

Commerce ISD Federal Programs Procedures Manual



Table of Contents

I. Personnel 6100.....	1
II. Contracts 6200.....	2
III. Supplies and Materials 6300 Capital Outlay 6600	3
IV. Travel 6400	4
V. Forms Application for Authorization of Professional Trip Travel Reimbursement Meal Reimbursement Extra Duty Pay Request	
VI. Resources Appendix A--Six Qualifying Questions Appendix B--School Board Policy CFC (LEGAL) CH (LEGAL) CH (LOCAL) CHE (LEGAL) DAB (LOCAL) DBA (LOCAL) DC (LEGAL) DC (LOCAL)	

Procedures for Federal Program Funding – 6100 Personnel

1 Needs Determination

- ___ Deemed essential by constituents.
- ___ Funding available and position required to meet program guidelines.
- ___ Passes NCLB battery of six questions (Appendix A) and meets ARRA requirements if applicable.

2 Job Description / Requisition

- ___ Developed by Principal and Personnel Director using current grant applications for activities.
- ___ Approved by Director of Curriculum, Special Programs and Grants
- ___ Compared to Funding Application
- ___ Job Requisition created and approved by Superintendent
- ___ Posted

3 Recruitment

- ___ Personnel Director advertises job.
- ___ Principal/Director screens for basic requirements.

4 Hiring Procedures

- ___ Principal/Director reviews applications.
- ___ Administrator/Director accepts or rejects for interview.
- ___ Team interview and recommendation forwarded.
- ___ Reference checks made by administrator.
- ___ Administrator/Director requests salary quote from Personnel.
- ___ Final interview by Administrator/Director.
- ___ Job offer made if applicant is acceptable. Official paperwork developed by Administrator/Director and approved by Personnel director.
- ___ Signed by Superintendent.
- ___ Professional staff approved by Board at next meeting.

6 Orientation and Training

- ___ Orientation to Commerce ISD provided by Personnel.
- ___ Orientation to specific job description and requirements by Administrator/Director.
- ___ Mentor assigned and goals set for pair-mentor and mentee.
- ___ Initial training on grant application and corresponding regulations done by Administrator/Director.
- ___ Professional development plan created; submitted by Administrator/Director.

7 Time and Effort Requirements

- ___ Time and effort completed by employees who are split funded.
- ___ Time and effort reviewed by Administrator/Director for % of time related to program requirements
- ___ Time and effort recorded by Business Office, variance adjustments made quarterly
- ___ Semi-annual certification for 100% funded personnel

8 Budget Checks by Director of Finance

- ___ Determine every two months if salary expenditures are correctly coded and on target for full expenditure
- ___ Review with Campus Principals/Director of Finance concerns and need to modify, correct budgets, etc.
- ___ Monitor matching cost share if applicable

Procedures for Federal Program Funding – 6200 Contracts

1 Need for Outside Provider is Determined by Administrator/Director

- ___ Can the service be performed by staff in a timely manner?
- ___ No employee has skill set?
- ___ Is the activity allowable under the federal program regulations?
- ___ Does the activity pass the NCLB battery of six questions, and ARRA requirements if applicable?
- ___ Is the need documented on the campus improvement plan for the district needing the service?
- ___ Use process that meets IRS standards for independent contractor vs. employee.
- ___ Check application for pre-approved contractors

2 Contract Development and Approval

- ___ Check budget and amend funding application if necessary.
- ___ Administrator/Director determines who is a suitable contractor for providing service,
- ___ Consider using Minority/HUB/Women's business if feasible.
- ___ Administrator/Director completes contractual form certifying status and fee requirements.
- ___ If contract is over \$25,000, the Board approves.
- ___ Appropriate federal code is determined.
- ___ Purchasing compliance:
\$25,000.+ State bid laws apply
\$10,000. Three (3) quotes per local procedures
- ___ Sole source contract must be supported by appropriate documentation.
- ___ PO requisition entered in accounting system (prior to start date of work); online electronic approvals.

3 Monitoring and Payment of Contract

- ___ Administrator/Director regularly communicates with contractor to determine whether timelines are on schedule; interim review of service or product if applicable, and review of client's comments on service.
- ___ Evaluation report on professional development services and other development is reviewed by Administrator/Director before payment.
- ___ Invoice review by program staff required before entering invoice of contractor for payment; documentation such for associated costs of mileage, supplies and materials are checked for accurate recording.
- ___ Administrator/Director writes "OK to Pay" on the invoice after determining compliance with contract.
- ___ Invoice is reviewed by Business Office
- ___ Business Office reviews for fiscal requirements before payment is provided (matching of invoice to PO to receiver signatures by appropriate staff).

Procedures for Federal Program Funding – 6300 Supplies and Materials/6600 Capital Outlay

1 Need for Product/Material

- Is purchase supplemental?
- Does purchase support NCLB battery of six questions (Appendix A)?
- Allowable on federal program regulations?

2 Request, Ordering and Approval

- Budget is checked and funding application amended if necessary.
- Order is created and approved by Administrator/Director.
- Appropriate federal code determined for purchase order.
- All requirements for vendors, BuyBoards (local government purchasing cooperative), and quotes/bids are followed.
- Purchase orders are forwarded to Business Office; amounts over \$25,000 require Board approval.
- If considered sole source vendor, appropriate documentation is provided.

