



AGENDA

BOARD GOVERNANCE COMMITTEE OF THE BOARD OF TRUSTEES

Committee Member

Trustee Monica Richart, Chair

Trustee Sean Cheben

Dr. Pretta VanDible Stallworth

Alternate Member

Trustee Laolu Davies

April 3, 2024

2:30 PM

3100 Main Street, 2nd Floor Auditorium, Houston, Texas 77002

**NOTICE OF A MEETING OF THE
Board Governance Committee
OF THE BOARD OF TRUSTEES**

HOUSTON COMMUNITY COLLEGE

April 3, 2024

Notice is hereby given that a Meeting of the Board Governance Committee of the Board of Trustees of Houston Community College will be held on Wednesday, April 3, 2024 at 2:30 PM, or after, and from day to day as required, 3100 Main Street, 2nd Floor Auditorium, Houston, Texas 77002. The items listed in this Notice may be considered in any order at the discretion of the Committee Chair and items listed for closed session discussion may be discussed in open session and vice versa as permitted by law. Actions taken at this Meeting do not constitute final Board action and are only Committee recommendations to be considered by the Board at the next Regular Board meeting.

I. Call to Order

- A. Opportunity for Public Comments

II. Topics For Discussion and/or Action:

- A. Proposed Revisions to Local Policies Address Current Information of the EO/TIX
- B. TASB Update 46 - New and Revised Recommended Local Policies Address Senate Bill 17
- C. Proposed Revisions to Board Members Policies: BBD(LOCAL) and BBI(LOCAL)
- D. Proposed Changes to CGC(LOCAL) Policy: SAFETY PROGRAM - EMERGENCY PLANS AND ALERTS
- E. Proposed Changes to CS(LOCAL) Policy: INFORMATION SECURITY
- F. Approve of CU(LOCAL) Policy: RESEARCH
- G. Proposed Changes to DEC(LOCAL) Policy: COMPENSATION AND BENEFITS - LEAVES AND ABSENCES
- H. Proposed Changes to ECC(LOCAL) Policy: INSTRUCTIONAL ARRANGEMENTS - COURSE LOAD AND SCHEDULES
- I. Approve of FAA(LOCAL) Policy: EQUAL EDUCATIONAL OPPORTUNITY: PREGNANT AND PARENTING STUDENTS
- J. Proposed Changes to FLB(LOCAL) Policy: STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT
- K. Proposed Revisions to GCB(LOCAL) Policy: PUBLIC INFORMATION PROGRAM (PIA) - REQUESTS FOR INFORMATION
- L. Proposed Revisions to Board Bylaws, Article H, Section 2: Board Expenditures, Board Account for Community Affairs
- M. Board Expenditures Report for Fiscal Year 2024 (September 1, 2023 through February 29, 2024)

III. Adjournment to closed or executive session pursuant to Texas Government Code Sections 551.071; 551.072 and 551.074, the Open Meetings Act, for the following purposes:

A. Legal Matters

Consultation with legal counsel concerning pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

B. Personnel Matters

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or changes against an officer, employee or board member unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

C. Real Estate Matters

Deliberate the purchase, exchange, lease, or value of real property for Agenda items if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

IV. Additional Closed or Executive Session Authority:

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this Notice or as soon after the commencement of the meeting covered by the Notice as the Board may conveniently meet in such closed or executive meeting or session concerning:

Section 551.071 - For the purpose of a private consultation with the Board's attorney about pending or contemplated litigation, a settlement offer, or matters on which the attorney's duty to the System under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Texas Open Meetings Laws.

Section 551.072 - For the purpose of discussing the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073 - For the purpose of considering a negotiated contract for a prospective gift or donation to the System if deliberation in an open meeting would have a detrimental effect on the position of the System in negotiations with a third person.

Section 551.074 - For the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer, employee or board member to hear complaints or changes against an officer, employee or

board member unless the officer, employee or board member who is the subject of the deliberation or hearing requests a public hearing.

Section 551.076 - To consider the deployment, or specific occasions for implementation of security personnel or devices, or a security audit.

Section 551.082 - For the purpose of considering discipline of a student or to hear a complaint by an employee against another employee if the complaint or charge directly results in a need for a hearing, unless an open hearing is requested in writing by a parent or guardian of the student or by the employee against whom the complaint is brought.

Section 551.084 - For the purpose of excluding a witness or witnesses in an investigation from a hearing during examination of another witness in the investigation. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in such closed or executive meeting or session, then such final action, final decision, or final vote shall be at either:

A. The open meeting covered by this Notice upon the reconvening of the public meeting, or

B. At a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

V. Reconvene in Open Meeting

VI. Adjournment

CERTIFICATE OF POSTING OR GIVING NOTICE

On this **29th day of March 2024**, this Notice was posted at a place convenient to the public and readily accessible at all times to the general public at the following locations: (1) the HCC Administration Building of the Houston Community College, 3100 Main, First Floor, Houston, Texas 77002 and (2) the Houston Community College's website: www.hccs.edu.

Posted By:

Sharon R. Wright
Director, Board Services

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
A.	Proposed Revisions to Local Policies Address Current Information of the EO/TIX	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve proposed revisions to attached local policies.

COMPELLING REASON AND BACKGROUND

Recommended revisions to these local policies address current information of the Office of Equal Opportunity and Title IX (EO/TIX), which including but not limited to title of the Director of EEO and Compliance/Title IX Coordinator, EO/TIX email address, Title IX: Know Your Rights website. The affected policies are:

- DIAA(LOCAL)
- DIAB(LOCAL)
- FFDA(LOCAL)*
- FFDB(LOCAL)

* **FFDA(LOCAL)** - In the Note, a cross reference to FAA(LEGAL), which now addresses Pregnant and Parenting Students, has been recommended. Additionally, update/ change of Director of EEO and Compliance/Title IX Coordinator.

FISCAL IMPACT

n/a

LEGAL REQUIREMENT

n/a

STRATEGIC ALIGNMENT

5. *College of Choice*

ATTACHMENTS:

Description	Upload Date	Type
DIAA(LOCAL) Policy	3/19/2024	Attachment
DIAB(LOCAL) Policy	3/19/2024	Attachment
FFDA(LOCAL) Policy	3/19/2024	Attachment

This item is applicable to the following: District

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

DIAA
(LOCAL)

Note: This policy addresses complaints of sex and gender discrimination to include gender identity and gender expression, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees. For additional legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation targeting students, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Employee

"Employee," solely for purposes of this policy, includes current full-time and part-time employees, former employees, applicants for employment, and unpaid interns.

Sex or Gender

"Sex" or "gender," as used in this policy, includes sex, sexual orientation, gender, gender identity, and gender expression.

Consent

"Consent" means a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from:

1. The use of physical force;
2. A threat of physical force;
3. Intimidation;
4. Coercion;
5. Incapacitation; or
6. Any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity.

DATE ISSUED: ~~11/16/2022~~
~~LDU-2022-03~~
DIAA(LOCAL)-X

Adopted:
~~4/20/2022~~

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A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

Sex Discrimination The College District prohibits sex discrimination. Sex discrimination against an employee is defined in this policy as conduct directed at an employee on the basis of sex or gender, to include gender identity and gender expression that adversely affects the employee's employment with the College District.

Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the classroom environment for students should be free from inappropriate conduct of a sexual or gender-based nature (e.g., sex discrimination, sexual assault, sexual harassment, and sexual violence) by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional, shall not be tolerated, and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including termination.

Examples Examples of sex discrimination include, but are not limited to:

1. Denying certain employees compensation or benefits on the basis of their sex or gender; and
2. Paying equally qualified employees in the same position different salaries because of their sex or gender.

Sexual Harassment The College District prohibits sexual harassment. Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee ("quid pro quo" sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

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	<p>"Sexual harassment" is defined differently under state law and the federal Title IX regulation. [See DIAA(LEGAL) for the applicable definitions]</p>
<i>Sexual Exploitation</i>	<p>Sexual exploitation is conduct where an individual takes nonconsensual or abusive sexual advantage of another for the individual's own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism, human trafficking, sex trafficking, forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to nonconsenting individuals or groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.</p>
<i>Sexual Violence</i>	<p>The College District prohibits sexual violence. Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.</p>
Dating Violence	<p>"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.</p>
<i>Domestic Violence</i>	<p>"Domestic violence" means violence committed by:</p> <ul style="list-style-type: none">• A current or former spouse or intimate partner of the victim;• A person with whom the victim shares a child in common;• A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;• Any other member of the victim's family as defined by state law;• Any other current or former member of the victim's household as defined by state law;• A person in a dating relationship with the victim as defined by state law; or

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- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition:

1. “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of an employee include, but are not limited to, sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; sexual assault as defined by law; offensive or derogatory language directed at another person's gender identity; and other sexually motivated conduct, communication, or contact.

Examples may also include forms of dating violence, domestic violence, or stalking, such as physical or sexual assaults; name-calling; put-downs; or threats directed at the employee, the employee's family members, or members of the employee's household; destroying the employee's property; threatening to commit suicide or homicide if the employee ends the relationship; tracking the employee; attempting to isolate the employee from friends and family; threatening an employee's spouse or partner; or encouraging others to engage in these behaviors.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, sexual harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.

Complainant

In this policy, the term “complainant” refers to an employee who is alleged to have experienced prohibited conduct.

Respondent

In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.

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Confidential
Employee

A "confidential employee" is a person designated by the institution who holds a professional license requiring confidentiality, such as a licensed counselor, licensed social worker, or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.

**Reporting
Procedures**

Electronic Reporting
Reporting by
Employee

The College District strongly encourages students and, consistent with state law mandates, employees to report incidents of sexual harassment, sexual assault, dating violence, and stalking.

A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.

An employee who believes that the employee has experienced prohibited conduct is encouraged to immediately report the alleged acts to the employee's immediate supervisor, Title IX coordinator, or deputy Title IX coordinator.

Reports against the Title IX coordinator may be directed to the Chancellor or designee. A report against the Chancellor or a Board member must be reported to the Board Counsel in accordance BBFB(LOCAL) and Board bylaws. This alternative reporting procedure does not satisfy a mandatory reporting requirement, if applicable.

Alternatively, employees and students may report prohibited conduct electronically through the College District's Title IX website. [To make a report or obtain more information, visit the [College District's Title IX website](#).]

A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.

Mandatory
Reporting for
Employees

An employee who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee reasonably believes constitutes sexual harassment, sexual assault, dating violence, or stalking, regardless of when or where the incident occurred, and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the College District at the time of the incident is required, by law, to mandatorily report the incident to the Title IX coordinator or deputy Title IX coordinator.

Commented [JL1]: Update link to OEO-TIX website by the Administration and Board Counsel is in concurrence.

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The report must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

Exceptions

Disclosure at
Event

A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational institution or by an employee organization affiliated with the institution is not required to report the prohibited conduct unless the person has authority to institute corrective measures on behalf of the College District.

Employee
Subject to
Confidentiality
Rules

Absent the employee's consent, or unless required by law, employees designated by the Title IX coordinator as "confidential employees" are exempt from reporting all relevant information known about an incident of sexual harassment, sexual assault, dating violence, or stalking and are only required to report the type of incident to the Title IX coordinator or deputy Title IX coordinator. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.

Designated confidential employees include certain licensed professional counselors, licensed professional social workers, and other employees with a professional license requiring confidentiality who are working within that license.

Peace Officer

A College District peace officer who received information regarding the incident from an employee who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the employee's name, phone number, address, or other information that may directly or indirectly reveal the employee's identity.

Prior Report

A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

**Failure to Report and
False Claims**

An employee who knowingly fails to make a required report regarding prohibited conduct concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, is subject to disciplinary action, including termination.

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Title IX Coordinator	<p>Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator or deputy Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended and related state and federal laws:</p> <p>Title IX Coordinator: David Cross Oswaldo Gomez, MSW, Director of EEO/and Compliance, Title IX Coordinator</p> <p>Address: Office of Institutional Equity (OIE) Equal Opportunity and Title IX (EO/TIX), 3100 Main Street, Suite 7002, 7th Floor, Houston, TX 77002</p> <p>Telephone: (713) 718-8271</p> <p>Email: Title IX Coordinator email hcc.oetix@hccs.edu ²</p> <p>Webpage: Title IX/Sexual Misconduct webpage ³</p>
Responsible Employees	All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with state law.
Timely Reporting	A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the conduct.
Consolidate Reports	When the allegations underlying two or more complaints arise out of the same facts or circumstances, the College District may consolidate the complaints.
Advisor	Each party to a complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Commented [JL2]: Revisions are made by the Administration and Board Counsel is in concurrence.

DATE ISSUED: ~~11/16/2022~~
~~LDU-2022-03~~
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Adopted:
~~4/20/2022~~

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**Extension of
Timelines**

Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension. A limited delay determined to be necessary so as not to impede a criminal or regulatory investigation shall constitute good cause for an extension of timelines established by this policy and associated procedures.

**Investigation of the
Report**

The College District may request, but shall not insist upon, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.

Initial Assessment

Upon receipt or notice of a report, the Title IX coordinator or deputy Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator, deputy Title IX coordinator, or designee shall promptly offer supportive measures to the complainant and respondent, and the complaint resolution grievance process shall immediately begin, except as provided below at Criminal Investigation. The Title IX coordinator or deputy Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator or deputy Title IX coordinator shall immediately provide notice to the known parties to the complaint. [See DIAA(REGULATION)]

If the Title IX coordinator or deputy Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District policies, rules, or regulations, the Title IX coordinator or deputy Title IX coordinator shall refer the complaint for consideration under the appropriate policy and may discuss resources and support services with the reporting party.

*Request Not to
Investigate*

The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.

The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.

Formal Complaint

To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.

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Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	<p>The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of a formal complaint, the Title IX coordinator or deputy Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator or deputy Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator, deputy Title IX coordinator, or designee may facilitate that resolution within ten days. If the Title IX coordinator or deputy Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.</p>
Formal Resolution	<p>If the complaint is not subject to the informal resolution process, the Title IX coordinator or deputy Title IX coordinator shall authorize or undertake an investigation.</p>
Supportive Measures	<p>If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator, deputy Title IX coordinator, or designee, shall promptly provide supportive measures intended to prevent prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include work accommodations, such as leaves of absence or administrative leave; mutual restrictions on contact between the parties; counseling and health services; and increased security and monitoring of certain areas of the campus.</p>
Criminal Investigation	<p>If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine whether the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence,</p>

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	<p>the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.</p>
College District Investigation	<p>An investigation may be conducted by the Title IX coordinator, deputy Title IX coordinator, College District investigators designated by the Title IX coordinator, or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.</p> <p>The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p> <p>The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.</p> <p>At least ten days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.</p>
Concluding the Investigation	<p>The investigation shall be completed within a reasonable time, not to exceed 60 <u>College business</u> days from the date of the report.</p> <p>The investigators shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the Title IX coordinator or deputy Title IX coordinator within ten days overseeing the investigation.</p>
Notification of the Report	<p>The Title IX coordinator shall provide the investigation report, within the extent permitted by law, to the complainant and the respondent promptly following receipt. The parties shall be given ten days to respond to the report.</p>
College District Action	<p>The Title IX coordinator shall submit the investigation report to the chief human resources officer promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.</p>

Commented [JL3]: This change is added by the Administration and Board Counsel is in concurrence.

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Live Hearing –
Determination of
Responsibility

Absent a formal complaint dismissal or the parties' decision to reach an informal resolution agreement (if applicable), the College District will provide a live hearing for all formal complaints subject to the process outlined in this policy.

The Title IX coordinator shall summon the parties for a hearing to be held within a reasonable time, not to exceed ten days. The hearing shall be conducted in accordance with law and College District procedures.

After the hearing, the hearing officer shall determine whether each individual allegation of prohibited conduct occurred using a preponderance of evidence standard and determine the appropriate disciplinary or corrective action. In making the determination, the hearing officer shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The hearing officer shall create a written determination regarding responsibility in accordance with law and College District procedures within five days following the hearing and submit the determination to the parties simultaneously.

Disciplinary or
Corrective Action

If the hearing officer determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Examples of disciplinary or corrective action may include:

- Implementing the disciplinary measures described in DH and the DM series for employees or FM for students;
- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the individual(s) who engaged in prohibited conduct;
- Conducting follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred;
- Involving the community in efforts to identify problems and improve the College District climate;

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- Increasing staff monitoring of areas where prohibited conduct has occurred;
- Reaffirming the College District's policy against discrimination and harassment; and
- Taking other actions described in College District regulations.

Exception

The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner.

Improper Conduct

If the hearing officer determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct in accordance with law and College District Procedures. [See DIAA]

Dismissal of Complaint

Mandatory Dismissal

An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.

Permissive Dismissal

Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above.

A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.

Notice of Dismissal

Upon dismissal of a complaint, the Title IX coordinator or designee shall provide the parties written notice of the dismissal.

Confidentiality

To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, witnesses, and other persons involved. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.

Retaliation

The College District prohibits retaliation against any individual for the purpose of interfering with a right or privilege under this policy; the complainant; or another individual who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a

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	person who perpetrated or assists in the perpetration of the prohibited conduct.
	A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy FFDA, as appropriate.
Examples	Examples of retaliation include, but are not limited to, termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
False Claims	An employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Interference with the Grievance Process	<p>Any person who interferes with the grievance process outlined in this policy is subject to disciplinary action up to and including dismissal or separation from the institution. Interference with a grievance process may include, but is not limited to:</p> <ol style="list-style-type: none">1. Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;2. Removing, destroying, or altering documentation relevant to the grievance process; or3. Knowingly providing false or misleading information to the Title IX coordinator, deputy Title IX coordinator, investigator, or hearing officer or encouraging others to do so.
Appeal	If the hearing officer determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the hearing officer in consultation with the chief human resources officer shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA and other applicable policy.
Discipline or Corrective Action	
Employees	
Suspension Without Pay or Termination of Contract	
Employees	
Other Action	If the hearing officer determines that the employee committed prohibited conduct that warrants other discipline or corrective action, the hearing officer in consultation with the chief human resources officer shall inform the employee that the employee may appeal the determination within ten days in accordance with DIAA.
Students	
Suspension	If the hearing officer determines that a student committed prohibited conduct that warrants a suspension, the official shall forward

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	the determination and all evidence collected during the investigation and hearing to the vice chancellor of student services. A conference with the vice chancellor of student services shall be scheduled within ten days of the notice of determination.
Expulsion	If the hearing officer determines that the student committed prohibited conduct that warrants expulsion, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor of student services to schedule an expulsion hearing before the Board.
Other Action	If the hearing officer determines that the student committed prohibited conduct that warrants other discipline or corrective action, the hearing officer shall inform the student that the student may appeal the determination in accordance with institutional policy.
Other Appeals	<p>A party may appeal the findings of an investigation where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation.</p> <p>All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DIAA(REGULATION) for employees, FFDA(REGULATION) for students, and GB(LOCAL) for community members]</p>
Complaints Filed with State or Federal Agencies	A party shall be informed of any right to file a complaint with appropriate state or federal agencies.
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying regulations, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, regulations, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website, on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's

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administrative offices and shall be distributed to an employee who makes a report.

Any revisions to this policy will require written notice by the Compliance Department to the Coordinating Board in accordance with BBF(LOCAL). This policy must be reviewed by the Board a minimum of every two years.

Effective Date

~~This policy shall be effective as of the adoption date, April 20, 2022.~~

¹ College District Title IX website: <https://www.hccs.edu/oeotix/>

² Title IX Coordinator email: hcc.oeotix@hccs.edu

³ Title IX/Sexual Misconduct webpage: <https://www.hccs.edu/oeotix/title-ix-know-your-rights/>

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

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Note: This policy addresses complaints of discrimination, harassment, and retaliation targeting employees based on protected characteristics other than sex or gender to include gender identity and expression. For discrimination, harassment, and retaliation of employees based on sex or gender, see DIAA. For legally referenced material relating to subject matter addressed in this policy, see DAA(LEGAL) and DIAB(LEGAL). For discrimination, harassment, and retaliation of students based on protected characteristics other than sex or gender, see FFDB. For discrimination, harassment, and retaliation of students based on sex or gender, see FFDA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy.

Discrimination

The College District prohibits discrimination. Discrimination against an employee under this policy is defined as conduct directed at an employee on the basis of race, color, religion, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

Harassment

The College District prohibits harassment. Harassment of an employee under this policy is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Examples

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

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Retaliation

The College District prohibits retaliation. As used in this policy, retaliation is defined as adverse treatment, including intimidation, reprisal, and harassment, against an individual because he or she has alleged to have experienced discrimination or harassment, or another employee who, in good faith:

1. Makes a report of harassment or discrimination;
2. Serves as a witness; or
3. Otherwise participates in an investigation under this policy.

Examples

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

False Claim

It is a violation of College District policy to intentionally make a false claim under this policy. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to disciplinary action.

Prohibited Conduct

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

**Reporting
Procedures**

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to the College District official below.

For the purposes of this policy, College District official is the ADA/Section 504 coordinator.

**Definition of College
District Officials**

ADA / Section 504
Coordinator

The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

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	<p>David Cross</p> <p>Name: <u>Osvaldo Gomez, MSW</u></p> <p>Position: Director of EEO <u>and Compliance, Title IX Coordinator</u> and the Office of Institutional Equity</p> <p>Address: <u>Office of Equal Opportunity and Title IX (EO/TIX)</u> 3100 Main Street, 7th Floor Suite 700702, Houston, TX 77002</p> <p>Telephone: (713) 718-8271</p> <p>Email: <u>hcc.oeotix@hccs.edu</u></p>
Other Anti-discrimination Laws	<p>The College District designates the Director of EEO Compliance <u>EEO and Compliance/Title IX Coordinator</u> and the Office of Institutional Equity <u>Equal Opportunity and Title IX</u> or designee to serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.</p>
Alternative Reporting Procedures	<p>An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports against the ADA/Section 504 coordinator may be directed to the Chancellor.</p> <p>Reports against the Chancellor or a Board member may be made directly to the Board Chair. The complaint shall be handled in accordance with the procedures set forth in BBFB(LOCAL).</p>
Timely Reporting	<p>Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District's ability to investigate and address the prohibited conduct.</p>
Notice of Report	<p>Any College District supervisor who receives a report of prohibited conduct shall immediately notify the College District official listed above and take any other steps required by this policy.</p>
Investigation of the Report	<p>The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form.</p> <p>Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the complaint resolution process [see DIAB(REGULATION)] shall immediately begin, except as provided below at Criminal Investigation.</p> <p>If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this</p>

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policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.

When appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

An investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Criminal Investigation

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

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within 30 College District business days from the date of the report; however, the investigator(s) shall take additional time if necessary to complete a thorough investigation.

The investigator(s) shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the College District official overseeing the investigation.

College District Action

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the parties, witnesses, and other persons involved.

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	Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	<p>A party may appeal the findings where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation. [See DIAB(REGULATION) for employees, FFDB(REGULATION) for students, and GB(LOCAL) for community members]</p> <p>The party may have a right to file a complaint with appropriate state or federal agencies.</p>
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	<p>Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the student handbook and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to an employee who makes a report.</p>

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Note: This policy addresses complaints of sex and gender discrimination, to include gender identity and gender expression, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting students. For additional legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL) and FAA(LEGAL). For sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation targeting employees, see DIAA.

Commented [JL1]: This change is recommended by TASB and the Administration and Board Counsel are in concurrence.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited. All definitions are included in FFDA(REGULATION) and FFDA(LEGAL).

Definitions

Discrimination

As defined in this policy, discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

Consent

"Consent" means a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from:

1. The use of physical force;
2. A threat of physical force;
3. Intimidation;
4. Coercion;
5. Incapacitation; or
6. Any other factor that would eliminate an individual's ability to exercise the individual's own free will to choose whether or not to have sexual activity.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relation-

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ship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.

Sex Discrimination Sex discrimination includes all forms of sexual and gender-based misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. The College District is committed to the principle that the working environment of its employees and the classroom environment for students should be free from inappropriate conduct of a sexual or gender-based nature (e.g., sex discrimination, sexual assault, sexual harassment, and sexual violence) by employees, students, or third parties. Sexual and gender-based misconduct is unprofessional, shall not be tolerated, and is expressly prohibited. Individuals who engage in such conduct shall be subject to disciplinary action up to and including separation from the College District.

Sexual Harassment
By an Employee Sexual harassment of a student by a College District employee includes unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A College District employee causes the student to believe that the student must submit to the conduct to participate in a college program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct ("quid pro quo" sexual harassment); or
2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or activities.

"Sexual harassment" is defined differently under state law and the federal Title IX regulation. [See FFDA(LEGAL) for the applicable definitions]

By Others Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program or activities.

Sexual Exploitation Sexual exploitation is conduct where an individual takes nonconsensual or abusive sexual advantage of another for the individual's

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own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism, human trafficking, sex trafficking, forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to nonconsenting individuals or groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Violence

Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

Dating Violence

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

"Domestic violence" means violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- Any other member of the victim's family as defined by state law;
- Any other current or former member of the victim's household as defined by state law;
- A person in a dating relationship with the victim as defined by state law; or
- Any other person who acts against the victim in violation of the family violence laws of this state or the jurisdiction where the conduct occurs.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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For the purposes of this definition:

1. "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

Examples

Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault as defined by law; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

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

Gender-Based
Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Acts of gender-based harassment may also be considered sex discrimination or sexual harassment.

Examples

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

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Prohibited Conduct	In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, domestic violence, stalking, and retaliation as described by this policy, even if the behavior does not rise to the level of unlawful conduct.
Complainant	In this policy, the term “complainant” refers to an applicant for admission or a student who is alleged to have experienced prohibited conduct. The term also includes a former student who is alleged to have experienced prohibited conduct while participating, or attempting to participate, in the College District’s educational program or activity.
Respondent	In this policy, the term “respondent” refers to a person who is alleged to have committed prohibited conduct.
Confidential Employee	A “confidential employee” is a person designated by the institution who holds a professional license requiring confidentiality, such as a licensed counselor, licensed social worker, or medical provider, who is supervised by such a person, or a person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source.
Reporting Procedures	The College District strongly encourages students and mandates employees to report incidents of sexual harassment, sexual assault, dating violence, and stalking. Students and employees may report prohibited conduct electronically through the College District’s Title IX website. [To make a report or obtain more information, visit the College District’s Title IX website .]
Electronic Reporting	
Student Report	<p>A victim of prohibited conduct has the right to report the incident to the College District and to receive a prompt and equitable resolution of the report.</p> <p>Any student who believes that the student has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to the Title IX coordinator or deputy Title IX coordinator. Alternatively, the student may report the alleged acts to another employee, one of the College District officials², or electronically through the College District’s website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.</p> <p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports against the Title IX coordinator may be directed to the Chancellor or designee. A report against the Chancellor or a Board member must be reported to the Board Counsel in accordance BBFB(LOCAL) and Board bylaws.</p>

Commented [JL2]: Update OE-TIX website by the Administration and Board Counsel is in concurrence.

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	<p>A victim of a crime has the right to choose whether to report the crime to law enforcement, to be assisted by the College District in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.</p> <p>It is important that a victim of prohibited conduct go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.</p>
<i>Exception</i>	Absent consent or unless required by law, a student designated in administrative regulations as a student advocate to whom another student may speak confidentially concerning prohibited conduct may not disclose any communication made by the other student.
Employee Report	Any College District employee, not designated as a confidential employee, who suspects or receives notice that a student or group of students has or may have experienced prohibited conduct, regardless of where the incident occurred, is required to immediately report to the Title IX coordinator or deputy Title IX coordinator and shall take any other steps required by this policy.
<i>Exceptions and Confidentiality Rules</i>	<p>An employee designated by the institution as a confidential employee with whom students may speak confidentially concerning sexual harassment, sexual assault, dating violence, or stalking who receives information regarding such an incident under circumstances that render the employee's communications confidential or privileged under other law shall, in making a report, state only the type of incident reported and may not include any information that would violate a student's expectation of privacy. If multiple confidential employees receive information about the same alleged incident, then only one report disclosing the type of incident must be submitted.</p> <p>Designated confidential employees include certain licensed professional counselors, licensed professional social workers, and other employees with a professional license requiring confidentiality who are working within that license.</p> <p>The confidential employee shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC].</p>
Disclosure at Event	A person who received the information solely from a disclosure at a sexual harassment, sexual assault, dating violence, or stalking public awareness event sponsored by a postsecondary educational

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institution or by a student organization affiliated with the institution is not required to report the prohibited conduct unless the person has the authority to institute corrective measures on behalf of the College District.

Peace Officer A College District peace officer who received information regarding the incident from a student who chooses to complete a pseudonym form as described by law shall only be required to disclose the type of incident reported and may not disclose the student's name, phone number, address, or other information that may directly or indirectly reveal the student's identity.

Prior Report A person who has either learned of an incident of prohibited conduct during the course of the College District's review or process, or has confirmed with the person or office overseeing the review or process that the incident has been previously reported, is not required to report the prohibited conduct.

Title IX Coordinator Reports of discrimination based on sex, including sexual harassment and gender-based harassment, may be directed to the Title IX coordinator or deputy Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended and related state and federal laws:

Title IX Coordinator: ~~David Cross, Director EEO/Compliance, Title IX Coordinator~~ [Osvaldo Gomez, MSW, Director of EEO and Compliance/Title IX Coordinator](#)

Address: Office of ~~Institutional Equity (OIE)~~ [Equal Opportunity and Title IX \(EO/TIX\)](#), 3100 Main Street, Suite 700 ~~2, 7th Floor~~, Houston, TX 77002

Telephone: ~~(713) 718-8274~~ [\(713\) 718-8271](#)

Email: ~~Title IX Coordinator email:~~ hcc.oeotix@hccs.edu ³

Webpage: [Title IX/Sexual Misconduct webpage](#) ⁴

3 Responsible Employees

All employees, with the exception of confidential employees, are designated as responsible employees for purposes of compliance with state law.

The Title IX coordinator and deputy Title IX coordinator are authorized to institute corrective measures and must have actual knowledge of a Title IX complaint in order to constitute notice to the College District under the federal Title IX regulation.

Timely Reporting

A failure to immediately report prohibited conduct may impair the College District's ability to investigate and address the prohibited conduct.

DATE ISSUED: ~~11/16/2022~~ [12/19/2023](#)
~~LDU-2022-03~~ [UPDATE 46](#)
FFDA(LOCAL)-X

Adopted:
~~4/20/2022~~

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Notice of Report	Any Board member or College District employee who receives a report of prohibited conduct shall immediately notify the Title IX coordinator or deputy Title IX coordinator and shall take any other steps required by this policy.
Consolidate Reports	When the allegations underlying two or more reports arise out of the same facts or circumstances, the College District may consolidate the reports.
Advisor	Each party to the complaint may be assisted by an advisor of the party's choice who may participate in the proceedings in a manner consistent with College District procedures.
Conflict of Interest Prohibited	No person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall have a conflict of interest or bias.
Training	A person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator of an informal resolution process shall receive training as required by law and College District procedures.
Days	"Days" shall mean College District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Extension of Timelines	Timelines established by this policy and associated procedures may be subject to a limited extension if good cause, as defined in this policy and College District regulations, exists. The College District shall promptly provide written notice to the parties of an extension and the reason for the extension.
Investigation of the Report	The College District may request, but shall not require, a written report. If a report is made orally, the Title IX coordinator or designee shall reduce the report to written form.
Initial Assessment	Upon receipt or notice of a report, the Title IX coordinator or deputy Title IX coordinator shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the Title IX coordinator shall promptly offer supportive measures to the complainant and respondent, and the complaint resolution process shall immediately begin, except as provided below at Criminal Investigation. The Title IX coordinator or deputy Title IX coordinator shall explain the process for filing a formal complaint and assess any request not to investigate. If the College District moves forward with the investigation, the Title IX coordinator or deputy Title IX coordinator shall immediately provide notice to the known parties to the complaint. [See FFDA(REGULATION)]

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	<p>If the Title IX coordinator or deputy Title IX coordinator determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, but may constitute a violation of other College District policies, Student Code of Conduct, rules, or regulations, the Title IX coordinator or deputy Title IX coordinator may discuss resources and support services with the student and shall refer the complaint for consideration under applicable College District policy, if appropriate.</p>
<i>Request Not to Investigate</i>	<p>The complainant may request that the College District not investigate the allegations. If the complainant requests that the allegations not be investigated, in deciding whether to initiate the investigation, the College District must consider the factors described by law and any other factors the College District considers relevant.</p> <p>The College District shall promptly notify the complainant of the decision regarding whether it will conduct the investigation. If the College District decides not to investigate the allegations, the College District shall take reasonable steps to protect the health and safety of the College District community.</p>
Formal Complaint	<p>To be considered a formal complaint under Title IX, the complainant or the Title IX coordinator must sign the written report.</p>
Notice to Parties	<p>The notice to the parties must describe the allegations and the formal and informal options for resolution of the complaint. The notice must state that the respondent is presumed not responsible until a determination regarding responsibility is made. The notice must also include information regarding the option to select an advisor, the opportunity to inspect and review evidence, and the prohibition on knowingly making false statements or submitting false information during the investigation and any ensuing proceedings.</p> <p>If the allegations are subsequently amended, the College District shall provide an updated notice reflecting the new allegations.</p>
Informal Resolution	<p>The College District may offer to the parties a process for the informal resolution of a formal complaint as defined by law. If the parties voluntarily agree in writing to participate in informal resolution of the complaint, the Title IX coordinator or deputy Title IX coordinator shall determine within three days if informal resolution is appropriate for the complaint. If the Title IX coordinator or deputy Title IX coordinator determines that informal resolution is appropriate, then the Title IX coordinator, deputy Title IX coordinator, or designee may facilitate that resolution within ten 10 days. If the Title IX coordinator or deputy Title IX coordinator does not determine informal resolution to be appropriate, then the complaint will be subject</p>

Commented [JL4]: This change is recommended by TASB, and the Administration and Board Counsel are in concurrence.

