 08/31/22
Grade C
Noncompetitive Appointment
(Replacement Action)

Exhibit 3.3
Information Items
(No Action Required)

Resignations:

Aguirre, Rosaly
Clerk
Police Department
04/22/22

Castro, Ernesto
Instructor
Echocardiography
05/13/22

Cox, Jordan
Administrative Assistant
Workforce Strategic Initiatives
03/30/22

Eichhorn, Catherine
Career & Transfer Services Specialist
Career & Transfer Services
05/31/22

Geske, Jeremy
Program Manager
Workforce Strategic Initiatives
04/29/22

Retirements:

Crawford, Charles
Instructor
Information Technology Systems
05/31/22

Lujan, Frank
Instructor
Fire Technology
05/31/22

Murphy, Maureen
Instructor
Nursing
05/31/22

Noriega, Maria
Administrative Associate
Security and Special Officers Administration
05/31/22

Perez, Brenda
Instructor
Nursing
05/31/22

Prospero, Maria
Instructor
Interior Design
05/31/22

Torres, Ricardo
Managing Director, Physical Plant
Physical Plant
05/31/22

FINANCIAL SERVICES ABSTRACT

<p>Item(s) to be Considered: Discussion and action on the approval to purchase equipment and services from AV Concepts and Security LLC for the upgrade of projectors in 140 Technology-Enhanced Classrooms for the proper delivery of hybrid and face-to-face instruction.</p>	<p>Amount (Not to Exceed): \$342,470</p>										
<p>Requestor: Sergio Ramos</p>	<p>Area Responsible: Media Services</p>										
<p>Resource Persons: Marco Fernandez, Sergio Ramos</p>											
<p>Purpose: To purchase equipment and services to upgrade 140 projectors in Technology-Enhanced Classrooms district-wide to deliver hybrid instruction from AV Concepts and Security LLC.</p> <p>Explanation: The new hybrid technology implemented during the Fall 2021 semester included PTZ cameras, ceiling microphones, and USB extenders. This equipment requires projectors with a higher resolution to process an adequate image during face-to-face and hybrid instruction. These Technology-Enhanced Classroom projectors need replacement as they are past their lifecycle.</p> <p>The Media Services Center is now responsible for 294 hybrid classrooms implementing this model. This model of classroom has helped the district adhere to COVID-19 safety protocols. Instructional administrators and faculty will continue using this model due to the increased number of hybrid class sections throughout the district. Faculty have been trained on using the hybrid technology rooms by the Technology Resource Center. Training will continue during Fall Faculty Development Week.</p> <p>The following lists the equipment and services provided by AV Concepts and Security LLC:</p> <ul style="list-style-type: none"> • Short throw laser projectors • Front projection laser projectors • Projector mounts • Installation <p>The amount of the purchase for services and equipment is \$311,336 plus a 10% contingency of \$31,134. Total amount will not exceed \$342,470.</p> <p>This purchase will be conducted through the ESC Region 19 Allied States Cooperative RFP Contract #19-7335, which is in compliance with Texas Education Code 44.031; and the provisions of Texas Government Code, Chapter 791-Interlocal Cooperation Contracts. Such contracts are competitively awarded.</p> <p>Funding is provided by the Higher Education Emergency Relief Fund (HEERF) account.</p>											
<p>Recommendation: Approval by the Board of Trustees.</p> <p>Vendor: AV Concepts and Security LLC 3465 Lee Boulevard Building C El Paso, TX 79936</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Date:</td> <td style="text-align: right;"><u>05/03/22</u></td> </tr> <tr> <td>Account:</td> <td style="text-align: right;"><u>21265-F21265</u></td> </tr> <tr> <td>Budget:</td> <td style="text-align: right;"><u>\$11,247,455</u></td> </tr> <tr> <td>Expenditures to date:</td> <td style="text-align: right;"><u>\$3,901,737</u></td> </tr> <tr> <td>Balance:</td> <td style="text-align: right;"><u>\$7,345,718</u></td> </tr> </table>	Date:	<u>05/03/22</u>	Account:	<u>21265-F21265</u>	Budget:	<u>\$11,247,455</u>	Expenditures to date:	<u>\$3,901,737</u>	Balance:	<u>\$7,345,718</u>
Date:	<u>05/03/22</u>										
Account:	<u>21265-F21265</u>										
Budget:	<u>\$11,247,455</u>										
Expenditures to date:	<u>\$3,901,737</u>										
Balance:	<u>\$7,345,718</u>										

FINANCIAL SERVICES ABSTRACT

Item(s) to be Considered: Discussion and action on the approval to award a contract to provide professional auctioneer services for the disposition of surplus, unserviceable, and obsolete District property to Larry Otten Auctioneers, LLC.	
Requestor: Juan Flores	Area Responsible: Auxiliary Services
Resource Persons: Josette Shaughnessy, Fernando Flores, Juan Flores	
<p>Purpose: To approve a contract award to provide high-quality and cost-effective auctioneer services for the disposition of surplus, unserviceable, and obsolete EPCC District property.</p> <p>Explanation: EPCC conducts on-site surplus property sales every year to dispose of property no longer needed by the District. These sales are open to the public and goods are sold to the highest bidder.</p> <p>The District solicited competitive proposals from qualified vendors interested in providing a comprehensive, high quality, cost-effective solution for auctioneer services for “live” and/or online auctions.</p> <p>The vendor will provide the District with a qualified licensed auctioneer to conduct and administer “live” and/or online auction sales of the District’s surplus property.</p> <p>The sales will improve warehouse space utilization and reduce administrative costs. The cost to the District for conducting “live” and on-site and online auctions will be based on the gross dollar amount sold as follows: 14% of gross sales commission. Resources necessary to complete this operation involve budgeted staff time in the Property Management Control Department.</p> <p>This recommendation is based on Request for Proposals (RFP) #22-003 as allowed by Education Code 44.031. The contract award will be for a period of three (3) years, with an option to renew on annual basis for an additional two (2) years, with administrative approval, for a potential maximum contract term of five (5) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.</p>	
<p>Recommendation: Approval by the Board of Trustees.</p> <p>Vendor: Larry Otten Auctioneers, LLC 200 S San Elizario Rd Clint, TX 79836</p>	

EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

AUCTIONEER SERVICES

RFP #22-003

ANALYSIS

The services secured through this Request for Proposals (RFP) process will be utilized by El Paso County Community College District.

This RFP process complies with all applicable statutes, rules, policies, and procedures related to procurement as it relates to contracting for services, including compliance with conflict of interest disclosure requirements.

Requests for Proposals were advertised for two (2) consecutive weeks in the local newspaper, the *El Paso Inc.* All such solicitations are also posted on the Purchasing & Contract Management Department's page of the EPCC website. Eight (8) proposal packets were downloaded. One (1) proposal was received by the published deadline. The accompanying tabulation page was used for reference only.