3 Payment

- Receipt of materials is verified as accurate by Campus Principal/program staff in conjunction with Business Office.
- Administrator/Director notifies Business Office that invoice can be paid.
- Business office reviews for fiscal requirements before payment is made.
- Approved; release for payment.

4 Monitoring of Use in Program

- Program staff and Administrator/Director see that materials purchased are immediately incorporated into the program and are regularly in use.
- Budget is monitored with Business Office for accuracy in coding.

5 Record in Fixed Asset Inventory if Applicable

- > \$5000. Capitalize; record in inventory
- > \$500. Record in inventory
- Tag Item
- Follow disposal procedures at end of useful life.

Procedures for Federal Program Funding – 6400 Travel

1 Needs Determination

- ___ Is the travel activity allowable under the federal program regulations?
- ___ Does the travel activity pass the NCLB battery of six questions (Appendix A)?
- ___ Is the purpose for the travel related to meeting a need documented on campus improvement plans for campuses and/or district?

2 Travel Request Approval and Arrangements – Out of District

- ___ Travel Request is completed by staff.
- ___ Administrator/Director approves if in-state travel and ensures that all Commerce ISD and federal travel regulations are followed.

- ___ Administrator/Director documents that need matches requests.
- ___ Director of Finance determines appropriate federal code.
- ___ For Out-of-State. Personnel write letter to Superintendent requesting permission and complete out of-district travel request.
- ___ Superintendent considers approval of out of state request.
- ___ If approved, appropriate funds are encumbered.

3 Travel Reimbursement

- ___ Travel Reimbursement form is completed by staff including meals, parking and other incidentals.
- ___ Reimbursement checked by Administrator/Director for adherence to travel regulations, time and effort records; approved by Campus Principal and released for payment.
- ___ Business Office reviews for fiscal requirements.

Commerce Independent School District

2009-2010 Reimbursement Check List for Federal Program Expenditures

6100 – Payroll

A list of employees whose salaries are being reimbursed from Title funds and a copy of their job descriptions(s) are maintained in the district.

Once job descriptions are provided, they will be kept in employee's personnel file folder.

For extra duty pay, supervisors will need to complete an Extra Duty Pay Request and submit to the Business Office.

6200 – Contracted Services

For invoices to be paid, CISD administrators need to submit itemized invoice meeting the criteria below:

1. Purpose of invoice:
2. How is expense supplemental?
3. Date of Service:
4. Number of teachers / students served:
5. Does the contracted service tie back to the District / Campus needs assessment?
Yes/No

6300 – Program Supplies and Materials

6600 – Capital Outlay

For invoices to be paid, CISD administrators need to submit itemized invoice meeting the criteria below:

1. Purpose of invoice:
2. How is expense supplemental?
3. Who benefits from this expenditure?
4. How does this expenditure benefit the student?
5. Was this a planned expense? Yes/No
6. Does the expenditure tie back to the District / Campus needs assessment? Yes/No
7. This expenditure is not considered to be 6600 – Capital Outlay? Yes/No

6400 – Other Operating Costs

For travel costs to be paid, employee needs to submit Travel Reimbursement and Meal Reimbursement Forms.

Federal Programs Guidelines for Expenditures

Spending Guidelines

1. Expense must be supplemental
2. Expense must be reasonable and necessary
3. Expense cannot supplant state or local funds
4. Expense cannot meet any state or local (school board) requirement. Supplies, salary, certification, ESL assessments, required trainings.
5. Expense must tie to district or campus needs assessment.
6. Expense must tie to District or Campus Improvement Plan.
7. Expense cannot be for food unless directly related to parent involvement or snacks for tutoring (Pizza is not a snack).
8. Expense cannot be tied to any activity that is seen as entertainment-- Six Flags, soccer games
9. Expense cannot be for promotional items – red-ribbon week, character counts.
10. Expense cannot be for trips.
11. Expense cannot be rounded up or down.
12. Expense must be related to Federal program from which reimbursement is being requested.

Payroll (6100) documentation needs

- List of teachers, aids, staff and amounts paid out of federal funds.
- Job description with percentage of time working for Federal program for each person that is paid out of federal funds.

Contracted Services (6200) documentation needs

- Copy of itemized invoice
- Contracted services invoiced – if itemized (line by line charge for hotel, gas, flight, meals) then receipts are required to support each charge. If invoice states – “travel expense” and amount then no receipts are required.
- Completion of the reimbursement check list.

Materials and Supplies (6300) and Capital Outlay (6600) documentation needs

- Must have copy of itemized invoice or itemized receipt
- Completion of reimbursement checklist.
- Ensure purchase is not a Capital Outlay (6600) Purchases over \$5,000. Per unit.

Other Operating Costs (6400) documentation needs

- Travel form completed to include actual mileage for travel; correct hotel rate, no in-state taxes (out of state alright).
- Receipts for meals and related travel costs (i.e. parking, taxi) are required.
- Hotel bill that is itemized is required – cannot use hotel confirmation.
- Use Google Maps or odometer for mileage reimbursement. Excessive mileage will not be reimbursed.
- Supplemental certifications receipt needs to show name, date of test, test name and amount paid.

In preparation for reimbursement, completion of Travel Reimbursement and Meal Reimbursement Forms is necessary. If an expense requires multiple federal sources for payment, then each federal source requires a reimbursement request with a separate copy of the check and requested amount clearly indicated.