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	to the formal resolution process. This process is not available in situations where an employee is alleged to have sexually harassed a student.
Formal Resolution	If the complaint is not subject to the informal resolution process, the Title IX coordinator or deputy Title IX coordinator shall authorize or undertake an investigation, except as provided below at Criminal or Regulatory Investigation.
Supportive Measures	When appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the Title IX coordinator shall promptly provide supportive measures intended to address prohibited conduct, protect the safety of the parties and others, and protect the parties from retaliation prior to the completion of the investigation. Examples of possible supportive measures include academic accommodations, such as extensions of deadlines or other course-related adjustments and modifications of class schedules; dining modifications; temporary removal from the education program or activity in accordance with law; counseling; health services; campus escort services; mutual restrictions on contact between the parties; and increased security and monitoring of certain areas of the campus.
College District Investigation	<p>An investigation may be conducted by the Title IX coordinator, deputy Title IX coordinator, College District investigators designated by the Title IX coordinator, or a third party designated by the College District, such as an attorney.</p> <p>The investigation may consist of personal interviews with the complainant, the respondent, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</p> <p>The parties shall be provided an equal opportunity to present witnesses and evidence and to inspect and review any directly related evidence obtained by the College District so that the parties may meaningfully respond during the investigation process. The parties expected to participate in an investigative interview or other meeting shall be provided written notice in enough time to prepare to participate.</p> <p>At least ten10 days prior to the completion of the investigation report, the College District must send each party and the party's advisor evidence subject to inspection and review. The parties may submit a written response for consideration by the investigator.</p>

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Criminal or Regulatory Investigation	If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine whether the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation. Any delay under this provision shall constitute good cause for an extension of timelines established by this policy and associated procedures.
Concluding the Investigation	<p>The investigation shall be completed within a reasonable time, not to exceed 60 days from the date of the report.</p> <p>The investigators shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the Title IX coordinator within ten10 days following the completion of the investigation.</p>
Notification of the Report	The Title IX coordinator or deputy Title IX coordinator shall provide the investigation report, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the complainant and the respondent promptly following receipt. The parties shall be given ten 10 days to respond to the report.
College District Action	Absent a formal complaint dismissal or the parties' decision to reach an informal resolution agreement (if agreeable), the Title IX coordinator shall submit the investigation report and any response from the parties to the vice chancellor for student services promptly after receipt of the parties' response but no later than the expiration of the parties' deadline to respond.
Live Hearing – Determination of Responsibility	<p>The Title IX coordinator shall summon the parties for a live hearing to be held within a reasonable time, not to exceed ten10 days, following receipt of the responses to the investigation report from both parties. The live hearing shall be conducted in accordance with law and College District procedures.</p> <p>After the hearing, the hearing officer shall determine, based on the results of the investigation, whether each individual allegation of prohibited conduct occurred using a preponderance of the evidence standard and determine the appropriate disciplinary or corrective action. The hearing officer shall evaluate all relevant evidence objectively and shall not make credibility assessments based on a person's status as the complainant, the respondent, or a witness. The hearing officer shall create a written determination regarding responsibility in accordance with law and College District</p>

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	<p>procedures within five days following the hearing and submit the determination to the parties simultaneously.</p>
Disciplinary or Corrective Action	<p>If the hearing officer determines that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FLB for students found to have violated this policy and DH for employees found to have violated this policy]</p> <p>Examples of disciplinary or corrective action may include:</p> <ul style="list-style-type: none">• Implementing the disciplinary measures described in FM for students or DH and DM series for employees;• Providing a training program for those involved in the complaint;• Providing a comprehensive education program for the College District community;• Providing counseling for the victim and the party who engaged in prohibited conduct;• Permitting the victim or student who engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;• Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;• Involving students in efforts to identify problems and improve the College District climate;• Increasing staff monitoring of areas where prohibited conduct has occurred;• Reaffirming the College District's policy against discrimination and harassment; and• Taking other actions described in College District regulations.
Exception	<p>The College District shall minimize attempts to require a complainant to resolve the problem directly with the person who engaged in the harassment; however, if both parties consent, and if the complaint does not allege sexual assault, informal resolution, including but not limited to mediation, may be pursued. In no event may a student be required to resolve a complaint of sexual harassment by an employee directly with the employee.</p>

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Improper Conduct	If the hearing officer determines that improper conduct occurred that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.
Dismissal of Complaint	An allegation presented as a formal complaint under Title IX is subject to the mandatory dismissal procedures under law.
Mandatory Dismissal	
Permissive Dismissal	Any complaint may be dismissed at any time on request of a complainant. The Title IX coordinator must first assess the request in accordance with this policy at Request Not to Investigate, above. A complaint may also be dismissed if specific circumstances prevent the College District from gathering evidence sufficient to reach a determination as to the complaint or allegations.
Notice of Dismissal	Upon dismissal of a complaint, the Title IX coordinator or designee shall provide the parties written notice of the dismissal.
Confidentiality	To the greatest extent possible, consistent with law, the College District shall respect the privacy of the parties, witnesses, and other persons involved. Limited disclosures may be necessary to carry out the purposes of this policy and associated regulations and to comply with applicable law.
Retaliation	The College District prohibits retaliation by an individual or College District employee against any individual for the purpose of interfering with a right or privilege under this policy; the complainant; or an individual who, in good faith, makes a report or complaint, serves as a witness, or otherwise participates or refuses to participate in an investigation, proceeding, or hearing under this policy. This prohibition does not apply to discipline of a person who perpetrated or assists in the perpetration of the prohibited conduct. A person who is alleged to have experienced retaliation may pursue a claim under this policy or policy DIAA, as appropriate.
Examples	Examples of retaliation may include threats, rumor spreading, ostracism, assaults, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.
Failure to Report	An employee who fails to make a required report regarding prohibited conduct shall be subject to appropriate disciplinary action as described in DIAA(LOCAL).

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False Claims	A student or employee who intentionally makes a false claim, offers a false statement, or refuses to cooperate with a College District investigation regarding prohibited conduct shall be subject to appropriate disciplinary action.
Interference with the Grievance Process	<p>Any person who interferes with the grievance process outlined in this policy is subject to disciplinary action up to and including dismissal or separation from the institution in accordance with the law and College District policies and procedures. Interference with a grievance process may include, but is not limited to:</p> <ol style="list-style-type: none">1. Attempting to coerce or prevent an individual from providing testimony or relevant information;2. Removing, destroying, or altering documentation relevant to the grievance process; or3. Knowingly providing false or misleading information to the Title IX coordinator, deputy Title IX coordinator, investigator, or hearing officer or encouraging others to do so.
Appeal	<p>If the hearing officer determines that a student committed prohibited conduct that warrants a suspension, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor for student services. A conference with the vice chancellor for student services shall be scheduled within ten10 days of the notice of determination.</p>
Discipline or Corrective Action	
Students	
Suspension	
Expulsion	If the hearing officer determines that the student committed prohibited conduct that warrants expulsion, the hearing officer shall forward the determination and all evidence collected during the investigation and hearing to the vice chancellor for student services for further processing.
Other Action	If the hearing officer determines that the student committed prohibited conduct that warrants other discipline or corrective action, the vice chancellor for student services or designee shall inform the student that the student may appeal the determination within ten 10 days in accordance with the appropriate appeals process.
Employee	
Suspension Without Pay or Termination of Contract Employees	If the hearing officer determines that a contract employee committed prohibited conduct that warrants suspension without pay or termination mid-contract, the chief human resources officer or designee shall inform the employee in writing of the determination, and a Board hearing shall be scheduled in accordance with DMAA.
Other Action	If the hearing officer determines that the employee committed prohibited conduct that warrants other discipline or corrective action,

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	<p>the chief human resources officer or designee shall inform the employee that the employee may appeal the determination within ten 10 days in accordance with DIAA.</p>
Other Appeals	<p>A party may appeal the findings of an investigation where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation.</p> <p>All other appeals related to this policy may be submitted through the applicable grievance policy beginning at the appropriate level. [See DIAA(REGULATION) for employees, FFDA(REGULATION) for students, and GB(LOCAL) for community members]</p>
Other Grievances	<p>Formal complaints that are dismissed because the alleged conduct does not meet the Title IX definition of sexual harassment, but does meet the definition of sexual harassment under state law, may be appealed through the non-Title IX grievance process contained in FFDA2(REGULATION).</p>
Complaints Filed with OCR	<p>A party shall be informed of the party's right to file a complaint with the U.S. Department of Education Office for Civil Rights (OCR).</p>
Records Retention	<p>Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]</p>
Access to Policy, Procedures, and Related Materials	<p>Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed to applicants for admission and employment and annually to College District employees, students, and parents or guardians of dual credit students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials and any materials used to train a person designated as the Title IX coordinator, a deputy Title IX coordinator, an investigator, a decision-maker, or a facilitator shall also be prominently published on the College District's website on a dedicated page accessible through a clear link on the homepage, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.</p>

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SEX AND SEXUAL VIOLENCE

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Effective Date

This policy must be reviewed by the Board a minimum of every two years.

~~This policy shall be effective as of the adoption date, April 20, 2022.~~

¹ College District Title IX website: <https://www.hccs.edu/oeotix>

² College District Officials:
<https://www.hccs.edu/oeotix/title-ix-know-your-rights/>

³ Title IX Coordinator email: hcc.oeotix@hccs.edu

⁴ Title IX/Sexual Misconduct webpage:
<https://www.hccs.edu/oeotix/title-ix-know-your-rights/>

DATE ISSUED: ~~11/16/2022~~ [12/19/2023](#)
~~LDU-2022-03~~ [UPDATE 46](#)
FFDA(LOCAL)-X

Adopted:
~~4/20/2022~~

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FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

FFDB
(LOCAL)

Note: This policy addresses complaints of discrimination, harassment, and retaliation targeting students based on protected characteristics other than sex or gender to include gender identity and gender expression. For discrimination, harassment, and retaliation of students based on sex or gender, see FFDA. For legally referenced material relating to subject matter addressed by this policy, see FA(LEGAL) and FFDB(LEGAL). For discrimination, harassment, and retaliation targeting employees based on protected characteristics other than sex or gender, see DIAB. For discrimination, harassment, and retaliation of employees based on sex or gender, see DIAA.

**Statement of
Nondiscrimination**

The College District prohibits discrimination, including harassment, against any individual(s) on the basis of race, color, religion, national origin, age, veteran status, disability, sex, sexual orientation, gender, to include gender identity and gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Discrimination

The College District prohibits discrimination. Discrimination against a student under this policy is defined as conduct directed at a student on the basis of race, color, religion, national origin, disability, age, or on any other basis prohibited by law, that adversely affects the student.

Harassment

The College District prohibits harassment. Harassment of a student under this policy is defined as physical, verbal, or nonverbal conduct based on the student's race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program.

Examples

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

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
OTHER PROTECTED CHARACTERISTICS

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Retaliation	<p>The College District prohibits retaliation. As used in this policy, retaliation is defined as adverse treatment, including intimidation, reprisal, and harassment, against an individual because he or she has alleged to have experienced discrimination or harassment; or an individual who, in good faith:</p> <ol style="list-style-type: none">1. Makes a report of harassment or discrimination;2. Serves as a witness; or3. Otherwise participates in an investigation under this policy.
Examples	<p>Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.</p>
False Claims	<p>A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.</p>
Prohibited Conduct	<p>In this policy, the term "prohibited conduct" includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.</p>
Reporting Procedures	<p>Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.</p>
Student Report	
Employee Report	<p>Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.</p>
Exceptions	<p>A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person acting in such a capacity, shall generally not be required to disclose a report of prohibited conduct without the student's consent if the disclosure was made to a counselor acting in such a capacity when the relevant information was disclosed.</p> <p>Under such circumstances, the counselor, or individual(s) supervised by such a person acting in such a capacity, shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student's iden-</p>

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FFDB
(LOCAL)

	<p>tity without the student's consent, unless the counselor is disclosing information as required for inclusion in the College District's annual security report under the Clery Act [see GCC] or as otherwise required to by law.</p>
Responsible Employee	<p>For purposes of this policy, a "responsible employee" is an employee:</p> <ol style="list-style-type: none">1. Who has the authority to remedy prohibited conduct.2. Who has been given the duty of reporting incidents of prohibited conduct.3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct. <p>The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.</p>
Definition of College District Officials	<p>For the purposes of this policy, the College District official is David Cross, the ADA/Section 504 coordinator.</p>
ADA / Section 504 Coordinator	<p>Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:</p> <p>Name: David Cross <u>Osvaldo Gomez, MSW</u></p> <p>Position: Director of EEO <u>and</u> Compliance, <u>Title IX Coordinator</u> and the Office of Institutional Equity</p> <p>Address: <u>Office of Equal Opportunity and Title IX (EO/TIX)</u> 3100 Main Street, 7th Floor <u>Suite 7002</u>, Houston, TX 77002</p> <p>Telephone: (713) 718-8271</p> <p>Email: <u>hcc.oeotix@hccs.edu</u></p>
Other Anti-discrimination Laws	<p>The College District designates the Director of EEO <u>and</u> Compliance/<u>Title IX Coordinator</u> and the Office of Institutional Equity <u>Equal Opportunity and Title IX</u> to serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.</p>

Commented [JL1]: Revisions are made, to update OE-TIX, by the Administration and Board Counsel is in concurrence.

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**Alternative
Reporting
Procedures**

An individual shall not be required to report prohibited conduct under this policy to the person alleged to have committed the conduct. Reports against the ADA/Section 504 coordinator may be directed to the Chancellor.

A report against the Chancellor or a Board member may be made directly to the Board Chair. The complaint shall be handled in accordance with the procedures set forth in BBFB(LOCAL).

Timely Reporting

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

**Investigation of the
Report**

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

Initial Assessment

Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the complaint resolution process shall immediately begin, except as provided below at Criminal Investigation.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, but may constitute a violation of other College District rules or regulations, the College District official may discuss resources and support services with the party and shall refer the complaint for consideration under the appropriate policy.

Interim Action

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

College District
Investigation

An investigation may be conducted by the College District official or designee or by a third party designated by the College District, such as an attorney. The investigator(s) shall have received appropriate training regarding the issues related to the complaint and the relevant College District's policies and regulations.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

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Criminal Investigation	If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District's investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.
Concluding the Investigation	<p>Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within 30 College District business days from the date of the report; however, the investigator(s) shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator(s) shall prepare a written report summarizing the relevant investigation information. The final investigative report shall be filed with the College District official overseeing the investigation.</p>
Notification of the Outcome	The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the alleged victim and the person against whom the complaint is filed.
College District Action	If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FLB for students found to have violated this policy; see DH for employees found to have violated this policy].
Prohibited Conduct	
Corrective Action	Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the College District community, counseling for the victim and the individual who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, student involvement in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District's policy against discrimination and harassment.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take discipli-

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	nary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.
Confidentiality	To the greatest extent possible, the College District shall respect the privacy of the parties, witnesses, and other persons involved. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.
Appeal	A party may appeal the findings where it is alleged that procedural error or previously unavailable relevant evidence could significantly impact the outcome of the case through the applicable regulation. [See DIAB(REGULATION) for employees, FFDB(REGULATION) for students, and GB(LOCAL) for community members] The party may have a right to file a complaint with appropriate state or federal agencies.
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy, Procedures, and Related Materials	Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the student handbook and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices and shall be distributed to a student who makes a report.
Effective Date	This policy shall be effective as of the adoption date, August 7, 2019.

DATE ISSUED: ~~10/15/2019~~
LDU ~~2019-04~~2024/05
FFDB(LOCAL)-X

ADOPTED:

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ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
B.	TASB Update 46 - New and Revised Recommended Local Policies Address Senate Bill 17	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve proposed revisions to these attached policies, with the recommended changes.

COMPELLING REASON AND BACKGROUND

SB 17 prohibits Diversity, Equity, and Inclusion (DEI) offices and initiatives at colleges, with limited exceptions. The majority of the bill takes effect on January 1, 2024. The portion of the bill that requires colleges to submit to the legislature and THECB a report certifying the governing board's compliance with the bill's provisions during the proceeding state fiscal year prior to spending appropriated funds during the current fiscal year, applies to funds appropriated for the fiscal year beginning September 1, 2024.

Under TASB Update 46 guidelines, these new and/or revision recommended local policies addresses SB 17, which prohibits a Diversity, Equity, and Inclusion Office at a college, with limited exceptions:

- BG(LOCAL) - new
- CFE(LOCAL)
- DAA(LOCAL)
- FA(LOCAL)

These suggested policy revisions reconcile policies adopted by HCC's Board of Trustees on November 15, 2023, with newly available standardized language recommended by TASB.

FISCAL IMPACT

n/a

STRATEGIC ALIGNMENT

5. College of Choice

ATTACHMENTS:

Description	Upload Date	Type
BG(LOCAL) Policy - New	3/6/2024	Attachment
CFE(LOCAL) Policy	3/6/2024	Attachment

DAA(LOCAL) Policy
FA(LOCAL) Policy

3/6/2024
3/19/2024

Attachment
Attachment

This item is applicable to the following: District

Note: For related information on diversity, equity, and inclusion initiatives, see CFE for contractor discipline, DAA for employees, DH for employee discipline, and FA for students.

**Diversity, Equity,
and Inclusion Office**

Except as required by federal law, the College District shall not:

1. Establish or maintain a diversity, equity, and inclusion office; or
2. Hire or assign an employee or contract with a third party to perform the duties of a diversity, equity, and inclusion office.

"Diversity, equity, and inclusion office" means an office, division, or other unit of the College District established for the purpose of:

1. Influencing hiring or employment practices at the College District with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
2. Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
3. Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
4. Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or

Commented [JL1]: This new policy recommended by TASB, and the Administration and Board Counsel are in concurrence.

ADMINISTRATIVE ORGANIZATION

BG
(LOCAL)

2. Certifies compliance with state and federal antidiscrimination laws.

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

**VENDOR
LIMITATIONS –
SB 17**

While performing services under a contract with HCC, no contractor shall, except as required by law, engage in conduct on behalf of the College that:

1. Is intended to promote diversity, equity, and inclusion in connection with any function of HCC;
2. Includes hiring or assigning an employee or third party contractor to perform services intended to promote diversity, equity, and inclusion in connection with any function of HCC;
3. Compels, requires, induces, or solicits any person to provide a diversity, equity and inclusion statement as a condition to performing services for HCC;
4. Gives preferential treatment to a person performing services for HCC based on the person's provision of a diversity, equity, and inclusion statement;
5. Gives preference on the basis of race, sex, color, ethnicity, or national origin to an applicant or an employee that will perform services for HCC; or
6. Requires participation in a diversity, equity, and inclusion training as a condition of performing services for HCC.

**Diversity, Equity,
and Inclusion
Initiatives**

The Chancellor or designee shall develop procedures addressing the discipline, up to and including termination, of a College District contractor who violates Education Code 51.3525(b)(1). [See BG, DAA, and FA]

Commented [JL1]: This addition is recommended by TASB, and the Administration and Board Counsel are in concurrence.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

**Equal Employment
Opportunity**

The Board is committed to ensuring that the College District's employment standards, procedures, and practices are applied in a manner that provides equal opportunities without regard to race, color, religion, sex, gender identity and gender expression, national origin, age, disability, sexual orientation, or veteran status.

The Board values its employees and their contributions, promotes opportunities for their professional growth and development, and provides a positive working and learning environment that encourages ~~diversity involvement~~, innovation and creativity, ~~and inclusion~~.

Note: For complaints of discrimination, harassment, and retaliation targeting employees on the basis of a protected characteristic, see DIAA and DIAB.

**Diversity, Equity,
and Inclusion
Initiatives**

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

Nothing in this section may be construed to limit or prohibit the College District or a College District employee from, for purposes of applying for a grant or complying with the terms of accreditation by an accrediting agency, submitting to the grantor or accrediting agency a statement that:

1. Highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations; or
2. Certifies compliance with state and federal antidiscrimination laws.

Commented [JL1]: Revisions are made by the Administration, and TASB and Board Counsel are in concurrence.

Commented [JL2]: The additions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LOCAL)

The prohibitions do not apply to:

1. Submitting a statement as part of a grant application or to comply with the terms of accreditation that highlights the College District's work in supporting first-generation college students, low-income students, or underserved student populations, or that certifies compliance with state and federal antidiscrimination laws;
2. Academic course instruction;
3. Scholarly research or a creative work by College District employees or students;
4. An activity of a student organization registered with or recognized by the College District;
5. Guest speakers or performers on short-term engagements;
6. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
7. Data collection; or
8. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DH for employee discipline, and FA for students.

EQUAL EDUCATIONAL OPPORTUNITY

FA
(LOCAL)

The College District is committed to providing an educational climate that is conducive to the personal and professional development of each individual. The College District does not discriminate and prohibits discrimination on the basis of race, color, religion, gender identity and gender expression, national origin, age, disability, sex, sexual orientation, or veteran status in employment or the rights, privileges, programs, and activities generally accorded or made available to students at the school, administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs. A lack of English language skills shall not be a barrier to admission and participation in College District programs. To ensure compliance with Title IX and other federal and state civil rights laws, the College District has developed policies and procedures that prohibit discrimination in all of its forms.

The College District is committed to cultivating an environment free from inappropriate conduct of a sexual or gender-based nature including sex discrimination, sexual assault, sexual harassment, and sexual violence. Sex discrimination includes all forms of sexual and gender-based misconduct and violates an individual's fundamental rights and personal dignity.

All inquiries regarding compliance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 or other civil rights laws should be directed to the following individual:

Name: ~~David Cross~~ [Osvaldo Gomez, MSW](#)
Position: Director of ~~EEO and~~ /Compliance, /
Title IX Coordinator/~~Section 504 Coordinator~~
Office: [The Office of Institutional Equity](#) ~~Institutional Equity~~ [Equal Opportunity and Title IX](#)
Address: 3100 Main Street, Suite 7002, Houston, TX 77002
Telephone: (713) 718-8271
Email: ~~institutional.equity@hccs.edu~~ [hcc.oetix@hccs.edu](#)

Commented [JL1]: Revisions are made by the Administration, and the Board Counsel is in concurrence.

Effective Date

~~This policy shall be effective as of the adoption date, April 3, 2019.~~ [Note: For complaints of discrimination, harassment, and retaliation on the basis of a protected characteristic, see FFDA and FFDB.](#)

Commented [J2]: Remaining additions/revisions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

EQUAL EDUCATIONAL OPPORTUNITY

FA
(LOCAL)

Diversity, Equity,
and Inclusion
Initiatives

Except as required by federal law, the College District shall not:

1. Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement;
2. Give preference on the basis of race, sex, color, ethnicity, or national origin to a participant in any College District function; or
3. Require as a condition of enrolling at the College District or performing any College District function any person to participate in diversity, equity, and inclusion training that references race, color, ethnicity, gender identity, or sexual orientation, unless it was developed by an attorney and approved in writing by the College District's general counsel and the Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

Exceptions

The prohibitions do not apply to:

1. Academic course instruction;
2. Scholarly research or a creative work by College District employees or students;
3. An activity of a student organization registered with or recognized by the College District;
4. Guest speakers or performers on short-term engagements;
5. A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity;
6. Data collection; or
7. Student recruitment or admissions.

Note: For related information on diversity, equity, and inclusion initiatives, see BG for diversity, equity, and inclusion offices, CFE for contractor discipline, DAA for employees, and DH for employee discipline.

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
C.	Proposed Revisions to Board Members Policies: BBD(LOCAL) and BBI(LOCAL)	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the revisions recommended to these policies, BBD(LOCAL) and BBI(LOCAL), as proposed in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

(BBD(LOCAL): BOARD MEMBERS: ORIENTATION AND TRAINING

Revisions to this local policy address HB 3033, which requires board members to complete Public Information Act Training if the attorney general determines the college failed to comply with the Public Information Act (PIA).

BBI(LOCAL): BOARD MEMBERS: TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

Minor revision, in the Note, a cross reference to CS, which covers Information Security, has been recommended.

FISCAL IMPACT

n/a

STRATEGIC ALIGNMENT

5. College of Choice

ATTACHMENTS:

Description	Upload Date	Type
BBD(LOCAL) Policy	3/6/2024	Attachment
BBI(LOCAL) Policy	3/6/2024	Attachment
H.B. 3033	3/6/2024	Attachment

This item is applicable to the following: District

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

Board Training

The Board recognizes its responsibility to be actively and continuously engaged in developing individual Board member's skills and knowledge by keeping them abreast of new developments in fiduciary, governance, and ethics laws, and norms and best practices. The Board shall, therefore, have an orientation and development process in place. Board members may also attend regional, state, or national conventions, conferences, and workshops and will be reimbursed for reasonable travel expenses for attendance at such as provided in Board policy BBG(LOCAL) and the Board bylaws. On an annual basis, Board Counsel shall review all policies that address Board operations and shall carry out, as needed with assistance from General Counsel, any necessary training for the Board members and staff, as follows.

General
Requirement

Each Board member shall participate in the College District annual Board member orientation program, a training session of at least four hours conducted by Board Counsel and other independent professionals, as needed. The program shall consist of at least one hour of ethics training, one hour of finance training, and sexual harassment and antidiscrimination training. Board members who do not complete this annual training by March of each year shall be ineligible to serve as a Board officer or as chair of a committee until the training is completed.

Mandatory Open
Government
Training

After Election or
Appointment

Each Board member shall, pursuant to Texas law, complete two hours of open government training, one hour each on open meetings and the Public Information Act- (PIA). This training must be completed within 90 days of being sworn in to serve. The Office of the Attorney General provides free online or video training to satisfy this requirement.

After PIA
Violation

Each Board member who receives written notice from the attorney general that the member must complete the PIA training described by Section 552.012 following the College District's failure to comply with a PIA requirement shall complete the training within the timelines described in law.

Mandatory
Coordinating Board
Training

Each Board member shall, pursuant to Texas law, complete a training program established by the Coordinating Board pursuant to Education Code Section 61.084 within the first two years of service. Board members taking office on or after January 1, 2016, must complete this training within the first year of service. The minutes of the last regular meeting of the calendar year must reflect whether each required member completed the training. Training via electronic means is also acceptable.

Mandatory
Investment Training

Each Board member shall, pursuant to the Public Funds Investment Act (Texas Government Code, Chapter 2256), complete at

Commented [JL1]: These changes recommended by TASB and the Administration and Board Counsel are in concurrence.

Houston Community College
101506

BOARD MEMBERS
ORIENTATION AND TRAINING

BBD
(LOCAL)

least one training session relating to the Board member's investment responsibilities, including training in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapter 2256 of the Texas Government Code. This training must be completed within six months of taking office or assuming duties.

[See Board Bylaws, Article H, Section 3]

Mandatory
Cybersecurity
Training

The Chancellor or designee shall determine, from the list of cybersecurity training programs certified by the Department of Information Resources (DIR) and published to DIR's website, the cybersecurity training program to be used in the College District. ~~The~~ Chancellor may remove access to the College District's computer systems and databases for noncompliance with training requirements as appropriate.

The Chancellor shall periodically require an internal review of the College District to ensure compliance with the cybersecurity training requirements.

Effective Date

~~This policy shall be effective as of the adoption date, February 16, 2022.~~

DATE ISSUED: ~~11/16/2022~~ 12/19/2023
~~LDU-2022-03~~ UPDATE 46
BBD(LOCAL)-X

Adopted:
2/16/2022

BOARD MEMBERS
TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS

BBI
(LOCAL)

	Note: For employee, student, and community use of College District technology resources, see CR. For information security, see CS.
Technology Resources	For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.
Availability of Access	Access to the College District's technology resources, including the internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations.
<i>Limited Personal Use</i>	Limited personal use of the College District's technology resources shall be permitted if the use: <ol style="list-style-type: none">1. Imposes no tangible cost on the College District; and2. Does not unduly burden the College District's technology resources.
Acceptable Use	A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of the College District's technology resources and shall agree in writing to allow monitoring of his or her use. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.
Monitored Use	Electronic mail transmissions and other use of the College District's technology resources by a Board member shall not be considered private. The Chancellor or designee shall be authorized to monitor the College District's technology resources at any time to ensure appropriate use.
Disclaimer of Liability	The College District shall not be liable for a Board member's inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, or costs incurred. The College District shall not be responsible for ensuring the availability of the College District's technology resources or the accuracy, appropriateness, or usability of any information found on the internet.
Records Retention	A Board member shall retain electronic records, whether created or maintained using the College District's technology resources or using personal technology resources, in accordance with the College District's record management program. [See BBE, CIA, and GCB(LEGAL)]
Effective Date	This policy shall be effective as of the adoption date, June 3, 2020.

Commented [JL1]: This change recommended by TASB and the Administration and Board Counsel are in concurrence.

AN ACT

relating to the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0031 to read as follows:

Sec. 552.0031. BUSINESS DAYS. (a) Except as provided by this section, in this chapter "business day" means a day other than:

(1) a Saturday or Sunday;

(2) a national holiday under Section 662.003(a); or

(3) a state holiday under Section 662.003(b).

(b) The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this chapter.

(c) An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

(d) A holiday established by the governing body of an institution of higher education under Section 662.011(a) is not a business day of the institution of higher education.

(e) The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(f) Subject to the requirements of this subsection, a

governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for an independent school district must be made by the board of trustees. The designation of a nonbusiness day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 nonbusiness days under this subsection each calendar year.

SECTION 2. Section 552.012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The attorney general may require each public official of a governmental body to complete the course of training if the attorney general determines that the governmental body has failed to comply with a requirement of this chapter. The attorney general must notify each public official in writing of the attorney general's determination and the requirement to complete the training. A public official who receives notice from the attorney general under this subsection must complete the training not later than the 60th day after the date the official receives the notice.

SECTION 3. Section 552.103, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The exception to disclosure provided by this section does not apply to information requested under this chapter if:

(1) the information relates to a general, primary, or special election, as those terms are defined by Section 1.005, Election Code;

1 (2) the information is in the possession of a
2 governmental body that administers elections described by
3 Subdivision (1); and

4 (3) the governmental body described by Subdivision (2)
5 is not a governmental body described by Section 552.003(1)(A)(i).

6 SECTION 4. Section 552.108(c), Government Code, is amended
7 to read as follows:

8 (c) This section does not except from the requirements of
9 Section 552.021 information that is basic information about an
10 arrested person, an arrest, or a crime. A governmental body shall
11 promptly release basic information responsive to a request made
12 under this chapter unless the governmental body seeks to withhold
13 the information as provided by another provision of this chapter,
14 and regardless of whether the governmental body requests an
15 attorney general decision under Subchapter G regarding other
16 information subject to the request.

17 SECTION 5. Subchapter C, Chapter 552, Government Code, is
18 amended by adding Section 552.163 to read as follows:

19 Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN
20 ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section,
21 "attorney general settlement communication" means documentary
22 materials or information collected, assembled, drafted, developed,
23 used, received, or maintained by or on behalf of the attorney
24 general with respect to an investigation or litigation conducted
25 under Subchapter E, Chapter 17, Business & Commerce Code, and that
26 reflects or is regarding negotiations made for the purpose of
27 achieving a resolution of a matter without the need for continuing

1 with litigation or trial.

2 (b) An attorney general settlement communication is
3 privileged and not subject to disclosure under this chapter from
4 the date the attorney general's investigation begins, as indicated
5 in the attorney general's case management records, until the
6 earlier of:

7 (1) the 90th day after the date settlement discussions
8 are terminated; or

9 (2) the earliest of the date:

10 (A) the case is reported closed in the attorney
11 general's case management records;

12 (B) the final judgment, assurance of voluntary
13 compliance, or other settlement agreement is entered by the court,
14 and the period for filing a notice of appeal has passed;

15 (C) the settlement documents are executed by all
16 parties, if the documents are not filed in court;

17 (D) the order of dismissal or nonsuit disposing
18 of all parties is entered by the court; or

19 (E) all appeals are finalized.

20 (c) For the purpose of this section, a settlement
21 communication does not include a document attached to or referenced
22 in a delivered settlement proposal that is subject to disclosure
23 under this chapter.

24 SECTION 6. Section 552.271, Government Code, is amended by
25 adding Subsection (e) to read as follows:

26 (e) A requestor who has exceeded a limit established by a
27 governmental body under Section 552.275 may not inspect public

1 information on behalf of another requestor unless the requestor who
2 exceeded the limit has paid each statement issued by the
3 governmental body under Section 552.275(e).