The "RFP Analysis Committee" evaluated and scored the written proposals, taking into account the references checked and vendor's history with the District. It is the recommendation of the "RFP Analysis Committee" (Ana Zuniga, Juan Flores, Rick Torres, and Aquiles Maldonado) that a contract be awarded to:

Larry Otten Auctioneers LLC
200 S San Elizario Rd
Clint, TX 79836

The contract award will be for a period of three (3) years, with an option to renew on an annual basis for an additional two (2) years, with administrative approval, for a potential maximum contract term of five (5) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.

RFP #22-003 Auctioneer Services	
Vendor	Larry Otten Auctioneers LLC
Vendor Requirements	
Signed Proposal Form	Provided
Respondent agrees to hold the proposed commission rates, if awarded, through the duration of the initial contract term (three years):	Agreed
The District's goal is to obtain a provider to conduct on-site public "live" auctions, and on-line auctions as needed, as defined in RFP #22-003 Auctioneer Services. Proposals MUST include both on-line and on-site (9050 Viscount Blvd., El Paso, Texas 79925) services to be considered. Provide a narrative of your comprehensive offer in this field, detailing your comprehensive (services) offer such that it will assist in the evaluation process based on the criteria contained herein.	Provided the following statement, "Larry Otten Auctioneers LLC already knows what to do for EPCC."
Proposed Commission Rate for on-site public "live" auctions. Percentage of gross proceeds. (To include all expenses and promotional fees for sale) No additional expenses, fees, or costs will be allowed to be deducted from proceeds, beyond what the Respondent submits above for the specific services described herein. Respondents must disclose any fees it intends to charge bidders.	14%
Proposed Commission Rate for on-line auction services. Percentage of gross proceeds. (To include all expenses and promotional fees for sale) No additional expenses, fees, or costs will be allowed to be deducted from proceeds, beyond what the Respondent submits above for the specific services described herein. Respondents must disclose any fees it intends to charge bidders.	14%
Describe any value-added services, any additional business features, including any alternate pricing proposal, pricing arrangements, or other value-added services that could be provided under an agreement resulting from this RFP.	Provided the following statement, "Larry Otten Auctioneers LLC already knows what to do for EPCC."
Respondents may describe what separates their company from other organizations performing the same service.	Provided
Respondents should attach with their proposal response evidence that they have complied with the District's insurance requirements as stated on the District's General Conditions of Contract.	Provided
Respondent shall submit evidence of having a minimum of three (3) years of experience of being an established, licensed auctioneer providing similar services, preferably to higher education clients. Evidence must be submitted with proposal response.	Provided the following statement, "Larry Otten Auctioneers LLC has sold over 3,000 items worth over \$500,000 since 2012 for EPCC."
Respondent shall submit a copy of its current license with its proposal response. Respondent is required to possess current, applicable permits, licenses and certifications required for this type of business function to comply with city, state and federal regulations.	Provided copy of form from Texas Department of Licensing and Regulation for Jack Blandford Auctioneer. License Number 13909; Expires 01/06/2023.
Respondent should submit a copy of its auction procedures with the proposal response. Prior to the sale, all items will be jointly inventoried by representatives of the District's Property Management Control Department and the auctioneer.	Provided
Respondent must state whether they are providing an on-line auction option as part of their proposal response. If the respondent is offering an on-line auction option, the respondent shall provide in their proposal response the vendor's web address and a login with password for the purpose of testing and evaluation of the web site by the evaluation committee.	Partially provided
Respondent should submit its accounting procedures which accurately record the activities of all sales. All records pertaining to the sale or proceeds in this agreement shall be open for inspection and/or audit by the District at any reasonable time, and for a period of at least one (1) year after the public sale.	Provided
Respondent shall describe its marketing program and types of advertisements to be used to solicit potential buyers.	Provided
Respondent shall to submit a copy of the auctioneer's Terms & Conditions (to bidders) with the proposal response.	Provided
Respondent shall state all payment options available to bidders during "live" and online auctions.	Provided
Attachment A – References	Provided
Attachment B - Vendor's Qualification Statement	Provided
Family Code Form - Signature and (SSN or Federal Tax ID Number) Required	Provided
Felony Conviction Form - Signatures Required	Provided
Conflict of Interest Questionnaire - Name of Vendor, Signature and Date Required	Provided

RFP #22-003 Auctioneer Services Evaluation Scoring Summary

4/27/2022

	Total	1. The purchase price.	2. The reputation of the vendor and of the vendor's goods or services.	3. The quality of the vendor's goods or services.	4. The extent to which the vendor's goods or services meet the District's needs.	5. The vendor's past relationship with the District.	6. The impact on the ability of the District to comply with laws and rules relating to Historically Underutilized Businesses.	7. The total long term cost to the District to acquire the vendor's goods or services.	8. For a contract for goods and services, other than goods and services related to telecommunication and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner: (A) has its principal place of business in this state; or (B) employs at least 500 persons in this state.	9. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.	Recommend Award? (Yes/No)
Supplier / Max Points	/ 100 pts	/ 30 pts	/ 15 pts	/ 15 pts	/ 22 pts	/ 10 pts	/ 1 pt	/ 1 pt	/ 1 pt	/ 5 pts	-
Larry Otten Auctioneers LLC	83.5	24	12.75	12	20.9	9	0	0.85	1	3	Yes
Comments: Total composite score rounded to the nearest hundredth.											
Scope of Work per Specifications for RFP #22-003 Auctioneer Services											
The El Paso Community College District ("District") is seeking proposals for auctioneer services.											