Each campus needs a separate reimbursement form per Title Program. One federal form cannot encompass all.

Do's

- Do submit a reimbursement request for expense per school and per title program.
- Do submit reimbursements request in a timely manner.
- Do track reimbursement requests submitted to avoid duplicating requests.
- Do make multiple copies of invoices and illustrate amount paid out of each federal program if multiple sources of funds are used.
- Do respond to requests for additional information in a timely manner.
- Do realize that Commerce ISD is ensuring that your school is in compliance with federal regulations.
- Do call and ask questions.

**COMMERCE INDEPENDENT SCHOOL DISTRICT
APPLICATION FOR AUTHORIZATION OF PROFESSIONAL TRIP
(STAFF DEVELOPMENT)**

Date _____

Name _____

Campus/Department _____ Position _____

Workshop Title _____

Destination (city/agency hosting activity) _____

Date(s) (including travel time) From _____ To _____

Benefit to Campus/District _____

Expenses to be paid by: () Self () District () Other _____

Fund Code _____

Total estimated cost to District (travel, meals, registration) \$ _____

Travel advance required? () Yes () No Amount \$ _____

(NOTE: Requisition required for travel advance)

EMPLOYEE'S SIGNATURE

FOR OFFICE USE ONLY

PRINCIPAL/SUPERVISOR _____

DATE _____ () APPROVE () DISAPPROVE

DIRECTOR OF CURRICULUM _____

DATE _____ () APPROVE () DISAPPROVE

DIRECTOR OF FINANCE _____

DATE _____ () APPROVE () DISAPPROVE

TRAVEL REIMBURSEMENT
(use separate form for each traveler)

Name _____ Campus _____

Traveled From: _____ Traveled To: _____

Purpose of Trip: _____

Dates of Travel:

Departure Date: _____

Departure Time: _____

Return Date: _____

Return Time: _____

Registration Cost: (include copy of the registration form for the event) \$ _____

***If the conference registration was paid out of state/local funds, then you are also required to pay the costs associated with attending the conference out of state/local funds.**

Mileage (Personal Vehicle) _____ Miles @ _____ cents

*based on Google map

OR

Gasoline Charges (District Vehicle) _____ \$ _____

Lodging (receipt required) _____ Total Days @ _____ Daily Allowed Rate \$ _____

Show city occupancy tax in "other expenses."

State taxes will not be reimbursed. (must use tax exempt form)

Go to <https://www.gsa.gov> to locate rates for in & out-of-state lodging.

Meals: (attach Meal Reimbursement Form) _____ Total Days \$ _____

Reimbursements will be based on actual meal costs. (No Tips Allowed)

Other Expenses: (examples include items such as registration, car rental, taxi, shuttle, incidental expenses, etc.)

Receipts are required.

Registration forms required from conferences or workshops.

NO TIPS ALLOWED.

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____

(Include all out of state taxes)

\$

I certify that the travel listed was made in connection with official school business and the amounts are correct and previously unclaimed.

Claimant Signature

Date

Supervisor Signature

Date

*Reimbursement will be made to the Local Education Agency (LEA)

MEAL REIMBURSEMENT

[meals are reimbursed for overnight travel only]

The maximum rate per day for meals is \$30.

Name _____ Campus _____

Traveled From: _____ Traveled To: _____

Purpose of Trip: _____

Dates of Travel:

Departure Date: _____

Departure Time: _____

Return Date: _____

Return Time: _____

Rules for Partial Day Meal Reimbursement		
	Depart	Return
Breakfast	Before 7:00 AM	After 10:00 AM
Lunch	Before 11:00 AM	After 2:00 PM
Dinner	Before 5:00 PM	After 8:00 PM

Day 1: _____

Date

***Actual Expenses:**

Breakfast _____

Lunch _____

Dinner _____

Total _____

Day 2: _____

Date

***Actual Expenses:**

Breakfast _____

Lunch _____

Dinner _____

Total _____

Day 3: _____

Date

***Actual Expenses:**

Breakfast _____

Lunch _____

Dinner _____

Total _____

Day 4: _____

Date

***Actual Expenses:**

Breakfast _____

Lunch _____

Dinner _____

Total _____

Day 5: _____

Date

***Actual Expenses:**

Breakfast _____

Lunch _____

Dinner _____

Total _____

Grand Total _____

I certify that the travel listed was made in connection with official school business and the amounts are correct and previously unclaimed.

Claimant Signature

Date

Supervisor Signature

Date

EXTRA DUTY PAY REQUEST

COMMERCE INDEPENDENT SCHOOL DISTRICT

NAME

Last name

MI

First name

Social Security No.