4 SECTION 7. Section 552.272, Government Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) A requestor who has exceeded a limit established by a
7 governmental body under Section 552.275 may not inspect public
8 information on behalf of another requestor unless the requestor who
9 exceeded the limit has paid each statement issued by the
10 governmental body under Section 552.275(e).

11 SECTION 8. Section 552.275, Government Code, is amended by
12 amending Subsections (d), (g), and (h) and adding Subsections (n)
13 and (o) to read as follows:

14 (d) If a governmental body establishes a time limit under
15 Subsection (a), each time the governmental body complies with a
16 request for public information, the governmental body shall provide
17 the requestor with a written statement of the amount of personnel
18 time spent complying with that request and the cumulative amount of
19 time spent complying with requests for public information from that
20 requestor during the applicable monthly or yearly period. The
21 amount of time spent preparing the written statement may not be
22 included in the amount of time included in the statement provided to
23 the requestor under this subsection unless the requestor's time
24 limit for the period has been exceeded.

25 (g) If a governmental body provides a requestor with a the
26 written statement under Subsection (e) or (o) and the time limits
27 prescribed by Subsection (a) regarding the requestor have been

1 exceeded, the governmental body is not required to produce public
2 information for inspection or duplication or to provide copies of
3 public information in response to the requestor's request unless on
4 or before the 10th day after the date the governmental body provided
5 the written statement under that subsection, the requestor submits
6 payment of the amount stated in the written statement provided
7 under Subsection (e) or provides identification or submits payment
8 as required by Subsection (o), as applicable.

9 (h) If the requestor fails or refuses to provide
10 identification or submit payment under Subsection (g), the
11 requestor is considered to have withdrawn the requestor's pending
12 request for public information.

13 (n) A governmental body may request photo identification
14 from a requestor for the sole purpose of establishing that the
15 requestor has not:

16 (1) exceeded a limit established by the governmental
17 body under Subsection (a); and

18 (2) concealed the requestor's identity.

19 (o) A request for photo identification under Subsection (n)
20 must include a statement under Subsection (e) applicable to the
21 requestor who has exceeded a limit established by the governmental
22 body and a statement that describes each specific reason why
23 Subsection (n) may apply to the requestor. The governmental body
24 shall accept as proof of a requestor's identification physical
25 presentment of photo identification or an image of the photo
26 identification that is transmitted electronically or through the
27 mail. A requestor from whom a governmental body has requested photo

1 identification under Subsection (n) may decline to provide
2 identification and obtain the requested information by paying the
3 charge assessed in the statement.

4 SECTION 9. Subchapter G, Chapter 552, Government Code, is
5 amended by adding Section 552.3031 to read as follows:

6 Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR
7 ATTORNEY GENERAL DECISION. (a) This section does not apply to a
8 request for an attorney general decision made under this subchapter
9 if:

10 (1) the governmental body requesting the decision:
11 (A) has fewer than 16 full-time employees; or
12 (B) is located in a county with a population of
13 less than 150,000;

14 (2) the amount or format of responsive information at
15 issue in a particular request makes use of the attorney general's
16 electronic filing system impractical or impossible; or

17 (3) the request is hand delivered to the office of the
18 attorney general.

19 (b) A governmental body that requests an attorney general
20 decision under this subchapter must submit the request through the
21 attorney general's designated electronic filing system.

22 (c) The attorney general may adopt rules necessary to
23 implement this section, including rules that define the amount or
24 type of formatting of information described by Subsection (a)(2)
25 that makes use of the electronic filing system impractical or
26 impossible.

27 SECTION 10. Section 552.306, Government Code, is amended by

adding Subsections (c) and (d) to read as follows:

(c) A governmental body shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion under Subsection (b) regarding information requested under this chapter:

(1) provide the requestor of the information an itemized estimate of charges for production of the information if the estimate is required by Section 552.2615;

(2) if the requested information is voluminous:

(A) take the following actions if the governmental body determines that it is able to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time;

(ii) include in the notice the date and hour that the governmental body will disclose the information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iii) produce the information at the date and time included in the notice; or

(B) take the following actions if the governmental body determines that it is unable to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or

impossible for the governmental body to produce the information within a reasonable period of time and in a single batch;

(ii) include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice;

(iii) provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iv) produce the requested information at each date and time included in a notice;

(3) produce the information if it is required to be produced;

(4) notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or

(5) notify the requestor in writing that the governmental body has filed suit against the attorney general under Section 552.324 regarding the information.

(d) A governmental body is presumed to have complied with the requirements of Subsection (c) if the governmental body takes an action under that subsection regarding information that is the

1 subject of an opinion issued by the attorney general not later than
2 the 30th day after the date the attorney general issues the opinion.

3 SECTION 11. Section 552.308, Government Code, is amended to
4 read as follows:

5 Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL,
6 INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as
7 provided by Section 552.3031, when [~~When~~] this subchapter requires
8 a request, notice, or other document to be submitted or otherwise
9 given to a person within a specified period, the requirement is met
10 in a timely fashion if the document is sent to the person by first
11 class United States mail or common or contract carrier properly
12 addressed with postage or handling charges prepaid and:

13 (1) it bears a post office cancellation mark or a
14 receipt mark of a common or contract carrier indicating a time
15 within that period; or

16 (2) the person required to submit or otherwise give
17 the document furnishes satisfactory proof that it was deposited in
18 the mail or with a common or contract carrier within that period.

19 (b) Except as provided by Section 552.3031, when [~~When~~] this
20 subchapter requires an agency of this state to submit or otherwise
21 give to the attorney general within a specified period a request,
22 notice, or other writing, the requirement is met in a timely fashion
23 if:

24 (1) the request, notice, or other writing is sent to
25 the attorney general by interagency mail; and

26 (2) the agency provides evidence sufficient to
27 establish that the request, notice, or other writing was deposited

1 in the interagency mail within that period.

2 SECTION 12. Subchapter G, Chapter 552, Government Code, is
3 amended by adding Section 552.310 to read as follows:

4 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the
5 attorney general shall make available on the office's Internet
6 website an easily accessible and searchable database consisting of:

7 (1) information identifying each request for an
8 attorney general decision made under this subchapter; and

9 (2) the attorney general's opinion issued for the
10 request.

11 (b) The database at a minimum must allow a person to search
12 for a request or opinion described by Subsection (a) by:

13 (1) the name of the governmental body making the
14 request; and

15 (2) the exception under Subchapter C that a
16 governmental body asserts in the request applies to its request to
17 withhold information from public disclosure.

18 (c) The database must allow a person to view the current
19 status of a request described by Subsection (a)(1) and an estimated
20 timeline indicating the date each stage of review of the request
21 will be started and completed.

22 SECTION 13. The changes in law made by this Act to Sections
23 552.103, 552.271, 552.272, and 552.275, Government Code, apply only
24 to a request for information that is received by a governmental body
25 or an officer for public information on or after the effective date
26 of this Act. A request for information that was received before the
27 effective date of this Act is governed by the law in effect on the

1 date the request was received, and the former law is continued in
2 effect for that purpose.

3 SECTION 14. Section 552.3031, Government Code, as added by
4 this Act, and Section 552.306, Government Code, as amended by this
5 Act, apply to a request for an attorney general decision made under
6 Subchapter G, Chapter 552, of that code on or after the effective
7 date of this Act. A request for an attorney general decision made
8 before the effective date of this Act is governed by the law in
9 effect on the date the request was made, and the former law is
10 continued in effect for that purpose.

11 SECTION 15. As soon as practicable, but not later than
12 January 1, 2024, the office of the attorney general shall make the
13 database required by Section 552.310, Government Code, as added by
14 this Act, available on the office's Internet website.

15 SECTION 16. This Act takes effect September 1, 2023.

H.B. No. 3033

President of the Senate

Speaker of the House

I certify that H.B. No. 3033 was passed by the House on May 6, 2023, by the following vote: Yeas 134, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3033 on May 26, 2023, by the following vote: Yeas 133, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3033 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
D.	Proposed Changes to CGC(LOCAL) Policy: SAFETY PROGRAM - EMERGENCY PLANS AND ALERTS	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the proposed revisions to this CGC(LOCAL) policy, with the recommended changes in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

Recommended revisions to this local policy address HB 3, which clarifies that a college’s Emergency Operations Plan must address any additional requirements established by TxSSC in consultation with TEA and relevant local law enforcement agencies.

STRATEGIC ALIGNMENT

1. *Student Success*

ATTACHMENTS:

Description	Upload Date	Type
CGC(LOCAL) Policy	3/6/2024	Attachment
H.B. 3	3/6/2024	Attachment

This item is applicable to the following: District

SAFETY PROGRAM
EMERGENCY PLANS AND ALERTS

CGC
(LOCAL)

**Emergency
Operations Plan**

In accordance with state requirements, the College District shall maintain a multihazard emergency operations plan that provides for appropriate employee training; adequate communications technology and infrastructure, including employee access to emergency communication devices; coordination with state and local entities; ~~and implementation of a safety and security audit;~~ and any other requirements established by the Texas School Safety Center (TxSSC). The Chancellor is authorized to take any needed action to ensure the safety and well-being of employees, students, and the public during emergency events, natural disasters, or man-made catastrophic events to include facility closures and expenditures of funds above signature authority. When such emergency expenditures occur, they shall be presented for ratification at the next regular Board meeting.

Commented [JL1]: Revisions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

**Emergency
Response and
Evacuation
Procedures**

In accordance with federal law, the College District shall maintain effective emergency response and evacuation procedures that can be implemented on short notice and that will ensure optimum safety for students and personnel.

**Emergency Alert
System**

In accordance with state requirements, the College District shall maintain an emergency alert system that provides for timely notification to students, faculty, and staff of emergencies affecting the College District or its students and employees.

Effective Date

~~This policy shall be effective as of the adoption date, May 20, 2020.~~

AN ACT

relating to measures for ensuring public school safety, including the development and implementation of purchases relating to and funding for public school safety and security requirements and the provision of safety-related resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.028(a), Education Code, is amended to read as follows:

(a) Except as provided by Section 21.006(k), 22.093(l), 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), 37.1083, 37.1084, 38.003, or 39.003, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A, Chapter 37, only as necessary to ensure:

(1) compliance with federal law and regulations;

(2) financial accountability, including compliance with grant requirements;

(3) data integrity for purposes of:

(A) the Public Education Information Management System (PEIMS); and

(B) accountability under Chapters 39 and 39A; and

(4) qualification for funding under Chapter 48.

SECTION 2. Sections 7.061(b) and (c), Education Code, are amended to read as follows:

(b) The commissioner shall adopt or amend rules as necessary to ensure that facilities ~~[building]~~ standards for new and existing instructional facilities and other school district and open-enrollment charter school facilities, including construction quality, performance, operational, and other standards related to the safety and security of school facilities, provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

(1) the design and construction of new facilities; and

(2) the improvement, renovation, and retrofitting of existing facilities.

(c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that facilities ~~[building]~~ standards for school district and open-enrollment charter school facilities continue to provide a secure and safe environment. The commissioner shall, in consultation with the Texas School Safety Center, identify and adopt any changes recommended under Section 37.221.

SECTION 3. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.064 to read as follows:

Sec. 8.064. SCHOOL SAFETY SUPPORT. (a) A regional education service center shall act as a school safety resource,

using materials and resources developed by the Texas School Safety Center or the agency in accordance with Chapter 37, for school districts and open-enrollment charter schools in the region served by the center. The center may assist a school district or open-enrollment charter school directly or in collaboration with the Texas School Safety Center and local law enforcement agencies, as applicable:

(1) in developing and implementing a multihazard emergency operations plan under Section 37.108;

(2) in establishing a school safety and security committee under Section 37.109;

(3) in conducting emergency school drills and exercises;

(4) in addressing deficiencies in campus security identified by a school safety review team under Section 37.1084; and

(5) by providing guidance on any other matter relating to school safety and security.

(b) A regional education service center:

(1) shall provide assistance as necessary to the region's school safety review team established under Section 37.1084; and

(2) may provide assistance as necessary to school districts and open-enrollment charter schools in the region served by the center through the direct provision of positive behavioral interventions and supports to a student enrolled in one of those districts or schools to mitigate or prevent future harmful,

threatening, or violent behavior by the student.

SECTION 4. Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B,

Chapter 29;

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) the requirement under Section 21.006 to report an educator's misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures under Section 37.0832;

(R) the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(S) the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(T) a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(U) establishment of residency under Section 25.001;

(V) school safety requirements under Sections 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085, 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071 and Subchapter J, Chapter 37;

(W) the early childhood literacy and mathematics proficiency plans under Section 11.185;

(X) the college, career, and military readiness plans under Section 11.186; and

(Y) ~~(X)~~ parental options to retain a student under Section 28.02124.

SECTION 5. Subchapter 2, Chapter 22, Education Code, is amended by adding Section 22.904 to read as follows:

Sec. 22.904. MENTAL HEALTH TRAINING. (a) Except as otherwise provided by this section, a school district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

(b) A school district may not require a district employee who has previously completed mental health training offered by a

1 local mental health authority under Section 1001.203, Health and
2 Safety Code, to complete the training required by this section.

3 (c) From funds appropriated for the purpose, the agency
4 shall provide an allotment to each school district to assist the
5 district in complying with this section. The amount of an allotment
6 provided to a school district under this subsection may not exceed
7 the costs incurred by the district for employees' travel, training
8 fees, and compensation for the time spent completing the training
9 required by this section. The agency may proportionally reduce
10 each district's allotment if the amount appropriated is
11 insufficient to pay for all costs incurred by districts under this
12 subsection.

13 (d) The State Board for Educator Certification shall
14 propose rules allowing an educator to receive credit toward the
15 educator's continuing education requirements under Section
16 21.054(g) for the educator's participation in mental health
17 training under this section.

18 (e) The commissioner shall adopt rules to implement this
19 section, including rules specifying the training fees and travel
20 expenses subject to reimbursement under Subsection (c).

21 SECTION 6. Section 25.002(a), Education Code, is amended to
22 read as follows:

23 (a) If a parent or other person with legal control of a child
24 under a court order enrolls the child in a public school, the parent
25 or other person or the school district in which the child most
26 recently attended school shall furnish to the school district:

27 (1) the child's birth certificate or another document

1 suitable as proof of the child's identity;

2 (2) a copy of the child's records from the school the
3 child most recently attended if the child has been previously
4 enrolled in a school in this state or another state, including for a
5 child who most recently attended a public school in this state, a
6 copy of the child's disciplinary record and any threat assessment
7 involving the child's behavior conducted under Section 37.115; and

8 (3) a record showing that the child has the
9 immunizations as required under Section 38.001, in the case of a
10 child required under that section to be immunized, proof as
11 required by that section showing that the child is not required to
12 be immunized, or proof that the child is entitled to provisional
13 admission under that section and under rules adopted under that
14 section.

15 SECTION 7. Section 25.036, Education Code, is amended by
16 adding Subsection (c) to read as follows:

17 (c) In the case of a transfer under this section, a child's
18 school district of residence shall provide the receiving district
19 with the child's disciplinary record and any threat assessment
20 involving the child's behavior conducted under Section 37.115.

21 SECTION 8. Section 37.081, Education Code, is amended by
22 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
23 and (a-4) to read as follows:

24 (a) The board of trustees of any school district may:

25 (1) employ or contract with security personnel;

26 (2) [7] enter into a memorandum of understanding with
27 a local law enforcement agency or a county or municipality that is

1 the employing political subdivision of commissioned peace officers
2 for the provision of school resource officers;

3 (3) for the purposes of providing security personnel,
4 contract with a security services contractor licensed under Chapter
5 1702, Occupations Code, for the provision of a commissioned
6 security officer, as defined by Section 1702.002, Occupations Code,
7 who has completed the Level II or III training course required by
8 the Department of Public Safety; [r] and

9 (4) commission peace officers to carry out this
10 subchapter.

11 (a-1) [If a board of trustees authorizes a person employed
12 as security personnel to carry a weapon, the person must be a
13 commissioned peace officer.] The jurisdiction of a peace officer,
14 a school resource officer, or security personnel under this section
15 shall be determined by the board of trustees and may include all
16 territory in the boundaries of the school district and all property
17 outside the boundaries of the district that is owned, leased, or
18 rented by or otherwise under the control of the school district and
19 the board of trustees that employ or contract with, as applicable,
20 the peace officer or security personnel or that enter into a
21 memorandum of understanding for the provision of a school resource
22 officer.

23 (a-2) A memorandum of understanding for the provision of
24 school resource officers entered into under Subsection (a) must:

25 (1) be in the form of an interlocal contract under
26 Chapter 791, Government Code; and

27 (2) use a proportionate cost allocation methodology to

1 address any costs or fees incurred by the school district or the
2 local law enforcement agency, county, or municipality, as
3 applicable.

4 (a-3) The cost allocation methodology used under Subsection
5 (a-2)(2) may allow a local law enforcement agency, county, or
6 municipality, as applicable, to recoup direct costs incurred as a
7 result of the contract but may not allow the agency, county, or
8 municipality to profit under the contract.

9 (a-4) A school district, local law enforcement agency,
10 county, or municipality that enters into a memorandum of
11 understanding under Subsection (a) may seek funding from federal,
12 state, and private sources to support the cost of providing school
13 resource officers under this section.

14 SECTION 9. Section 37.0812(a), Education Code, is amended
15 to read as follows:

16 (a) A school district peace officer or school resource
17 officer shall complete an active shooter response training program
18 approved by the Texas Commission on Law Enforcement at least once in
19 each four-year period.

20 SECTION 10. Subchapter C, Chapter 37, Education Code, is
21 amended by adding Section 37.0814 to read as follows:

22 Sec. 37.0814. ARMED SECURITY OFFICER REQUIRED. (a) The
23 board of trustees of each school district shall determine the
24 appropriate number of armed security officers for each district
25 campus. The board must ensure that at least one armed security
26 officer is present during regular school hours at each district
27 campus.

1 (b) A security officer described by Subsection (a) must be:
2 (1) a school district peace officer;
3 (2) a school resource officer; or
4 (3) a commissioned peace officer employed as security
5 personnel under Section 37.081.

6 (c) If the board of trustees of a school district is unable
7 to comply with this section, the board may claim a good cause
8 exception from the requirement to comply with this section if the
9 district's noncompliance is due to the availability of:

10 (1) funding; or
11 (2) personnel who qualify to serve as a security
12 officer described by Subsection (a).

13 (d) The board of trustees of a school district that claims a
14 good cause exception under Subsection (c) must develop an
15 alternative standard with which the district is able to comply,
16 which may include providing a person to act as a security officer
17 who is:

18 (1) a school marshal; or
19 (2) a school district employee or a person with whom
20 the district contracts who:

21 (A) has completed school safety training
22 provided by a qualified handgun instructor certified in school
23 safety under Section 411.1901, Government Code; and

24 (B) carries a handgun on school premises in
25 accordance with written regulations or written authorization of the
26 district under Section 46.03(a)(1)(A), Penal Code.

27 (e) The board of trustees of a school district must develop

1 and maintain documentation of the district's implementation of and
2 compliance with this section, including documentation related to a
3 good cause exception claimed under Subsection (c), and shall, if
4 requested by the agency, provide that documentation to the agency
5 in the manner prescribed by the agency.

6 SECTION 11. Subchapter C, Chapter 37, Education Code, is
7 amended by adding Section 37.089 to read as follows:

8 Sec. 37.089. ROLE OF PERSONS CARRYING A FIREARM ON SCHOOL
9 GROUND. (a) Subject to Subsection (b), a person permitted to carry
10 a firearm on the campus of a school district may not perform the
11 routine law enforcement duties of a peace officer, including making
12 arrests, unless the duty is performed in response to an emergency
13 that poses a threat of death or serious bodily injury to a student,
14 school district employee, or other individual at the district
15 campus.

16 (b) Subsection (a) does not apply to a commissioned peace
17 officer who is assigned law enforcement duties that are included in
18 campus and district documents describing the role of peace officers
19 in the district as required by Section 37.081(d).

20 SECTION 12. Section 37.108, Education Code, is amended by
21 amending Subsections (a), (b), and (f) and adding Subsection (h) to
22 read as follows:

23 (a) Each school district or public junior college district
24 shall adopt and implement a multihazard emergency operations plan
25 for use in the district's facilities. The plan must address
26 prevention, mitigation, preparedness, response, and recovery as
27 defined by the Texas School Safety Center in conjunction with the

governor's office of homeland security, ~~and~~ the commissioner of education, and the ~~or~~ commissioner of higher education~~, as applicable~~. The plan must provide for:

(1) training in responding to an emergency for district employees, including substitute teachers;

(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

(4) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(5) measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; ~~and~~

(6) the implementation of a safety and security audit as required by Subsection (b); and

(7) any other requirements established by the Texas School Safety Center in consultation with the agency and relevant local law enforcement agencies.

1 (b) At least once every three years, each school district or
2 public junior college district shall conduct a safety and security
3 audit of the district's facilities. A [To the extent possible, a]
4 district, or a person included in the registry established by the
5 Texas School Safety Center under Section 37.2091 who is engaged by
6 the district to conduct a safety and security audit, shall follow
7 safety and security audit procedures developed by the Texas School
8 Safety Center in coordination with the commissioner of education or
9 commissioner of higher education, as applicable ~~[or a person~~
10 ~~included in the registry established by the Texas School Safety~~
11 ~~Center under Section 37.2091]~~.

12 (f) A school district shall include in its multihazard
13 emergency operations plan:

14 (1) a chain of command that designates the individual
15 responsible for making final decisions during a disaster or
16 emergency situation and identifies other individuals responsible
17 for making those decisions if the designated person is unavailable;

18 (2) provisions that address physical and
19 psychological safety for responding to a natural disaster, active
20 shooter, and any other dangerous scenario identified for purposes
21 of this section by the agency or the Texas School Safety Center;

22 (3) provisions for ensuring the safety of students in
23 portable buildings;

24 (4) provisions for ensuring that students and district
25 personnel with disabilities are provided equal access to safety
26 during a disaster or emergency situation;

27 (5) provisions for providing immediate notification

1 to parents, guardians, and other persons standing in parental
2 relation in circumstances involving a significant threat to the
3 health or safety of students, including identification of the
4 individual with responsibility for overseeing the notification;

5 (6) provisions for supporting the psychological
6 safety of students, district personnel, and the community during
7 the response and recovery phase following a disaster or emergency
8 situation that:

9 (A) are aligned with best practice-based
10 programs and research-based practices recommended under Section
11 [38.351](#);

12 (B) include strategies for ensuring any required
13 professional development training for suicide prevention and
14 grief-informed and trauma-informed care is provided to appropriate
15 school personnel;

16 (C) include training on integrating
17 psychological safety and suicide prevention strategies into the
18 district's plan, such as psychological first aid for schools
19 training, from an approved list of recommended training established
20 by the commissioner and Texas School Safety Center for:

21 (i) members of the district's school safety
22 and security committee under Section [37.109](#);

23 (ii) district school counselors and mental
24 health professionals; and

25 (iii) educators and other district
26 personnel as determined by the district;

27 (D) include strategies and procedures for

integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; ~~and~~

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year; and

(9) certification that the district is in compliance with Section 37.117.

(h) The Texas School Safety Center and the agency shall provide school safety-related data collected by the center or agency to each other on request.

SECTION 13. Section 37.1081(a), Education Code, is amended to read as follows:

(a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or 37.2071(d) or (g) ~~[37.2071(g)]~~, the board shall hold a public hearing to notify the public of:

(1) the district's failure to:

(A) submit or correct deficiencies in a multihazard emergency operations plan; or

(B) report the results of a safety and security audit to the Texas School Safety Center as required by law;

(2) the dates during which the district has not been in compliance; and

(3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

SECTION 14. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1083, 37.1084, 37.1085, 37.1086, and 37.1131 to read as follows:

Sec. 37.1083. AGENCY MONITORING OF SCHOOL DISTRICT SAFETY AND SECURITY REQUIREMENTS. (a) The agency shall monitor the implementation and operation of requirements related to school district safety and security, including school district:

(1) multihazard emergency operations plans; and

(2) safety and security audits.

(b) The agency shall establish an office of school safety and security within the agency that consists of individuals with substantial expertise and experience in school or law enforcement safety and security operations and oversight at the local, state, or federal level to coordinate the agency's monitoring of school district safety and security requirements under this section. The director of the office is appointed by the governor and confirmed by the senate and must report directly to the commissioner.

(c) The agency shall, in coordination with the Texas School Safety Center and relevant local law enforcement agencies, provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

(d) As part of the technical assistance provided under

1 Subsection (c), the agency shall conduct a detailed vulnerability
2 assessment of each school district on a random basis determined by
3 the agency once every four years. The assessment must:

4 (1) assess facility access controls, emergency
5 operations procedures, and other school safety requirements; and

6 (2) to the greatest extent practicable, coincide with
7 the safety and security audit required under Section 37.108.

8 (e) The agency shall use a rubric developed by the office of
9 school safety and security in collaboration with the Texas School
10 Safety Center to conduct a vulnerability assessment of a school
11 district under Subsection (d).

12 (f) On completion of a vulnerability assessment under
13 Subsection (d), the agency shall provide to the superintendent and
14 school safety and security committee established under Section
15 37.109 for the applicable school district a report on the results of
16 the assessment that includes recommendations and required
17 corrective actions to address any deficiencies in campus security
18 identified by the agency.

19 (g) The agency may engage a third party as necessary to
20 enable the agency to monitor the implementation and operation of
21 school district safety and security requirements under this
22 section.

23 (h) The agency may require a school district to submit
24 information necessary for the agency to monitor the implementation
25 and operation of school district safety and security requirements
26 under this section, including:

27 (1) notice of an event requiring a district's

emergency response including the discovery of a firearm on a campus; and

(2) information regarding the district's response and use of emergency operations procedures during an event described by Subdivision (1).

(i) The agency may review school district records as necessary to ensure compliance with this subchapter and Subchapter G.

(j) Any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements under this section is confidential under Sections 418.177 and 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

(k) The commissioner may adopt rules as necessary to administer this section.

Sec. 37.1084. REGIONAL SCHOOL SAFETY REVIEW TEAMS. (a) In this section:

(1) "Office" means the office of school safety and security established under Section 37.1083.

(2) "Team" means a school safety review team established under this section.

(b) The office shall establish a school safety review team in each region served by a regional education service center. A team shall annually conduct on-site general intruder detection audits of school district campuses in the team's region. In conducting an intruder detection audit, a team must:

(1) use a rubric developed by the office in

consultation with the Texas School Safety Center;

(2) not later than the seventh day before the date of a
scheduled audit, notify the superintendent of the school district
in which the campus being audited is located; and

(3) on completion of the audit, provide to the
superintendent and school safety and security committee
established under Section 37.109 for the school district in which
the campus is located a report on the results of the audit that
includes recommendations and required corrective actions to
address any deficiencies in campus security identified by the team.

(c) A regional education service center shall provide
support as necessary to assist the region's team in conducting
intruder detection audits under this section.

(d) A report produced by a team under this section is
confidential and not subject to disclosure under Chapter 552,
Government Code.

Sec. 37.1085. ASSIGNMENT OF CONSERVATOR FOR NONCOMPLIANCE
WITH SCHOOL SAFETY AND SECURITY REQUIREMENTS. (a) Except as
provided by Subsection (c), the commissioner may assign a
conservator under Chapter 39A if a school district fails to:

(1) submit to any required monitoring, assessment, or
audit under Section 37.1083 or 37.1084;

(2) comply with applicable safety and security
requirements; or

(3) address in a reasonable time period, as determined
by commissioner rule, issues raised by the agency's monitoring,
assessment, or audit of the district under Section 37.1083 or

1 37.1084.

2 (b) A conservator assigned to a district under this section
3 may exercise the powers and duties of a conservator under Section
4 39A.003 only to correct a failure identified under Subsection (a).

5 (c) This section does not apply to a school district's
6 failure to comply with Section 37.0814 or a good cause exception
7 claimed under that section.

8 Sec. 37.1086. GUIDELINES FOR MULTHAZARD EMERGENCY
9 OPERATIONS PLAN PROVISIONS FOR INDIVIDUALS WITH DISABILITIES OR
10 IMPAIRMENTS. (a) The agency shall establish guidelines for the
11 provisions in a school district's multihazard emergency operations
12 plan under Section 37.108(f)(4) to ensure the safety of students
13 and district personnel with disabilities or impairments during a
14 disaster or emergency situation, in consultation with:

- 15 (1) the Texas School Safety Center;
16 (2) regional education service centers;
17 (3) public school educators who work with students
18 with disabilities or impairments; and
19 (4) advocacy groups representing individuals with
20 disabilities or impairments.

21 (b) A school district must follow the guidelines
22 established by the agency under Subsection (a) in adopting and
23 implementing the district's multihazard emergency operations plan
24 under Section 37.108.

25 Sec. 37.1131. NOTIFICATION REGARDING VIOLENT ACTIVITY. (a)
26 The agency shall develop model standards for providing notice
27 regarding violent activity that has occurred or is being

1 investigated at a school district campus or other district facility
2 or at a district-sponsored activity to parents, guardians, and
3 other persons standing in parental relation to students who are
4 assigned to the campus, regularly use the facility, or are
5 attending the activity, as applicable. The standards must:

6 (1) include electronic notification through text
7 messaging and e-mail;

8 (2) provide an option for real-time notification; and

9 (3) protect student privacy.

10 (b) Each school district shall adopt a policy for providing
11 notice described by Subsection (a) in a manner that meets the
12 standards adopted under that subsection.

13 SECTION 15. Section 37.115, Education Code, is amended by
14 amending Subsection (c) and adding Subsection (j-1) to read as
15 follows:

16 (c) The board of trustees of each school district shall
17 establish a threat assessment and safe and supportive school team
18 to serve at each campus of the district and shall adopt policies and
19 procedures for the teams. The team is responsible for developing
20 and implementing the safe and supportive school program under
21 Subsection (b) at the district campus served by the team. The
22 policies and procedures adopted under this section must:

23 (1) be consistent with the model policies and
24 procedures developed by the Texas School Safety Center;

25 (2) require each team to complete training provided by
26 the Texas School Safety Center or a regional education service
27 center regarding evidence-based threat assessment programs; ~~and~~

(3) require each team established under this section to report the information required under Subsection (k) regarding the team's activities to the agency; and

(4) require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee.

(j-1) Materials and information provided to or produced by a team during a threat assessment of a student under this section must be maintained in the student's school record until the student's 24th birthday.

SECTION 16. Subchapter D, Chapter 37, Education Code, is amended by adding Section 37.117 to read as follows:

Sec. 37.117. EMERGENCY RESPONSE MAP AND WALK-THROUGH. Each school district and open-enrollment charter school shall provide to the Department of Public Safety and all appropriate local law enforcement agencies and emergency first responders:

(1) an accurate map of each district campus and school building that is developed and documented in accordance with the standards described by Section 37.351 related to developing site and floor plans, access control, and exterior door numbering; and

(2) an opportunity to conduct a walk-through of each district campus and school building using the map described by Subdivision (1).

SECTION 17. Sections 37.2071(b), (c), (d), (f), (g), and (h), Education Code, are amended to read as follows:

(b) A school district or public junior college district

shall submit its multihazard emergency operations plan to the center:

(1) not later than the 30th day after the date ~~[on request of]~~ the center requests the submission; and

(2) in accordance with the center's review cycle developed under Subsection (a).

(c) The center shall review each district's multihazard emergency operations plan submitted under Subsection (b) and:

(1) verify the plan meets the requirements of Section 37.108; or

(2) provide the district with written notice:

(A) describing the plan's deficiencies; ~~[and]~~

(B) including specific recommendations to correct the deficiencies; and

(C) stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the center.

(d) If a district fails to submit its multihazard emergency operations plan to the center for review following a notification by the center that the district has failed to submit the district's plan, the center shall provide the district with written notice stating that the district must hold a public hearing under Section 37.1081 ~~[+]~~

~~[(1) has failed to submit a plan; and~~

~~[(2) must submit a plan to the center for review and verification].~~

(f) If one month ~~[three months]~~ after the date of initial

notification of a plan's deficiencies under Subsection (c)(2) [~~or~~
~~failure to submit a plan under Subsection (d)]~~ a district has not
corrected the plan deficiencies [~~or has failed to submit a plan~~],
the center shall provide written notice to the district and agency
that the district has not complied with the requirements of this
section and must comply immediately.

(g) If a school district still has not corrected the plan
deficiencies three [~~or has failed to submit a plan six~~] months after
the date of initial notification under Subsection (c)(2) [~~or (d)~~],
the center shall provide written notice to the school district
stating that the district must hold a public hearing under Section
37.1081.

(h) If a school district has failed to submit a plan, the
notice required by Subsection (d) [~~(g)~~] must state that the
commissioner is authorized to appoint a conservator under Section
37.1082.

SECTION 18. Section 37.2091, Education Code, is amended by
adding Subsection (b-1) to read as follows:

(b-1) A school district must confirm that a person is
included in the registry established under Subsection (b) before
the district may engage the person to provide school safety or
security consulting services to the district.