PHYSICAL FACILITIES ABSTRACT

Item(s) to be Considered:	Discussion and action on the approval to award a contract to Full Turn Interior Solutions, LLC to furnish the four student study areas at the Valle Verde Campus, Building A.	Amount (Not To Exceed): \$76,927										
Requestor:	Rick Lobato	Area Responsible: Physical Plant										
Resource Persons:	Josette Shaughnessy, Rick Lobato											
Purpose:	To approve a contract award for the purchase and installation of new furniture for the four student study areas at the Valle Verde Campus, Building A.											
Explanation:	<p>This purchase will allow for the replacement of old/outdated furniture and will transform these areas into more of collaborative spaces, giving students the chance to gather and have different options to work and study in groups and also individually.</p> <p>This purchase is conducted through ESC Region 19 Allied States Cooperative RFP #17-7240 and is in compliance with Texas Education Code 44.031 (a) (4), and the provisions of Texas Government Code, Chapter 791-Interlocal Cooperation Contracts.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: right;">Furniture purchase and installation</td> <td style="text-align: right;">\$69,934</td> </tr> <tr> <td style="text-align: right;">Contingency 10%</td> <td style="text-align: right;"><u>6,993</u></td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">\$76,927</td> </tr> </table> <p>Funding is provided by the Furniture Replacement Budget.</p>		Furniture purchase and installation	\$69,934	Contingency 10%	<u>6,993</u>	Total	\$76,927				
Furniture purchase and installation	\$69,934											
Contingency 10%	<u>6,993</u>											
Total	\$76,927											
Recommendation:	Approval by the Board of Trustees.											
Vendor:	Full Turn Interior Solutions, LLC 2414 Texas Ave. El Paso, TX 79901											
	<table style="width:100%;"> <tr> <td>Date:</td> <td style="text-align: right;">05/06/22</td> </tr> <tr> <td>Account:</td> <td style="text-align: right;">92055-M92055</td> </tr> <tr> <td>Budget:</td> <td style="text-align: right;"><u>\$156,558</u></td> </tr> <tr> <td>Expenditures to date:</td> <td style="text-align: right;">\$45,195</td> </tr> <tr> <td>Balance:</td> <td style="text-align: right;">\$111,363</td> </tr> </table>		Date:	05/06/22	Account:	92055-M92055	Budget:	<u>\$156,558</u>	Expenditures to date:	\$45,195	Balance:	\$111,363
Date:	05/06/22											
Account:	92055-M92055											
Budget:	<u>\$156,558</u>											
Expenditures to date:	\$45,195											
Balance:	\$111,363											

PHYSICAL FACILITIES ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of expenditures with various vendors to purchase building materials, supplies and/or services as needed for the District for fiscal years 2021-2022 and 2022-23.	
Requestor: Rick Lobato	Area Responsible: Physical Plant
Resource Persons: Josette Shaughnessy, Rick Lobato	
Purpose:	To authorize expenditures from May 26, 2022 through August 31, 2023 in amounts not to exceed as indicated on the attached list.
Explanation:	<p>The Physical Plant Department will utilize these vendors to purchase materials, supplies, and/or services for on-going projects district-wide on an as needed basis only. There is no guarantee of any level of business to any vendor.</p> <p>Normally this abstract is brought before the Board of Trustees annually in the July/August timeframe. However, this year, some of our Region 19 contracts expired mid-year. This abstract is being brought before the Board early to continue supporting the District's ongoing projects.</p> <p>Purchases conducted through these purchasing cooperatives are in compliance with Texas Education Code 44.031; and the provisions of Texas Government Code, Chapter 791 – Interlocal Cooperation Contracts. All such contracts are competitively awarded.</p> <p>Funding is provided by the approved budgets for each construction project allocated in the Plant Funds.</p>
Recommendation:	Approval by the Board of Trustees.
Vendors:	See attached listing.

**El Paso County Community College District
PHYSICAL PLANT**

**Approval of Expenditures from Contract Vendors
May 26, 2022 to August 31, 2023**

Vendor	Amount	Explanation
Home Depot 11360 Rojas El Paso, TX 79936 U.S. Communities #16154	Not to Exceed \$150,000	<ul style="list-style-type: none"> •To authorize expenditures for building materials/supplies and paint/supplies for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor on an as-needed basis district-wide.
Waste Connections of El Paso, LP dba BARCO 5539 El Paso Dr. El Paso, TX 79905 Region 19 #19-7343	Not to Exceed \$80,000	<ul style="list-style-type: none"> •To authorize expenditures for recycling services for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor for recycling services on as as-needed basis district-wide.
MB Dustless Air Filter Company, LLC DBA Pan-American Filtration 1220 Barranca Dr. Bldg 5E El Paso, TX 79935 BuyBoard #631-20	Not to Exceed \$250,000	<ul style="list-style-type: none"> •To authorize expenditures for the purchase of air filters for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor on an as-needed basis district-wide.
IntegriWard, LLC APi National Service Group, Inc 4203 Gardendale 1200 Old Highway 8 NW San Antonio, TX 78229 New Brighton, MN 55112 Region 19 #21-7419 Region 19 #21-7419 or Sourcewell #031517 API	Not to Exceed \$150,000 Per Vendor	<ul style="list-style-type: none"> •To authorize expenditures for fire extinguishers, fire suppression systems, fire and security alarms, and related purchases, services, installations, and inspections for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize these vendors on an as-needed basis district-wide.
APi National Service Group, Inc 1200 Old Highway 8 NW New Brighton, MN 55112 Sourcewell #031517 API	Not to Exceed \$150,000	<ul style="list-style-type: none"> •To authorize expenditures for installation and maintenance to backflows and sprinkler systems, inspections, fire extinguishers, risers and related purchases/services for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor on an as-needed basis district-wide.

Vendor	Amount	Explanation
<p>All Trades Electrical Contractors Inc. 11005 Argal Ct. El Paso, TX 79935</p> <p>Control and Equipment 2001 Yandell Dr. El Paso, TX 79903</p> <p>MasterServ Inc 14308 Desert Crest Way Horizon City, TX 79928</p> <p>Qannex Corp. 1490A George Dieter Dr. Ste 221 El Paso, TX 79936</p> <p>Veliz Construction 2910 Gateway East El Paso, TX 79905</p> <p>Technical Building Services⁽¹⁾ 1712 Wyoming El Paso, TX 79902</p> <p>All Region 19 #22-7434</p> <p>(1) Also BuyBoard #631-20 (2) Also OMNIA 15-JLP-023</p>	<p>Not to Exceed \$800,000 Per Vendor</p>	<p>•To authorize expenditures for Maintenance, Repair and Operations (MRO) equipment, supplies, materials, and services for fiscal years 2021-2022-23.</p> <p>•Physical Plant will utilize these vendors only on an as-needed basis district-wide.</p>
<p>TK Elevator 1477 Lomaland Dr., Ste D1 El Paso, TX 79935</p> <p>Sourcewell #080420-TKE</p>	<p>Not to Exceed \$500,000</p>	<p>•To authorize expenditures for elevator maintenance and repair services for fiscal years 2021-22 and 2022-23.</p> <p>•Physical Plant will utilize this vendor on an as-needed basis district-wide.</p>
<p>LVR Commercial Flooring 11501 Rojas Dr. El Paso, TX 79936</p> <p>BuyBoard #642-21</p>	<p>Not to Exceed \$400,000</p>	<p>•To authorize expenditures for purchasing and installation of carpet and tile for fiscal years 2021-22 and 2022-23.</p> <p>•Physical Plant will utilize this vendor on an as-needed basis district-wide.</p>
<p>Mohawk Carpet Distribution, Inc 160 S. Industrial Blvd Calhoun, GA 30701</p> <p>Sourcewell #080819-MCD</p>	<p>Not to Exceed \$250,000</p>	<p>•To authorize expenditures for purchasing of carpet and tile for fiscal years 2021-22 and 2022-23.</p> <p>•Physical Plant will utilize this vendor on an as-needed basis district-wide.</p>