RECOMMENDATION

Additional pay is requested for the above person for the following duties:

RATE OF PAY

A) _____ Hourly rate of pay X _____ hours = _____

or

B) Stipend (flat rate) _____

C) One time pay ____yes ____no

or

D) Stipend prorated throughout remainder of school year ____yes ____no

Funding Code _____%

--	--	--	--	--	--	--	--	--	--

Funding Code _____%

--	--	--	--	--	--	--	--	--	--

AUTHORIZATION

Employee Date

Supervisor Date

Resources

Commerce ISD Policy Online -

<http://www.tasb.org/policy/pol/private/116903/>

Department of Education - <http://www.ed.gov/index.jhtml>

No Child Left Behind - NCLB -

<http://ritter.tea.state.tx.us/nclb/>

Region 10 ESC - <http://www2.ednet10.net/>

Texas Education Agency - TEA - <http://www.tea.state.tx.us/>

Appendix A—NCLB Six Qualifying Questions

1. How is the program, activity, or strategy reasonable and necessary to carry out the intent and purpose of the program?
2. How does the program, activity, or strategy address a need previously identified in the campus comprehensive needs assessment?
3. How is the program, activity, or strategy to be funded? It should be described in the campus or district improvement plan before the decision of whether to pay the expenditure from Title I, Part A funds?
4. How will the program, activity, or strategy be evaluated to measure a positive impact on student achievement?
5. If for a school-wide campus, how will the program, activity, or strategy upgrade the entire educational program on the campus?
6. How is the program, activity, or strategy supplemental to other non-Federal programs? On a school-wide program, the amount of Title I, Part A funding on a campus must be supplemental. On a targeted assistance program, the program, activity, or strategy must be supplemental. Are any rebuttals to the assumptions of supplanting clearly documented for auditor?

Appendix B—School Board Policies Tied to Procedures

FISCAL ACCOUNTS The Board shall have the District's fiscal accounts audited annually at District expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy.

The audit shall be completed following the close of each fiscal year, and shall meet at least the minimum requirements and be in the format prescribed by the State Board of Education, subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the District through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

FINANCIAL
ACCOUNTABILITY
SYSTEM
RESOURCE GUIDE
(FASRG)

The rules for financial accounting, including the selection of an auditor and the requirements for the audit, are described in the official TEA publication, *Financial Accountability System Resource Guide*, as amended, which is adopted as the State Board of Education's official rule. *19 TAC 109.41*

FILING OF REPORT

A copy of the annual audit report, approved by the Board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If the Board does not approve the audit report, it shall nevertheless file a copy of it with TEA, accompanied by a statement detailing its reasons for failing to approve the report. *Education Code 44.008(d)*

FINANCIAL RECORDS

Each treasurer receiving or having control of any school fund shall keep a full and separate itemized account of each of the different classes of school funds received, and these records shall be available to audit. *Education Code 44.008(c)*

ANNUAL AUDIT OF
DROPOUT RECORDS

The Commissioner shall develop a process for auditing District dropout records electronically. The Commissioner shall also develop a system and standards for review of the audit or use systems already available at TEA. The system must be designed to identify districts that are at high risk of having inaccurate dropout records and that, as a result, require on-site monitoring of dropout records.

If the electronic audit of the District's dropout records indicates that the District is not at high risk of having inaccurate dropout records, the District may not be subject to on-site monitoring. If the risk-based system indicates that the District is at high risk of having inaccurate dropout records, the District is entitled to an opportunity to respond to the Commissioner's determination before on-site monitoring may be conducted. The District must respond not later than the 30th day after the date the Commissioner notifies the District of the Commissioner's determination. If the District's response does

Commerce ISD
116903

ACCOUNTING
AUDITS

CFC
(LEGAL)

not change the Commissioner's determination that the District is at high risk of having inaccurate dropout records or if the District does not respond in a timely manner, the Commissioner shall order TEA staff to conduct on-site monitoring.

Education Code 39.055(a)

PURCHASING AND ACQUISITION

CH
(LEGAL)

BOARD AUTHORITY	The Board may adopt rules and procedures for the acquisition of goods and services. <i>Education Code 44.031(d)</i>
DELEGATION OF AUTHORITY	<p>The Board may delegate its authority regarding an action authorized or required to be taken by the District by Education Code Chapter 44, Subchapter B, to a designated person, representative, or committee.</p> <p>The Board may not delegate the authority to act regarding an action authorized or required to be taken by the Board by Education Code Chapter 44, Subchapter B.</p>
DISASTER EXCEPTION	<p>Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting the District, the Board may delegate to the Superintendent or designated person the authority to contract for the replacement or repair of school equipment under Education Code Chapter 44, Subchapter B if emergency replacement or repair is necessary for the health and safety of District students and staff.</p> <p><i>Education Code 44.0312</i></p>
INJUNCTION	<p>A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the District is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this subsection is entitled to reasonable attorney's fees as approved by the court. <i>Education Code 44.032(f)</i></p>
PURCHASES VALUED AT OR ABOVE \$50,000	<p>All District contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method that provides the best value for the District:</p> <ol style="list-style-type: none">1. Competitive bidding.2. Competitive sealed proposals.3. A request for proposals for services other than construction services.4. An interlocal contract.5. The reverse auction procedure as defined by Government Code 2155.062(d).6. The formation of a political subdivision corporation under Local Government Code 304.001. <p><i>Education Code 44.031(a)</i></p>

PURCHASING AND ACQUISITION

CH
(LEGAL)

Note: Regarding construction of school facilities, see CV generally; CVA for competitive bidding; CVB for competitive sealed proposals; CVC for design/build contracts; CVD, CVE for contracts using a construction manager; and CVF for job order contracts for minor repairs/alterations.

FACTORS

In awarding a contract, the District shall consider:

1. Purchase price.
2. The reputation of the vendor and of the vendor's goods and services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the District's needs.
5. The vendor's past relationship with the District.
6. The impact on the ability of the District to comply with laws relating to historically underutilized businesses.
7. The total long-term cost to the District to acquire the goods or services.
8. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by the District in its decision to award a contract. *R.G.V. Vending v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.).

