SECTION G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA PUBLIC INFORMATION PROGRAM
GAA Access to Information
GAB Requests for Information
GAC Student’s Right to Know

GB PUBLIC COMPLAINTS AND HEARINGS

GC RELATIONS WITH BUSINESSES AND COMMUNITY ORGANIZATIONS

GD COMMUNITY INSTRUCTIONAL RESOURCES

GE ADVERTISING AND FUND-RAISING

GF COMMUNITY USE OF COLLEGE DISTRICT FACILITIES
GFA Conduct on College District Premises

GG RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES
GGA Local Governmental Authorities
GGB Interlocal Cooperation Contracts
GGC State Governmental Authorities
GGD Federal Governmental Authorities
GGE Emergency Management

GH RELATIONS WITH SCHOOLS AND DISTRICTS

GI RELATIONS WITH OTHER COLLEGES AND UNIVERSITIES

GJ RELATIONS WITH REGIONAL EDUCATION SERVICE CENTERS

GK RELATIONS WITH EDUCATIONAL ACCREDITATION AGENCIES

GL ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES
This introductory page outlines the contents of this legally referenced policy on access to public information. See the following sections for statutory provisions on:

SECTION I Public Information Generally pages 2–4
SECTION II Information That Is Confidential pages 5–13
SECTION III Information Excepted from Public Disclosure pages 13–20
SECTION I: PUBLIC INFORMATION GENERALLY

It is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

Access to public information is addressed by the Public Information Act (PIA), Government Code Chapter 552. This chapter shall be liberally construed in favor of granting a request for information.

Gov't Code 552.001

“Public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a governmental body, including a college district board of trustees;

2. For a governmental body and the governmental body:
   a. Owns the information;
   b. Has a right of access to the information; or
   c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or

3. By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

The definition of “public information” applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Information is in connection with the transaction of official business if the information is created by, transmitted to, received by, or maintained by an officer or employee of the governmental body in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a governmental body, and pertains to official business of the governmental body.

Gov't Code 552.002(a)–(a-2)

“Official business” means any matter over which a governmental body has any authority, administrative duties, or advisory duties. Gov't Code 552.003(2-a)
AVAILABILITY OF PUBLIC INFORMATION

Public information is available to the public at a minimum during the normal business hours of the governmental body. Gov’t Code 552.021

INFORMATION THAT MUST BE DISCLOSED UNLESS CONFIDENTIAL UNDER LAW

Without limiting the amount or kind of information that is public information under the PIA, the following categories of information are public information and not excepted from required disclosure unless made confidential under the PIA or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by the governmental body, except by provided in Government Code 552.108.

2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body.

3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body.

4. The name of each official and the final record of voting on all proceedings of the board.

5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a governmental body, on completion of the estimate.

6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Tax Code Chapter 151.

7. A description of an agency’s central and field organizations, including the established places at which the public may obtain information, submit information or requests, and obtain decisions; the employees from whom the public may obtain information, submit information or requests, or obtain decisions; and the methods by which the public may obtain information, submit information or requests, or obtain decisions.

8. A statement of the general course and method by which an agency’s functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

9. A rule of procedure, description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.
10. A substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency.

11. Each amendment, revision, or repeal of information described in items 7–10.

12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases.

13. A policy statement or interpretation that has been adopted or issued by an agency.

14. Administrative staff manuals and instructions to staff that affect a member of the public.

15. Information regarded as open to the public under an agency’s policies.

16. Information that is in a bill for attorney’s fees and that is not privileged under the attorney-client privilege.

17. Information that is also contained in a public court record.

18. A settlement agreement to which a governmental body is a party.

Gov’t Code 552.022

The categories of information held by a governmental body relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the PIA. Gov’t Code 552.0225(b)

Gov’t Code 418.182(b)

Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under the PIA. Gov’t Code 418.182(b)

Gov’t Code 418.182(c)

Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, is public information and is not excepted from required disclosure under the PIA unless the security camera is located in an individual personal residence for which the state provides security or is in use for surveillance in an active criminal investigation. Gov’t Code 418.182(c)
SECTION II: INFORMATION THAT IS CONFIDENTIAL

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3).  

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed.  

Each employee, with the exception of a peace officer or security officer to whom Government Code 552.1175 applies, or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to information in the custody of the governmental body that relates to the person’s home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each employee and official and each former employee and official shall state that person’s choice to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body. If the employee or official or former employee or official chooses not to allow public access to the information the information is protected under Government Code Chapter 552, Subchapter C and the governmental body may redact the information from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. If an employee or official or a former employee or official fails to state the person’s choice within the 14 day period, the information is subject to public access.