Vendor	Amount	Explanation
<p>IDN Acme, Inc. 1308 A North First St Bellaire, TX 77401</p> <p>BuyBoard #657-21</p>	<p>Not to Exceed \$100,000</p>	<ul style="list-style-type: none"> •To authorize expenditures for locksets materials/supplies for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor on an as-needed basis district-wide.
<p>Aztec Contractors, Inc Control and Equipment 4509 Osborne Drive 2011 E. Yandell El Paso, TX 79922 El Paso, TX 79903</p> <p>Gracen Engineering & Jordan Foster Construction LLC Construction, Inc. 7700 CF Jordan Drive 4509 Osborne Drive, El Paso, TX 79912 Ste B El Paso, TX 79922</p> <p>Longhorn Electrical Services, Inc Mirador Enterprises 2227 Texas Ave. 8201 Lockheed Dr. Ste El Paso, TX 79901 110 El Paso, TX 79925</p> <p>PC Automated Controls, Inc Pride General Contractors 10279 Dyer St. LLC El Paso, TX 79924 700 N. Copia St. El Paso, TX 79903</p> <p>Trane U.S. Inc Veliz Construction 1405 Vanderbilt Dr. 2910 Gateway East El Paso, TX 79935 El Paso, TX 79905</p> <p>Region 19#21-7411</p>	<p>Not to Exceed \$800,000 Per Vendor</p>	<ul style="list-style-type: none"> •To authorize expenditures for Job Order Contracting & Facilities Construction Services for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize these vendors on an as-needed basis district-wide.
<p>AO General Contractor, Inc Mirador Enterprises, Inc. 1050 Diesel Dr. 8201 Lockheed Dr., Ste El Paso, TX 79907 110 El Paso, TX 79930</p> <p>YISD #219022RFPD</p>	<p>Not to Exceed \$800,000 Per Vendor</p>	<ul style="list-style-type: none"> •To authorize expenditures for repair projects of limited scope for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize these vendors on an as-needed basis district-wide.
<p>AO General Contractor, Inc Aztec Contractors 1050 Diesel Dr. 4509 Osborne Dr. El Paso, TX 79907 El Paso, TX 79922</p> <p>Gracen Engineering & Mirador Enterprises, Inc. Construction, Inc. 8201 Lockheed Dr., Ste 110 4509 Osborne Ste B El Paso, TX 79930 El Paso, TX 79922</p> <p>YISD 220021CSP</p>	<p>Not to Exceed \$1,000,000 Per Vendor</p>	<ul style="list-style-type: none"> •To authorize expenditures for job order contracting for minor construction, electrical, HVAC/mechanical, plumbing and specialty systems projects for fiscal years 2021-22 and 2022-23 •Physical Plant will utilize these vendors on an as-needed basis district-wide.

Vendor	Amount	Explanation
<p>Caldwell Country Chevrolet PO Box 27 Caldwell, TX 77836</p> <p>RJ Border International, LP 12283 Rojas Dr. El Paso, TX 79936</p> <p>Region 19 #20-7355</p> <p>National Auto Fleet Group 490 Auto Center Dr. Watsonville, CA 95076</p> <p>Sourcewell #091521-NAF</p>	<p>Not to Exceed \$200,000 Per Vendor</p>	<ul style="list-style-type: none"> •To authorize expenditures for college vehicle replacements for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize these vendors on an as-needed basis district-wide.
<p>Olympus Building Services, a KBS Company 1430 E. Missouri, Ste B205 Phoenix, AZ 85014</p> <p>Sourcewell #062421-KEL, OMNIA #R210901, or CSP #16-016</p>	<p>Not to Exceed \$120,000</p>	<ul style="list-style-type: none"> •To authorize expenditures for cleaning, disinfecting, and other janitorial supplies and services for fiscal years 2021-22 and 2022-23. •Physical Plant will utilize this vendor on an as-needed basis district-wide.

CURRICULUM AND INSTRUCTION ABSTRACT


Item(s) to be Considered:	Discussion and action on the approval to purchase an Anatomage Table from Anatomage Inc.	Amount: \$83,525										
Requestor:	Alejandro Vazquez	Area Responsible: Health Career, Tech. Edu., Math & Science										
Resource Persons: Steven Smith, Souraya Hajjar												
<p>Purpose: The Anatomage Table will enhance the instruction of the Human Anatomy and Physiology courses, allowing our students to study the structure and function of the human body using a digitalized real human cadaver. The purchase will eliminate the cost of acquiring, preserving, storing, and discarding the cadaver and exposure to potentially toxic chemicals.</p> <p>Explanation: Students will have access to virtual full-body 3D human cadavers in the Biology laboratory. The purchase includes Computerized Tomography (CT) and Magnetic Resonance Imaging (MRI) scans of abnormal disease images for comparison with normal and healthy images. It integrates microscopic (histological) slides, and these features allow for the comprehensive instructional delivery of the course content.</p> <p>The Anatomage Table's size allows multiple students and faculty to observe and interact with the images, augmenting the cadaveric dissection experience and relate gross anatomy to the interpretation of radiologic images, which can be uploaded onto the table and studied in conjunction with the anatomy.</p> <p>Sole source documents follow this item.</p> <p>Funding is provided by the Instructional Equipment budget.</p>												
Recommendation:	Approval by the Board of Trustees.											
Vendor:	Anatomage Inc. 3350 Thomas Rd., Ste 150 Santa Clara, CA 95054											
		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Date:</td> <td style="text-align: right;"><u>05/04/22</u></td> </tr> <tr> <td>Account:</td> <td style="text-align: right;"><u>91271-M91271</u></td> </tr> <tr> <td>Budget:</td> <td style="text-align: right;"><u>\$2,134,584</u></td> </tr> <tr> <td>Expenditures to date:</td> <td style="text-align: right;"><u>\$1,140,031</u></td> </tr> <tr> <td>Balance:</td> <td style="text-align: right;"><u>\$994,553</u></td> </tr> </table>	Date:	<u>05/04/22</u>	Account:	<u>91271-M91271</u>	Budget:	<u>\$2,134,584</u>	Expenditures to date:	<u>\$1,140,031</u>	Balance:	<u>\$994,553</u>
Date:	<u>05/04/22</u>											
Account:	<u>91271-M91271</u>											
Budget:	<u>\$2,134,584</u>											
Expenditures to date:	<u>\$1,140,031</u>											
Balance:	<u>\$994,553</u>											




Memorandum

May 3, 2022

To: Mr. Ruben Gallardo, Contracts & Purchasing

Thru: Dr. Steven E. Smith, VP. Of Instruction and Workforce Education 

From: Dr. Souraya A. Hajjar, Dean of Health CTEM Math & Science
& RG Campus Dean 

Re: Sole Source Justification for the Anatomage Table

The Anatomage Table, a 3-D interactive virtual dissection table, is designed and created by Anatomage Inc. to aid in the instructional delivery of the Biology Discipline Human Anatomy and Physiology courses. The Biology Discipline faculty unanimously selected this specific technology as it offers a virtual capability of the anatomical structure and function of living organisms in lieu of a face-to-face, physical dissecting lab capability.