CONTRACT WITH
PERSON INDEBTED
TO DISTRICT

The Board may, by resolution, establish regulations permitting the District to refuse to enter into a contract or other transaction with a person indebted to the District. The District may refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the District.

The term "person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that seeks to enter into a contract or other transaction with the District requiring Board approval.

Education Code 44.044

NOTICE
PUBLICATION

Notice of when and where bids or proposals or the responses to a request for qualifications will be received and opened shall be published in the county where the District's central administrative office is located, once a week for at least two weeks prior to the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is no newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the District's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

ELECTRONIC BIDS OR
PROPOSALS

The District may receive bids or proposals through electronic transmission if the Board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

An electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the Board.

Education Code 44.0313

PROFESSIONAL
SERVICES

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered, including the services of an architect, attorney, or fiscal agent.

The District may contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003, in lieu of the methods provided by Education Code 44.031.

Education Code 44.031(f)

Competitive bids shall not be solicited for professional services of any licensed or registered certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse. Contracts for these professional ser-

PURCHASING AND ACQUISITION

CH
(LEGAL)

vices shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, 2254.003(a)*

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

[See also CV]

EMERGENCY DAMAGE
OR DESTRUCTION

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

COMPUTERS

The District may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts with the DIR in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

AUTOMATED
INFORMATION
SYSTEM

The District may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method listed above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391*

AUTOMATED
EXTERNAL
DEFIBRILLATORS

A school that purchases or leases an automated external defibrillator, as defined by Health and Safety Code 779.001, shall ensure that the defibrillator meets standards established by the federal Food and Drug Administration. *Education Code 44.047*

SOLE SOURCE

Compliance with Education Code 44.031 is not required for purchases that are available from only one source, including:

1. An item for which competition is precluded because of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.

PURCHASING AND ACQUISITION

CH
(LEGAL)

4. A captive replacement part or component for equipment.

The sole source exception shall not apply to mainframe data processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

Education Code 44.031(j), (k)

IMPERMISSIBLE
PRACTICES

A Trustee, employee, or agent shall not, with criminal negligence, make or authorize separate, sequential, or component purchases to avoid the purchasing requirements set out in Education Code 44.031. An officer or employee shall not knowingly violate Education Code 44.031 in any other manner.

“Component purchases” means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. “Separate purchases” means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. “Sequential purchases” means purchases, over a period, of items that in normal purchasing practices would be made in one purchase.

Violation of this provision is a Class B misdemeanor and an offense involving moral turpitude, conviction of which shall result in removal from office or dismissal from employment. A Trustee who is convicted of a violation of this provision is considered to have committed official misconduct and for four years after the date of final conviction, the removed person is ineligible to be appointed or elected to public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision, and is ineligible to receive any compensation through a contract with the state or a political subdivision. [See BBC]

Education Code 44.032

INSURANCE

A contract for the purchase of insurance is a contract for the purchase of personal property and shall be made in accordance with Education Code 44.031. *Education Code 44.031; Atty. Gen. Op. DM-347 (1995)*

MULTIYEAR
CONTRACTS

The District may execute an insurance contract for a period longer than 12 months, if the contract contains either or both of the provisions described at COMMITMENT OF CURRENT REVENUE, below. If the District executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the District will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

PURCHASING AND ACQUISITION

CH
(LEGAL)

COMPETITIVE
BIDDING

If the District receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, it shall select only one bidder from the identical bids.

If only one of the bidders submitting identical bids is a resident of the District, that bidder shall be selected. If two or more such bidders are residents of the District, one shall be selected by the casting of lots. In all other cases, one of the identical bids shall be selected by the casting of lots.

The Board shall prescribe the manner of casting lots and shall be present when the lots are cast. All qualified bidders or their representatives may be present at the casting of lots.

Local Gov't Code 271.901

REVERSE AUCTION

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the District and fair to vendors. *Local Gov't Code 271.906(b)*

Reverse auction procedure means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

OUT-OF-STATE
BIDDERS

The Board shall not award a contract for general construction, improvements, services, or public works projects or for purchase of supplies, materials, or equipment to a bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. *Gov't Code 2252.001, 2252.002*

This requirement shall not apply to a contract involving federal funds. The District shall rely on information published by the

comptroller in evaluating the bids of a nonresident bidder. *Gov't Code 2252.003, 2252.004*

INTERLOCAL
AGREEMENTS

To increase efficiency and effectiveness, the District may contract or agree with other local governments and with state agencies, including the comptroller, to perform some of its purchasing functions. *Gov't Code 791.001, 791.011, 791.025*

An interlocal contract must be authorized by the Board and the governing body of each contracting party; must state the purpose, terms, rights, and duties of the contracting parties; and must specify that each party paying for the performance of governmental functions or services shall make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. The contract may be renewed annually.

Gov't Code 791.011(d)–(f)

The District may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and services reasonably required for the installation, operation, or maintenance of the goods. Such an agreement may not, however, apply to services provided by firefighters, police officers, or emergency medical personnel.

A district that purchases goods and services by agreement with another local government or with the state or state agency satisfies the requirement to seek competitive bids for the purchase of goods and services.