SECTION 19. Subchapter G, Chapter 37, Education Code, is
amended by adding Sections 37.221 and 37.222 to read as follows:

Sec. 37.221. FACILITIES STANDARDS REVIEW. (a) At least
once every five years, the center shall review the facilities
standards for instructional facilities adopted under Section 7.061

and make recommendations to the commissioner regarding any changes necessary to ensure that the facilities standards:

(1) reflect best practices for improving school safety through the design and construction of school facilities; and

(2) are consistent with standards adopted under Chapter 469, Government Code, regarding the elimination of architectural barriers.

(b) The center and commissioner may consult with stakeholders with relevant expertise regarding whether any updates to requirements for the use of funds granted or allocated to school districts for purposes of improving the safety and security of school facilities are necessary to align with best practices.

(c) In updating facilities standards, the commissioner shall:

(1) incorporate input from the center and stakeholders with relevant expertise regarding best practices for standards applicable to the design and construction of school facilities; and

(2) ensure the standards are updated as necessary to ensure compliance with any changes to state law and local building codes.

Sec. 37.222. RESOURCES ON SAFE FIREARM STORAGE. (a) The center, in collaboration with the Department of Public Safety, shall provide to each school district and open-enrollment charter school information and other resources regarding the safe storage of firearms for distribution by the district or school under Subsection (b), including information on:

(1) the offense under Section 46.13, Penal Code; and

1 (2) ways in which parents and guardians can
2 effectively prevent children from accessing firearms.

3 (b) Each school district and open-enrollment charter school
4 shall provide the information and other resources described under
5 Subsection (a) to the parent or guardian of each student enrolled in
6 the district or school.

7 SECTION 20. Chapter 37, Education Code, is amended by
8 adding Subchapter J to read as follows:

9 SUBCHAPTER J. SAFETY AND SECURITY REQUIREMENTS FOR FACILITIES

10 Sec. 37.351. FACILITIES STANDARDS COMPLIANCE. (a) A school
11 district must ensure that each district facility complies with each
12 school facilities standard, including performance standards and
13 operational requirements, related to safety and security adopted
14 under Section 7.061 or provided by other law or agency rule.

15 (b) A school district must develop and maintain
16 documentation of the district's implementation of and compliance
17 with school safety and security facilities standards for each
18 district facility, including a good cause exception claimed under
19 Section 37.353, and shall, if requested by the agency, provide that
20 documentation to the agency in the manner prescribed by the agency.

21 Sec. 37.352. PURCHASING REQUIREMENTS. A school district
22 shall comply with all applicable state laws and rules relating to
23 procurement for district purchases relating to achieving
24 compliance with the facilities standards adopted under Section
25 7.061 or provided by other law or agency rule.

26 Sec. 37.353. GOOD CAUSE EXCEPTION. (a) If a school
27 district is unable to bring a district facility into compliance

with a school facilities standard related to safety and security,
the district may claim a good cause exception from the requirement
to comply with that standard, including for a reason related to:

(1) the age, physical design, or location of the
noncompliant facility;

(2) the projected remaining use or functional life of
the noncompliant facility;

(3) availability of funding; or

(4) supply chain obstacles.

(b) A school district that claims a good cause exception
under Subsection (a) must develop an alternative performance
standard with which the district is able to comply.

Sec. 37.354. FUNDING FOR FACILITIES STANDARDS COMPLIANCE.

(a) The commissioner may authorize a school district to use money
provided to the district for the purpose of improving school safety
and security, including the school safety allotment under Section
48.115 or any other funding or grant money available to the district
for that purpose, to comply with the requirements of this
subchapter.

(a-1) Funds appropriated in S.B. 30, Acts of the 88th
Legislature, Regular Session, 2023, or similar legislation, for the
purpose of improving school safety and security, may be used as
described by Subsection (a). This subsection expires September 1,
2026.

(b) The commissioner may adopt rules regarding safety and
security requirements with which a school district must comply to
receive funding or grant money available for the purpose of

improving school safety and security.

Sec. 37.355. CONFIDENTIALITY. (a) Any document or information collected, identified, developed, or produced relating to a safety or security requirement under this subchapter is confidential under Sections 418.177 and 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

(b) The commissioner may adopt rules as necessary to administer this section.

SECTION 21. Section 38.022, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) A school district may require a person who enters property under the district's control ~~[a district campus]~~ to display the person's driver's license, ~~[or]~~ another form of identification containing the person's photograph issued by a governmental entity, or, if applicable, the person's district employee or student identification card. The person must provide the identification on request.

(a-1) A school district may eject a person from district property if:

(1) the person refuses or fails to provide on request identification described by Subsection (a); and

(2) it reasonably appears that the person has no legitimate reason to be on district property.

SECTION 22. Subchapter E, Chapter 45, Education Code, is amended by adding Section 45.1011 to read as follows:

Sec. 45.1011. USE OF BOND PROCEEDS FOR SCHOOL SAFETY

1 COMPLIANCE. (a) The proceeds of bonds issued by a school district
2 for the construction and equipment of school buildings in the
3 district and the purchase of the necessary sites for school
4 buildings may be used to pay the costs associated with complying
5 with school safety and security requirements for school facilities
6 in accordance with Section 37.351.

7 (b) This subsection applies to a school district that has
8 been determined by the agency, through the agency's monitoring of
9 safety and security requirements under Section 37.1083, to not be
10 in compliance with those requirements. Notwithstanding any other
11 law, a school district to which this subsection applies must use the
12 proceeds of bonds described by Subsection (a) to achieve compliance
13 with applicable safety and security requirements in accordance with
14 Section 37.351 before the district may use those proceeds for any
15 other authorized purpose.

16 SECTION 23. Section 48.115, Education Code, is amended by
17 amending Subsections (a) and (b) and adding Subsections (a-1),
18 (b-1), (b-2), (c-1), and (e) to read as follows:

19 (a) Except as provided by Subsection (a-1), ~~[From funds~~
20 ~~appropriated for that purpose, the commissioner shall provide to]~~ a
21 school district is entitled to an annual allotment equal to the sum
22 of the following amounts or a greater ~~[in the]~~ amount provided by
23 appropriation:

24 (1) \$10 for each student in average daily attendance,
25 plus \$1 for each student in average daily attendance per every \$50
26 by which the district's maximum basic allotment under Section
27 48.051 exceeds \$6,160, prorated as necessary; and

1 (2) \$15,000 per campus.

2 (a-1) A school district campus that provides only virtual
3 instruction or utilizes only facilities not subject to the
4 district's control is not included for purposes of determining a
5 school district's allotment under Subsection (a).

6 (b) Funds allocated under this section must be used to
7 improve school safety and security, including costs associated
8 with:

9 (1) securing school facilities in accordance with the
10 requirements of Section 37.351, including:

11 (A) improvements to school infrastructure;

12 (B) the use or installation of perimeter security
13 fencing conducive to a public school learning environment or
14 physical barriers, which may not include razor wire; ~~and~~

15 (C) exterior door and window safety and security
16 upgrades, including exterior door numbering and locking systems and
17 security film that provides resistance to a forced entry; and

18 (D) the purchase and maintenance of:

19 (i) security cameras and, if the district
20 has already installed security cameras, ~~or~~ other security
21 equipment, including video surveillance as provided by Section
22 29.022; and

23 (ii) technology, including communications
24 systems or devices, such as silent panic alert devices, two-way
25 radios, or wireless Internet booster equipment, that facilitates
26 communication and information sharing between students, school
27 personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security measures [~~training and planning~~], including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i) providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;

(ii) providing mental health personnel and support;

(iii) providing behavioral health services;

(iv) establishing threat reporting systems; and

(v) developing and implementing programs focused on restorative justice practices, culturally relevant

1 instruction, and providing mental health support; ~~and~~

2 (4) providing programs related to suicide prevention,
3 intervention, and postvention; and

4 (5) employing a school safety director and other
5 personnel to manage and monitor school safety initiatives and the
6 implementation of school safety requirements for the district.

7 (b-1) The agency may designate certain technologies that a
8 school district, in using funds allocated under this section, may
9 purchase only from a vendor approved by the agency.

10 (b-2) If the agency, in coordination with the Texas School
11 Safety Center, determines that entering into a statewide contract
12 with a vendor for the provision of a technology designated under
13 Subsection (b-1) would result in cost savings to school districts,
14 the agency may, after receiving approval from the Legislative
15 Budget Board and office of the governor, enter into a contract with
16 a vendor to provide the technology to each district that uses funds
17 allocated under this section to purchase that technology.

18 (c-1) The agency, or if designated by the agency, the Texas
19 School Safety Center, shall establish and publish a directory of
20 approved vendors of school safety technology and equipment a school
21 district may select from when using funds allocated under this
22 section. If a school district uses funds allocated under this
23 section to purchase technology or equipment from a vendor that is
24 not included in the directory, the district must solicit bids from
25 at least three vendors before completing the purchase.

26 (e) Notwithstanding any other law, a school district may use
27 funds allocated under this section to provide training to a person

authorized by the district to carry a firearm on a district campus.

SECTION 24. Subchapter [Z](#), Chapter [411](#), Government Code, is amended by adding Section 411.951 to read as follows:

Sec. 411.951. CONFIDENTIALITY OF IWATCHTEXAS COMMUNITY REPORTING SYSTEM REPORTS. All suspicious activity reports and school safety reports included in the iWatchTexas community reporting system operated by the department are confidential and not subject to disclosure under Chapter [552](#).

SECTION 25. Subchapter [B](#), Chapter [85](#), Local Government Code, is amended by adding Section 85.024 to read as follows:

Sec. 85.024. SCHOOL SAFETY MEETINGS. (a) The sheriff of a county with a total population of less than 350,000 in which a public school is located shall call and conduct semiannual meetings to discuss:

- (1) school safety;
- (2) coordinated law enforcement response to school violence incidents;
- (3) law enforcement agency capabilities;
- (4) available resources;
- (5) emergency radio interoperability;
- (6) chain of command planning; and
- (7) other related subjects proposed by a person in attendance at the meeting.

(b) The sheriff of a county to which this section applies in which more than one public school is located is only required to hold one semiannual meeting described by Subsection (a). This subsection does not require public schools located within the same

1 county to adopt the same school safety policies.

2 (c) The following persons shall attend a meeting called
3 under Subsection (a):

4 (1) the sheriff or the sheriff's designee;

5 (2) the police chief of a municipal police department
6 in the county or the police chief's designee;

7 (3) each elected constable in the county or the
8 constable's designees;

9 (4) each police chief of a school district's police
10 department or school district security coordinator from each school
11 district located in the county;

12 (5) a representative of the Department of Public
13 Safety assigned to the county;

14 (6) a representative of each other state agency with
15 commissioned peace officers assigned to the county;

16 (7) a person appointed to a command staff position at
17 an emergency medical service in the county;

18 (8) a person appointed to a command staff position at a
19 municipal emergency medical service in the county;

20 (9) a person appointed to a command staff position at a
21 fire department in the county;

22 (10) the superintendent or the superintendent's
23 designee of each school district located in the county;

24 (11) the person who serves the function of
25 superintendent, or that person's designee, in each open-enrollment
26 charter school located in the county; and

27 (12) any other person the sheriff considers

1 appropriate.

2 (d) The sheriff shall invite any federal law enforcement
3 official serving in the county to attend the meeting.

4 (e) As soon as practicable after a meeting under Subsection
5 (a), the sheriff shall submit a report to the Texas School Safety
6 Center identifying the attendees of the meeting and the subjects
7 discussed. The Texas School Safety Center shall maintain the report
8 and make it publicly available on the center's Internet website.
9 The center may not make publicly available and shall redact any
10 parts of a report that the center determines may expose a safety
11 vulnerability of a school district facility.

12 SECTION 26. (a) As soon as practicable after the effective
13 date of this Act, the Texas Education Agency shall establish the
14 office of school safety and security and the governor shall appoint
15 the director of that office as required by Section 37.1083,
16 Education Code, as added by this Act.

17 (b) As soon as practicable after the office of school safety
18 and security has been established, the office shall establish
19 school safety review teams in each region served by a regional
20 education service center as required by Section 37.1084, Education
21 Code, as added by this Act.

22 SECTION 27. Section 45.1011, Education Code, as added by
23 this Act, applies only to a bond authorized to be issued at an
24 election held on or after the effective date of this Act.

25 SECTION 28. To the extent of any conflict, this Act prevails
26 over another Act of the 88th Legislature, Regular Session, 2023,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 29. (a) Section 7.028 and Chapter 37, Education
3 Code, as amended by this Act, apply beginning with the 2023-2024
4 school year.

5 (b) Notwithstanding Section 22.904, Education Code, as
6 added by this Act, a school district must require the district's
7 employees to complete the mental health training required under
8 that section as follows:

9 (1) at least 25 percent of the applicable district
10 employees before the beginning of the 2025-2026 school year;

11 (2) at least 50 percent of the applicable district
12 employees before the beginning of the 2026-2027 school year;

13 (3) at least 75 percent of the applicable district
14 employees before the beginning of the 2027-2028 school year; and

15 (4) 100 percent of the applicable district employees
16 before the beginning of the 2028-2029 school year.

17 SECTION 30. (a) Except as provided by Subsection (b) of
18 this section, this Act takes effect immediately if it receives a
19 vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2023.

23 (b) Section 48.115, Education Code, as amended by this Act,
24 takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3 was passed by the House on April 25, 2023, by the following vote: Yeas 119, Nays 25, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3 on May 23, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3 on May 28, 2023, by the following vote: Yeas 93, Nays 49, 1 present, not voting.

Chief Clerk of the House

H.B. No. 3

I certify that H.B. No. 3 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3 on May 28, 2023, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
E.	Proposed Changes to CS(LOCAL) Policy: INFORMATION SECURITY	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the proposed revisions to this CS(LOCAL) policy, with the recommended changes in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

Recommended revisions to this local policy address SB 1893, which prohibits certain social media applications and services on devices of a college, essentially codifying an earlier order issued by the governor.

The bill requires a college to adopt a policy prohibiting the installation or use of Covered Social Media Applications on a government-owned or -leased device, with an exception.

In addition, at Security Breach Notification, recommended revisions to this local policy address SB 271, which amends provisions that address the notification a state agency must submit to DIR related to a security incident, as defined by law.

STRATEGIC ALIGNMENT

ATTACHMENTS:

Description	Upload Date	Type
CS(LOCAL) Policy	3/6/2024	Attachment
S.B. 1893	3/6/2024	Attachment
S.B. 271	3/6/2024	Attachment

This item is applicable to the following: District

INFORMATION SECURITY

CS
(LOCAL)

The Chancellor is responsible for the security of the College District's information resources. The Chancellor or designee shall develop procedures for ensuring the College District's compliance with applicable law.

Information Security Officer

The Chancellor or designee shall designate an information security officer (ISO) who is authorized to administer the information security requirements under law. The Chancellor or designee must notify the Department of Information Resources (DIR) of the individual designated to serve as the ISO.

Information Security Program

The Chancellor or designee shall annually review and approve an information security program designed in accordance with law by the ISO to address the security of the information and information resources owned, leased, or under the custodianship of the College District against unauthorized or accidental modification, destruction, or disclosure. The program shall include procedures for risk assessment and for information security awareness education for employees when hired and an ongoing program for all users. The program shall also address accessibility, privacy, and security of the College District's website, information resources, association processes, systems, and networks.

The information security program must be submitted biennially for review by an individual designated by the Chancellor and who is independent of the program to determine if the program complies with the mandatory security controls defined by DIR and any controls developed by the College District in accordance with law.

The College District recognizes that its sensitive personal information, information resources, and the associated processes, systems, and networks are valuable assets and that their effective management has important implications not only for the College District, but for its clients, as well. It is the policy of the College District to protect the security and privacy of its sensitive personal information and information resources, and to make information accessible as required by law. The College District shall maintain the confidentiality, integrity, and availability of sensitive personal information and information resources by complying with applicable federal and state laws, policies, and procedures. The Chancellor shall establish procedures and regulations for the security of sensitive personal information, including students, faculty and staff, and information resources.

Purpose

The College District's sensitive personal information and information resources are vital academic and administrative assets that require appropriate safeguards. Computer systems, networks, and data are vulnerable to a variety of threats. These threats have the potential to compromise the integrity, availability, and confidentiality

INFORMATION SECURITY

CS
(LOCAL)

of the information used by the College District to conduct its day-to-day business.

Effective security management programs shall be employed to eliminate or mitigate the risks posed by potential threats to the College District's sensitive personal information and information resources. Measures shall be taken to protect these resources against unauthorized access, disclosure, modification, or destruction, whether accidental or deliberate.

**College District |
Website and Mobile
Application Security**

The Chancellor or designee shall adopt procedures addressing the privacy and security of the College District's website and mobile applications and submit the procedures to DIR for review.

The procedures must require the developer of a website or application for the College District that processes confidential information to submit information regarding the preservation of the confidentiality of the information. The College District must subject the website or application to a vulnerability and penetration test before deployment.

**Covered Social
Media Applications**

The Chancellor or designee shall adopt procedures prohibiting the installation or use of a covered application, as defined by law, on a device owned or leased by the College District and requiring the removal of any covered applications from the device.

Commented [JL1]: All revisions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

Exception

The procedures shall permit the installation and use of a covered application for purposes of law enforcement and the development and implementation of information security measures. The procedures must address risk mitigation measures during the permitted use of the covered application and the documentation of those measures.

Reports

Information Security
Plan

The College District shall submit a biennial information security plan to DIR in accordance with law.

Effectiveness of
Policies and
Procedures

The ISO shall report annually to the Chancellor on the effectiveness of the College District's information security policies, procedures, and practices in accordance with law and administrative procedures.

Security Incidents
*By the College
District*

The College District shall assess the significance of a security incident and report urgent incidents to DIR and law enforcement in accordance with law and, if applicable, DIR requirements.

Generally

Security Breach
Notification

Upon discovering or receiving notification of a breach of system security or a security incident, as defined by law, the College District

DATE ISSUED: ~~7/9/2020~~ 12/19/2023

~~ADOPTED:~~ Adopted:

2 of 3

~~LDU-2020-05~~ UPDATE 46

CS(LOCAL)-X

INFORMATION SECURITY

CS
(LOCAL)

	<p>shall disclose the breach <u>or incident</u> to affected persons or entities in accordance with the time frames established by law.</p> <p>The College District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">1. Written notice.2. Electronic mail, if the College District has electronic mail addresses for the affected persons.3. Conspicuous posting on the College District's website.4. Publication through broadcast media.
Monthly Reports	The College District must provide summary reports of security incidents monthly to DIR in accordance with the deadlines, form, and manner specified by law and DIR.
<i>By Vendors and Third Parties</i>	The College District shall include in any vendor or third-party contract the requirement that the vendor or third-party report information security incidents to the College District in accordance with law and administrative procedures.
Responsible Department	The Chancellor shall designate the IT security department to be responsible for enforcing this policy.
Enforcement	<p>Compliance with this policy and applicable procedures shall be strictly enforced. Violations may result in disciplinary action, up to and including termination.</p> <p>The Chancellor may appoint a committee to investigate and address violation of this policy or related procedures, guidelines, or user agreements.</p>
Effective Date	This policy shall be effective as of the adoption date, May 20, 2020.

AN ACT

relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

CHAPTER 620. USE OF CERTAIN SOCIAL MEDIA APPLICATIONS AND SERVICES
ON GOVERNMENTAL ENTITY DEVICES PROHIBITED

Sec. 620.001. DEFINITIONS. In this chapter:

(1) "Covered application" means:

(A) the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or

(B) a social media application or service specified by proclamation of the governor under Section 620.005.

(2) "Governmental entity" means:

(A) a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education as defined by Section 61.003, Education Code;

(B) the supreme court, the court of criminal appeals, a court of appeals, a district court, or the Texas Judicial

Council or another agency in the judicial branch of state government; or

(C) a political subdivision of this state, including a municipality, county, or special purpose district.

Sec. 620.002. DEFINING SECURITY RISK TO THIS STATE. For purposes of this chapter, a social media application or service poses a risk to this state if:

(1) the provider of the application or service may be required by a foreign government, or an entity associated with a foreign government, to provide confidential or private personal information collected by the provider through the application or service to the foreign government or associated entity without substantial due process rights or similar legal protections; or

(2) the application or service poses a similar risk to the security of this state's sensitive information, critical infrastructure, or both, as an application or service described by Section 620.001(1)(A).

Sec. 620.003. PROHIBITION; MODEL POLICY. (a) Subject to Section 620.004, a governmental entity shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the governmental entity and requiring the removal of covered applications from those devices.

(b) The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for governmental entities to use in developing the policy required by Subsection (a).

Sec. 620.004. EXCEPTIONS; MITIGATING MEASURES. (a) A

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

(1) providing law enforcement; or
(2) developing or implementing information security measures.

(b) A policy allowing the installation and use of a covered application under Subsection (a) must require:

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

Sec. 620.005. APPLICATIONS IDENTIFIED BY GOVERNOR'S PROCLAMATION. The governor by proclamation may identify social media applications or services that pose a risk to this state as described by Section 620.002.

Sec. 620.006. APPLICATION IDENTIFIED BY DEPARTMENT OF INFORMATION RESOURCES AND DEPARTMENT OF PUBLIC SAFETY. (a) The Department of Information Resources and the Department of Public Safety shall jointly identify social media applications or services that pose a risk to this state as described by Section 620.002.

(b) The Department of Information Resources shall:

(1) annually submit a list of applications and services identified under Subsection (a) to the governor;
(2) publish the list on the department's publicly accessible Internet website; and
(3) periodically update the list on that website.

SECTION 2. Not later than the 60th day after the date the

1 Department of Information Resources and the Department of Public
2 Safety make available the model policy required by Section
3 620.003(b), Government Code, as added by this Act, each
4 governmental entity shall adopt the policy required by Section
5 620.003(a), Government Code, as added by this Act.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2023.

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>President of the Senate</div>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <div>Speaker of the House</div>
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I hereby certify that S.B. No. 1893 passed the Senate on April 18, 2023, by the following vote: Yeas 31, Nays 0; May 16, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 17, 2023, House granted request of the Senate; May 27, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1893 passed the House, with amendments, on May 9, 2023, by the following vote: Yeas 144, Nays 0, two present not voting; May 17, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 139, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

5

AN ACT

relating to state agency and local government security incident procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2054.1125, Government Code, is transferred to Subchapter R, Chapter 2054, Government Code, redesignated as Section 2054.603, Government Code, and amended to read as follows:

Sec. 2054.603 [2054.1125]. SECURITY INCIDENT [~~BREACH~~] NOTIFICATION BY STATE AGENCY OR LOCAL GOVERNMENT. (a) In this section:

(1) "Security incident" means:

(A) a breach or suspected breach [~~"Breach"~~] of system security as defined [~~"security" has the meaning assigned~~] by Section 521.053, Business & Commerce Code; and

(B) the introduction of ransomware, as defined by Section 33.023, Penal Code, into a computer, computer network, or computer system.

(2) "Sensitive personal information" has the meaning assigned by Section 521.002, Business & Commerce Code.

(b) A state agency or local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a

1 security incident [~~breach or suspected breach of system security or~~
2 ~~an unauthorized exposure of that information~~]:

3 (1) comply with the notification requirements of
4 Section [521.053](#), Business & Commerce Code, to the same extent as a
5 person who conducts business in this state; ~~and~~

6 (2) not later than 48 hours after the discovery of the
7 security incident [~~breach, suspected breach, or unauthorized~~
8 ~~exposure~~], notify:

9 (A) the department, including the chief
10 information security officer; or

11 (B) if the security incident [~~breach, suspected~~
12 ~~breach, or unauthorized exposure~~] involves election data, the
13 secretary of state; and

14 (3) comply with all department rules relating to
15 reporting security incidents as required by this section.

16 (c) Not later than the 10th business day after the date of
17 the eradication, closure, and recovery from a security incident
18 [~~breach, suspected breach, or unauthorized exposure~~], a state
19 agency or local government shall notify the department, including
20 the chief information security officer, of the details of the
21 security incident [~~event~~] and include in the notification an
22 analysis of the cause of the security incident [~~event~~].

23 (d) This section does not apply to a security incident that
24 a local government is required to report to an independent
25 organization certified by the Public Utility Commission of Texas
26 under Section [39.151](#), Utilities Code.

27 SECTION 2. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 271 passed the Senate on March 21, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 271 passed the House on May 6, 2023, by the following vote: Yeas 134, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
F.	Approve of CU(LOCAL) Policy: RESEARCH	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve this new CU(LOCAL) policy, as recommended in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

This new recommended local policy addresses SB 1565, which requires a community college board to establish a policy framework promoting Research Security while mitigating foreign espionage and interference risks. The bill also requires the board to designate a research security officer (RSO).

The administration recommends that Vice Chancellor of Strategy, Planning, and Institutional Effectiveness (VC-SPIE) should be designated as the College's RSO. Fundamentally, the VC-SPIE supervises grants compliance, the Research Analytics and Decision Support team, and HCC's Institutional Review Board (IRB), with training in federal regulations regarding research, among relevant duties.

FISCAL IMPACT

None.

LEGAL REQUIREMENT

None.

STRATEGIC ALIGNMENT

4. *Community Investment*

ATTACHMENTS:

Description	Upload Date	Type
CU(LOCAL) Policy	3/6/2024	Attachment
S.B. 1565	3/6/2024	Attachment

This item is applicable to the following: District

RESEARCH

CU
(LOCAL)

Research Security	The College District shall promote the security of the College District's academic research so as to achieve the highest level of compliance with applicable ethical, legal, regulatory, contractual, and College District standards and requirements for securing and protecting the College District's research portfolios.
Research Security Officer	The Vice Chancellor, Strategy, Planning, and Institutional Effectiveness shall serve as the research security officer (RSO) and shall be responsible for administering the College District's research security program consistent with law, this policy, and associated administrative procedures. The RSO shall maintain classified information, maintain controlled unclassified information, conduct foreign influence reporting, maintain the export control program, and coordinate the National Security Presidential Memorandum 33 (NSPM-33) requirements. The RSO shall also be the point of contact for communication with federal and state agencies on research security matters. The RSO shall attend the annual academic security and counter exploitation program seminar offered by Texas A&M University.
Research Security Program	The RSO shall develop, administer, and annually review and approve a research security program designed in accordance with law and applicable standards to address the security of College District research against unauthorized disclosure or foreign interference. The program shall include procedures for risk assessment and mitigation, research security awareness education for employees when hired and periodically thereafter, and advising College District employees and officials on research security practices.

Commented [JL1]: This new policy recommended by TASB, and the Administration and Board Counsel are in concurrence.

AN ACT

relating to requiring the establishment of policy frameworks for research security at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.956 to read as follows:

Sec. 51.956. POLICY FRAMEWORK FOR RESEARCH SECURITY. (a)
In this section, "governing board," "institution of higher education," and "university system" have the meanings assigned by Section 61.003.

(b) The governing board of each institution of higher education shall establish a policy framework that promotes secure academic research at the institution while mitigating the risk of foreign espionage and interference. The governing board of a university system must establish a separate policy framework for each institution of higher education under the governing board's management and control.

(c) The policy framework must address:

(1) achieving the highest level of compliance with applicable ethical, legal, regulatory, contractual, and system standards and requirements for securing and protecting the institution's research portfolios;

(2) promoting within the institution an organizational culture of compliance with federal requirements to

1 ensure the institution maintains eligibility for federal funding;
2 and

3 (3) designating a person to serve as a research
4 security officer responsible for maintaining classified
5 information, maintaining controlled unclassified information,
6 conducting foreign influence reporting, and addressing other
7 issues at the institution associated with the goals of the policy
8 framework.

9 (d) For purposes of designating a person to serve as a
10 research security officer under Subsection (c)(3), the governing
11 board of a university system may designate a person to serve in an
12 institutional or system-wide capacity.

13 (e) A person designated to serve as a research security
14 officer under Subsection (c)(3) shall attend the annual academic
15 security and counter exploitation program seminar offered by Texas
16 A&M University.

17 SECTION 2. As soon as practicable after the effective date
18 of this Act, the governing board of each public institution of
19 higher education shall establish the policy framework for research
20 security required under Section 51.956, Education Code, as added by
21 this Act.

22 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1565 passed the Senate on April 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1565 passed the House on May 24, 2023, by the following vote: Yeas 136, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
G.	Proposed Changes to DEC(LOCAL) Policy: COMPENSATION AND BENEFITS - LEAVES AND ABSENCES	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the revisions to this DEC(LOCAL) policy, as recommended in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

Recommended revisions to this local policy address HB 1486, which applies existing mental health leave provisions applicable to peace officers to telecommunicators. The language alters existing Mental Health Leave language to now include full-time telecommunicators.

In addition, at Line of Duty Illness or Injury Leave, recommended revisions to this local policy address HB 471, which requires colleges to provide police officers and emergency medical services personnel a leave of absence for illness or injury related to the person’s line of duty. The specific details in this section reflect choices submitted by the college.

FISCAL IMPACT

None.

LEGAL REQUIREMENT

None.

STRATEGIC ALIGNMENT

5. College of Choice

ATTACHMENTS:

Description	Upload Date	Type
DEC(LOCAL) Policy	3/6/2024	Attachment
H.B. 1486	3/6/2024	Attachment
H.B. 471	3/6/2024	Attachment

This item is applicable to the following:

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Note: For College District contribution to employee insurance during leave, see CKD(LOCAL). For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

Leaves and Absences

The Board shall ensure that a comprehensive and systematic program of leave is provided, including religious holy days, for all benefits-eligible employees of the College District. The College District shall not discriminate or penalize in any way an employee who is absent from work for the observance of a religious holy day and gives proper notice of that absence. However, the employee shall use a personal business day to report such absence.

Leave Administration

The Chancellor or designee shall develop administrative regulations associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the FMLA, the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

Academic Year

An "academic year" for purposes of earning, use, or recording of leave shall mean the term of an employee's annual employment as set by the College District for the employee's usual assignment, whether full-time or part-time.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Catastrophic Illness or Injury	A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the College District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.
Earning Leave	An employee shall not earn any form of paid leave when the employee is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.
Deductions	The College District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.
Leave Without Pay	
Leave Proration <i>Employed for Less Than Full Year</i>	If an employee separates from employment with the College District before the employee's last scheduled workday, or begins employment after the first scheduled workday, paid leave shall be prorated based on the actual time employed. If an employee separates from employment before the last scheduled workday of the academic year, the employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.
<i>Employed for Full Year</i>	If an employee uses more paid leave than he or she earned and remains employed with the College District through his or her last scheduled workday, the College District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.
Medical Certification	An employee shall submit medical certification of the need for leave if: <ol style="list-style-type: none">1. The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Chancellor; or

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Leave for Certain
Law Enforcement
and EMS Personnel

Mental Health
Leave for Peace
Officers

A College District peace officer or a full-time telecommunicator, as defined by law, who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Chancellor shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which ~~a peace officer~~ an eligible employee may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

Quarantine Leave
for Peace Officers
and Emergency
Medical
Technicians

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Chancellor shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

Commented [JL1]: All revisions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

<u>Line of Duty Illness or Injury Leave</u>	<u>Following a leave of absence with full pay as required by law, the College District shall not extend the leave of absence for a police officer's or emergency medical services personnel's line of duty illness or injury. In accordance with law, an eligible employee may use accumulated leave.</u>
Family and Medical Leave	<p>FMLA leave shall run concurrently with applicable paid leave or compensatory time, as applicable.</p> <p>The FMLA provides up to 12 weeks of unpaid leave in a 12-month period to eligible employees for:</p> <ol style="list-style-type: none">1. Childbirth;2. Adoption or foster care;3. Caring for a seriously ill spouse, son, daughter, or parent; or4. Tending to the employee's own serious health condition. <p>This policy shall be administered in accordance with the FMLA, implementing regulations, and College District procedures. For additional information regarding the FMLA, employees may request forms and guidance from human resources. [See DECA]</p>
Twelve-Month Period	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured forward from the date an individual employee's first FMLA leave begins.
Combined Leave for Spouses	When both spouses are employed by the College District, the College District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The College District shall limit military caregiver leave to a combined total of 26 weeks.
Intermittent or Reduced Schedule Leave	The College District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Military Leave	The College District shall follow the guidelines established by the Uniformed Services and Reemployment Rights Act (USERRA) when applying military leave. [See DECB]

Commented [JL2]: This change is recommended by TASB, and the Administration and Board Counsel are in concurrence.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Faculty Sabbatical
Leave**

The purpose of sabbatical leave is to provide opportunities for full-time faculty to engage in activities that will benefit the College District and result in improved job performance. The total number of sabbatical leaves granted shall be subject to available funds budgeted for such purposes at the College District. At no time shall the number of individuals on sabbatical leave exceed five percent, College District-wide, of the total number of faculty within a discipline or program, and no more than one full-time employee within a College District department or discipline.

Eligibility, Duration,
and Compensation

A faculty member shall be eligible to be considered for a sabbatical leave when the employee has served a minimum of five years of full-time service in the College District. The applicant for a sabbatical leave must agree to return for a minimum of one year of full-time service in the College District upon completion of the sabbatical leave. If the employee fails to complete this requirement, the employee shall return to the College District the full amount of compensation received from the College District during the leave period (except in the case of permanent disability or death).