Anatomage Inc. is one of a kind in its technological delivery for the following reasons:

1. Virtual dissecting ability utilizes images of real human cadavers allowing our students to visualize anatomy at the highest level of accuracy.
2. The technology and purchase are solely available through the manufacturer, Anatomage Inc.
3. The vendor holds a patent for the technology.

Please consider approving the purchase of this high-end technology to meet the discipline's specifications and need to enhance our student's learning experience.

(Exhibit 6.1)

05/25/22

Sole Source Letter of Exclusive Technological Equipment

January 10, 2022

This letter certifies the following:

The **Anatamage Table**, a 3D, interactive, virtual dissection table, is manufactured and distributed exclusively from Anatamage, Inc. domestically in San Jose, CA. Our technology is one-of-a-kind as follows:

- We are the only provider of this type of Virtual Dissection Table utilizing the imaging of Real Human Cadavers
- There are no other products that are compatible with the Anatamage Table
- The purchase of the Anatamage Table cannot be made from any other vendor
- The Anatamage technology holds a patent #Patent No. US 9,867,543 B2

The **Anatamage Table Application**, installed on the Anatamage Table is manufactured exclusively from Anatamage, Inc.

Anatamage's support for the Anatamage Table, covers but is not limited to the following:

- Anatamage Table Software Content and Functionality
- Anatamage Table Hardware & Software Troubleshooting

Anatamage is the sole and exclusive manufacturer and distributor in the United States of America and no other agency, institution, organization, school district, municipality, or customer receives better pricing than the DOE.

Please feel free to contact us if you have any questions regarding this matter.

Sincerely,

Jack Choi
CEO – Anatamage Inc.



CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered:	Discussion and action on the approval of a contract award to Medline Industries, LP. to provide course specific supplies to nursing students.		
Requestor:	Gail Meagher	Area Responsible:	Nursing
Resource Persons:	Steven Smith, Gail Meagher, Pauline Ballesteros, Laura Jimenez		
Purpose:	To request approval for Medline Industries, LP. to provide medical supplies in kit form that nursing students may purchase for use when learning and practicing skills in the nursing laboratory.		
Explanation:	<p>The Nursing Programs teach numerous skills for which various supplies are required. The awarded contractor will build course-specific supply kits. Nursing students will purchase these kits directly from the vendor at the beginning of each semester. Most nursing theory courses, and some clinical courses, have components that provide students with hands-on training, practice and check-offs in various nursing skills. The faculty for each of these courses develop the list of supplies that go into each kit.</p> <p>By awarding this contract, the District is not making a guarantee of any minimum level of business to any party. Further, the District pays no monies to the awarded vendor as a result of this contract, as the students purchase their own kits directly from the vendor.</p> <p>This recommendation is based on Request for Proposals (RFP) #22-006 as allowed by Texas Education Code 44.031. The contract award will be for a period of one (1) year, with an option to renew on an annual basis for an additional four (4) years, with administrative approval, for a potential maximum contract term of five (5) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.</p>		
Recommendation:	Approval by the Board of Trustees.		
Vendor:	Medline Industries, LP. Three Lakes Drive Northfield, IL 60093		

EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

NURSING PROGRAM: STUDENT NURSING KITS

RFP #22-006

ANALYSIS

The goods and services secured through this Request for Proposals (RFP) process will be utilized by El Paso County Community College District.

This RFP process complies with all applicable statutes, rules, policies, and procedures related to procurement as it relates to contracting for goods and/or services, including compliance with conflict of interest disclosure requirements.

Requests for Proposals were advertised for two (2) consecutive weeks in the local newspaper, the *El Paso Inc.* All such solicitations are also posted on the Purchasing & Contract Management Department's page of the EPCC website. Emails were sent to potential vendors by the Purchasing & Contract Management Department to inform them of this solicitation. Thirty-one (31) proposal packets were downloaded. The proposals received are indicated on the RFP tabulation. The accompanying tabulation page was used for reference only.

The Evaluation Committee was required to carefully read and evaluate each response to the solicitation for offers, and every member of the Committee was told that if there is a discrepancy between the vendor's written offer and the accompanying tabulation page, the written offer always prevails.

The "RFP Analysis Committee" evaluated and scored the written proposals, taking into account the references checked. It is the recommendation of the "RFP Analysis Committee" (Gail Meagher, Pauline Ballesteros, Laura Jimenez, and Irma Ansalmo Carlos) that a contract be awarded to:

Medline Industries, LP.
Three Lakes Drive
Northfield, IL 60093

The contract award will be for a period of one (1) year, with an option to renew on an annual basis for an additional four (4) years, with administrative approval, for a potential maximum contract term of five (5) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.