Gov't Code 791.025(b), (c); Atty. Gen. Op. JC-37 (1999)

STATE PURCHASING
PROGRAM

Purchasing services performed for the District by the comptroller shall include:

1. The extension of state contract prices to the District when the comptroller considers it feasible.
2. Solicitation of bids on items desired by the District if the solicitation is considered feasible by the comptroller and is desired by the District.
3. Provision of information and technical assistance to the District about the purchasing program.

PURCHASING AND ACQUISITION

CH
(LEGAL)

The comptroller may charge the District its actual costs in providing purchasing services.

Local Gov't Code 271.082

DISTRICT
REQUIREMENTS

The District may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the Board requesting that the District be allowed to participate on a voluntary basis, to the extent the comptroller deems feasible, and stating that the Board shall:

1. Designate an official to act for the District in all matters relating to the program, including the purchase of items from the vendor under any contract.
2. Direct the decisions of its representative.
3. Be responsible for:
 - a. Submitting requisitions to the commission under contract(s) and for payment directly to the vendor; and
 - b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending the comptroller reports on actual purchases.
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A purchase made through participation in this program meets any state requirement to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

MULTIPLE AWARD
CONTRACT
SCHEDULE

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state.

The District may purchase goods or services directly from a vendor under a contract listed on a schedule. An authorized purchase satisfies any requirement of state law relating to competitive bids or proposals and satisfies any applicable requirements of Government Code 2157.

The price listed for a good or service under a multiple award contract is a maximum price. The District may negotiate a lower price for goods or services under a contract listed on a schedule.

Gov't Code 2155, Subch. 1

PURCHASING AND ACQUISITION

CH
(LEGAL)

COOPERATIVE
PURCHASING
PROGRAM

The District may participate in a cooperative purchasing program with another local government or a local cooperative organization. If the District does so, it may sign an agreement with another participating local government or a local cooperative stating that the District will:

1. Designate a person to act on behalf of the District in all matters relating to the program.
2. Make payments to another participating local government or local cooperative organization or directly under a contract, as provided in the agreement.
3. Be responsible for the vendor's compliance.

If the District participates in a cooperative purchasing program, it satisfies any law requiring it to seek competitive bids.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

CONTRACT-RELATED
FEE

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Subchapter F, Chapter 271, Local Government Code (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the Board. The written report must appear as an agenda item. The Commissioner of Education may audit the written report.

Education Code 44.0331

STATE COUNCIL ON
COMPETITIVE
GOVERNMENT

As approved by the State Council on Competitive Government, the District may voluntarily participate in a contract awarded by the council or a state agency under Government Code 2162. A district that purchases goods or services under this type of contract is considered to have satisfied any state law requiring competitive purchasing. *Gov't Code 2162.102(d)*

COMMITMENT OF
CURRENT REVENUE

A contract for the acquisition, including lease, of real or personal property is a commitment of the District's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to the Board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.

PURCHASING AND ACQUISITION

CH
(LEGAL)

2. Is conditioned on a best efforts attempt by the Board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

ENERGY OR WATER
CONSERVATION
MEASURES

The District may contract for energy or water conservation measures. Such a contract shall be let according to the procedures established for professional services by Government Code 2254.004.

The Board shall establish a long-range energy plan to reduce the District's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the District's energy plan.

Education Code 44.901–.902 [See policy CL for legal requirements pertaining to such contracts and plans]

RECYCLED
PRODUCTS

The District shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality. The District shall regularly review and revise its purchasing procedures and specifications for purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials.
2. Encourage the use of products made of recycled materials.
3. Ensure to the maximum extent economically feasible that the District purchase products that may be recycled when they have served their intended use.

The District may seek an exemption from compliance if it has a population of less than 5,000 within its geographic boundaries and demonstrates to the Water Commission that compliance would work a hardship on the District.

Health and Safety Code 361.426

AGRICULTURAL
PRODUCTS

If the cost and quality are equal, the District shall give preference in purchasing to agricultural products, including textiles and other similar products that are produced, processed, or grown in Texas. "Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form. If Texas agricultural products are not equal in cost and quality to other agricultural products, the District shall give preference in purchasing to agricultural products produced, processed, or grown in the United States, if the cost and quality of the U.S. and foreign products are equal.

PURCHASING AND ACQUISITION

CH
(LEGAL)

The District may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

VEGETATION FOR
LANDSCAPING

If cost is equal and the quality is not inferior, the District shall give preference to Texas vegetation when it purchases vegetation for landscaping purposes.

Education Code 44.042

BUS PURCHASE OR
LEASE

Each contract proposed for the purchase or lease of one or more school buses, including a lease with an option to purchase, shall be submitted to competitive bidding when the contract is valued at \$20,000 or more. *Education Code 44.031(l)* [See CNB]

RIGHT TO WORK

While engaged in procuring goods and services or awarding a contract, the District:

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

Education Code 44.043

LOBBYING
RESTRICTION:
TOBACCO EDUCATION
GRANT FUNDS

The District may not spend grant funds it receives from the Permanent Fund for Tobacco Education and Enforcement to pay:

1. Lobbying expenses incurred by the District;
2. A person or entity that is required under Government Code Chapter 305 to register as a lobbyist with the Texas Ethics Commission;
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity of a registered lobbyist (as described in item 2); or
4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067

CRIMINAL HISTORY

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

PURCHASING AND ACQUISITION

CH
(LOCAL)