An individual awarded a sabbatical leave shall provide post-sabbatical documentation of activities accomplished during the sabbatical leave period and participate in professional development activities for other faculty as requested by the vice chancellor for instruction and chief academic officer. Failure to submit post-sabbatical documentation shall result in future ineligibility for sabbatical leave and/or repayment of the amount of compensation received during the leave period. Documentation of the sabbatical leave results shall be due to the vice chancellor of instruction's office no later than 30 calendar days following the completion of the sabbatical leave period.

Once an employee takes sabbatical leave, he or she becomes ineligible to apply for additional sabbatical leave until the completion of an additional period of seven consecutive years of service in the College District. The time spent on sabbatical leave is excluded from this service requirement.

A sabbatical leave shall be granted for a period of one semester (fall or spring) at the employee's full salary, or for a period of two consecutive semesters (fall and spring) at full salary for the first semester of leave and 75 percent salary for the second consecutive semester.

The individual on sabbatical leave may not receive any other salary from the College District during the leave period but will continue to be eligible for insurance benefits during the sabbatical leave period; leave and vacation benefits shall not accrue during the sabbatical leave period.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Should the salary for the position normally held by the employee increase during a sabbatical leave, the employee's leave pay will reflect the increase. Time served on sabbatical leave shall be used in calculating an earned increment for the employee's salary the following year.

Sabbatical leave funds for the College District shall be used to pay the salary of a temporary full-time replacement of the individual on sabbatical leave. Replacement salary shall be at the entry rate on the appropriate salary schedule. Funds from the College District division/department budgets shall be used to pay the salaries of the employees on sabbatical leave.

Sabbatical leave procedures shall be developed by the vice chancellor for instruction and approved by the Chancellor's cabinet. These procedures shall include the criteria for taking such leave, dates by which applications must be submitted, and procedures for awarding sabbaticals.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave.

Paid Leave Offset

The College District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. An eligible employee may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage. [See CKE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College District and shall not be deducted from the employee's pay or leave balance.

Effective Date

~~This policy shall be effective as of the adoption date, May 18, 2022.~~

AN ACT

relating to the adoption of a mental health leave policy for certain telecommunicators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 614.015, Government Code, is amended to read as follows:

Sec. 614.015. MENTAL HEALTH LEAVE FOR PEACE OFFICERS AND TELECOMMUNICATORS. (a) In this section:

(1) "Law [~~, "law~~]" enforcement agency" means an agency of the state or [~~an agency~~] of a political subdivision of the state authorized by law to employ peace officers.

(2) "Telecommunicator" means a person authorized to act as a telecommunicator under Section 1701.405, Occupations Code.

(b) Each law enforcement agency, and each agency of the state or of a political subdivision of the state that employs a full-time telecommunicator, shall develop and adopt a policy allowing the use of mental health leave by the peace officers and full-time telecommunicators, as applicable, employed by the agency who experience a traumatic event in the scope of that employment.

(c) A [~~The~~] mental health leave policy adopted under this section must:

(1) provide clear and objective guidelines establishing the circumstances under which a peace officer or telecommunicator is granted [~~mental health leave~~] and may use

1 mental health leave;

2 (2) entitle a peace officer or telecommunicator to
3 mental health leave without a deduction in salary or other
4 compensation;

5 (3) enumerate the number of mental health leave days
6 available to a peace officer or telecommunicator; and

7 (4) detail the level of anonymity for a peace officer
8 or telecommunicator who takes mental health leave.

9 (d) A [~~The~~] mental health leave policy adopted under this
10 section may provide a list of mental health services available to
11 peace officers and telecommunicators in the area of the law
12 enforcement or employing agency.

13 SECTION 2. As soon as practicable after the effective date
14 of this Act, each agency required to adopt a mental health leave
15 policy under Section 614.015, Government Code, as amended by this
16 Act, shall adopt a mental health leave policy as prescribed by that
17 section.

18 SECTION 3. This Act takes effect September 1, 2023.

H.B. No. 1486

President of the Senate

Speaker of the House

I certify that H.B. No. 1486 was passed by the House on April 14, 2023, by the following vote: Yeas 140, Nays 3, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1486 was passed by the Senate on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

AN ACT

relating to the entitlement to and claims for benefits for certain first responders and other employees related to illness and injury.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 177A to read as follows:

CHAPTER 177A. ILLNESS OR INJURY LEAVE OF ABSENCE FOR FIREFIGHTERS,
POLICE OFFICERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL OF
POLITICAL SUBDIVISION

Sec. 177A.001. DEFINITIONS. In this chapter:

(1) "Emergency medical services personnel" means a person described by Section 773.003, Health and Safety Code, who is a paid employee of a political subdivision.

(2) "Firefighter" means a firefighter who is a permanent, paid employee of the fire department of a political subdivision. The term includes the chief of the department. The term does not include a volunteer firefighter.

(3) "Police officer" means a paid employee who is full-time, holds an officer license issued under Chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the police department of a political subdivision. The term includes the chief of the department.

Sec. 177A.002. EFFECT ON LABOR AGREEMENTS. Notwithstanding any other law, including Section 142.067, 142.117, 143.207,

1 143.307, 143.361, 147.004, or 174.005, a collective bargaining,
2 meet and confer, or other similar agreement that provides a benefit
3 for an ill or injured employee must provide a benefit that, at a
4 minimum, complies with this chapter.

5 Sec. 177A.003. LINE OF DUTY ILLNESS OR INJURY LEAVE OF
6 ABSENCE. (a) A political subdivision shall provide to a
7 firefighter, police officer, or emergency medical services
8 personnel a leave of absence for an illness or injury related to the
9 person's line of duty. The leave is with full pay for a period
10 commensurate with the nature of the line of duty illness or injury.
11 If necessary, the political subdivision shall continue the leave
12 for at least one year.

13 (b) At the end of the leave of absence under Subsection (a),
14 the governing body of the political subdivision may extend the
15 leave of absence at full or reduced pay.

16 (c) If the firefighter, police officer, or emergency
17 medical services personnel is temporarily disabled by a line of
18 duty injury or illness and the leave of absence and any extension
19 granted by the governing body has expired, the person may use
20 accumulated sick leave, vacation time, and other accrued benefits
21 before the person is placed on temporary leave.

22 (d) If the leave of absence and any extension granted by the
23 governing body has expired, a firefighter, police officer, or
24 emergency medical services personnel who requires additional leave
25 described by this section shall be placed on temporary leave.

26 Sec. 177A.004. RETURN TO DUTY. (a) If able, a firefighter,
27 police officer, or emergency medical services personnel may return

1 to light duty while recovering from a temporary disability. If
2 medically necessary, the light duty assignment may continue for at
3 least one year.

4 (b) After recovery from a temporary disability, a
5 firefighter, police officer, or emergency medical services
6 personnel shall be reinstated at the same rank and with the same
7 seniority the person had before going on temporary leave. Another
8 firefighter, police officer, or emergency medical services
9 personnel may voluntarily do the work of the injured firefighter,
10 police officer, or emergency medical services personnel until the
11 person returns to duty.

12 SECTION 2. Section 504.051(a), Labor Code, is amended to
13 read as follows:

14 (a) Benefits provided under this chapter shall be offset:

15 (1) to the extent applicable, by any amount for
16 incapacity received as provided by:

17 (A) Chapter 143 or 177A, Local Government Code;
18 or

19 (B) any other statute in effect on June 19, 1975,
20 that provides for the payment for incapacity to work because of
21 injury on the job that is also covered by this chapter; and

22 (2) by any amount paid under Article III, Section 52e,
23 of the Texas Constitution, as added in 1967.

24 SECTION 3. Section 177A.002, Local Government Code, as
25 added by this Act, applies only to a collective bargaining, meet and
26 confer, or other similar agreement entered into on or after the
27 effective date of this Act.

1 SECTION 4. Section 504.051(a), Labor Code, as amended by
2 this Act, applies only to a claim for workers' compensation
3 benefits filed on or after the effective date of this Act. A claim
4 filed before that date is governed by the law as it existed on the
5 date the claim was filed, and the former law is continued in effect
6 for that purpose.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 471 was passed by the House on April 5, 2023, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 471 on May 24, 2023, by the following vote: Yeas 138, Nays 4, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 471 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
H.	Proposed Changes to ECC(LOCAL) Policy: INSTRUCTIONAL ARRANGEMENTS - COURSE LOAD AND SCHEDULES	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the revisions to this ECC(LOCAL) policy, as recommended in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

Recommended revisions to this local policy address HB 8, which prohibits a college from counting toward the drop limit a Course Dropped During a Bachelor's Program that a student ultimately earned or a Dual Credit or Dual Enrollment Course a student dropped before graduating from high school.

FISCAL IMPACT

None.

STRATEGIC ALIGNMENT

1. *Student Success*

ATTACHMENTS:

Description	Upload Date	Type
ECC(LOCAL) Policy	3/6/2024	Attachment
H.B. 8	3/6/2024	Attachment

This item is applicable to the following: District

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

Course Load

Students are recommended to take 15 credits per semester to complete their degree or certificate in a timely manner. However, a full-time course load is 12 semester hours. Course loads in excess of 18 semester hours will require approval by the student services designee. The maximum course load shall be no more than 21 semester hours.

The full-time course load for the summer term shall be six semester hours for each five-week term or 12 semester hours for a full summer semester. Course loads in excess of eight semester hours per term or 18 semester hours per summer semester shall require approval by the student services designee. The maximum summer credit hours earned shall be nine semester hours for one term or 21 semester hours for a full summer semester.

**Limitation on
Number of Dropped
Courses**

In accordance with the Coordinating Board's rules and regulations, a College District student shall not be permitted to drop more than six courses taken while enrolled at the College District or another public institution of higher education. For the limit to apply:

1. The student must be permitted to drop the course without receiving a grade or being penalized academically;
2. The student's transcript must indicate or will indicate the student was enrolled in the course; and
3. The student must not have dropped the course to withdraw from the College District.

Exceptions ~~for~~
Good Cause

A student shall be permitted to exceed the limit on the number of dropped courses for any of the following reasons:

1. A severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;
2. The care of a sick, injured, or needy person if providing that care affects the student's ability to satisfactorily complete a course;
3. The death of a member of the student's family as defined by law;
4. The death of a person who has a sufficiently close relationship to the student as defined by law;
5. The student's active military duty service;
6. The active military service of a member of the student's family or a person who has a sufficiently close relationship to the student;

INSTRUCTIONAL ARRANGEMENTS
COURSE LOAD AND SCHEDULES

ECC
(LOCAL)

7. A change in the student's work schedule that is beyond the student's control and affects the student's ability to satisfactorily complete the course; or
8. A disaster declared by the governor under Government Code 418.014, resulting in a bar or limit on in-person course attendance at the College District.

~~Exception for~~
~~Reenrolled~~
~~Students~~
~~Exception for~~
~~Course Dropped~~
~~During a~~
~~Bachelor's~~
~~Program~~
~~Dual Credit or~~
~~Dual Enrollment~~
~~Course~~

A qualifying reenrolled student may drop a seventh course in accordance with law.

A course dropped by a student while pursuing a bachelor's degree that the student ultimately earned may not be counted toward the limit on the number of dropped courses.

A dual credit or dual enrollment course dropped by a student before graduating from high school may not be counted toward the limit on the number of dropped courses.

COVID-19
Pandemic

A course dropped by a student during the 2020 spring or summer semester or the 2020–21 academic year because of a bar or limit on in-person course attendance due to the COVID-19 pandemic may not be counted toward the limit on the number of dropped courses.

Procedures

The Chancellor shall develop procedures to implement this policy and shall publish the procedures in the College District catalog.

Effective Date

~~This policy shall be effective as of the adoption date, April 20, 2022.~~

Commented [JL1]: Revisions are recommended by TASB, and the Administration and Board Counsel are in concurrence.

AN ACT

relating to public higher education, including the public junior college state finance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.040(a), Education Code, is amended to read as follows:

(a) The agency shall prepare information comparing institutions of higher education in this state and post the information on the agency's Internet website. Information prepared under this section shall be made publicly available in a manner that is accessible ~~[given]~~ to any ~~[a]~~ public or private school student seeking ~~[who requests]~~ the information. The information shall:

(1) identify postsecondary education and career opportunities, including information that states the benefits of four-year and two-year higher education programs, postsecondary technical education, skilled workforce careers, and career education programs;

(2) assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an institution of higher education by comparing ~~[compare]~~ each institution ~~[of higher education]~~ with other institutions using information included in the electronic tools or platforms developed by the Texas Higher Education Coordinating Board under Section

61.09022(a) ~~[regarding:~~

~~[(A) the relative cost of tuition,~~

~~[(B) the retention rate of students,~~

~~[(C) the graduation rate of students,~~

~~[(D) the average student debt,~~

~~[(E) the loan repayment rate of students, and~~

~~[(F) the employment rate of students];~~

(3) identify the state's future workforce needs, as projected by the Texas Workforce Commission; ~~[and]~~

(4) include annual starting wage information and educational requirements for the top 25 ~~[10]~~ highest demand jobs in this state, as identified by the Texas Workforce Commission;

(5) identify the 40 baccalaureate degree programs with the highest average annual wages following graduation; and

(6) identify the 20 associate degree or certificate programs with the highest average annual wages following graduation.

SECTION 2. Section 28.009(b-2), Education Code, is amended to read as follows:

(b-2) Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program described by Subsection (b-1) must:

(1) include specific program goals aligned with the statewide goals developed under Subsection (b-1);

(2) establish common advising strategies and terminology related to dual credit and college readiness;

1 (3) provide for the alignment of endorsements
2 described by Section 28.025(c-1) offered by the district, and dual
3 credit courses offered under the agreement that apply towards those
4 endorsements, with postsecondary pathways and credentials at the
5 institution and industry certifications;

6 (4) identify tools, including tools developed by the
7 agency, the Texas Higher Education Coordinating Board, or the Texas
8 Workforce Commission, to assist school counselors, students, and
9 families in selecting endorsements offered by the district and dual
10 credit courses offered under the agreement;

11 (5) establish, or provide a procedure for
12 establishing, the course credits that may be earned under the
13 agreement, including by developing a course equivalency crosswalk
14 or other method for equating high school courses with college
15 courses and identifying the number of credits that may be earned for
16 each course completed through the program;

17 (6) describe the academic supports and, if applicable,
18 guidance that will be provided to students participating in the
19 program;

20 (7) establish the district's and the institution's
21 respective roles and responsibilities in providing the program and
22 ensuring the quality and instructional rigor of the program;

23 (8) state the sources of funding for courses offered
24 under the program, including, at a minimum, the sources of funding
25 for tuition, transportation, and any required fees or textbooks for
26 students participating in the program;

27 (9) require the district and the institution to

consider the use of free or low-cost open educational resources in courses offered under the program;

(10) ensure the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course as provided by Section 28.0095;

(11) be posted each year on the district's and the institution's respective Internet websites; and

(12) [~~(11)~~] designate at least one employee of the 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.

SECTION 3. Subchapter A, Chapter 28, Education Code, is amended by adding Section 28.0095 to read as follows:

Sec. 28.0095. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM. (a) In this section:

(1) "Charter school" means a charter school operating under Chapter 12.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "Dual credit course" includes a course offered for joint high school and junior college credit under Section 130.008 or another course offered by an institution of higher education for which a high school student may earn credit toward satisfaction of:

(A) a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree;

(B) a foreign language requirement at an

institution of higher education;

(C) a requirement in the core curriculum, as that term is defined by Section 61.821, at an institution of higher education; or

(D) a requirement in a field of study curriculum developed by the coordinating board under Section 61.823.

(4) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) The agency and the coordinating board shall jointly establish the Financial Aid for Swift Transfer (FAST) program to allow eligible students to enroll at no cost to the student in dual credit courses at participating institutions of higher education.

(c) A student is eligible to enroll at no cost in a dual credit course under the program if the student:

(1) is enrolled:

(A) in high school in a school district or charter school; and

(B) in a dual credit course at a participating institution of higher education; and

(2) was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course described by Subdivision (1)(B).

(d) An institution of higher education is eligible to participate in the program only if the institution charges for each dual credit course offered by the institution an amount of tuition that does not exceed the amount prescribed by coordinating board rule.

1 (e) Each school district or charter school shall:

2 (1) on a high school student's enrollment in a dual
3 credit course, determine whether the student meets the criteria for
4 the program under Subsection (c)(2); and

5 (2) notify the institution of higher education that
6 offers the dual credit course in which the student is enrolled of
7 the district's or school's determination under Subdivision (1).

8 (f) A school district or charter school may make the
9 determination under Subsection (e)(1) based on the district's or
10 school's records, the agency's records, or any other method
11 authorized by commissioner or coordinating board rule. If the
12 district or school bases the determination on a method other than
13 the agency's records, the district or school shall report the
14 method used and the data on which the method is based to the agency
15 for purposes of verification.

16 (g) At least once each year, a participating institution of
17 higher education shall certify to the agency and the coordinating
18 board the student's eligibility for the program. Notwithstanding
19 Section 54.051, a participating institution of higher education may
20 not charge tuition or fees for the enrollment in a dual credit
21 course at the institution of a student for whom the institution
22 receives notice under Subsection (e)(2).

23 (h) The coordinating board shall distribute money
24 transferred to the coordinating board under Section 48.308 to the
25 participating institutions of higher education in proportion to the
26 number of dual credit courses in which eligible students are
27 enrolled at the institution.

1 (i) The commissioner and the commissioner of higher
2 education shall coordinate as necessary to:

3 (1) confirm an eligible student's enrollment in a
4 participating institution of higher education; and

5 (2) obtain or share data necessary to verify a
6 student's eligibility under Subsection (c)(2).

7 (j) The commissioner and the coordinating board shall adopt
8 rules as necessary to implement this section. Notwithstanding
9 Section 61.033, the coordinating board is not required to use
10 negotiated rulemaking procedures under Chapter 2008, Government
11 Code, for the adoption of rules under this section.

12 SECTION 4. Section 28.010(a), Education Code, is amended to
13 read as follows:

14 (a) Each school year, a school district shall notify the
15 parent of each district student enrolled in grade nine or above of:

16 (1) the availability of:

17 (A) programs in the district under which a
18 student may earn college credit, including advanced placement
19 programs, dual credit programs, joint high school and college
20 credit programs, and international baccalaureate programs;

21 (B) career and technology education programs or
22 other work-based education programs in the district, including any
23 internship, externship, or apprenticeship programs or a P-TECH
24 program under Subchapter N, Chapter 29; ~~and~~

25 (C) subsidies based on financial need available
26 for fees paid to take college advanced placement tests or
27 international baccalaureate examinations under Section 28.054; and

1 (D) funding for enrollment in dual credit courses
2 under Section 28.0095; and

3 (2) the qualifications for:

4 (A) enrolling in programs described by
5 Subdivision (1)(A) or (B); or

6 (B) funding described by Subdivision (1)(D).

7 SECTION 5. Section 28.0253(a)(2), Education Code, is
8 amended to read as follows:

9 (2) "Eligible institution" means an institution of
10 higher education [~~that is designated as a research university or~~
11 ~~emerging research university under the coordinating board's~~
12 ~~accountability system~~].

13 SECTION 6. Section 28.0253(e), Education Code, is amended
14 to read as follows:

15 (e) A school district or open-enrollment charter school
16 shall allow a student to graduate and receive [~~may issue~~] a high
17 school diploma [~~to a student~~] under the program if, using the
18 standards established under Subsection (c), the student
19 demonstrates mastery of and early readiness for college in each of
20 the subject areas described by that subsection and in a language
21 other than English, notwithstanding any other local or state
22 requirements.

23 SECTION 7. Section 29.908(b), Education Code, is amended to
24 read as follows:

25 (b) The program must:

26 (1) provide for a course of study that enables a
27 participating student to combine high school courses and

college-level courses during grade levels 9 through 12;

(2) allow a participating student to complete high school and enroll in a program at an institution of higher education that will enable the student to, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either:

(A) an applied associate degree, as defined by Texas Higher Education Coordinating Board rule; or

(B) an academic associate degree, as defined by Texas Higher Education Coordinating Board rule, with a completed field of study curriculum developed under Section 61.823 that is transferable ~~[at least 60 semester credit hours]~~ toward a baccalaureate degree at one or more general academic teaching institutions, as defined by Section 61.003;

(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.

SECTION 8. Subchapter G, Chapter 48, Education Code, is amended by adding Section 48.308 to read as follows:

Sec. 48.308. ALLOTMENT FOR FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

1 (2) "FAST program" means the Financial Aid for Swift
2 Transfer (FAST) program under Section 28.0095.

3 (b) An institution of higher education participating in the
4 FAST program is entitled to an allotment in an amount equal to the
5 amount of tuition set by coordinating board rule under Section
6 28.0095(d) for each dual credit course in which a student eligible
7 to participate in the FAST program is enrolled at the institution.

8 (c) The agency shall transfer the total amount of allotments
9 under this section to the coordinating board for distribution in
10 accordance with Section 28.0095(h).

11 (d) The agency and the coordinating board shall coordinate
12 as necessary to implement this section.

13 (e) The legislature shall include in amounts appropriated
14 for the Foundation School Program an amount of state aid sufficient
15 for the agency to make the transfer required under Subsection (c).

16 SECTION 9. Section [51.4033](#), Education Code, is amended to
17 read as follows:

18 Sec. 51.4033. REPORT OF NONTRANSFERABLE CREDIT. (a) Not
19 later than May ~~March~~ 1 of each year and in the form prescribed by
20 the coordinating board, each general academic teaching institution
21 shall provide to the coordinating board and the legislature a
22 report describing any courses in the Lower-Division Academic Course
23 Guide Manual or its successor adopted by the coordinating board for
24 which a student who transfers to the institution from another
25 institution of higher education is not granted:

26 (1) academic credit at the receiving institution; or

27 (2) if the student has declared a major and has not

changed majors, academic credit toward the student's major at the receiving institution.

(b) A report required by this section must indicate:

(1) the course name and type;

(2) which institution of higher education provided academic credit for the course; and

(3) the reason why the receiving institution did not grant academic credit for the course as described by Subsection (a), including whether the institution complied with the dispute resolution process under Section 61.826.

SECTION 10. Section 51.4034(a), Education Code, is amended to read as follows:

(a) Not later than May ~~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.

SECTION 11. Section 51.762(b-1), Education Code, is amended to read as follows:

(b-1) An electronic common admission application form adopted under this section must include a prominent link to the electronic tools or platforms developed by the board under Section 61.09022 ~~[comparative gainful employment data regarding institutions of higher education, including information described by Section 7.040, on a website maintained by the board using data compiled by the board in coordination with the Texas Workforce~~

Commission].

SECTION 12. Section 51.763(b), Education Code, is amended to read as follows:

(b) The form must:

(1) allow each applicant to:

(A) apply electronically to one or more of the general academic teaching institutions within the university system; and

(B) indicate preferences for admission between those institutions; and

(2) include a prominent link to the electronic tools or platforms developed by the board under Section 61.09022 ~~[comparative gainful employment data regarding institutions of higher education, including information described by Section 7.040, on a website maintained by the board using data compiled by the board in coordination with the Texas Workforce Commission]~~.

SECTION 13. Section 51.907, Education Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) An institution of higher education may not count toward the number of courses permitted to be dropped under Subsection (c) or a policy adopted under Subsection (d) a course that a student dropped while enrolled in a baccalaureate degree program previously earned by the student.

(c-2) An institution of higher education may not count toward the number of courses permitted to be dropped under Subsection (c) or a policy adopted under Subsection (d) a dual credit or dual enrollment course that a student dropped before

1 graduating from high school.

2 SECTION 14. Section 54.3531(b), Education Code, is amended
3 to read as follows:

4 (b) Notwithstanding Subsection (a), a student may not
5 receive an exemption under this section for any course if the
6 student has previously attempted a number of semester credit hours
7 for courses taken at any institution of higher education while
8 classified as a resident student for tuition purposes in excess of
9 the maximum number of those hours specified by Section 61.0595(a)
10 as eligible for funding under the formulas established under
11 Section 61.059 or Chapter 130A.

12 SECTION 15. Section 56.221(2), Education Code, is amended
13 to read as follows:

14 (2) "Eligible institution" means an institution of
15 higher education, as that term is defined by Section 61.003~~[, that~~
16 ~~is designated as a research university or emerging research~~
17 ~~university under the coordinating board's accountability system]~~.

18 SECTION 16. Section 56.407(g), Education Code, is amended
19 to read as follows:

20 (g) An institution may use other available sources of
21 financial aid, other than a loan ~~[or a Pell grant]~~, to cover any
22 difference in the amount of a grant under this subchapter and the
23 actual amount of tuition and required fees at the institution.

24 SECTION 17. Sections 61.003(2), (11), and (12), Education
25 Code, are amended to read as follows:

26 (2) "Public junior college" means any junior college
27 listed as a public junior college ~~[certified by the board]~~ in

accordance with Section 61.063 ~~[of this chapter]~~.

(11) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student ~~[him]~~ to:

(A) a degree from a public senior college or university or a medical or dental unit; or

(B) an academic associate degree, as defined by board rule, or baccalaureate degree from a public junior college.

(12) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle the student ~~[him]~~ to:

(A) a certificate; ;

(B) an~~[r]~~ associate degree, other than an academic associate degree, as defined by board rule, from a technical institute or junior college; or

(C) [r]~~[or]~~ documentary evidence, other than a degree, of completion of a course of study at the postsecondary level.

SECTION 18. The heading to Section 61.031, Education Code, is amended to read as follows:

Sec. 61.031. PUBLIC ~~[INTEREST]~~ INFORMATION AND COMPLAINTS.

SECTION 19. Section 61.031, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Notwithstanding any other provision of law, information that relates to a current, former, or prospective applicant or student of an educational institution and that is obtained, received, or held by the board for the purpose of providing

1 assistance with access to postsecondary education shall be
2 considered confidential and excepted from disclosure under Chapter
3 552, Government Code, and may only be released in conformity with
4 the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
5 Section 1232g). The board may withhold information prohibited from
6 being disclosed under this subsection without requesting a decision
7 from the attorney general under Subchapter G, Chapter 552,
8 Government Code.

9 SECTION 20. Section 61.051, Education Code, is amended by
10 adding Subsection (b) to read as follows:

11 (b) The board may participate in the establishment and
12 operation of an affiliated nonprofit organization whose purpose is
13 to raise money for or provide services or other benefits to the
14 board.

15 SECTION 21. Section 61.0571, Education Code, is amended by
16 adding Subsections (c), (d), (e), and (f) to read as follows:

17 (c) The board may provide administrative support and
18 services to institutions of higher education as necessary to
19 implement this chapter, Chapter 130, or Chapter 130A.

20 (d) The board may establish an institutional collaboration
21 center within the board to support the implementation of Chapter
22 130A and the efficient and effective operations of institutions of
23 higher education.

24 (e) From money appropriated or otherwise available for the
25 purpose, the board may procure goods and services for the direct
26 benefit of an institution of higher education and enter into an
27 interagency contract under Chapter 771, Government Code, with the

1 institution to reimburse the board for the cost of the goods and
2 services.

3 (f) An affiliated nonprofit organization described by
4 Section 61.051(b) may accept gifts, grants, or donations from any
5 public or private source to pay for goods or services procured for
6 the direct benefit of an institution of higher education under
7 Subsection (e).

8 SECTION 22. Section 61.059, Education Code, is amended by
9 amending Subsections (b), (b-1), and (r) and adding Subsection (s)
10 to read as follows:

11 (b) The board shall devise, establish, and periodically
12 review and revise formulas for the use of the governor and the
13 Legislative Budget Board in making appropriations recommendations
14 to the legislature for ~~[all]~~ institutions of higher education other
15 than public junior colleges funded under Chapter 130A~~[, including~~
16 ~~the funding of postsecondary vocational-technical programs]~~. As a
17 specific element of the periodic review, the board shall study and
18 recommend changes in the funding formulas based on the role and
19 mission statements of those institutions of higher education. In
20 carrying out its duties under this section, the board shall employ
21 an ongoing process of committee review and expert testimony and
22 analysis.

23 (b-1) A committee under Subsection (b) must be composed of
24 representatives of a cross-section of institutions representing
25 each of the institutional groupings under the board's
26 accountability system, other than public junior colleges funded
27 under Chapter 130A. The commissioner of higher education shall

1 solicit recommendations for the committee's membership from the
2 chancellor of each university system and from the president of each
3 institution of higher education that is not a component of a
4 university system. The chancellor of a university system may
5 ~~[shall]~~ recommend to the commissioner at least one institutional
6 representative for each institutional grouping to which a component
7 of the university system is assigned. The president of an
8 institution of higher education that is not a component of a
9 university system may ~~[shall]~~ recommend to the commissioner at
10 least one institutional representative for the institutional
11 grouping to which the institution is assigned.

12 (r) The board shall exclude contact hours or semester credit
13 hours related to a course for which a student is generating formula
14 funding for the third time from the contact hours or semester credit
15 hours reported for formula funding purposes.

16 (s) Notwithstanding any other law, the board may not exclude
17 from the number of semester credit hours reported ~~[to the~~
18 ~~Legislative Budget Board]~~ for formula funding under this section or
19 Chapter 130A semester credit hours for any course taken up to three
20 times by a student who:

21 (1) has reenrolled at an institution of higher
22 education following a break in enrollment from the institution or
23 another institution of higher education covering the 24-month
24 period preceding the first class day of the initial semester or
25 other academic term of the student's reenrollment; and

26 (2) successfully completed at least 50 semester credit
27 hours of course work at an institution of higher education before

that break in enrollment.

SECTION 23. Sections 61.0595(a), (d), and (f), Education Code, are amended to read as follows:

(a) In the formulas established under Section 61.059 or Chapter 130A, the board may not include funding for semester credit hours earned by a resident undergraduate student who before the semester or other academic session begins has previously attempted a number of semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes that exceeds the number of semester credit hours required for completion of the degree program or programs in which the student is enrolled, including minors and double majors, and for completion of any certificate or other special program in which the student is also enrolled, including a program with a study-abroad component, by at least:

(1) for an associate degree program, 15 hours; or

(2) for a baccalaureate degree program, 30 hours.

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

(1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

(2) semester credit hours earned by the student by examination or under any other procedure by which credit is earned without registering for a course for which tuition is charged;

(3) credit for a remedial education course, a

1 technical course, a workforce education course funded according to
2 contact hours, or another course that does not count toward a degree
3 program at the institution;

4 (4) semester credit hours earned by the student at a
5 private institution or an out-of-state institution;

6 (5) semester credit hours earned by the student before
7 graduating from high school and used to satisfy high school
8 graduation requirements; ~~and~~

9 (6) the first additional 15 semester credit hours
10 earned toward a degree program by a student who:

11 (A) has reenrolled at an institution of higher
12 education following a break in enrollment from the institution or
13 another institution of higher education covering the 24-month
14 period preceding the first class day of the initial semester or
15 other academic term of the student's reenrollment; and

16 (B) successfully completed at least 50 semester
17 credit hours of course work at an institution of higher education
18 before that break in enrollment; and

19 (7) semester credit hours earned by the student before
20 receiving an associate degree that has been previously awarded to
21 the student.

22 (f) In the formulas established under Section [61.059](#) or
23 Chapter 130A, the board shall include without consideration of
24 Subsection (a) funding for semester credit hours earned by a
25 student who initially enrolled as an undergraduate student in any
26 institution of higher education before the 1999 fall semester.

27 SECTION 24. Section [61.063](#), Education Code, is amended to

read as follows:

Sec. 61.063. LISTING ~~[AND CERTIFICATION]~~ OF PUBLIC JUNIOR COLLEGES; ELIGIBILITY FOR STATE APPROPRIATIONS. (a) The commissioner of higher education shall file with the ~~[state]~~ comptroller and the state auditor on or before September ~~[October]~~ 1 of each year a list of each ~~[the]~~ public junior college ~~[colleges]~~ in this state that has certified to the board under Section 130.003 that the college is in compliance with the requirements of Subsection (b) of that section.

(b) ~~[The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board.]~~ Only a public junior college included on the list under Subsection (a) is ~~[those colleges which are so certified shall be]~~ eligible for and may receive money appropriated ~~[any appropriation made]~~ by the legislature to public junior colleges.