RFP #22-006 Nursing Program: Student Nursing Kits		
Vendor	Cbs Dme & Medical Supplies	Medline Industries, LP.
Vendor Requirements	For Reference Only	
Signed Proposal Form	Provided	Provided
Respondent agrees to hold the prices, if awarded, through the duration of the contract term: One (1) Year:	Yes	Yes
Respondent shall provide the amount of calendar days it takes the order to ship from the time the student places the order.	3	2
Supply Kit #1 RNSG 1441 Total proposed student price to include shipping and handling.	\$11,986.00	\$175.91
Supply Kit #2 RNSG 1413 Total proposed student price to include shipping and handling.	\$3,602.00	\$76.91
Supply Kit #3 RNSG 1208 Total proposed student price to include shipping and handling.	\$1,861.00	\$63.62
Respondents shall indicate their FERPA compliance as defined in item #3, Section IV. Vendor Requirements.	Yes	Yes
Describe any additional unique business features, pricing arrangements, special services, prompt-pay discounts, terms, and conditions or other value-added services that could be provided under any agreement resulting from this RFP. (Attach additional pages as needed.)	Provided	Provided
Proposal Form Attachment A - Supply Kit 1 RNSG 1441	Provided, but included pricing	Provided
Proposal Form Attachment B - Supply Kit 2 RNSG 1413	Provided, but included pricing	Provided
Proposal Form Attachment C - Supply Kit 3 RNSG 1208	Provided, but included pricing	Provided
Respondents may describe what separates their company from other organizations performing the same service.	Provided	Provided
Respondents should attach with their proposal response evidence that they have complied with the District's insurance requirements as stated on the District's General Conditions of Contract.	Provided copy of Power of Attorney and Security Bond and a commitment to obtain insurance if awarded.	Partially provided (District not listed as additional insured.)
Respondent shall submit evidence of a minimum of two (2) years of professional service of providing similar services, preferably to higher education clients. Evidence must be submitted with proposal response.	Provided	Provided
Respondents shall provide evidence of PCI DSS (Payment Card Industry Data Security Standard) compliance, including the name of respondent's payment processing company. Respondents should also indicate what types of payments it can accept, i.e., cash, credit/debit card, check, etc.	Partially provided (did not provide name of payment processing company; no evidence of PCI DSS compliance)	Partially provided (did not provide name of payment processing company; no evidence of PCI DSS compliance)
The respondent must state whether they offer in store purchases or if they possess an on line ordering capability for both students and faculty. If the respondent has an on-line presence with on-line ordering capability, the respondent shall provide in their proposal response the vendor's web address and a login with password for the purpose of testing and evaluating the web site by the evaluation committee. The respondent should provide all the details on how students and faculty may place orders on-line.	Partially provided (did not provide a login/password for testing)	Partially provided (did not provide website or a login/password for testing or details on how to order)
Respondents should also state the process for exchanging defective items or replacing missing items. The respondent should provide all their customer service contact information, their hours of operation, and any escalation information in order to resolve pending issues.	Provided	Provided
Vendor acknowledged Addendum #1	Acknowledged	Acknowledged
Attachment A – References	Provided	Provided
Attachment B - Vendor's Qualification Statement	Provided	Provided
Family Code Form - Signature and (SSN or Federal Tax ID Number) Required	Provided	Provided
Felony Conviction Form - Signatures Required	Provided	Provided
Conflict of Interest Questionnaire - Name of Vendor, Signature and Date Required	Provided	Provided
Confidentiality Agreement (If applicable)	Provided	Provided

RFP #22-006 Nursing Program: Student Nursing Kits Evaluation Scoring Summary

03/30/2022

	Total	1.The purchase price.	2.The reputation of the vendor and of the vendor's goods or services.	3.The quality of the vendor's goods or services.	4.The extent to which the vendor's goods or services meet the District's needs.	5.The vendor's past relationship with the District.	6.The impact on the ability of the District to comply with laws and rules relating to Historically Underutilized Businesses.	7.The total long term cost to the District to acquire the vendor's goods or services.	8.For a contract for goods and services, other than goods and services related to telecommunication and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner: (A) has its principal place of business in this state; or (B) employs at least 500 persons in this state.	9.Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.	Recommend award? (Yes/No)
Supplier / Max Points	/ 100 pts	/ 15 pts	/ 20 pts	/ 16 pts	/ 25 pts	/ 12 pts	/ 1 pts	/ 5 pts	/ 1 pts	/ 5 pts	-
Medline Industries, LP.	81	13.5	17	12.8	20	10.2	0	3.5	1	3	Yes
CBS DME & Medical Supplies	42.55	5.25	9	8.8	12.5	0	1	2.25	1	2.75	No

Comments: Proposal from Coursey Enterprises was disqualified due to unsigned proposal form.
Total composite score rounded to the nearest hundredth.

Scope of Work per Specifications for RFP #22-006 Nursing Program: Student Nursing Kits

The El Paso Community College District ("District") is seeking proposals from qualified vendor(s) to provide student nursing kits for its nursing programs.

CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered:	Discussion and action on the approval of the Texas Higher Education Coordinating Board (THECB) Carl D. Perkins Basic Grant.	Amount: \$148,662
Requestor: Robert Elliott	Area Responsible: Grants Management Office	
Resource Persons: Steven Smith, Carlos Amaya, Robert Elliott		
Purpose:	<p>The purpose of the Carl D. Perkins Career and Technical Education (CTE) Act of 2006, as reauthorized by the Strengthening Career and Technical Education for the 21st Century Act, is to provide program improvement, innovation, and student support services for students in career and technical education. Emphasis is placed on the recruitment and retention of students who might otherwise not have an opportunity to participate in higher education. The Texas Higher Education Coordinating Board Amendment increases the \$765,905 original award amount, approved by the EPCC Board of Trustees on October 21, 2021, by \$148,662 to an agreed amended \$914,567 award.</p>	
Explanation:	<p>The federally sourced funds provide for costs related to marketing EPCC's career/technical education programs, purchase of instructional equipment and supplies, and faculty/staff professional development activities. In addition, the funds provide note-takers for the Center for Students with Disabilities and other CTE student support services.</p> <p>Travel funds will be used within the EPCC travel policy status in response to the COVID-19 pandemic. THECB limits indirect costs to no more than 5% of direct program expenditures.</p>	
<p>Budget Account Number: C24273 through C24288 Budget Summary: \$148,662 September 1, 2021 – August 31, 2022 Detailed Budget Overview for Additional Funds:</p>		
	71000 Equipment and Supplies	\$110,663
	71317 Professional/ Technical Services (Student Note-Takers)	2,000
	71432 Marketing	9,250
	71910 Indirect Cost Pool	7,079
	72000 Travel	<u>19,670</u>
	TOTAL	\$148,662
Recommendation:	Approval by the Board of Trustees.	

CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of a grant from the City of El Paso.	Amount: \$37,000																					
Requestor: Paula Mitchell	Area Responsible: Instruction & Student Success																					
Resource Persons: Steven Smith, Paula Mitchell, Robert Elliott, Lorely Ambriz																						
<p>Purpose: To approve a grant from the City of El Paso that supports and manages the Community Library at the Northwest campus.</p> <p>Explanation: The City of El Paso has assisted EPCC in supporting the Northwest Community Library. The Northwest Campus serves families and students of Northwest El Paso by providing the library facility, technology, a library collection, staff, and other support services. The annual allocation of \$37,000 will assist the Community Library with providing services to children, young adults, adults, and college students.</p> <p>The cost category of Fringe represents those employer benefit costs that vary based upon an employee's actual salary and benefit options chosen by each employee. Benefits choices include the health/dental insurance plan and retirement programs selected. Other employer benefit costs normally borne by the institution and charged to the grant also apply like workers' compensation, state unemployment insurance, life insurance, and long-term disability insurance.</p> <p style="text-align: center;">Budget Account Number: 23857-P23857 Budget Summary: \$37,000 February 24, 2022 – February 23, 2023 Detailed Budget Overview:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">61431</td> <td style="padding-right: 20px;">Library P/T</td> <td style="text-align: right;">\$25,000</td> </tr> <tr> <td>62000</td> <td>Fringe Benefits¹</td> <td style="text-align: right;">2,625</td> </tr> <tr> <td>71120</td> <td>Office Supplies</td> <td style="text-align: right;">4,875</td> </tr> <tr> <td>71313</td> <td>Consultant</td> <td style="text-align: right;">3,000</td> </tr> <tr> <td>71330</td> <td>Printing/Duplicating</td> <td style="text-align: right;">500</td> </tr> <tr> <td>71440</td> <td>Hospitality</td> <td style="text-align: right;"><u>1,000</u></td> </tr> <tr> <td></td> <td>TOTAL</td> <td style="text-align: right;">\$37,000</td> </tr> </table> <p>¹Full-time fringe benefit rate is 0%, Part-time fringe benefit rate is 10.5%, and faculty fringe benefit rate is 0%.</p>		61431	Library P/T	\$25,000	62000	Fringe Benefits ¹	2,625	71120	Office Supplies	4,875	71313	Consultant	3,000	71330	Printing/Duplicating	500	71440	Hospitality	<u>1,000</u>		TOTAL	\$37,000
61431	Library P/T	\$25,000																				
62000	Fringe Benefits ¹	2,625																				
71120	Office Supplies	4,875																				
71313	Consultant	3,000																				
71330	Printing/Duplicating	500																				
71440	Hospitality	<u>1,000</u>																				
	TOTAL	\$37,000																				
Recommendation: Approval by the Board of Trustees.																						