An employee or official or former employee or official of a governmental body who wishes to close or open public access to the information may request in writing that the main personnel officer of the governmental body close or open access.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

_Gov't Code 552.024; Tex. Att’y Gen. ORD-530 (1989)_

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of any peace officer as defined by Code of Criminal Procedure article 2.12, commissioned security officer as defined by Occupations Code 1702.002, or other individual to whom Government Code 552.1175 applies, or that reveals whether the individual has family members is confidential and may not be disclosed to the public under Government Code Chapter 552 if the individual to whom the information relates:

1. Chooses to restrict public access to the information; and
2. Notifies the governmental body of the individual’s choice on a form provided by the governmental body, accompanied by evidence of the individual’s status.

The choice remains valid until rescinded in writing by the individual.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

_Gov’t Code 552.1175_ [For officer information excepted under Government Code 552.117, see Section III: Information Excepted from Public Disclosure]
CREDIT CARD, DEBIT CARD, CHARGE CARD, AND ACCESS DEVICE NUMBERS

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a governmental body is confidential.

“Access device” means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or
2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A governmental body may redact information that must be withheld as described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general.

A governmental body that redacts or withholds information under this section shall provide the following information to the requestor on a form prescribed by the attorney general:

1. A description of the redacted or withheld information;
2. A citation to Government Code 552.024; and
3. Instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

Gov’t Code 552.136

CONFIDENTIAL INVESTMENT INFORMATION

All information prepared or provided by a private investment fund and held by a governmental body that is not listed in Government Code 552.0225(b) is confidential and excepted from the requirements of the PIA.

Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of the PIA, except to the extent it is subject to disclosure under the following provision.
All information regarding a governmental body's direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)-(9), (11), or (13)-(16) is confidential and excepted from the requirements of the PIA. This provision does not apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities. This provision applies to information regarding a direct purchase, holding, or disposal of restricted securities by the Texas growth fund, created under Texas Constitution Article XVI, Section 70 that is not listed in Government Code 552.0225(b).

Gov't Code 552.143(a)–(c)

An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the PIA. Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release.

This section does not apply to an e-mail address:

1. Provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;

2. Provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;

3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the governmental body in the course of negotiating the terms of a contract or potential contract;

4. Provided to the governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license or receiving orders or decisions from a governmental body. “License” includes the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.

This section does not prohibit a governmental body from disclosing an e-mail address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2)
Information relating to a participant in the Address Confidentiality Program for Victims of Family Violence, Sexual Assault, or Stalking under Code of Criminal Procedure Chapter 56, Subchapter C is confidential, except as provided by Code of Criminal Procedure 56.90, and may not be disclosed under the PIA. *Code of Criminal Procedure 56.88*

An employee of a governmental body who is also a victim under Code of Criminal Procedure Chapter 56, Subchapter B regardless of whether the employee has filed an application for compensation under that subchapter, may elect whether to allow public access to information held by the attorney general's office or governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the governmental body develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

*Gov't Code 552.132(d)–(e)*

The following information that is held by a governmental body or filed with a court and that is contained in a victim impact statement or was submitted for purposes of preparing a victim impact statement is confidential:

1. The name, social security number, address, and telephone number of a crime victim; and
2. Any other information the disclosure of which would identify or tend to identify the crime victim.

"Crime victim" means a person who is a victim as defined by Code of Criminal Procedure 56.32.

"Victim impact statement" means a victim impact statement under Code of Criminal Procedure 56.03.

*Gov't Code 552.1325*
LIBRARY RECORDS

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from the requirements of the PIA, unless the records are disclosed:

1. Because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;

2. Under Government Code 552.023; or

3. To a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a district court that disclosure of the record is necessary to protect the public safety or the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

A record of a library or library system that is excepted from required disclosure under this section is confidential.

Gov’t Code 552.124

CERTAIN PRODUCTS, DEVICES, AND PROCESSES

In order to protect the actual or potential value, the following information is confidential and is not subject to disclosure under the PIA, or otherwise:

1. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.

2. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.

Education Code 51.914(a)
RESEARCH

Information maintained by or for an institution of higher education that would reveal the college district’s plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the PIA, unless the information has been published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. *Education Code 51.914(b)*

RESEARCH AND DEVELOPMENT FACILITY

The plans, specifications, blueprints, and designs, including related proprietary information, of a scientific research and development facility that is jointly financed by the federal government and a local government or state agency, including an institution of higher education, is confidential and is not subject to disclosure under the PIA if the facility is designed and built for the purposes of promoting scientific research and development and increasing the economic development and diversification of this state. *Education Code 51.914(a)*

COMPLIANCE INVESTIGATIONS

The following are confidential:

1. Information that directly or indirectly reveals the identity of an individual who made a report to the compliance program office of an institution of higher education, sought guidance from the office, or participated in an investigation conducted under the compliance program; and

2. Information that directly or indirectly reveals the identity of an individual as a person who is alleged to have or may have planned, initiated, or participated in activities that are the subject of a report made to the compliance program office of an institution of higher education if, after completing an investigation, the office determines the report to be unsubstantiated or without merit.