SECTION 25. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.09022 to read as follows:

Sec. 61.09022. INFORMATION TO ASSIST STUDENTS IN ASSESSING VALUE OF POSTSECONDARY CREDENTIALS. (a) From money appropriated or otherwise available for the purpose, the board shall develop one or more electronic tools or platforms to provide information to assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an institution of higher education or private or independent institution of higher education by comparing each institution with other institutions regarding:

1 (1) the relative cost of obtaining the certificate,
2 degree, or other credential, based on the most recent data
3 available to the board from the Texas Workforce Commission,
4 institutions of higher education, the federal government, or any
5 other source from which the board may obtain reliable data,
6 including:

7 (A) the cost for each of the following at the 25th
8 percentile, the median, and the 75th percentile:

9 (i) total cost of attendance;

10 (ii) tuition and fees;

11 (iii) room and board;

12 (iv) books and supplies;

13 (v) transportation; and

14 (vi) other costs; and

15 (B) the estimated net cost remaining after
16 subtracting from the amount described by Paragraph (A) the average
17 amount of scholarship and grant aid awarded to the typical student
18 for the program;

19 (2) the value of the certificate, degree, or other
20 credential as measured by comparing:

21 (A) the median wage earned by students who
22 graduated with the certificate, degree, or other credential from
23 the institution; and

24 (B) the median student debt of students who
25 graduated with the certificate, degree, or other credential from
26 the institution as compared to the median student debt of all
27 students who graduated with the certificate, degree, or other

1 credential, based on the most recent data available to the board
2 from the Texas Workforce Commission, institutions of higher
3 education, the federal government, or any other source from which
4 the board may obtain reliable data;

5 (3) the average student debt-to-income ratio of
6 students who graduated with the certificate, degree, or other
7 credential from the institution and have student debt, including
8 the estimated monthly student loan payment, computed using the
9 standard 10-year repayment plan;

10 (4) progress on repaying student loans by students who
11 graduated with the certificate, degree, or other credential from
12 the institution; and

13 (5) educational outcomes for students seeking the
14 certificate, degree, or other credential, including:

15 (A) for a program designed to be completed in
16 more than one year, the percentage of students who continue in the
17 program after the first year of study;

18 (B) the completion rate;

19 (C) the percentage of students who withdraw or
20 transfer from the institution and subsequently graduate with the
21 certificate, degree, or other credential from another institution
22 of higher education or private or independent institution of higher
23 education;

24 (D) the percentage of students who withdraw from
25 the institution and do not enroll in the program at another
26 institution of higher education or private or independent
27 institution of higher education within three years of the

1 withdrawal; and

2 (E) the percentage of graduates employed in the
3 top five industries in this state, as identified by the Texas
4 Workforce Commission, by certificate program, degree program, or
5 other credential program within one year of graduation.

6 (c) The board may solicit and accept gifts, grants, and
7 donations from any public or private source to implement this
8 section.

9 (d) The board shall adopt rules as necessary to implement
10 this section.

11 SECTION 26. Section 7.040(c), Education Code, is
12 transferred to Section 61.09022, Education Code, as added by this
13 Act, redesignated as Section 61.09022(b), Education Code, and
14 amended to read as follows:

15 (b) [(c)] Each institution of higher education shall
16 include on its Internet website, in a prominent location that is not
17 more than three hyperlinks from the website's home page, a link to
18 the electronic tools or platforms developed by the board
19 [information posted on the agency's Internet website] under
20 Subsection (a).

21 SECTION 27. Sections 61.822(b) and (c), Education Code, are
22 amended to read as follows:

23 (b) Each institution of higher education shall adopt a core
24 curriculum of no less than 42 semester credit hours, including
25 specific courses comprising the curriculum. The core curriculum
26 shall be consistent with the common course numbering system
27 approved by the board and with the statement, recommendations, and

1 rules issued by the board. An institution may have a core
2 curriculum of other than 42 semester credit hours only if approved
3 by the board. The board by rule may approve a core curriculum of
4 fewer than 42 semester credit hours for an associate degree program
5 if the board determines that the approval would facilitate the
6 award of a degree or transfer of credit consistent with this
7 subchapter.

8 (c) If a student successfully completes the [~~42-hour~~] core
9 curriculum at an institution of higher education, that block of
10 courses may be transferred to any other institution of higher
11 education and must be substituted for the receiving institution's
12 core curriculum. A student shall receive academic credit for each
13 of the courses transferred and may not be required to take
14 additional core curriculum courses at the receiving institution
15 unless the board has approved a larger core curriculum at the
16 institution.

17 SECTION 28. Section 61.823, Education Code, is amended by
18 adding Subsection (a-1) and amending Subsection (b) to read as
19 follows:

20 (a-1) The board by rule may authorize a general academic
21 teaching institution to adopt, for each field of study curriculum
22 developed by the board for which the institution offers a degree
23 program, a set of courses specific to that field of study, for a
24 total of at least six semester credit hours or the equivalent, that
25 must be completed as part of the field of study curriculum for that
26 institution. Each general academic teaching institution that
27 adopts a set of courses for a field of study curriculum under this

subsection shall post on the institution's Internet website in a manner easily accessible to students the set of courses with the associated course numbers under the common course numbering system.

(b) If a student successfully completes a field of study curriculum developed by the board, that block of courses may be transferred to a general academic teaching institution and, subject to completion of the set of courses adopted by the institution for that field of study under Subsection (a-1), must be substituted for that institution's lower division requirements for the degree program for the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

SECTION 29. Sections 61.826(c), (d), and (e), Education Code, are amended to read as follows:

(c) If an institution of higher education proposes to deny the application toward the institution's core curriculum or a field of study curriculum developed by the board under Section 61.823 of ~~[does not accept]~~ course credit earned by a student at another institution of higher education in the other institution's core curriculum or in a field of study curriculum, that institution must:

(1) [shall] ~~[shall]~~ give written notice to the student and the other institution of that institution's intent to deny [that] the application [transfer] of the course credit to the institution's core curriculum or field of study curriculum and the reasons for the proposed denial;

(2) [is denied.] ~~The two institutions and the student~~

~~shall~~] attempt to resolve the application ~~[transfer]~~ of the course credit to the institution's core curriculum or field of study curriculum with the other institution and the student in accordance with this section and board rules;

(3) resolve the dispute not later than the 45th day after the date on which the student enrolls in that institution; and

(4) if ~~[. If]~~ the ~~[transfer]~~ dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned, ~~[within 45 days after the date the student received written notice of the denial, the institution that denies the transfer of the course credit shall]~~ notify the commissioner of higher education of its denial to apply the course credit to the institution's core curriculum or field of study curriculum and the reasons for the denial.

(d) Not later than the 20th business day after the date the commissioner of higher education receives notice of a dispute concerning the application of course credit to an institution of higher education's core curriculum or field of study curriculum under Subsection (c)(4), the ~~[The]~~ commissioner ~~[of higher education]~~ or the commissioner's designee shall make the final determination about the ~~[a]~~ dispute ~~[concerning the transfer of course credit]~~ and give written notice of the determination to the involved student and institutions. If the commissioner or the commissioner's designee determines that the institution may not deny the application of course credit described by Subsection (c) to the institution's core curriculum or field of study curriculum, the institution shall apply that course credit toward the

1 institution's core curriculum or field of study curriculum, as
2 applicable. A determination by the commissioner or the
3 commissioner's designee under this subsection is final and may not
4 be appealed.

5 (e) The board shall:

6 (1) collect data on the types of transfer disputes
7 that are reported and the disposition of each case that is
8 considered by the commissioner of higher education or the
9 commissioner's designee; and

10 (2) post on the board's Internet website a list of each
11 case that is considered by the commissioner of higher education or
12 the commissioner's designee under this section, including the
13 disposition of the case.

14 SECTION 30. Section 61.827(b), Education Code, is amended
15 to read as follows:

16 (b) In adopting rules regarding the recommended core
17 curriculum developed under Section 61.822, the board shall appoint
18 a committee to advise the board [~~use the negotiated rulemaking~~
19 ~~procedures~~] under Section 2001.031 [~~Chapter 2008~~], Government
20 Code.

21 SECTION 31. Subchapter S, Chapter 61, Education Code, is
22 amended by adding Section 61.834 to read as follows:

23 Sec. 61.834. TEXAS DIRECT ASSOCIATE DEGREE. A public
24 junior college, public state college, or public technical institute
25 shall award a student a "Texas Direct" associate degree and include
26 an appropriate notation on the student's transcript if the student
27 completes a field of study curriculum developed by the board under

1 Section 61.823 and:

2 (1) the college's core curriculum; or

3 (2) an abbreviated core curriculum related to a
4 specific approved field of study curriculum transferable to one or
5 more general academic teaching institutions.

6 SECTION 32. Section 61.882(d), Education Code, is amended
7 to read as follows:

8 (d) In awarding grants under this subchapter, the board:

9 (1) shall, to the greatest extent practicable:

10 (A) award grants to at least one eligible entity
11 in each region of the state; and

12 (B) ensure that each training program:

13 (i) matches regional workforce needs;

14 (ii) is supported by a labor market
15 analysis of job postings and employers hiring roles with the skills
16 developed by the program; and

17 (iii) does not duplicate existing program
18 offerings except as necessary to accommodate regional demand; and

19 (2) may give preference to applicants that:

20 (A) represent a consortium of lower-division
21 institutions of higher education;

22 (B) prioritize training to displaced workers;

23 (C) offer affordable training programs to
24 students; or

25 (D) partner with employers, local chambers of
26 commerce, trade associations, economic development corporations,
27 and local workforce boards to analyze job postings and identify

employers hiring roles with the skills developed by the training programs.

SECTION 33. Section 130.001(b), Education Code, is amended to read as follows:

(b) The coordinating board shall have the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges as prescribed by the legislature, and with the advice and assistance of the commissioner of higher education, shall have authority to:

(1) authorize the creation of public junior college districts as provided in the statutes, giving particular attention to the need for a public junior college in the proposed district and the ability of the district to provide adequate local financial support;

(2) dissolve any public junior college district which has failed to establish and maintain a junior college within three years from the date of its authorization;

(3) adopt standards for the operation of public junior colleges and prescribe the rules and regulations for such colleges;

(4) require of each public junior college such reports as deemed necessary in accordance with the coordinating board's rules and regulations; and

(5) establish a standing advisory committee ~~[commissions]~~ composed of representatives of public junior colleges ~~[and other citizens of the state]~~ to provide advice and counsel to the coordinating board with respect to the funding of

public junior colleges necessary to carry out this chapter and Chapter 130A.

SECTION 34. Sections 130.003(a), (b), (e), and (f), Education Code, are amended to read as follows:

(a) There shall be appropriated biennially from money in the state treasury not otherwise appropriated an amount sufficient to supplement local funds for the proper support, maintenance, operation, and improvement of those public junior colleges of Texas that meet the standards prescribed by this chapter. The sum shall be allocated in accordance with Chapter 130A ~~[on the basis of contact hours within categories developed, reviewed, and updated by the coordinating board]~~.

(b) To be eligible for and to receive money appropriated under Subsection (a) ~~[a proportionate share of the appropriation]~~, a public junior college must certify to the coordinating board, in the manner prescribed by coordinating board rule, that the college:

(1) offers ~~[be certified as a public junior college as prescribed in Section 61.063,~~

~~[(2) offer]~~ a minimum of 24 semester hours of vocational and/or terminal courses;

(2) collects ~~[(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges,~~

~~[(4) collect]~~, from each full-time and part-time student enrolled, tuition ~~[matriculation]~~ and other ~~[session]~~ fees in the amounts required by law or in the amounts set by the governing board of the junior college district as authorized by

1 this title;

2 (3) grants [~~(5) grant~~], when properly applied for,
3 the scholarships and tuition exemptions provided for in this code;

4 (4) [~~and~~
5 ~~(6)~~] for a public junior college established on or
6 after September 1, 1986, levies and collects [~~levy and collect~~] ad
7 valorem taxes as provided by law for the operation and maintenance
8 of the [~~public junior~~] college; and

9 (5) has complied with all laws and coordinating board
10 rules for the establishment and operation of a public junior
11 college.

12 (e) The primary purpose of each public junior [~~community~~]
13 college shall be to provide:

14 (1) technical programs up to two years in length
15 leading to associate degrees or certificates;

16 (2) vocational programs leading directly to
17 employment in semi-skilled and skilled occupations;

18 (3) [~~freshman and sophomore~~] courses in the core
19 curriculum or a field of study curriculum, as those terms are
20 defined by Section 61.821 [~~arts and sciences~~];

21 (4) continuing adult education programs for
22 occupational or cultural upgrading;

23 (5) compensatory education programs designed to
24 fulfill the commitment of an admissions policy allowing the
25 enrollment of disadvantaged students;

26 (6) a continuing program of counseling and guidance
27 designed to assist students in achieving their individual

educational goals;

(7) work force development programs designed to meet local and statewide needs;

(8) adult literacy and other basic skills programs for adults; and

(9) such other purposes as may be prescribed by the coordinating board [~~Texas Higher Education Coordinating Board~~] or local governing boards in the best interest of post-secondary education in this state [~~Texas~~].

(f) This section does not affect the application of [~~alter, amend, or repeal~~] Section 54.231 [~~54.060 of this code~~].

SECTION 35. Section 130.0031, Education Code, is amended to read as follows:

Sec. 130.0031. TRANSFERS: WHEN MADE. (a) In consultation with the advisory committee established under Section 130.001(b)(5), the Texas Higher Education Coordinating Board by rule shall adopt a payment schedule by which money appropriated to junior college districts under this chapter and Chapter 130A is distributed to those districts [~~In this section:~~

~~[(1) "Category 1 junior college" means a junior college having not more than 2,500 students in fall head count enrollment for the previous fiscal year and not more than \$300,000 of local taxes collected, excluding taxes for debt service, in the previous fiscal year.~~

~~[(2) "Category 2 junior college" means a junior college having more than 2,500 students in fall head count enrollment for the previous fiscal year or more than \$300,000 of~~

1 ~~local taxes collected, excluding taxes for debt service, in the~~
2 ~~previous fiscal year].~~

3 (b) The Texas Higher Education Coordinating Board may
4 modify the ~~[Money appropriated for payment to junior colleges under~~
5 ~~the authority of Section 130.003 of this code shall be paid to each~~
6 ~~eligible category 1 junior college out of the public junior college~~
7 ~~reimbursement fund as follows:]~~

8 ~~[(1) 24 percent of the yearly entitlement of the~~
9 ~~junior college shall be paid in two equal installments to be made on~~
10 ~~or before the 25th day of September and October, and~~

11 ~~[(2) 76 percent of the yearly entitlement of the~~
12 ~~junior college shall be paid in eight equal installments to be made~~
13 ~~on or before the 25th day of November, December, January, February,~~
14 ~~March, April, May, and June.]~~

15 ~~[(c) Money appropriated for payment to junior colleges~~
16 ~~under the authority of Section 130.003 of this code shall be paid to~~
17 ~~each eligible category 2 junior college out of the public junior~~
18 ~~college reimbursement fund as follows:]~~

19 ~~[(1) 24 percent of the yearly entitlement of the~~
20 ~~junior college shall be paid in two equal installments to be made on~~
21 ~~or before the 25th day of September and October, and~~

22 ~~[(2) 76 percent of the yearly entitlement of the~~
23 ~~junior college shall be paid in eight equal installments to be made~~
24 ~~on or before the 25th day of November, December, March, April, May,~~
25 ~~June, July, and August.]~~

26 ~~[(d) The]~~ amount of any installment required under the
27 payment schedule adopted under Subsection (a) ~~[by this section may~~

1 ~~be modified~~] to, in accordance with this chapter, Chapter 130A, the
2 General Appropriations Act, or coordinating board rule:

3 (1) provide the junior college district with the
4 proper amount to which the junior college district may be entitled
5 by law; and

6 (2) ~~to~~ correct errors in the allocation or
7 distribution of funds.

8 (c) If the amount of an installment under the payment
9 schedule adopted under Subsection (a) ~~[this section]~~ is required to
10 be equal to the amount of another installment ~~[other installments]~~,
11 the amount of the other installment ~~[installments]~~ may be adjusted
12 to provide for that equality. A payment under this section is not
13 invalid because it is not equal to other installments.

14 SECTION 36. Section 130.0033(c), Education Code, is amended
15 to read as follows:

16 (c) Charging tuition at a reduced rate under this section
17 does not affect the right of the public junior college to an
18 allocation ~~[a proportionate share]~~ of state appropriations under
19 this chapter and Chapter 130A ~~[Section 130.003]~~ for the contact
20 hours attributable to students paying tuition at the reduced rate.

21 SECTION 37. Section 130.0034(a), Education Code, is amended
22 to read as follows:

23 (a) The governing board of a ~~[public]~~ junior college
24 district may charge a student a higher rate of tuition than the
25 tuition that would otherwise be charged for a course in which the
26 student enrolls if:

27 (1) the student has previously enrolled in the same

1 course or a course of substantially the same content and level two
2 or more times; and

3 (2) the student's enrollment in the course is not
4 included in the contact hours used to determine the junior
5 college's allocation [~~proportionate share~~] of state appropriations
6 under this chapter and Chapter 130A [~~Section 130.003~~].

7 SECTION 38. Section 130.0051(a), Education Code, is amended
8 to read as follows:

9 (a) The board of trustees of a junior college district by
10 resolution may change the name of the district or a college within
11 the district [~~by eliminating the words "community" or "junior" from~~
12 ~~the name of the district or college~~], unless the change would cause
13 the district or college to have the same or substantially the same
14 name as an existing district, college, or other public or private
15 institution of higher education in this state.

16 SECTION 39. Section 130.008(c), Education Code, is amended
17 to read as follows:

18 (c) The contact hours attributable to the enrollment of a
19 high school student in a course offered for joint high school and
20 junior college credit under this section, excluding a course for
21 which the student attending high school may receive course credit
22 toward the physical education curriculum requirement under Section
23 28.002(a)(2)(C), shall be included in the contact hours used to
24 determine the junior college's allocation [~~proportionate share~~] of
25 the state money appropriated and distributed to public junior
26 colleges under this chapter and Chapter 130A [~~Sections 130.003 and~~
27 ~~130.0031~~], even if the junior college waives all or part of the

1 tuition or fees for the student under Subsection (b).

2 SECTION 40. Section 130.085(b), Education Code, is amended
3 to read as follows:

4 (b) This action by the board of trustees does not affect
5 their authority under Section 130.123 ~~[of this code]~~, nor does this
6 section in any way supersede that section. This action of the board
7 does not affect the right of the college to an allocation ~~[a~~
8 ~~proportionate share]~~ of state appropriations under this chapter and
9 Chapter 130A ~~[Section 130.003 of this code]~~.

10 SECTION 41. Section 130.090(c), Education Code, is amended
11 to read as follows:

12 (c) The grant of an exemption from tuition under Subsection
13 (b) does not affect the right of a junior college to an allocation
14 ~~[a proportionate share]~~ of state appropriations under this chapter
15 and Chapter 130A ~~[Section 130.003]~~ attributable to the contact
16 hours of the junior college with the student receiving the
17 exemption.

18 SECTION 42. Section 130.310(a), Education Code, is amended
19 to read as follows:

20 (a) A ~~[Except as provided by Subsection (b), a]~~ degree
21 program created under this subchapter shall ~~[may]~~ be funded solely
22 by a public junior college's allocation ~~[proportionate share]~~ of
23 state appropriations under this chapter and Chapter 130A ~~[Section~~
24 ~~130.003]~~, local funds, and private sources. ~~[This subsection does~~
25 ~~not require the legislature to appropriate state funds to support a~~
26 ~~degree program created under this subchapter.]~~ The coordinating
27 board shall weigh contact hours attributable to students enrolled

1 in a junior-level or senior-level course offered under this
2 subchapter used to determine a public junior college's allocation
3 ~~[proportionate share]~~ of state appropriations under this chapter
4 and Chapter 130A ~~[Section 130.003]~~ in the same manner as a lower
5 division course in a corresponding field.

6 SECTION 43. Section 130.352, Education Code, is amended to
7 read as follows:

8 Sec. 130.352. FORMULA FUNDING FOR WORKFORCE CONTINUING
9 EDUCATION COURSES. Notwithstanding Section 130.003 or any other
10 law, contact hours attributable to the enrollment of a student in a
11 workforce continuing education course offered by a public junior
12 college shall be included in the contact hours used to determine the
13 college's allocation ~~[proportionate share]~~ of state money
14 appropriated and distributed to public junior colleges under this
15 chapter and Chapter 130A ~~[Sections 130.003 and 130.0031]~~,
16 regardless of whether the college waives all or part of the tuition
17 or fees for the course under Section 130.354.

18 SECTION 44. Section 130.355, Education Code, is amended to
19 read as follows:

20 Sec. 130.355. RULES. The coordinating board shall adopt
21 any rules the coordinating board considers necessary for the
22 administration of this subchapter. ~~[In adopting those rules, the~~
23 ~~coordinating board shall use the negotiated rulemaking procedures~~
24 ~~under Chapter 2008, Government Code.]~~

25 SECTION 45. Chapter 130, Education Code, is amended by
26 adding Subchapter O to read as follows:

SUBCHAPTER O. OPPORTUNITY HIGH SCHOOL DIPLOMA PROGRAM

Sec. 130.451. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "General academic teaching institution" has the meaning assigned by Section [61.003](#).

(3) "Program," unless the context indicates otherwise, means the Opportunity High School Diploma program established under this subchapter.

Sec. 130.452. PURPOSE. The purpose of the program is to provide an alternative means by which adult students enrolled in a workforce education program at a public junior college may earn a high school diploma at the college through concurrent enrollment in a competency-based education program that enables students to demonstrate knowledge substantially equivalent to the knowledge required to earn a high school diploma in this state.

Sec. 130.453. ADMINISTRATION. The coordinating board shall administer the program in consultation with the Texas Education Agency and the Texas Workforce Commission.

Sec. 130.454. APPROVAL OF ALTERNATIVE HIGH SCHOOL DIPLOMA PROGRAM. (a) A public junior college may submit to the coordinating board an application to participate in the program. The application must propose an alternative competency-based high school diploma program to be offered for concurrent enrollment to adult students without a high school diploma who are enrolled in a workforce education program at the college. The proposed program may include any combination of instruction, curriculum,

1 achievement, internships, or other means by which a student may
2 attain knowledge sufficient to adequately prepare the student for
3 postsecondary education or additional workforce education.

4 (b) A public junior college may submit an application under
5 Subsection (a) together with one or more public junior colleges,
6 general academic teaching institutions, public school districts,
7 or nonprofit organizations with whom the proposed program described
8 by that subsection will be offered as provided by Subsection (e).

9 (c) The coordinating board may approve not more than five
10 public junior colleges to participate in the program.

11 (d) Subject to Subsection (c), the coordinating board shall
12 review and approve a public junior college's application to
13 participate in the program if the board determines that the
14 college's proposed program described by Subsection (a) will provide
15 instruction and assessments appropriate to ensure that a student
16 who successfully completes the proposed program demonstrates
17 levels of knowledge sufficient to adequately prepare the student
18 for postsecondary education or additional workforce education. The
19 coordinating board may coordinate with the Texas Education Agency
20 as necessary to make a determination under this subsection.

21 (e) A public junior college approved to participate in the
22 program may:

23 (1) enter into an agreement with one or more public
24 junior colleges, general academic teaching institutions, public
25 school districts, or nonprofit organizations to offer the program
26 described by Subsection (a); and

27 (2) offer the program described by Subsection (a) at

any campus of the college or an entity with which the college has entered into an agreement under Subdivision (1).

Sec. 130.455. AWARD OF HIGH SCHOOL DIPLOMA. (a) A public junior college participating in the program may award a high school diploma to a student enrolled in the alternative competency-based high school diploma program offered by the college under the program if the student performs satisfactorily on assessment instruments prescribed by coordinating board rule.

(b) A high school diploma awarded under the program is equivalent to a high school diploma awarded under Section 28.025.

Sec. 130.456. FUNDING. (a) The coordinating board and the Texas Workforce Commission shall coordinate to jointly identify funding mechanisms, including grants, interagency contracts, financial aid, or subsidies, available to public junior colleges and students to encourage and facilitate participation in the program.

(b) A public junior college participating in the program is entitled to receive funding under Section 130.003 for the program in the manner provided by coordinating board rule.

Sec. 130.457. REPORT. Not later than December 1, 2026, the coordinating board shall submit to the legislature a progress report on the effectiveness of the program and any recommendations for legislative or other action. This section expires September 1, 2027.

Sec. 130.458. RULES. The coordinating board may adopt rules as necessary to implement this subchapter.

SECTION 46. Subtitle G, Title 3, Education Code, is amended

by adding Chapter 130A to read as follows:

CHAPTER 130A. PUBLIC JUNIOR COLLEGE STATE FINANCE PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 130A.001. LEGISLATIVE INTENT. It is the intent of the legislature that, as public junior colleges are locally governed institutions, providing foundational funding for instruction and operations of public junior colleges should be primarily a local responsibility, supported through a combination of tuition, fees, and local property taxes, with state funding focused primarily on rewarding outcomes aligned with regional and state education and workforce needs.

Sec. 130A.002. PURPOSE. The purpose of the public junior college state finance program established under this chapter is to provide a modern and dynamic finance system that ensures that each public junior college has access to adequate state appropriations and local resources to support the education and training of the workforce of the future.

Sec. 130A.003. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of higher education.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "Program" means the public junior college state finance program established under this chapter.

(4) "Public junior college" has the meaning assigned by Section [61.003](#).

Sec. 130A.004. PROGRAM COMPONENTS. The program consists

1 of:

2 (1) a base tier of state and local funding determined
3 in accordance with Subchapter B that ensures each public junior
4 college has access to a defined level of base funding for
5 instruction and operations; and

6 (2) a performance tier of state funding determined in
7 accordance with Subchapter C that constitutes the majority of state
8 funding and is distributed based on measurable outcomes aligned
9 with:

10 (A) regional and state workforce needs; and

11 (B) state goals aligned to the state's long-range
12 master plan for higher education developed under Section 61.051.

13 Sec. 130A.005. ADMINISTRATION OF PROGRAM. (a) The
14 coordinating board may adopt rules, require reporting, and take
15 other actions consistent with Chapter 61, Chapter 130, and this
16 chapter as necessary to implement and administer the program.

17 (b) In adopting rules under this section, the coordinating
18 board shall consult with the advisory committee established under
19 Section 130.001(b)(5).

20 (c) Notwithstanding Section 61.033, the coordinating board
21 is not required to use negotiated rulemaking procedures under
22 Chapter 2008, Government Code, for the adoption of rules under this
23 section.

24 Sec. 130A.006. REQUIRED REPORTING. The coordinating board
25 by rule shall require each junior college district to report to the
26 coordinating board through the Education Data System, Community
27 College Annual Reporting and Analysis Tool, Report of Fundable

Operating Expenses, or any successor program, data necessary to:

(1) calculate funding under this chapter;

(2) provide timely data and analyses to inform management decisions by the governing body of each junior college district;

(3) administer or evaluate the effectiveness of the program; or

(4) audit the program.

Sec. 130A.007. COMMISSIONER AUTHORITY TO RESOLVE DATA REPORTING ERRORS AND UNINTENDED CONSEQUENCES FROM FUNDING FORMULAS. (a) The commissioner may review the accuracy of data reported to the coordinating board by junior college districts.

(b) The commissioner may adjust:

(1) the distribution of funding under this chapter for a state fiscal year as necessary to correct errors in data reporting identified through the commissioner's review under Subsection (a); and

(2) a junior college district's funding under this chapter if the funding formulas used to determine the district's entitlement would result in an unanticipated loss or gain for the district that would have a substantial negative impact on the district's operations.

(c) Before making an adjustment under this section, the commissioner must request and receive written approval from the Legislative Budget Board and the office of the governor. A request to make an adjustment is considered approved unless the Legislative Budget Board or the office of the governor issues a written

1 disapproval within 60 business days after the date on which the
2 request is received.

3 (d) If the commissioner makes an adjustment under
4 Subsection (b), the commissioner shall provide to the legislature
5 an explanation regarding the changes necessary to resolve the data
6 reporting errors or the unintended consequences, as applicable.

7 Sec. 130A.008. CENSUS DATE ELIGIBILITY. A junior college
8 district may report a student in attendance on the district's
9 approved course census date for the purpose of funding under this
10 chapter.

11 Sec. 130A.009. RECOVERY OF OVERALLOCATED FUNDS. (a) If a
12 junior college district has received an overallocation of state
13 funds, the coordinating board shall recover from the district an
14 amount equal to the overallocation by withholding from subsequent
15 allocations of state funds for the current or subsequent academic
16 year or by requesting and obtaining a refund from the district.

17 (b) Notwithstanding Subsection (a), the coordinating board
18 may recover an overallocation of state funds over a period not to
19 exceed the subsequent five academic years if the commissioner
20 determines that the overallocation was the result of exceptional
21 circumstances reasonably caused by statutory changes to Chapter 130
22 or this chapter and related reporting requirements.

23 (c) If a junior college district fails to comply with a
24 request for a refund under Subsection (a), the coordinating board
25 shall report to the comptroller that the amount constitutes a debt
26 for purposes of Section 403.055, Government Code. The coordinating
27 board shall provide to the comptroller the amount of the

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

(d) Subject to Subsection (e), the coordinating board may review a junior college district as necessary to determine if the district qualifies for each amount received by the district under this chapter. If the coordinating board determines that a junior college district received an amount to which the district was not entitled, the coordinating board may establish a corrective action plan or withhold the applicable amount of funding from the district.

(e) The coordinating board may not review junior college district expenditures that occurred seven or more years before the review.

Sec. 130A.010. GIFTS, GRANTS, AND DONATIONS. Except as provided by other law, an affiliated nonprofit organization described by Section 61.051(b) may solicit and accept gifts, grants, or donations of personal property from any public or private source to implement or administer this chapter.

SUBCHAPTER B. STATE FUNDING: BASE TIER

Sec. 130A.051. BASE TIER FORMULA. The amount of base tier state funding to which a junior college district is entitled for instruction and operations under this subchapter for a state fiscal year is an amount equal to the amount, if any, by which the district's guaranteed instruction and operations funding, as

determined under Section 130A.052, exceeds the district's local share of base tier funding, as determined under Section 130A.056.

Sec. 130A.052. GUARANTEED INSTRUCTION AND OPERATIONS FUNDING FORMULA. The amount of a junior college district's guaranteed instruction and operations funding for a state fiscal year is equal to the sum of:

(1) the product of:

(A) the district's basic allotment under Section 130A.053; and

(B) the number of weighted full-time equivalent students enrolled at the district determined in accordance with Section 130A.054; and

(2) the district's contact hour funding under Section 130A.055.

Sec. 130A.053. BASIC ALLOTMENT. The basic allotment for a junior college district for a state fiscal year is an amount per weighted full-time equivalent student set by the General Appropriations Act or other legislative appropriation.

Sec. 130A.054. WEIGHTED FULL-TIME EQUIVALENT STUDENT; SCALE ADJUSTMENT. (a) The coordinating board by rule shall establish student weights for purposes of this chapter that reflect the higher cost of educating certain students.

(b) The student weights must be established in a manner that results in appropriate funding to a junior college district for the education of a student enrolled in an eligible credit or non-credit program who is:

(1) 25 years of age or older;

1 (2) economically disadvantaged, as defined by
2 coordinating board rule; or

3 (3) academically disadvantaged, as defined by
4 coordinating board rule.

5 (c) Subject to Subsection (d), the number of weighted
6 full-time equivalent students enrolled at a junior college district
7 for purposes of this subchapter is equal to the sum of:

8 (1) the number of full-time equivalent students
9 enrolled in the district; and

10 (2) the sum of the weights assigned to students
11 enrolled in the district.

12 (d) The coordinating board by rule shall establish an
13 equitable adjustment to the number of weighted full-time equivalent
14 students determined under this section for each junior college
15 district with a total enrollment of fewer than 5,000 full-time
16 equivalent students.

17 (e) Not later than November 1 of each even-numbered year, a
18 junior college district that receives an adjustment under
19 Subsection (d) shall submit to the commissioner a report on the
20 district's participation in institutional partnerships and shared
21 services available under Section [61.0571](#) or other partnerships to
22 reduce costs and improve operational efficiency.

23 Sec. 130A.055. CONTACT HOUR FUNDING. (a) The legislature
24 shall set by appropriation the amount of funding to be provided to a
25 junior college district under this subchapter per contact hour.

26 (b) The amount of funding per contact hour must be weighted
27 by discipline to reflect the cost of providing the applicable

1 course.

2 (c) The coordinating board shall determine the total amount
3 of contact hour funding to which each junior college district is
4 entitled under this section.

5 Sec. 130A.056. LOCAL SHARE. A junior college district's
6 local share of base tier funding is an amount equal to the sum of the
7 amounts of revenue estimated to be generated by:

8 (1) imposing a maintenance and operations ad valorem
9 tax in the district at a rate of \$0.05; and

10 (2) assessing an amount of tuition and fees to each
11 full-time equivalent student enrolled in the district equal to the
12 statewide average amount of tuition and fees assessed by junior
13 college districts to a full-time equivalent student, determined as
14 provided by coordinating board rule.

15 SUBCHAPTER C. STATE FUNDING: PERFORMANCE TIER

16 Sec. 130A.101. PERFORMANCE TIER. (a) A junior college
17 district is entitled to performance tier funding for a state fiscal
18 biennium in an amount equal to the sum of the amounts determined
19 under Subsection (b) for each measurable outcome described by
20 Subsection (c).

21 (b) The amount of performance tier funding for each
22 measurable outcome described by Subsection (c) is equal to the
23 product of:

24 (1) the sum of:

25 (A) the number of times that outcome was achieved
26 by the junior college district, determined as provided by
27 coordinating board rule; and

1 (B) for an outcome described by Subsection (c)(1)
2 or (2), the sum of the applicable student weights established by
3 coordinating board rule for the students who achieved the outcome
4 at the junior college district as determined under Paragraph (A) of
5 this subdivision; and

6 (2) the amount set by the General Appropriations Act
7 or other legislative appropriation for the outcome.