CURRICULUM AND INSTRUCTION ABSTRACT

Item(s) to be Considered: Discussion and action on the acceptance of a grant from the DJR Trust Foundation for the Kidz n' Coaches program.	Amount: \$10,000												
Requestor: Brian Kirby	Area Responsible: Arts, Communications, CTE, and Social Sciences												
Resource Persons: Steven Smith, Brian Kirby, Robert Elliot													
<p>Purpose: The grant award aims to continue the Kidz n' Coaches program designed to engage culturally diverse students from EPCC with emerging children in prosocial group activities that promote social and emotional development through growth-promoting relationships. We seek to accomplish this through the Kidz n' Coaches program, an innovative after-school program organized twice a month at the El Paso Independent School District, Western Hills Elementary School.</p> <p>Explanation: The 2022 Rather Prize grant was awarded to El Paso Community College c/o Dr. Christopher Kazanjian, Educational Psychology Professor. The grant will provide support for the next three years for the Kidz n' Coaches program that operates out of the Rio Grande Campus. Funding will provide after-school snacks, drinks, instructional and art supplies, and possibly a short field trip.</p> <p>The Coaches consist of professors and student volunteers from EPCC. All volunteers must apply for an EPISD Volunteer Badge, which is granted upon successful completion of a background check. The student volunteers are undergraduate community college students that are majoring in the fields of education, criminal justice, and psychology.</p> <p style="text-align: center;">Budget Account Number: 23925-P23925 Budget Summary: \$10,000 Length of Contract: August 1, 2022 – August 31, 2024 Detailed Budget Overview:</p> <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px 2px 10px;">71130</td> <td style="padding: 2px 10px 2px 10px;">Instructional Supplies</td> <td style="padding: 2px 10px 2px 10px; text-align: right;">\$6,400</td> </tr> <tr> <td style="padding: 2px 10px 2px 10px;">71440</td> <td style="padding: 2px 10px 2px 10px;">Hospitality</td> <td style="padding: 2px 10px 2px 10px; text-align: right;">3,000</td> </tr> <tr> <td style="padding: 2px 10px 2px 10px;">72100</td> <td style="padding: 2px 10px 2px 10px;">In-Town Travel</td> <td style="padding: 2px 10px 2px 10px; text-align: right;">600</td> </tr> <tr> <td></td> <td style="padding: 2px 10px 2px 10px;">Total</td> <td style="padding: 2px 10px 2px 10px; text-align: right; border-top: 1px solid black;">\$10,000</td> </tr> </table>		71130	Instructional Supplies	\$6,400	71440	Hospitality	3,000	72100	In-Town Travel	600		Total	\$10,000
71130	Instructional Supplies	\$6,400											
71440	Hospitality	3,000											
72100	In-Town Travel	600											
	Total	\$10,000											
Recommendation: Approval by the Board of Trustees													

STUDENT SERVICES ABSTRACT

<p>Item(s) to be Considered: Discussion and action on the approval of a contract award to Mike Garcia Merchant Security, LLC for providing private security guard services on an as-needed basis at various locations within the EPCC District.</p>	<p>Amount (Not to Exceed Cumulative Total for Three Years): \$508,000</p>										
<p>Requestor: Jose Ramirez</p>	<p>Area Responsible: Police Department</p>										
<p>Resource Persons: Carlos Amaya, Jose Ramirez</p>											
<p>Purpose: To alleviate the shortage of campus police officers needed to provide 24-hour security services at the El Paso County Community College District facilities.</p>											
<p>Explanation: The use of private security services is to augment the Police Department at various locations within the District. Staffing shortages preclude the department from assigning a police officer to the Administrative Service Center and/or El Paso Community College District satellite locations to provide coverage for district-wide events.</p> <p style="margin-left: 40px;">This recommendation is based on Request for Proposals (RFP) #22-007, as allowed by Texas Education Code 44.031. The contract award will be for a period of one (1) year, with an option to renew on an annual basis for an additional two (2) years, with administrative approval, for a potential maximum contract term of three (3) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.</p> <p style="margin-left: 40px;">Funding is provided by the Police Department budget.</p>											
<p>Recommendation: Approval by the Board of Trustees.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Date:</td> <td style="text-align: right;"><u>05/10/22</u></td> </tr> <tr> <td>Account:</td> <td style="text-align: right;"><u>11000-61001</u></td> </tr> <tr> <td>Budget:</td> <td style="text-align: right;"><u>\$313,587</u></td> </tr> <tr> <td>Expenditures to date:</td> <td style="text-align: right;"><u>\$258,345</u></td> </tr> <tr> <td>Balance:</td> <td style="text-align: right;"><u>\$55,242</u></td> </tr> </table>	Date:	<u>05/10/22</u>	Account:	<u>11000-61001</u>	Budget:	<u>\$313,587</u>	Expenditures to date:	<u>\$258,345</u>	Balance:	<u>\$55,242</u>
Date:	<u>05/10/22</u>										
Account:	<u>11000-61001</u>										
Budget:	<u>\$313,587</u>										
Expenditures to date:	<u>\$258,345</u>										
Balance:	<u>\$55,242</u>										
<p>Vendor: Mike Garcia Merchant Security, LLC 1200 Golden Key Circle, Suite 129 El Paso, TX 79925</p>											

EL PASO COUNTY COMMUNITY COLLEGE DISTRICT

SECURITY SERVICES

RFP #22-007

ANALYSIS

The services secured through this Request for Proposals (RFP) process will be utilized by El Paso County Community College District.

This RFP process complies with all applicable statutes, rules, policies, and procedures related to procurement as it relates to contracting for services, including compliance with conflict of interest disclosure requirements.