PURCHASING AUTHORITY	The Board delegates to the Superintendent or designee the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$10,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.
PURCHASING METHOD	The Board delegates to the Superintendent or designee the authority to determine the method of purchasing in accordance with CH(LEGAL).
COMPETITIVE BIDDING	<p>If competitive bidding is chosen as the purchasing method, the Superintendent or designee shall prepare bid specifications. All bids shall be submitted in sealed envelopes, plainly marked with the name of the bidder and the time of opening. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.</p> <p>The District may reject any and all bids.</p>
COMPETITIVE SEALED PROPOSALS	<p>If competitive sealed proposals are chosen as the purchasing method, the Superintendent or designee shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposer and the time of opening. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.</p> <p>The District may reject any and all proposals.</p>
RESPONSIBILITY FOR DEBTS	The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with adopted Board policy and current administrative procedures. The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.
PURCHASE COMMITMENTS	All purchase commitments shall be made by the Superintendent or designee on a properly drawn and issued purchase order, in accordance with administrative procedures.
PERSONAL PURCHASES	District employees shall not be permitted to purchase supplies or equipment for personal use through the District's business office.

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CHE
(LEGAL)

REQUIRED VENDOR
DISCLOSURE

The Texas Ethics Commission shall adopt a conflict of interest questionnaire that requires disclosure of a vendor's business relationships with the District.

A vendor to the District shall file any required conflict of interest questionnaire if the person has a business relationship with the District and:

1. Has an employment or other business relationship with an officer of the District, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A); or
2. Has given an officer of the District, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1).

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the date that the vendor:

1. Begins discussions or negotiations to enter into a contract with the District;
2. Submits to the District an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the District; or
3. The date the person becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer; or
 - b. That the person has given one or more gifts.

Local Gov't Code 176.006

DEFINITION OF
BUSINESS
RELATIONSHIP

"Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

PURCHASING AND ACQUISITION
VENDOR RELATIONS

CHE
(LEGAL)

Local Gov't Code 176.001(1-a)

- ELECTRONIC FILING The required questionnaire, including signature requirements, may be filed electronically in a form approved by the Commission. *Local Gov't Code 176.008*
- LIST OF LOCAL GOVERNMENT OFFICERS The records administrator for each district shall maintain a list of local government officers of the entity and shall make that list available to the public and any person who may be required to file a conflict of interest questionnaire. *Local Gov't Code 176.007*
[See BBFA]
- INTERNET POSTING The District shall provide access on the District's Internet Web site to the required conflict of interest statements and questionnaires filed with the records administrator. *Local Gov't Code 176.009*

EMPLOYMENT OBJECTIVES
OBJECTIVE CRITERIA FOR PERSONNEL DECISIONS

DAB
(LOCAL)

The Board establishes the following objective criteria for decisions regarding the hiring, dismissal, reassignment, promotion, and demotion of District personnel. These criteria are not rank-ordered and may be considered in whole or in part in making such decisions.

1. Academic or technical preparation, supported by transcripts.
2. Proper certification for grade level, subject, or assignment, including emergency permits and endorsements for specific subjects, programs, or positions.
3. Experience.
4. Recommendations and references.
5. Appraisals and other performance evaluations.
6. The needs of the District.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
CREDENTIALS AND RECORDS

DBA
(LOCAL)

PARENT
NOTIFICATION

The District shall notify parents of students in classrooms in which the regular teacher is not "highly qualified," as required by law.

Notification shall not be required, however, when:

1. The home campus teacher of a secondary school student assigned to a DAEP is considered the teacher-of-record; and
2. The home campus teacher:
 - a. Is highly qualified,
 - b. Assigns and evaluates the student's coursework,
 - c. Provides substantially the same coursework and uses the same grading standards as in the regular classroom,
 - d. Has final authority on the coursework grades and the final grade for the course, and
 - e. Is regularly available for face-to-face consultation with the student and the DAEP teacher; and
3. The DAEP teacher meets all applicable SBEC certification requirements.

UPDATING
CREDENTIALS

All employees who have earned certificates, endorsements, or degrees of higher rank since the previous school year must file with the Superintendent:

1. An official college transcript showing the highest degree earned and date conferred.
2. Proof of the certificate or endorsement.

CONTRACT
PERSONNEL

The Superintendent or designee shall ensure that contract personnel possess valid credentials before issuing contracts.

EMPLOYMENT PRACTICES

DC
(LEGAL)

EMPLOYMENT POLICIES	The Board shall adopt a policy providing for the employment and duties of District personnel. The policy shall provide that:
SUPERINTENDENT	1. The Board employs and evaluates the Superintendent;
SELECTION OF PERSONNEL	2. The Superintendent has sole authority to make recommendations to the Board regarding the selection of all personnel, except that the Board may delegate final authority for those decisions to the Superintendent [see SUPERINTENDENT RECOMMENDATION, below];
CAMPUS ASSIGNMENTS	3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DP]; and
JOB POSTINGS	4. Notice will be provided of vacant positions [see POSTING OF VACANCIES, below].
EMPLOYEE GRIEVANCES	<p>The employment policy must provide each employee with the right to present grievances to the Board. [See DGBA]</p> <p>The policy may not restrict the ability of an employee to communicate directly with a member of the Board regarding a matter relating to the operation of the District, except that the policy may prohibit ex parte communication relating to:</p> <ol style="list-style-type: none">1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the Board. <p><i>Education Code 11.1513</i></p>
CONTRACT POSITIONS	The Board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. <i>Education Code 21.002(c)</i>
DELEGATION OF AUTHORITY	The District's employment policy may specify the terms of District employment or delegate to the Superintendent the authority to determine the terms of employment with the District. <i>Education Code 11.1513(c)</i>
NEPOTISM	A superintendent to whom the Board has delegated final hiring authority to select personnel is a "public official" with appointment authority for purposes of the nepotism laws. <i>Atty. Gen. Op. GA-123 (2003)</i> [See DBE]
INTERNAL AUDITOR	If the District employs an internal auditor, the Board shall select the internal auditor and the internal auditor shall report directly to the Board. <i>Education Code 11.170</i>