8 (c) The measurable outcomes considered for purposes of
9 performance tier funding are:

10 (1) the number of credentials of value awarded, as
11 determined by the coordinating board based on analyses of wages and
12 costs associated with the credential, including degrees,
13 certificates, and other credentials from credit and non-credit
14 programs that equip students for continued learning and greater
15 earnings in the state economy, with an additional weight for
16 placement of students who earn that credential in a high-demand
17 occupation, as defined by coordinating board rule, or an
18 appropriate proxy determined by the coordinating board based on
19 available data;

20 (2) the number of students who earn at least 15
21 semester credit hours or the equivalent at the junior college
22 district and:

23 (A) subsequently transfer to a general academic
24 teaching institution, as that term is defined by Section [61.003](#); or

25 (B) are enrolled in a structured co-enrollment
26 program, as authorized by coordinating board rule; and

27 (3) the number of students who complete a sequence of

1 at least 15 semester credit hours or the equivalent for dual credit
2 or dual enrollment courses, as defined by coordinating board rule,
3 that apply toward academic or workforce program requirements at the
4 postsecondary level.

5 SECTION 47. Section 136.001, Education Code, is amended by
6 amending Subdivision (1) and adding Subdivision (1-a) to read as
7 follows:

8 (1) "Coordinating board" means the Texas Higher
9 Education Coordinating Board.

10 (1-a) "Nonprofit organization" means an organization
11 exempt from federal income taxation under Section 501(a), Internal
12 Revenue Code of 1986, as an organization described by Section
13 501(c)(3) of that code.

14 SECTION 48. Section 136.005(a), Education Code, is amended
15 to read as follows:

16 (a) The coordinating board ~~[grant administrator]~~ shall
17 establish and administer the Texas Innovative Adult Career
18 Education (ACE) Grant Program to provide grants to:

19 (1) eligible nonprofit workforce intermediary and job
20 training organizations; and

21 (2) eligible nonprofit organizations providing job
22 training to veterans.

23 SECTION 49. Section 136.006, Education Code, is amended to
24 read as follows:

25 Sec. 136.006. ELIGIBLE ORGANIZATIONS. (a) To be eligible
26 for a grant under the program, a nonprofit workforce intermediary
27 and job training organization must:

1 (1) apply to the coordinating board [~~grant~~
2 ~~administrator~~] in the manner prescribed by the coordinating board
3 [~~grant administrator~~];

4 (2) provide to eligible low-income students, in
5 partnership with public junior colleges, public state colleges, or
6 public technical institutes:

7 (A) job training; and

8 (B) a continuum of services designed to move a
9 program participant from application to employment, including
10 outreach, assessment, case management, support services, and
11 career placement;

12 (3) be governed by a board or other governing
13 structure that includes recognized leaders of broad-based
14 community organizations and executive-level or managerial-level
15 members of the local business community;

16 (4) demonstrate to the satisfaction of the
17 coordinating board [~~program advisory board~~] that the
18 organization's program has achieved or will achieve the following
19 measures of success among program participants:

20 (A) above-average completion of developmental
21 education among participating public junior college, public state
22 college, or public technical institute students;

23 (B) above-average persistence rates among
24 participating public junior college, public state college, or
25 public technical institute students;

26 (C) above-average certificate or degree
27 completion rates by participating students within a three-year

1 period compared to demographically comparable public junior
2 college, public state college, and public technical institute
3 students; and

4 (D) entry into careers with significantly higher
5 earnings for program participants than previously achieved; and

6 (5) provide matching funds in accordance with rules
7 adopted under this chapter.

8 (a-1) To be eligible for a grant under the program, a
9 nonprofit organization providing job training services to veterans
10 must:

11 (1) apply to the coordinating board [~~grant~~
12 ~~administrator~~] in the manner prescribed by the coordinating board
13 [~~grant administrator~~];

14 (2) provide to veterans, in partnership with public
15 junior colleges, public state colleges, or public technical
16 institutes:

17 (A) job training; and

18 (B) a continuum of services designed to move a
19 program participant from application to employment, including
20 outreach, assessment, case management, support services, and
21 career placement;

22 (3) be governed by a board or other governing
23 structure that includes recognized leaders of broad-based
24 community organizations and executive-level or managerial-level
25 members of the local business community;

26 (4) demonstrate to the satisfaction of the
27 coordinating board [~~program advisory board~~] that the

1 organization's program has achieved or will achieve the following
2 measures of success among program participants:

3 (A) the measures prescribed by Subsections
4 (a)(4)(A)-(C);

5 (B) rapid attainment of civilian workforce
6 credentials; and

7 (C) entry into careers with significantly higher
8 earnings for program participants than previously achieved; and

9 (5) provide matching funds in accordance with rules
10 adopted under this chapter.

11 (b) The matching funds required under Subsection (a)(5) or
12 (a-1)(5) may be obtained from any source available to the
13 organization, including in-kind contributions, community or
14 foundation grants, individual contributions, and local
15 governmental agency operating funds. The coordinating board ~~[grant~~
16 ~~administrator]~~ may adopt rules requiring an organization to
17 demonstrate compliance with the matching funds requirement before
18 the payment of the next installment under an awarded grant.

19 SECTION 50. Section 136.007, Education Code, is amended to
20 read as follows:

21 Sec. 136.007. RULES. ~~[(a)]~~ The coordinating board ~~[grant~~
22 ~~administrator]~~ shall adopt rules as necessary for the
23 administration of this chapter, including ~~[in the manner provided~~
24 ~~by Chapter 2001, Government Code, for a state agency.~~

25 ~~[(b) The grant administrator, with recommendations of the~~
26 ~~program advisory board, shall adopt]~~ rules regarding eligibility,
27 program tuition and fees, administrative costs, matching funds, and

case management and other supports for the program. The rules may include provisions for the payment in periodic installments of grant awards.

SECTION 51. Section 2308A.007, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A credential library established under this section must include the information included in the electronic tools or platforms developed by the coordinating board under Section 61.09022(a), Education Code.

SECTION 52. Sections 61.0593, 61.884(d), 130.003(d), 130.310(b), 136.002, 136.004, and 136.005(a-1), Education Code, are repealed.

SECTION 53. Sections 28.009(b-2), 28.010(a), and 29.908(b), Education Code, as amended by this Act, and Section 28.0095, Education Code, as added by this Act, apply beginning with the 2023-2024 school year.

SECTION 54. Sections 51.4033, 51.4034(a), 61.822(b) and (c), 61.823, 61.826(c), (d), and (e), and 61.827(b), Education Code, as amended by this Act, and Section 61.834, Education Code, as added by this Act, apply beginning with the 2023-2024 academic year.

SECTION 55. The change in law made by this Act to Section 56.407(g), Education Code, applies beginning with Texas Educational Opportunity Grants awarded for the 2024 fall semester. Grants awarded for a semester or term before the 2024 fall semester are governed by the applicable law in effect immediately before the effective date of this Act, and the former law is continued in

1 effect for that purpose.

2 SECTION 56. The Texas Education Agency and the Texas Higher
3 Education Coordinating Board may identify rules required by the
4 passage of this Act that must be adopted on an emergency basis for
5 purposes of the state fiscal year beginning September 1, 2023, and
6 may use the procedures established under Section 2001.034,
7 Government Code, for adopting those rules. The agency and the
8 coordinating board are not required to make the finding described
9 by Section 2001.034(a), Government Code, to adopt emergency rules
10 under this section.

11 SECTION 57. (a) Except as provided by Subsection (b) of
12 this section, this Act takes effect September 1, 2023, and applies
13 to the allocation of state funding to junior college districts
14 beginning with the state fiscal biennium beginning September 1,
15 2023.

16 (b) Sections 7.040(a), 28.009(b-2), 28.010(a), 29.908(b),
17 51.4033, 51.4034(a), 51.762(b-1), 51.763(b), 61.031, 61.823, and
18 61.826(c), (d), and (e), Education Code, as amended by this Act, and
19 Sections 28.0095, 61.09022, and 61.834 and Subchapter O, Chapter
20 130, Education Code, and Section 2308A.007(a-1), Government Code,
21 as added by this Act, take effect immediately if this Act receives a
22 vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, those
25 provisions take effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 8 was passed by the House on April 12, 2023, by the following vote: Yeas 146, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 8 on May 24, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 8 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
I.	Approve of FAA(LOCAL) Policy: EQUAL EDUCATIONAL OPPORTUNITY: PREGNANT AND PARENTING STUDENTS	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve this new policy, FAA(LOCAL), as recommended in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

This new recommended local policy addresses multiple bills, including:

- SB 412, which provides enrollment protections and required accommodations for pregnant and parenting students. The bill applies beginning Spring 2024;
- SB 459, which requires colleges to provide early registration for pregnant and parenting students if the opportunity is provided to another group of students; and
- HB 1361, which requires each college to designate an employee to serve as a liaison for current and incoming students who are parents or guardians of minors.

FISCAL IMPACT

None.

STRATEGIC ALIGNMENT

1. Student Success

ATTACHMENTS:

Description	Upload Date	Type
FAA(LOCAL) Policy	3/6/2024	Attachment
S.B. 412	3/6/2024	Attachment
S.B. 459	3/6/2024	Attachment
H.B. 1361	3/6/2024	Attachment

This item is applicable to the following: District

EQUAL EDUCATIONAL OPPORTUNITY
PREGNANT AND PARENTING STUDENTS

FAA
(LOCAL)

Note: For complaints of discrimination, harassment, and retaliation on the basis of sex or gender, see FFDA. For all other discrimination, harassment, and retaliation complaints related to this policy, see FFDB.

Procedures

The Chancellor or designee shall develop procedures addressing protections and accommodations, consistent with law, for students who are pregnant or parenting, including procedures addressing early registration and leaves of absence.

Commented [JL1]: This new policy is recommended by TASB, and the Administration and Board Counsel are in concurrence.

Liaison

The Chancellor shall designate a pregnant and parenting students liaison for current or incoming students at the institution who are the parents or guardians of children younger than 18 years of age. The liaison shall provide the students information regarding support services and other available resources and serve as the point of contact for a student requesting a protection or accommodation under Education Code 51.982. The liaison's contact information shall be included in the procedures described above.

Publication

The procedures and the liaison's contact information shall be published in the student and employee handbooks and posted on the College District's website.

AN ACT

relating to protections for pregnant and parenting students
enrolled in public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is
amended by adding Section 51.982 to read as follows:

Sec. 51.982. PROTECTIONS FOR PREGNANT AND PARENTING
STUDENTS. (a) In this section:

(1) "Institution of higher education" has the meaning
assigned by Section 61.003.

(2) "Parenting student" means a student who is the
parent or legal guardian of a child under 18 years of age.

(b) An institution of higher education may not require a
pregnant or parenting student, solely because of the student's
status as a pregnant or parenting student or due to issues related
to the student's pregnancy or parenting, to:

(1) take a leave of absence or withdraw from the
student's degree or certificate program;

(2) limit the student's studies;

(3) participate in an alternative program;

(4) change the student's major, degree, or certificate
program; or

(5) refrain from joining or cease participating in any
course, activity, or program at the institution.

1 (c) An institution of higher education shall provide
2 reasonable accommodations to a pregnant student, including
3 accommodations that:

4 (1) would be provided to a student with a temporary
5 medical condition; or

6 (2) are related to the health and safety of the student
7 and the student's unborn child, such as allowing the student to
8 maintain a safe distance from substances, areas, and activities
9 known to be hazardous to pregnant women or unborn children.

10 (d) An institution of higher education shall, for reasons
11 related to a student's pregnancy, childbirth, or any resulting
12 medical status or condition:

13 (1) excuse the student's absence;

14 (2) allow the student to make up missed assignments or
15 assessments;

16 (3) allow the student additional time to complete
17 assignments in the same manner as the institution allows for a
18 student with a temporary medical condition; and

19 (4) provide the student with access to instructional
20 materials and video recordings of lectures for classes for which
21 the student has an excused absence under this section to the same
22 extent that instructional materials and video recordings of
23 lectures are made available to any other student with an excused
24 absence.

25 (e) An institution of higher education shall allow a
26 pregnant or parenting student to:

27 (1) take a leave of absence; and

1 (2) if in good academic standing at the time the
2 student takes a leave of absence, return to the student's degree or
3 certificate program in good academic standing without being
4 required to reapply for admission.

5 (f) Each institution of higher education shall adopt a
6 policy for students on pregnancy and parenting discrimination. The
7 policy must:

8 (1) include the contact information for the employee
9 or office of the institution that is the designated point of contact
10 for a student requesting each protection or accommodation under
11 this section;

12 (2) be posted in an easily accessible, straightforward
13 format on the institution's Internet website; and

14 (3) be made available annually to faculty, staff, and
15 employees of the institution.

16 (g) The Texas Higher Education Coordinating Board, in
17 consultation with institutions of higher education, shall adopt
18 rules as necessary to administer this section. The rules must
19 establish minimum periods for which a pregnant or parenting student
20 must be given a leave of absence under Subsection (e). In
21 establishing those periods, the board shall consider the maximum
22 amount of time a student may be absent without significantly
23 interfering with the student's ability to complete the student's
24 degree or certificate program.

25 SECTION 2. Not later than January 15, 2024, each public
26 institution of higher education shall adopt and post on the
27 institution's Internet website the policy on pregnancy and

1 parenting discrimination required under Section 51.982(f),
2 Education Code, as added by this Act.

3 SECTION 3. Section 51.982, Education Code, as added by this
4 Act, applies beginning with the 2024 spring semester.

5 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 412 passed the Senate on
April 6, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 412 passed the House on
May 6, 2023, by the following vote: Yeas 133, Nays 1,
two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to early registration for parenting students at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.983 to read as follows:

Sec. 51.983. EARLY REGISTRATION FOR PARENTING STUDENTS.

(a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Parenting student" means a student enrolled at an institution of higher education who is the parent or legal guardian of a child under 18 years of age.

(b) If an institution of higher education provides early registration for courses or programs at the institution for any group of students, the institution shall provide early registration for those courses or programs for parenting students in the same manner.

(c) The Texas Higher Education Coordinating Board, in consultation with institutions of higher education, shall adopt rules as necessary to administer this section.

SECTION 2. Section 51.983, Education Code, as added by this Act, applies beginning with registration for a course or program for the 2024 spring semester.

1 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 459 passed the Senate on April 4, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 459 passed the House on May 24, 2023, by the following vote: Yeas 132, Nays 6, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

AN ACT

relating to the designation of liaison officers to assist certain students at public institutions of higher education who are parents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.9357 to read as follows:

Sec. 51.9357. DESIGNATION OF LIAISON OFFICER TO ASSIST CERTAIN STUDENTS WHO ARE PARENTS; REPORT. (a) In this section:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) Each institution of higher education shall designate at least one employee of the institution to act as a liaison officer for current or incoming students at the institution who are the parent or guardian of a child younger than 18 years of age. The liaison officer shall provide to the students information regarding support services and other resources available to the students at the institution, including:

(1) resources to access:

(A) medical and behavioral health coverage and services; and

(B) public benefit programs, including programs

1 related to food security, affordable housing, and housing
2 subsidies;

3 (2) parenting and child care resources;

4 (3) employment assistance;

5 (4) transportation assistance;

6 (5) student academic success strategies; and

7 (6) any other resources developed by the institution
8 to assist the students.

9 (c) Not later than May 1 of each academic year, an
10 institution of higher education shall submit to the coordinating
11 board a report that contains the following information regarding
12 students enrolled at the institution for the current academic year
13 who are the parent or guardian of a child younger than 18 years of
14 age:

15 (1) the number of those students;

16 (2) demographic data, including age, race, sex, and
17 ethnicity;

18 (3) academic data, including full-time or part-time
19 enrollment status and graduation, transfer, and withdrawal rates;
20 and

21 (4) other data as prescribed by coordinating board
22 rule.

23 (d) The coordinating board shall adopt rules to administer
24 this section, including rules to ensure compliance with federal law
25 regarding confidentiality of student medical or educational
26 information, including the Health Insurance Portability and
27 Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.), the

1 Family Educational Rights and Privacy Act of 1974 (20 U.S.C.
2 Section 1232g), and any state law relating to the privacy of student
3 information.

4 SECTION 2. (a) As soon as practicable after the effective
5 date of this Act, the Texas Higher Education Coordinating Board
6 shall adopt rules to implement Section 51.9357, Education Code, as
7 added by this Act.

8 (b) This Act applies beginning with the 2023-2024 academic
9 year.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.

H.B. No. 1361

President of the Senate

Speaker of the House

I certify that H.B. No. 1361 was passed by the House on May 2, 2023, by the following vote: Yeas 121, Nays 23, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1361 on May 26, 2023, by the following vote: Yeas 116, Nays 25, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1361 was passed by the Senate, with amendments, on May 24, 2023, by the following vote: Yeas 27, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
J.	Proposed Changes to FLB(LOCAL) Policy: STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT CONDUCT	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the proposed revisions to this FLB(LOCAL) policy, with the recommended changes in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

As explained by TASB, a Misuse of Technology, a reference at list item #6 to “emails and websites” is recommended to be broadened to "electronic means" to incorporate other forms of technology, such as mobile applications.

Additionally, the Administration added verbiage from the student code of conduct regarding AI (Artificial Intelligence) under the Scholastic Dishonesty section, added the "Unauthorized Disclosure" definition and updated the length of time for disciplinary suspension.

STRATEGIC ALIGNMENT

ATTACHMENTS:

Description	Upload Date	Type
FLB(LOCAL) Policy	3/6/2024	Attachment

This item is applicable to the following: District

STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT CONDUCT

FLB
(LOCAL)

The Board views college-level students as adults who subscribe to a basic standard of conduct, which requires that they not violate any municipal, state, or federal laws. Furthermore, no student may disrupt or otherwise interfere with any educational activity or fellow students' right to pursue academic goals to the fullest in an atmosphere appropriate to a community of scholars.

Any student failing to abide by appropriate standards of conduct during scheduled College District activities may be subject to disciplinary action. Students suspected of violating the Student Code of Conduct shall be subject to the disciplinary process. Students have the right to due process. Violations of the Student Code of Conduct include, but are not limited to: infractions related to bullying, smoking, drug-free school, scholastic dishonesty, misuse of electronic devices, disruptive behavior, threatening behavior, organizational discipline, and general student conduct. [For detailed information regarding violations of the Student Code of Conduct and the disciplinary and appeal process and penalties, consult the Student Code of Conduct and Discipline Procedures]

Definitions

Definitions of terms used in this policy shall be as follows.

Student

A "student" shall mean an individual who is currently enrolled in the College District and any prospective or former student who has been accepted for admission or readmission to any component institution while on the premises of any component institution.

Premises

The "premises" of the College District is defined as all real property over which the College District has possession and control.

Scholastic Dishonesty

"Scholastic dishonesty" shall include, but not be limited to, cheating, plagiarism, and collusion.

"Cheating" shall include, but not be limited to:

1. Copying from another student's test or class work;
2. Using test materials not authorized by the person administering the test;
3. Collaborating with or seeking aid from another student during a test without permission from the test administrator;
4. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test, paper, or another assignment;
5. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test;

STUDENT RIGHTS AND RESPONSIBILITIES
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6. Substituting for another student, or permitting another student to substitute for oneself, to take a test;
7. Bribing another person to obtain an unadministered test or information about an unadministered test; ~~or~~

8. Manipulating a test, assignment, or final course grades; ~~or~~

~~8-9. The unauthorized use of Artificial Intelligence (AI).~~

"Plagiarism" shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own written work including the unauthorized use of work generated by Artificial Intelligence (AI).

"Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

Scholastic dishonesty shall also include fraud, unethical conduct, or intentional misconduct by administrators, faculty, staff, or students, including but not limited to the falsification or unauthorized altering of information of a student record (including information in an official student information system).

"Unauthorized disclosure" occurs when any student provides instructional materials and/or assessments to other students in violation of a clear prohibition by the instructor. Examples include: posting assessment items to online sites such as Chegg or CourseHero; asking exam questions in forums like Reddit or Yahoo Answers; discussions of confidential questions using WeChat or GroupMe, etc.

Disorderly Conduct

"Disorderly conduct" shall include any of the following activities occurring on premises owned or controlled by the College District:

1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.
2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time such that there is a clear and present danger that free movement of other persons will be impaired.

Commented [JL1]: ALL changes on this page are recommended by the Administration and Board Counsel is in concurrence.

STUDENT RIGHTS AND RESPONSIBILITIES
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4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will cause or provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a College District building to such an extent that the employees, officers, and other persons, including visitors, having business with the College District are denied entrance into, exit from, or free passage in such building.

Responsibility

Each student shall be charged with notice and knowledge of, and shall be required to comply with, the contents and provisions of the College District's policies, procedures, handbooks, rules, and regulations concerning student conduct.

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct. Each student shall be expected to:

1. Demonstrate courtesy, even when others do not;
2. Behave in a responsible manner, always exercising self-discipline;
3. Attend all classes, regularly and on time;
4. Prepare for each class and take appropriate materials and assignments to class;
5. Obey all classroom rules;
6. Respect the rights and privileges of students, faculty, and other College District staff and volunteers;
7. Respect the property of others, including College District property and facilities; and
8. Cooperate with and assist the College District staff in maintaining safety, order, and discipline.

STUDENT RIGHTS AND RESPONSIBILITIES
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Prohibited Conduct	Violations of federal, state, or local law or College District policies, procedures, or rules, including the student handbook and/or the Student Code of Conduct and Discipline Procedures shall be prohibited.
Federal, State, and Local Law	
Prohibited Weapons and Devices	Possession, distribution, sale, or use of firearms, location-restricted knives, clubs, knuckles, firearm silencers, or other prohibited weapons or devices in violation of law or College District policies and procedures shall be prohibited. [See CHF]
Drugs and Alcohol	Behaviors regarding drugs and alcohol and associated paraphernalia shall be prohibited as described in policy FLBE.
Debts	Owing a monetary debt to the College District that is considered delinquent or writing an "insufficient funds" check to the College District shall be prohibited. Appropriate personnel at the College District may be designated by College District officials to notify students of dishonored checks, library fines, nonpayment of loans, and similar debts. Such personnel may temporarily block admission or readmission of a student until the matter is resolved. If the matter is not settled within a reasonable time, such personnel shall refer the matter to the Vice Chancellor of Student Services or designee for appropriate action. Such referral does not prevent or suspend proceeding with other appropriate civil or criminal remedies by College District personnel.
Disruptions	"Disorderly conduct," as defined above, or disruptive behavior shall be prohibited.
Behavior Targeting Others	The following behavior targeting others shall be prohibited: <ol style="list-style-type: none">1. Threatening another person, including a student or employee;2. Intentionally, knowingly, or negligently causing physical harm to any person;3. Engaging in conduct that constitutes harassment, sexual assault, dating violence, stalking, or bullying directed toward another person, including a student or employee; [See DIA series, FFD series, and FFE as appropriate]4. Hazing with or without the consent of a student; [See FLBC]5. Initiations by organizations that include features that are dangerous, harmful, or degrading to the student, a violation of which also renders the organization subject to appropriate discipline; and6. Endangering the health or safety of members of the College District community or visitors to the premises.

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Property	<p>The following behavior regarding property shall be prohibited:</p> <ol style="list-style-type: none">1. Intentionally, knowingly, or negligently defacing, damaging, misusing, or destroying College District property or property owned by others;2. Stealing from the College District or others; and3. Theft, sabotage, destruction, distribution, or other use of the intellectual property of the College District or third parties without permission.
Directives	<p>Failure to comply with directives given by College District personnel and failure to provide identification when requested to do so by College District personnel shall be prohibited.</p>
Tobacco	<p>Use of tobacco products on College District property shall be prohibited. [See FLBD]</p>
Misuse of Technology	<p>The following behavior regarding misuse of technology shall be prohibited:</p> <ol style="list-style-type: none">1. Violating policies, rules, or agreements signed by the student regarding the use of technology resources;2. Attempting to access or circumvent passwords or other security-related information of the College District, students, or employees or uploading or creating computer viruses;3. Attempting to alter, destroy, disable, or restrict access to College District technology resources including but not limited to computers and related equipment, College District data, the data of others, or other networks connected to the College District's system without permission;4. Using the internet or other electronic communications to threaten College District students, employees, or volunteers;5. Sending, posting, or possessing electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal;6. Using email or websites <u>electronic means</u> to engage in or encourage illegal behavior or threaten the safety of the College District, students, employees, or visitors; and7. Possessing published or electronic material that is designed to promote or encourage illegal behavior or that could threaten the safety of the College District, students, employees, or visitors.
Dishonesty	<p>The following behavior regarding dishonesty shall be prohibited:</p>

Commented [JL2]: This change is recommended by TASB, and the Administration and Board Counsel are in concurrence.

STUDENT RIGHTS AND RESPONSIBILITIES
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1. Scholastic dishonesty, as defined above;
2. Making false accusations or perpetrating hoaxes regarding the safety of the College District, students, employees, or visitors;
3. Intentionally or knowingly providing false information to the College District; and
4. Intentionally or knowingly falsifying records, passes, or other College District-related documents.

**Gambling and Other
Conduct**

Gambling or engaging in any other conduct that College District officials might reasonably believe will substantially disrupt the College District program or incite violence including offenses outlined in the Student Code of Conduct and Discipline Procedures shall be prohibited.

Discipline

A student shall be subject to discipline, including suspension, if the student violates this policy:

1. While on College District premises;
2. While attending a College District activity; or
3. While elsewhere if the behavior adversely impacts the educational environment or otherwise interferes with the College District's operations or objectives.

**Penalties for Student
Misconduct**

A student shall be subject to discipline for violations of College District policies and procedures, including the Student Code of Conduct and Discipline Procedures. If a student commits an infraction or engages in misconduct, the College District may impose one or more of the following penalties:

1. Warning: A verbal or written warning to the student following a rule violation. Repetition of such misconduct may result in more severe disciplinary action.
2. Restitution: Reimbursement for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damage.

Scholastic Penalties

Scholastic penalties include the following:

1. Withholding Transcript or Degree: Imposed upon a student who fails to pay a debt owed to the College District or who has a disciplinary case pending final disposition. The penalty terminates upon payment of the debt or final disposition of the case.

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2. Denial of Degree: Imposed upon a student found guilty of scholastic dishonesty and can be imposed for any length of time, up to and including permanent denial.
3. Disciplinary Probation: The placing of a student on notice that continued infraction of regulations may result in suspension or expulsion from the College District. Disciplinary probation may include restrictions on a student's rights and privileges, educational activities, or required counseling. Disciplinary probation can be imposed for any length of time up to one calendar year, and the student will be automatically removed from probation when the imposed period expires. Failure to fulfill the terms of the probation may lead to suspension or expulsion.

Suspension

Suspension includes the following:

1. From the College District: Forced withdrawal from the College District for any length of time up to ~~one~~ two calendar years. Suspension prohibits, during the period of suspension, the student from being initiated into an honorary or service organization; from entering the College District campus except in response to an official summons; and from registering, either for credit or for non-credit, for scholastic work at or through the College District.
2. Rights and Privileges: Limitations or restrictions on rights or privileges to fit the particular case.
3. From Activities: The student being prohibited from joining a registered student organization, taking part in a registered student organization's activities or attending its meetings or functions, or participating in an official cocurricular activity. Such suspension can be imposed for any length of time up to ~~one~~ two calendar years.

Commented [I3]: This change is recommended by the Administration.

Expulsion

Expulsion is the permanent forced withdrawal from the College District. A student receiving disciplinary expulsion shall have the action noted on his or her permanent record.

Commented [I4]: This change is recommended by the Administration.

**Suspended or
Expelled Students**

No former student who has been suspended or expelled from the College District for disciplinary reasons shall be permitted on the campus or other facilities of the College District; initiated into an honorary, service, or other organization; or permitted to receive credit for academic work done in residence or by correspondence or extension during the period of suspension or expulsion without the prior written approval of the Chancellor or a designated representative.

Disciplinary Record

The College District shall maintain for every student alleged or determined to have committed misconduct at the College District, a

DATE ISSUED: ~~11/16/2022~~ 12/19/2023
~~LDU-2022-03~~ UPDATE 46
FLB(LOCAL)-X

Adopted:
4/20/2022

STUDENT RIGHTS AND RESPONSIBILITIES
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disciplinary record that shall reflect the charge, the disposition of the charge, the sanction assessed, if any, and any other pertinent information. The disciplinary record shall be separate from the student's academic record and shall be treated as confidential; the contents shall not be revealed except on request of the student or in accordance with applicable state or federal laws.

The disciplinary record shall be maintained permanently in the event that a student is expelled or subject to an extended suspension. In all other cases, the disciplinary record shall be maintained in accordance with the College District's record retention schedule.

Publication

The student conduct rules contained in this policy and any other conduct rules of the College District developed by the Chancellor shall be published in the student handbook and/or the Student Code of Conduct and Discipline Procedures.

Effective Date

~~This policy shall be effective as of the adoption date, April 20, 2022.~~

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
K.	Proposed Revisions to GCB(LOCAL) Policy: PUBLIC INFORMATION PROGRAM (PIA) - REQUESTS FOR INFORMATION	Dr. Margaret Ford Fisher E. Ashley Smith Melissa Mihalick Lucie Shipp Tredennick

RECOMMENDATION

Approve the proposed revisions to this GCB(LOCAL) policy, with the recommended changes in the TASB Update 46.

COMPELLING REASON AND BACKGROUND

Recommended revisions to this local policy address HB 3033, which permits a college to designate up to 10 Nonbusiness Days each calendar year for the purpose of complying with the PIA.

FISCAL IMPACT

None

STRATEGIC ALIGNMENT

4. *Community Investment*

ATTACHMENTS:

Description	Upload Date	Type
GCB(LOCAL) Policy	3/6/2024	Attachment
H.B. 3033	3/6/2024	Attachment

This item is applicable to the following: District

PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LOCAL)

Requests for public information shall be made to the College District by one of the following methods:

1. ~~Hand delivery during business hours to:~~
HCC Office of General Counsel TPIA Requests
~~4, 3100 Main St., 12th Floor, Houston, Texas 77002;~~
2. ~~U.S. mail to HCC Office of General Counsel Records Request, 3100 Main St., 12th Floor, Houston, TX 77002; or~~
3. ~~Email at recordsrequest@hccs.edu.~~
2. ~~U.S. mail to:~~
~~HCC Office of General Counsel Records TPIA Requests,~~
~~3100 Main St., 12th Floor, Houston, TX 77002; or~~
3. ~~Email at recordsrequest@hccs.edu~~
TPIARequests@hccs.edu; or
4. Submission through the appropriate online form on the college website.

Commented [JL1]: Item #1-4, revisions are recommended by the Administration and Board Counsel is in concurrence.

Nonbusiness Days

The Chancellor may designate a day on which the College District's administrative offices are closed or operating with minimal staffing as a nonbusiness day for purposes of compliance with the Texas Public Information Act (PIA). The Chancellor may designate at most 10 nonbusiness days each calendar year.

Commented [JL2]: This change is recommended by TASB, and the Administration and Board Counsel are in concurrence.

Suspension of Public Information During a Catastrophe

In the event a catastrophe, as defined by law, significantly impacts the College District such that the catastrophe directly causes the inability of the College District to comply with the requirements of the ~~Texas Public Information Act (PIA), PIA~~, the Board delegates to the Chancellor the authority to suspend the applicability of the PIA to the College District for the time permitted by law and provide the required notices to the attorney general and the public. The Board shall approve any extension of an initial suspension period as necessary in accordance with law. [See GCB(LEGAL)]

Charging for Personnel Time

In addition to other labor charges permitted by, and in accordance with law, the College District shall charge a requestor for additional personnel time spent producing information for the requestor after College District personnel have collectively spent:

1. ~~Thirty-six hours of time during the College District's fiscal year; or~~
2. ~~Fifteen hours of time during a one-month period.~~

Effective Date

~~This policy shall be effective as of the adoption date, May 18, 2022.~~
2.

AN ACT

relating to the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0031 to read as follows:

Sec. 552.0031. BUSINESS DAYS. (a) Except as provided by this section, in this chapter "business day" means a day other than:

(1) a Saturday or Sunday;

(2) a national holiday under Section 662.003(a); or

(3) a state holiday under Section 662.003(b).

(b) The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this chapter.

(c) An optional holiday under Section 662.003(c) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday.

(d) A holiday established by the governing body of an institution of higher education under Section 662.011(a) is not a business day of the institution of higher education.

(e) The Friday before or Monday after a holiday described by Subsection (a)(2) or (3) is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.

(f) Subject to the requirements of this subsection, a

governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day. The designation of a nonbusiness day for an independent school district must be made by the board of trustees. The designation of a nonbusiness day for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer. A governmental body may designate not more than 10 nonbusiness days under this subsection each calendar year.

SECTION 2. Section 552.012, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The attorney general may require each public official of a governmental body to complete the course of training if the attorney general determines that the governmental body has failed to comply with a requirement of this chapter. The attorney general must notify each public official in writing of the attorney general's determination and the requirement to complete the training. A public official who receives notice from the attorney general under this subsection must complete the training not later than the 60th day after the date the official receives the notice.