Request for Proposals were advertised for two (2) consecutive weeks in the local newspaper, the *El Paso Inc.* All such solicitations are also posted on the Purchasing & Contract Management Department's page of the EPCC website. Twenty-five (25) proposal packets were downloaded. Six (6) vendors were notified of the solicitation. One (1) proposal was received by the published deadline. The accompanying tabulation page was used for reference only.

The "RFP Analysis Committee" evaluated and scored the written proposals, taking into account the references checked and vendor's history with the District. It is the recommendation of the "RFP Analysis Committee" (Rick Lobato, Michael Guzman, Jazmin Amezcua, Javier Guerra, and Raul Jacobo) that a contract be awarded to:

Mike Garcia Merchant Security, LLC
1200 Golden Key Circle, Suite 129
El Paso, TX, 79925

The contract award will be for a period of one (1) year, with an option to renew on an annual basis for an additional two (2) years, with administrative approval, for a potential maximum contract term of three (3) years. Annual renewals will be based upon satisfactory vendor performance and administrative approval.

RFP #22-007 Security Services	
Vendor	Mike Garcia Merchant Security, LLC
Vendor Requirements	
Signed Proposal Form	Provided
Respondent agrees to hold the rates, if awarded, through the duration of the initial contract term of one (1) year:	Agreed
HOURLY RATE (no vehicle):	\$13.50
HOURLY RATE (with vendor provided vehicle for patrol):	\$15.00
HOLIDAY HOURLY RATE (no vehicle):	\$13.50
HOLIDAY HOURLY RATE (with vendor provided vehicle for patrol):	\$15.00
OVERTIME HOURLY RATE (no vehicle):	\$13.50
OVERTIME HOURLY RATE (with vendor provided vehicle for patrol):	\$15.00
WEEKEND HOURLY RATE (no vehicle):	\$13.50
WEEKEND HOURLY RATE (with vendor provided vehicle for patrol):	\$15.00
Describe any additional unique business features, pricing arrangements, special services, prompt-pay discounts, terms, and conditions or other value-added services that could be provided under any agreement resulting from this RFP.	Provided
Offeror agrees to comply with all aspects of Senate Bill 9, passed by the Texas Legislature during its 80th (R) session and signed by the Governor on June 15, 2007, and any other applicable law or laws, as they relate to any contract awarded by this District.	Agreed
By responding to this solicitation, I certify that all guards assigned to the District will be certified in the State of Texas and have completed the required certification course(s).	Agreed
Respondents may describe what separates their company from other organizations performing the same service.	Provided
Respondents should attach with their proposal response evidence that they have complied with the District's insurance requirements as stated on the District's General Conditions of Contract.	Partially provided (District not named as additional insured.)
Respondent shall submit evidence of a minimum of three (3) years of professional security services, preferably to higher education clients. Evidence must be submitted with respondent's proposal response.	Provided a "Client History for the last three (3) years," which did include several client names.
Respondent should provide contact name(s) and telephone number(s) for customer service representative(s) for the coordination of services as needed by the District.	Provided
Respondents shall provide a current copy of their private security company license which must be kept current during the entire contract term. Respondents shall also submit current copies of all applicable permits, licenses and certifications required for this type of business function or its employees to comply with local, state, and federal regulations.	Provided a Certificate of Private Security issued by the Texas Department of Public Safety.
Vendor acknowledged Addenda #1 and #2.	Acknowledged
Attachment A – References	Provided
Attachment B - Vendor's Qualification Statement	Provided
Family Code Form - Signature and (SSN or Federal Tax ID Number) Required	Provided
Felony Conviction Form - Signatures Required	Provided
Conflict of Interest Questionnaire - Name of Vendor, Signature and Date Required	Provided
Confidentiality Form – Date, Signature and Title Required	Provided

**RFP #22-007 Security Services
Evaluation Scoring Summary**

4/27/2022

	Total	1. The purchase price.	2. The reputation of the vendor and of the vendor's goods or services.	3. The quality of the vendor's goods or services.	4. The extent to which the vendor's goods or services meet the District's needs.	5. The vendor's past relationship with the District.	6. The impact on the ability of the District to comply with laws and rules relating to Historically Underutilized Businesses.	7. The total long term cost to the District to acquire the vendor's goods or services.	8. For a contract for goods and services, other than goods and services related to telecommunication and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner: (A) has its principal place of business in this state; or (B) employs at least 500 persons in this state.	9. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.	Recommend Award? (Yes/No)
Supplier / Max Points	/ 100 pts	/ 30 pts	/ 10 pts	/ 15 pts	/ 25 pts	/ 5 pts	/ 1 pt	/ 5 pts	/ 1 pt	/ 8 pts	-
Mike Garcia Merchant Security, LLC	68.12	20.4	6.8	10.8	17	3.4	0	3.6	1	5.12	Yes
Comments: Total composite score rounded to the nearest hundredth.											
Scope of Work per Specifications for RFP #22-007 Security Services											
The El Paso Community College District ("District") is seeking proposals for security services.											

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 Board of Trustees approves the associated tuition rates.	
Recommendation: Approval by the Board of Trustees.	

COURSE	TITLE	HOURS	TUITION
Center for Corporate and Workforce Training			
CWT 318	Alternative Current, Motors, Generators and Transformers	42	\$428
CWT 319	Basic Digital Multimeter (DMM) Principles	30	\$308
CWT 320	Electrical Metallic Tubing	30	\$308
CWT 321	Electrical Fundamentals	24	\$212
CWT 900	First Aid CPR AED Training	9	\$95
FTA 100	Fire Service Hydraulics	64	\$459

STUDENT SERVICES ABSTRACT

Item(s) to be Considered: Discussion and action on the approval of Continuing Education tuition rates for revised courses.	
Requestor: Blayne Primozich	Area Responsible: Workforce and Continuing Education
Resource Persons: Steven Smith, Blayne Primozich	
Purpose: To approve tuition rates for revised CE courses.	
Explanation: Workforce and Continuing Education Department is requesting approval for changes in tuition. The comments column describes reasons for each course.	
Recommendation: Approval by the Board of Trustees.	

COURSE	TITLE	OLD HOURS	OLD TUITION	NEW HOURS	NEW TUITION	COMMENTS
Center for College Access and Development						
WPL 103	Business English	40	\$113	40	\$375	Increase tuition to meet instructional costs and supplies.
WPL 508	Customer Service & Pro Selling	16	\$158	18	\$375	Contact hours increased. Tuition increased to meet instructional costs and supplies.
WPL 509	Intro to Administrative Office	48	\$248	40	\$375	Lower contact hours due to the criteria issued by Texas Workforce Commission. Increased tuition to meet instructional costs.
Center for Corporate and Workforce Training						
CWT 321	Electrical Fundamentals	24	\$212	30	\$308	Tuition reflects increased contact hours.