EMPLOYMENT PRACTICES

DC
(LEGAL)

SUPERINTENDENT
RECOMMENDATION

The Board may accept or reject the Superintendent's recommendation regarding the selection of District personnel and shall include the Board's acceptance or rejection in the minutes of the Board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If the Board rejects the Superintendent's recommendation, the Superintendent shall make alternative recommendations until the Board accepts a recommendation. *Education Code 11.1513*

POSTING OF
VACANCIES

The District's employment policy must provide that not later than the tenth school day before the date on which the District fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the Board, the District must provide to each current District employee:

1. Notice of the position by posting the position on:
 - a. A bulletin board at:
 - (1) A place convenient to the public in the District's central administrative office, and
 - (2) The central administrative office of each campus during any time the office is open; or
 - b. The District's Internet Web site, if the District has a Web site; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

EXCEPTION

If, during the school year, the District must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than ten school days, the District must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, the District is not required to provide the notice for ten school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

CONTRACT
EMPLOYEES

The District shall employ each classroom teacher, principal, librarian, nurse, or counselor under a probationary contract, a continuing contract, or a term contract. The District is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

EMPLOYMENT PRACTICES

DC
(LEGAL)

“Classroom teacher” means an educator who is employed by the District and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher’s aide or a full-time administrator. *Education Code 5.001(2)*

LENGTH OF
CONTRACT

A contract between the District and an educator must be for a minimum of ten months of service. An educator employed under a ten-month contract must provide a minimum of 187 days of service. The Commissioner may reduce the number of days of service, but such a reduction by the Commissioner does not reduce an educator’s salary. *Education Code 21.401*

EDUCATIONAL AIDES

The Board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.214(f); 19 TAC Chapter 21*

EMPLOYMENT OF
RETIREES

REPORT TO TRS

The District shall file a monthly certified statement of employment of a retiree in the form and manner required by TRS. The District shall inform TRS of changes in status of the District that affect the District’s reporting responsibilities.

The certified statement must include information regarding employees of third party entities if the employees are service or disability retirees who were first employed by the third party entity on or after May 24, 2003, and are performing duties or providing services on behalf of or for the benefit of the District.

An administrator of the District who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov’t Code 824.6022, 825.403(k); 34 TAC 31.2

ACUTE SHORTAGE
AREAS

For purposes of Government Code 824.602(a)(5) (permitting certain retirees to return to work in acute shortage areas) the Board shall determine by rule whether there are acute shortage areas in the District based on TEA’s acute shortage area guidelines. The guidelines must include:

1. A list of acute shortage areas;
2. Suggested criteria for identifying local acute shortage areas; and
3. A requirement that a certified applicant for a position as a classroom teacher who is not a retiree be given preference in hiring.

Gov’t Code 824.602(m)

EMPLOYMENT PRACTICES

DC
(LEGAL)

NEW HIRES
I-9 FORMS

The District shall ensure that an employee properly completes section 1—"Employee Information and Verification"—on Form I-9 at the time of hire.

The District must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If the District hires an individual for employment for a duration of less than three business days, the District must verify employment at the time of hire.

The District shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times.

When the District rehires an individual, the District may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 CFR 274a.2(b)(1)(ii), (iii), (vii), (viii)

NEW HIRE
REPORTING

The District shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and Social Security number of each newly hired employee. The report shall also contain the District's name, address, and employer identification number.

The District may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the District's payroll address for mailing of notice to withhold child support.

The District shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the District and in a format acceptable to the attorney general.

DEADLINE

New hire reports are due:

1. Not later than 20 calendar days after the date the District hires the employee; or
2. In the case of the District transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

EMPLOYMENT PRACTICES

DC
(LEGAL)

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

42 U.S.C. 653a(b), (c); Family Code 234.101–234.104; 1 TAC 55, Subch. I

SOCIAL SECURITY
NUMBERS

It shall be unlawful for the District to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

EXCEPTIONS

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to the District maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within the District's jurisdiction.

STATEMENT OF
USES

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, sec. 7(b), 88 Stat. 1896, 1897 (1974)

EMPLOYMENT PRACTICES

DC
(LOCAL)

PERSONNEL DUTIES	The Superintendent shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.
POSTING VACANCIES	The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.
APPLICATIONS	All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.
EMPLOYMENT OF CONTRACTUAL PERSONNEL	<p>The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel.</p> <p>The Board retains final authority for employment of contractual personnel. [See DCA, DCB, DCC, and DCE as appropriate]</p>
EMPLOYMENT OF NONCONTRACTUAL PERSONNEL	The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]
EXIT INTERVIEWS AND EXIT REPORTS	An exit interview shall be conducted, if possible, and an exit report shall be prepared for every employee who leaves employment with the District.