SECTION 3. Section 552.103, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The exception to disclosure provided by this section does not apply to information requested under this chapter if:

(1) the information relates to a general, primary, or special election, as those terms are defined by Section 1.005, Election Code;

1 (2) the information is in the possession of a
2 governmental body that administers elections described by
3 Subdivision (1); and

4 (3) the governmental body described by Subdivision (2)
5 is not a governmental body described by Section 552.003(1)(A)(i).

6 SECTION 4. Section 552.108(c), Government Code, is amended
7 to read as follows:

8 (c) This section does not except from the requirements of
9 Section 552.021 information that is basic information about an
10 arrested person, an arrest, or a crime. A governmental body shall
11 promptly release basic information responsive to a request made
12 under this chapter unless the governmental body seeks to withhold
13 the information as provided by another provision of this chapter,
14 and regardless of whether the governmental body requests an
15 attorney general decision under Subchapter G regarding other
16 information subject to the request.

17 SECTION 5. Subchapter C, Chapter 552, Government Code, is
18 amended by adding Section 552.163 to read as follows:

19 Sec. 552.163. EXCEPTION: CONFIDENTIALITY OF CERTAIN
20 ATTORNEY GENERAL SETTLEMENT NEGOTIATIONS. (a) In this section,
21 "attorney general settlement communication" means documentary
22 materials or information collected, assembled, drafted, developed,
23 used, received, or maintained by or on behalf of the attorney
24 general with respect to an investigation or litigation conducted
25 under Subchapter E, Chapter 17, Business & Commerce Code, and that
26 reflects or is regarding negotiations made for the purpose of
27 achieving a resolution of a matter without the need for continuing

1 with litigation or trial.

2 (b) An attorney general settlement communication is
3 privileged and not subject to disclosure under this chapter from
4 the date the attorney general's investigation begins, as indicated
5 in the attorney general's case management records, until the
6 earlier of:

7 (1) the 90th day after the date settlement discussions
8 are terminated; or

9 (2) the earliest of the date:

10 (A) the case is reported closed in the attorney
11 general's case management records;

12 (B) the final judgment, assurance of voluntary
13 compliance, or other settlement agreement is entered by the court,
14 and the period for filing a notice of appeal has passed;

15 (C) the settlement documents are executed by all
16 parties, if the documents are not filed in court;

17 (D) the order of dismissal or nonsuit disposing
18 of all parties is entered by the court; or

19 (E) all appeals are finalized.

20 (c) For the purpose of this section, a settlement
21 communication does not include a document attached to or referenced
22 in a delivered settlement proposal that is subject to disclosure
23 under this chapter.

24 SECTION 6. Section 552.271, Government Code, is amended by
25 adding Subsection (e) to read as follows:

26 (e) A requestor who has exceeded a limit established by a
27 governmental body under Section 552.275 may not inspect public

1 information on behalf of another requestor unless the requestor who
2 exceeded the limit has paid each statement issued by the
3 governmental body under Section 552.275(e).

4 SECTION 7. Section 552.272, Government Code, is amended by
5 adding Subsection (f) to read as follows:

6 (f) A requestor who has exceeded a limit established by a
7 governmental body under Section 552.275 may not inspect public
8 information on behalf of another requestor unless the requestor who
9 exceeded the limit has paid each statement issued by the
10 governmental body under Section 552.275(e).

11 SECTION 8. Section 552.275, Government Code, is amended by
12 amending Subsections (d), (g), and (h) and adding Subsections (n)
13 and (o) to read as follows:

14 (d) If a governmental body establishes a time limit under
15 Subsection (a), each time the governmental body complies with a
16 request for public information, the governmental body shall provide
17 the requestor with a written statement of the amount of personnel
18 time spent complying with that request and the cumulative amount of
19 time spent complying with requests for public information from that
20 requestor during the applicable monthly or yearly period. The
21 amount of time spent preparing the written statement may not be
22 included in the amount of time included in the statement provided to
23 the requestor under this subsection unless the requestor's time
24 limit for the period has been exceeded.

25 (g) If a governmental body provides a requestor with a the
26 written statement under Subsection (e) or (o) and the time limits
27 prescribed by Subsection (a) regarding the requestor have been

1 exceeded, the governmental body is not required to produce public
2 information for inspection or duplication or to provide copies of
3 public information in response to the requestor's request unless on
4 or before the 10th day after the date the governmental body provided
5 the written statement under that subsection, the requestor submits
6 payment of the amount stated in the written statement provided
7 under Subsection (e) or provides identification or submits payment
8 as required by Subsection (o), as applicable.

9 (h) If the requestor fails or refuses to provide
10 identification or submit payment under Subsection (g), the
11 requestor is considered to have withdrawn the requestor's pending
12 request for public information.

13 (n) A governmental body may request photo identification
14 from a requestor for the sole purpose of establishing that the
15 requestor has not:

16 (1) exceeded a limit established by the governmental
17 body under Subsection (a); and

18 (2) concealed the requestor's identity.

19 (o) A request for photo identification under Subsection (n)
20 must include a statement under Subsection (e) applicable to the
21 requestor who has exceeded a limit established by the governmental
22 body and a statement that describes each specific reason why
23 Subsection (n) may apply to the requestor. The governmental body
24 shall accept as proof of a requestor's identification physical
25 presentment of photo identification or an image of the photo
26 identification that is transmitted electronically or through the
27 mail. A requestor from whom a governmental body has requested photo

1 identification under Subsection (n) may decline to provide
2 identification and obtain the requested information by paying the
3 charge assessed in the statement.

4 SECTION 9. Subchapter G, Chapter 552, Government Code, is
5 amended by adding Section 552.3031 to read as follows:

6 Sec. 552.3031. ELECTRONIC SUBMISSION OF REQUEST FOR
7 ATTORNEY GENERAL DECISION. (a) This section does not apply to a
8 request for an attorney general decision made under this subchapter
9 if:

10 (1) the governmental body requesting the decision:
11 (A) has fewer than 16 full-time employees; or
12 (B) is located in a county with a population of
13 less than 150,000;

14 (2) the amount or format of responsive information at
15 issue in a particular request makes use of the attorney general's
16 electronic filing system impractical or impossible; or

17 (3) the request is hand delivered to the office of the
18 attorney general.

19 (b) A governmental body that requests an attorney general
20 decision under this subchapter must submit the request through the
21 attorney general's designated electronic filing system.

22 (c) The attorney general may adopt rules necessary to
23 implement this section, including rules that define the amount or
24 type of formatting of information described by Subsection (a)(2)
25 that makes use of the electronic filing system impractical or
26 impossible.

27 SECTION 10. Section 552.306, Government Code, is amended by

adding Subsections (c) and (d) to read as follows:

(c) A governmental body shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion under Subsection (b) regarding information requested under this chapter:

(1) provide the requestor of the information an itemized estimate of charges for production of the information if the estimate is required by Section 552.2615;

(2) if the requested information is voluminous:

(A) take the following actions if the governmental body determines that it is able to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time;

(ii) include in the notice the date and hour that the governmental body will disclose the information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iii) produce the information at the date and time included in the notice; or

(B) take the following actions if the governmental body determines that it is unable to disclose the information in a single batch:

(i) provide a written certified notice to the requestor and the attorney general that it is impractical or

impossible for the governmental body to produce the information within a reasonable period of time and in a single batch;

(ii) include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice;

(iii) provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and

(iv) produce the requested information at each date and time included in a notice;

(3) produce the information if it is required to be produced;

(4) notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or

(5) notify the requestor in writing that the governmental body has filed suit against the attorney general under Section 552.324 regarding the information.

(d) A governmental body is presumed to have complied with the requirements of Subsection (c) if the governmental body takes an action under that subsection regarding information that is the

1 subject of an opinion issued by the attorney general not later than
2 the 30th day after the date the attorney general issues the opinion.

3 SECTION 11. Section 552.308, Government Code, is amended to
4 read as follows:

5 Sec. 552.308. TIMELINESS OF ACTION BY UNITED STATES MAIL,
6 INTERAGENCY MAIL, OR COMMON OR CONTRACT CARRIER. (a) Except as
7 provided by Section 552.3031, when [~~When~~] this subchapter requires
8 a request, notice, or other document to be submitted or otherwise
9 given to a person within a specified period, the requirement is met
10 in a timely fashion if the document is sent to the person by first
11 class United States mail or common or contract carrier properly
12 addressed with postage or handling charges prepaid and:

13 (1) it bears a post office cancellation mark or a
14 receipt mark of a common or contract carrier indicating a time
15 within that period; or

16 (2) the person required to submit or otherwise give
17 the document furnishes satisfactory proof that it was deposited in
18 the mail or with a common or contract carrier within that period.

19 (b) Except as provided by Section 552.3031, when [~~When~~] this
20 subchapter requires an agency of this state to submit or otherwise
21 give to the attorney general within a specified period a request,
22 notice, or other writing, the requirement is met in a timely fashion
23 if:

24 (1) the request, notice, or other writing is sent to
25 the attorney general by interagency mail; and

26 (2) the agency provides evidence sufficient to
27 establish that the request, notice, or other writing was deposited

1 in the interagency mail within that period.

2 SECTION 12. Subchapter G, Chapter 552, Government Code, is
3 amended by adding Section 552.310 to read as follows:

4 Sec. 552.310. SEARCHABLE DATABASE. (a) The office of the
5 attorney general shall make available on the office's Internet
6 website an easily accessible and searchable database consisting of:

7 (1) information identifying each request for an
8 attorney general decision made under this subchapter; and

9 (2) the attorney general's opinion issued for the
10 request.

11 (b) The database at a minimum must allow a person to search
12 for a request or opinion described by Subsection (a) by:

13 (1) the name of the governmental body making the
14 request; and

15 (2) the exception under Subchapter C that a
16 governmental body asserts in the request applies to its request to
17 withhold information from public disclosure.

18 (c) The database must allow a person to view the current
19 status of a request described by Subsection (a)(1) and an estimated
20 timeline indicating the date each stage of review of the request
21 will be started and completed.

22 SECTION 13. The changes in law made by this Act to Sections
23 552.103, 552.271, 552.272, and 552.275, Government Code, apply only
24 to a request for information that is received by a governmental body
25 or an officer for public information on or after the effective date
26 of this Act. A request for information that was received before the
27 effective date of this Act is governed by the law in effect on the

1 date the request was received, and the former law is continued in
2 effect for that purpose.

3 SECTION 14. Section 552.3031, Government Code, as added by
4 this Act, and Section 552.306, Government Code, as amended by this
5 Act, apply to a request for an attorney general decision made under
6 Subchapter G, Chapter 552, of that code on or after the effective
7 date of this Act. A request for an attorney general decision made
8 before the effective date of this Act is governed by the law in
9 effect on the date the request was made, and the former law is
10 continued in effect for that purpose.

11 SECTION 15. As soon as practicable, but not later than
12 January 1, 2024, the office of the attorney general shall make the
13 database required by Section 552.310, Government Code, as added by
14 this Act, available on the office's Internet website.

15 SECTION 16. This Act takes effect September 1, 2023.

H.B. No. 3033

President of the Senate

Speaker of the House

I certify that H.B. No. 3033 was passed by the House on May 6, 2023, by the following vote: Yeas 134, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3033 on May 26, 2023, by the following vote: Yeas 133, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3033 was passed by the Senate, with amendments, on May 23, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

ACTION ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
L.	Proposed Revisions to Board Bylaws, Article H, Section 2: Board Expenditures, Board Account for Community Affairs	Melissa Mihalick, Board Counsel

RECOMMENDATION

Approve proposed revisions to Board Bylaws Article H, Section 2: Expenditures, Board Account for Community Affairs to ensure compliance with Senate Bill 17.

COMPELLING REASON AND BACKGROUND

Any expenditure of public funds must comply with restrictions related to diversity, equity and inclusion initiatives under Education Code, Ch. 51, Subchapter G.

The college district will be required to submit to the legislature and the Coordinating Board a report certifying the board's compliance regarding diversity, equity, and inclusion initiatives during the preceding state fiscal year, under Education Code 51.3525.

FISCAL IMPACT

None

LEGAL REQUIREMENT

Education Code, Ch. 51, Subchapter G; and
Education Code 51.3525

STRATEGIC ALIGNMENT

5. College of Choice

ATTACHMENTS:

Description	Upload Date	Type
Proposed Revisions-Board Bylaws-Article H, Section 2	3/26/2024	Attachment

This item is applicable to the following: District

BYLAWS OF THE BOARD OF TRUSTEES OF THE HOUSTON COMMUNITY COLLEGE

Adopted January 1, 2010

Amended June 29, 2010

Amended September 23, 2010

Amended December 2, 2010

Amended November 17, 2011

Amended December 15, 2011

Amended June 21, 2012

Amended June 24, 2014

Amended November 18, 2014

Amended February 27, 2015

Amended April 16, 2015

Amended January 21, 2016

Amended February 25, 2016

Amended April 21, 2016

Amended June 16, 2016

Amended October 20, 2016

Amended June 15, 2017

Amended August 17, 2017

Amended November 16, 2017

Amended January 18, 2018

Amended May 17, 2018

Amended November 7, 2018

Amended May 1, 2019
Amended August 27, 2019
Amended December 4, 2019
Amended February 5, 2020
Amended May 6, 2020
Amended August 5, 2020
Amended September 2, 2020
Amended December 16, 2022
Amended January 18, 2023

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- Sec. 2. Distribution**
- Sec. 3. Code of Conduct and Ethics** *(Amended December 2, 2010, November 17, 2011, November 7, 2018, February 16, 2022, December 16, 2022)*

ARTICLE B: POWERS OF THE BOARD

- Sec. 1. Authority** *(Amended November 7, 2018, May 6, 2020, December 16, 2022)*
- Sec. 2. Delegation of Authority in Emergency**
- Sec. 3. Policy Direction**
- Sec. 4. Board Leadership** *(Amended November 7, 2018)*

ARTICLE C: BOARD ELECTIONS AND VACANCIES

- Sec. 1. Board Elections** *(Amended December 16, 2022)*
- Sec. 2. Vacancies** *(Added December 16, 2022)*

ARTICLE D: OFFICERS OF THE BOARD

- Sec. 1. Election** *(Amended August 17, 2017, November 7, 2018)*
- Sec. 2. Chair** *(Amended August 17, 2017, December 16, 2022)*
- Sec. 3. Vice Chair**
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ARTICLE E: PERSONNEL APPOINTED BY AND REPORTING DIRECTLY TO THE BOARD

- Sec. 1. Chancellor** *(Amended January 21, 2016, December 16, 2022)*
- Sec. 2. External Auditor** *(Amended December 16, 2022)*

- Sec. 3. Internal Auditor** *(Amended April 16, 2015, February 25, 2016, December 16, 2022)*
- Sec. 4. Board Counsel** *(Amended December 16, 2022)*
- Sec. 5. General Counsel** *(Amended February 27, 2014, February 25, 2016, June 16, 2016, December 16, 2022)*
- Sec. 6. Other Outside Counsel** *(Amended December 16, 2022)*
- Sec. 7. Financial Advisor** *(Amended February 25, 2016, June 15, 2017, January 18, 2023)*

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- Sec. 2. Appointed Committees** *(Amended November 7, 2018, September 2, 2020)*
- Sec. 3. Committee of the Whole Meetings** *(Amended June 24, 2014, May 17, 2018, November 7, 2018, September 2, 2020)*
- Sec. 4. Standing Committees** *(Amended June 29, 2010, April 21, 2016, May 1, 2019, August 5, 2020, September 2, 2020)*
- Sec. 5. Committee of the Whole** *(Added May 6, 2020, August 5, 2020, September 2, 2020)*
- Sec. 6. Special/Ad Hoc Committees** *(Amended September 2, 2020)*
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- Sec. 5. Notice**
- Sec. 6. Voting** *(Amended April 16, 2015, November 16, 2017)*
- Sec. 7. Order of Business** *(Amended September 2, 2020)*
- Sec. 8. Efficiency** *(Amended November 7, 2018)*
- Sec. 9. Agenda** *(Added April 16, 2015, June 15, 2017, November 7, 2018, May 6, 2020)*
- Sec. 10. Rules of Order**

- Sec. 11. Minutes and Recordings** *(Amended May 6, 2020)*
- Sec. 12. Special Meetings** *(Amended November 7, 2018, May 6, 2020)*
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- Sec. 1. Evaluation and Self-Assessment of the Board** *(Amended November 7, 2018)*
- Sec. 2. Expenditures** *(Amended September 23, 2010; Amended December 13, 2012, May 1, 2019, May 6, 2020, April 17, 2024)*
- Sec. 3. Public Statements and the Media** *(Amended January 21, 2016)*
- Sec. 4. Training** *(Amended September 23, 2010; Amended November 17, 2011, January 21, 2016, May 17, 2016, November 7, 2018)*
- Sec. 5. Requests for Information** *(Amended October 20, 2016, May 6, 2020, September 2, 2020)*
- Sec. 6. Requests for Legal Advice** *(Amended January 21, 2016, December 4, 2019, May 6, 2020)*
- Sec. 7. Board Member Complaints** *(Amended January 21, 2016, November 7, 2018)*

EXHIBITS

- Exhibit A. Houston Community College Board of Trustees and Senior Staff Conflict of Interest Certification**
- Exhibit B. Complaint Form** *(Amended November 7, 2018)*
- Exhibit C. HCC Trustee Board Account for Community Affairs Request**

Article H: Board Operations

Responsible Board Committee: Board Governance

Responsible Department/Group: Board of Trustees

1. EVALUATION AND SELF-ASSESSMENT OF THE BOARD. The Board shall, on a yearly basis, evaluate the efficiency and effectiveness of Board operations for the benefit of the College. With the assistance of the Chancellor's staff, operations shall be continuously streamlined and modernized for the efficient dispensation of College business. The community image of the College and the Board shall be periodically assessed for possible changes in Board operations. The self-assessment of the Board shall consist of:

- a. Review of the Board Bylaws.
- b. An assessment of Board expenditures and savings for the year.
- c. An estimation of Board budgetary needs for the following year.
- d. An evaluation of Board accomplishments in setting policy, uniting the community in and out of the College, managing debt, and improving the College.
- e. An assessment of Board Governance and Operations.
- f. An assessment of the Board Office functions (Board office staff shall be evaluated by the Chancellor).

2. EXPENDITURES. The Board shall have complete control of all Board accounts, and uses of the accounts must promote the College, develop the Board, or both.

Only Trustees in good standing are eligible to travel at College expense or have access to community funds, as discussed below. A Trustee in good standing is not indebted to nor owes the College money for any reason.

Travel. Trustees may attend conventions, conferences, workshops, and other events approved by the Board. See the Board Travel Reimbursement Policy for a list of approved Conferences. Conferences not listed in the Board Travel Reimbursement Policy require prior Board approval for reimbursement of related expenses. Trustees must be in good standing to travel at College expense.

Board Account for Community Affairs. At the beginning of each fiscal year, a Board Account for Community Affairs ("BACA") will be established for Trustees to fund activities related to their duties and responsibilities as Board members. Each Trustee

will be limited to Five Thousand Dollars (\$5,000.00) per fiscal year, and the funds must be used in such a way as not to violate Texas law as described in greater detail below. the gift of public funds doctrine. This doctrine, under Texas law, prevents political subdivisions from using public money or granting something of value for a private purpose. Trustees must be in good standing to access BACA funds.

- a. Trustees may use funds from the BACA for a community activity related to their duties and responsibilities as Trustees if the proposed use of funds complies with the gift of public funds doctrine, meaning that and only if all of the following requirements are met:

1. The activity serves a public purpose;
2. The College receives adequate value or benefit in return; and
3. Sufficient controls are in place to ensure the public purpose is met.

"Public purpose" is defined as an activity that adds value to or benefits the College as a whole by supporting the educational functions and mission of the College.

- b. Trustees may use funds from the BACA for a community activity related to their duties and responsibilities as Trustees if the proposed use of funds complies with restrictions related to diversity, equity and inclusion initiatives under Texas Education Code, Ch. 51, Subchapter G.

- b.c. Trustees may use funds from the BACA to sponsor community functions such as awards banquets, charitable events, and similar events and activities. Examples of proper educational public purposes are:

1. Solicitation of donations for College educational programs;
2. Enhancement of the reputation of the College in the community;
3. Support of activities that increase the morale of employees and/or students;
4. Support of events that enhance enrollment of students or recruitment of faculty, administration or staff; or
5. Support of events that enhance the academic advancement, workforce training, or career development of HCC students.

- c.d. Trustees will adhere to the following guidelines as controls to ensure that a proper educational purpose is served:

1. Trustees must complete the BACA Fund Request Form at Exhibit C at least five (5) business days prior to the event;

2. The Board Chair or the Chair of the Board Governance Committee will review the form for completeness and to ensure the public purpose requirements of 8.3.3(a) above are met and will promptly notify the Trustee of his or her decision. Neither the Board Chair nor the Chair of the Board Governance Committee may approve their own request;
3. The amount requested must be the exact amount of the cost of the event or activity;
4. The Board Services Office shall NOT process a requisition for a requested BACA expenditure without a completed BACA Fund Request form signed by the Board Chair or the Board Governance Committee Chair. No requisitions will be processed if the requesting Trustee's BACA account has insufficient funds for the requested expenditure; and
5. The Board Services Office will email each Trustee the balance in their BACA account on a monthly basis. The Board Services Office will make a semi-annual report to the Board Governance Committee, indicating the amount, the activity and the requesting Trustee for each BACA expenditure.
6. All BACA requests must be submitted by July 15 of each fiscal year. Requests submitted after that date will not be processed until September 1 of the following fiscal year.

d.e. Trustees may not use proceeds from the BACA for the following:

1. Events underwritten by or supporting religiously-affiliated organizations;
2. Personal or individual purposes, such as election campaign activities;
3. To support economic development or promote local businesses in a Trustee's district; or
4. Any other activity that supports an organization, public or private, or
5. That does not meet the requirements of this section 8.3.3(a) above.

3. PUBLIC STATEMENTS AND THE MEDIA. The Board shall be encouraged to speak with one voice, through the Chair (or in the Chair's absence, the Vice Chair), regarding College matters before the press.

4. TRAINING. The Board recognizes its responsibility to be actively and continuously engaged in developing individual Board member's skills and knowledge by keeping them abreast of new developments in fiduciary, governance, and ethics laws, norms and best practices. The Board shall, therefore, have an orientation and

development process in place. Board members may also attend regional, state, or national conventions, conferences, and workshops, and will be reimbursed for reasonable travel expenses for attendance at such as provided in the Board Travel Reimbursement Policy and these Bylaws. On an annual basis, Board Counsel will review all policies that address Board operations and will carry out (with assistance from General Counsel as needed), any necessary training for the Trustees and Staff, as follows:

- a. **General Requirement.** Each Trustee shall participate in the HCC Annual Trustee Orientation program, a training session of at least four hours in each calendar year. The training will be conducted by Board counsel and other professionals, as needed. The program will consist of at least one hour of ethics training, one hour of finance training, and sexual harassment and anti-discrimination training. Board members who do not complete this annual training by the end of April of each year shall be ineligible to serve as a Board officer or as Chair of a committee until the training is completed.
- b. **Mandatory Open Government Training.** Each Trustee shall, pursuant to Texas law, complete two hours of open government training, one hour each on open meetings and the public information act. This training must be completed within 90 days of being sworn in to serve. The Office of the Attorney General provides free online or video training to satisfy this requirement.
- c. **Mandatory Training with Texas Higher Education Coordinating Board.** Within the first two years of service, each Trustee shall, pursuant to Texas law, complete a training program established by the Texas Higher Education Coordinating Board pursuant to Section 61.084 of the Texas Education Code. Board members taking office on or after January 1, 2016, must complete this training within the first year of service. The minutes of the last regular meeting of the calendar year must reflect whether each required member completed the training. Training via electronic means is also acceptable.
- d. **Mandatory Investment Training.** Within six months after taking office or assuming duties, each Trustee shall, pursuant to the Public Funds Investment Act (Texas Government Code, Chapter 2256), complete at least one training session relating to the Trustee's investment responsibilities, including training in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with Chapter 2256 of the Texas Government Code.

5. REQUESTS FOR INFORMATION

The College is committed to ensuring Trustee access to all information of the College to the extent permitted by law. This policy shall govern requests for information or

documents submitted by Board members in their official capacity. All other requests shall be submitted under the College Public Information Policy. (See Policy Series GCB). All requests under this section shall be initiated by a written request submitted to the Office of Board Services. Requests shall be assigned a tracking number and processed in accordance with the Office of Board Services' Trustee Inquiry Tracking Guidelines.

If a request seeks the preparation of reports that will, in the opinion of the Board Chair in consultation with the Chancellor, require excessive staff time or expense, or interfere with employee duties and cause a disruption to College business, the Board Chair may discuss with the requesting Board member ways in which the scope of the request may be narrowed.

6. REQUESTS FOR LEGAL ADVICE

An individual Board member, acting in his or her official capacity, shall have the right to seek legal advice from the Board Counsel. Requests for legal advice shall be submitted to the Board Chair or designee in accordance with Board Counsel Guidelines. If the Board Chair determines that the request is not reasonably related to official Trustee issues, the Board Chair shall instruct the requesting Board member to obtain independent legal counsel at the Board member's expense. Once a request is approved by the Board Chair, Board Counsel will provide the requesting Board member with an estimated response time.

7. BOARD MEMBER COMPLAINTS.

A member of the Board who has a complaint against another member of the Board or the HCC administration shall submit a written complaint, using the form at Exhibit B, to the Board Chair, or to the Vice-Chair if the Chair is the subject of the complaint, within 30 days of the date of the incident giving rise to the complaint or within 30 days of the date the Board member becomes aware of the complaint. The complaint shall be resolved in accordance with the procedures outlined in Article A, Section 11 of these Bylaws.

REPORT ITEM

Meeting Date: April 3, 2024

Topics For Discussion and/or Action:

ITEM #	ITEM TITLE	PRESENTER
M.	Board Expenditures Report for Fiscal Year 2024 (September 1, 2023 through February 29, 2024)	Dr. Margaret Ford Fisher Sharon Wright

DISCUSSION

Provide the following Board expenditure reports for Fiscal Year 2024 for the period of September 1, 2023, through February 29, 2024:

1. Board Travel
2. Board Account for Community Affairs (BACA)

COMPELLING REASON AND BACKGROUND

In accordance with Board bylaws Article H, Section 2.C.5 and Board's Compensation and Expense policy BBG (Local), the Board Governance Committee shall receive a semi-annual report on travel and BACA expenditures (based on the College's fiscal year). A final report shall be made at the end of each fiscal year.

FISCAL IMPACT

Travel and BACA expenditures for the period of September 1, 2023 through February 29, 2024 are \$83,706.

LEGAL REQUIREMENT

In accordance to Board Bylaws (Article H, Section 2.C.5) and Board Members Compensation and Expenses Policy (BBG-Local).

STRATEGIC ALIGNMENT

4. Community Investment

ATTACHMENTS:

Description	Upload Date	Type
1-Summary_Board Travel and BACA Expenses (20230901-20240229)	3/26/2024	Attachment
2-Exhibit 1_Board Travel Expense Report (20230901-20240229)	3/26/2024	Attachment
3-Exhibit 2_Board BACA Expense Report (20230901-20240229)	3/26/2024	Attachment

This item is applicable to the following: District

HCC Board of Trustees
Expense Summary
(September 1, 2023 - February 29, 2024)

Trustee	<u>Exhibit 1</u> Travel	<u>Exhibit 2</u> Board Account for Community Activities (BACA)
Cheben, Sean	\$ 3,132	\$ -
Davies, Laolu	\$ 3,371	\$ -
Flowers, Reagan	\$ 10,410	\$ 2,950
Glaser, Robert	\$ 6,102	\$ 1,000
Johnson, Charlene	\$ 12,742	\$ -
Lenton-Gary, Cynthia	\$ 7,301	\$ -
Loredo, Eva	\$ 12,850	\$ 700
Richart, Monica	\$ -	\$ -
Tamez, Adriana	\$ -	\$ 750
VanDible Stallworth, Pretta	\$ 12,449	\$ 4,950
Wilson, David	\$ -	\$ 5,000
Total	\$ 68,356	\$ 15,350

**HCC BOARD OF TRUSTEES
TRUSTEE TRAVEL EXPENSE SUMMARY
September 1, 2023 - February 29, 2024**

Exhibit 1

Conference	Date	Total
CCATT Annual Conference (Austin, TX)		
Glaser, Robert	09/14/2023 09/15/2023	\$ 1,004
VanDible Stallworth, Pretta	09/15/2023 09/16/2023	\$ 936
Total:		\$ 1,941
Congressional Black Caucus Annual Legislative Conference (Washington, DC)		
Flowers, Reagan	09/18/2023 09/24/2023	\$ 4,398
Johnson, Charlene	09/19/2023 09/24/2023	\$ 4,028
Loredo, Eva	09/19/2023 09/23/2023	\$ 3,344
VanDible Stallworh, Pretta	09/20/2023 09/24/2023	\$ 3,754
Total:		\$ 15,524
HACU Annual Conference (Chicago, IL)		
Flowers, Reagan	10/27/2023 10/30/2023	\$ 2,781
Johnson, Charlene	10/27/2023 10/30/2023	\$ 2,924
Total:		\$ 5,705
ACCT Leadership Congress (Las Vegas, CA)		
Flowers, Reagan	10/07/2023 10/09/2023	\$ 3,231
Glaser, Robert	10/09/2023 10/11/2023	\$ 3,947
Johnson, Charlene	10/08/2023 10/12/2023	\$ 3,980
Lenton-Gary, Cynthia	10/07/2023 10/12/2023	\$ 3,980
Loredo, Eva	10/08/2023 10/13/2023	\$ 5,084
VanDible Stallworh, Pretta (Note: ACCT reimbursed \$562.36)	10/07/2023 10/12/2023	\$ 4,010
Total:		\$ 24,232
Community College of Texas Trustees-CCATT (Pasadena, TX)		
VanDible Stallworth, Pretta	11/10/2023 11/10/2023	\$ 53
Total		\$ 53

HCC BOARD OF TRUSTEES
TRUSTEE TRAVEL EXPENSE SUMMARY
September 1, 2023 - February 29, 2024

Exhibit 1

Conference	Date	Total
THECB Leadership Conference (Austin, TX)		
Glaser, Robert	12/12/2023 12/13/2023	\$ 1,151
Johnson, Charlene	12/11/2023 12/13/2023	\$ 1,809
Loredo, Eva	12/11/2023 12/13/2023	\$ 1,196
Total:		\$ 4,156
ACCT National Legislative Summit (Washington, DC)		
Cheben, Sean	02/03/2024 02/08/2024	\$ 3,132
Davies, Laolu	02/04/2024 02/07/2024	\$ 3,371
Lenton-Gary, Cynthia	02/02/2024 02/07/2024	\$ 3,320
Loredo, Eva	02/03/2024 02/07/2024	\$ 3,226
VanDible Stallworh, Pretta (Note: ACCT reimbursed \$1,144.44)	02/01/2024 02/07/2024	\$ 3,697
Total:		\$ 16,745
Total Trave Expense:		\$ 68,356

BOARD ACCOUNT FOR COMMUNITY AFFAIRS (BACA) FUNDS
September 1, 2023 - February 29, 2024

Exhibit 2

Trustee	Date	Organization	Function	Cost
Dr. Reagan Flowers				
	9/27/2023	Collaborative for Children	Sponsorship	\$ 2,000.00
	10/9/2023	Wells International Foundation	Sponsorship	\$ 500.00
	10/10/2023	Operation Love Fund	Sponsorship	\$ 200.00
	11/13/2023	HCC Central - Christmas Tree Lighting	Sponsorship	\$ 250.00
	Total Expense			\$ 2,950.00
Trustee Robert Glaser				
	11/3/2023	HCC Foundation - Bedichek-Orman	Sponsorship	\$1,000.00
	Total Expense			\$1,000.00
Dr. Cynthia Lenton- Gary				
	No Expense			\$ -
Trustee Charlene Johnson				
	No Expense			\$ -
Trustee Eva Loredo				
	9/22/2023	HCC Southeast College - Hispanic Heritage Awareness	Sponsorship	\$ 500.00
	11/3/2023	HCC Foundation - BediCheck-Orman	Sponsorship	\$ 200.00
	Total Expense			\$700.00
Trustee Monica Richart				
	No Expense			\$ -
Dr. Pretta VanDible Stallworth				
	9/14/2023	LULAC #402	Sponsorship	\$ 400.00
	9/14/2023	HCC Foundation - BediCheck-Orman	Sponsorship	\$ 400.00
	9/14/2023	Dorothy Thomas	Sponsorship	\$ 300.00
	9/14/2023	Janatsch	Sponsorship	\$ 100.00
	9/15/2023	Nissi Network	Sponsorship	\$ 3,750.00
	Total Expense			\$4,950.00
Dr. Adriana Tamez				
	9/8/2023	Barrio Dogs	Sponsorship	\$ 250.00
	9/28/2023	Mayor Hispanic Heritage Awards	Sponsorship	\$ 500.00
	Total Expense			\$750.00
Trustee Dave Wilson				
	12/1/2023	HCC Foundation - Hegar Family Endowment	Sponsorship	\$5,000.00
	Total Expense			\$5,000.00