Information is excepted from disclosure under the PIA if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation. *Education Code 51.971(c), (e)*

EXCEPTIONS

This section does not apply to information related to an individual who consents to disclosure of the information.

Information made confidential or excepted from public disclosure by this section may be made available to the following on request in compliance with applicable law and procedure:

1. A law enforcement agency or prosecutor;
2. A governmental agency responsible for investigating the matter that is the subject of a compliance report, including the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission; or

3. An officer or employee of an institution of higher education or compliance officer who is responsible under institutional policy for a compliance program investigation or for reviewing a compliance program investigation.

A disclosure to an individual listed above is not a voluntary disclosure for purposes of Government Code 552.007.

*Education Code 51.971(d), (f)–(g)* [See AF]

**COMPUTER NETWORK SECURITY**

Information is excepted from the requirements of the PIA if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network. The following information is confidential:

1. A computer network vulnerability report;

2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body’s or contractor’s electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure or inappropriate use; and

3. A photocopy or other copy of an identification badge issued to an official or employee of a governmental body.

Information may be disclosed to a bidder if the governmental body determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 (requiring disclosure to any person).

*Gov’t Code 552.139*

**SECURITY SYSTEM SPECIFICATIONS, OPERATIONS, AND LOCATIONS**

Except as provided by Government Code 418.182(b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. *Gov’t Code 418.182(a)*
EMERGENCY ALERT SYSTEM

The personal identifying information obtained from an individual for the purpose of the emergency alert system of a college district, including an e-mail address or telephone number, is confidential and not subject to disclosure under the PIA. *Education Code 51.218(e)* [See CGC]

SENSITIVE CRIME SCENE IMAGE

A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of a governmental body, including a college district, is confidential and excepted from the requirements of Government Code 552.021, and a governmental body may not permit a person to view or copy the image except as provided by Government Code 552.1085. *Gov’t Code 552.1085(c)*

MILITARY DISCHARGE RECORDS

A military veteran’s Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 75 years following the date it is recorded with or otherwise comes into the possession of the governmental body in accordance with Government Code Section 552.140 or in accordance with a court order. A governmental body that obtains information from the record shall limit the governmental body’s use and disclosure of the information to the purpose for which the information was obtained. *Gov’t Code 552.140*

RETIREMENT SYSTEM INFORMATION

Records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system under a retirement plan or program administered by the retirement system that are in the custody of another governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure. *Gov’t Code 552.0038*

SECTION III: INFORMATION EXCEPTED FROM PUBLIC DISCLOSURE

The PIA does not prohibit a governmental body or its officer for public information voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. *Gov’t Code 552.007*

Except for social security numbers as provided by Government Code 552.147, the confidentiality provisions of this chapter, or other law, information that is not confidential, but is excepted from required disclosure under the PIA, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body. This paragraph does not limit the authority of a governmental body to establish retention periods for records under applicable law. *Gov’t Code 552.0215*
<table>
<thead>
<tr>
<th>Confidential Information</th>
<th>Information is excepted from the requirements of the PIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.  <em>Gov't Code 552.101</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel File</td>
<td>Information is excepted from the requirements of the PIA if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under the PIA.  <em>Gov't Code 552.102</em></td>
</tr>
<tr>
<td>Substantial Threat of Physical Harm</td>
<td>Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of the PIA if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm.  <em>Gov't Code 552.152</em></td>
</tr>
<tr>
<td>Litigation</td>
<td>Information is excepted from the requirements of the PIA if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party. The state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court. Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under the PIA only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information.  <em>Gov't Code 552.103</em></td>
</tr>
<tr>
<td>Competition or Bidding</td>
<td>Information is excepted from the requirements of the PIA if it is information that, if released, would give advantage to a competitor or bidder. The requirement of Government Code 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under the PIA unless expressly confidential under law does not apply to information that is excepted from required disclosure under this provision.  <em>Gov't Code 552.104</em></td>
</tr>
</tbody>
</table>
| Location or Price of Property | Information is excepted from the requirements of the PIA if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or appraisals or purchase price of real or personal property for a public
DRAFTS AND WORKING PAPERS

A draft or working paper involved in the preparation of proposed legislation is excepted from the requirements of the PIA. *Gov't Code 552.106*

LEGAL MATTERS

Information is excepted from the requirements of the PIA if it is information the attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct or a court by order has prohibited disclosure of the information. *Gov't Code 552.107*

LAW ENFORCEMENT INFORMATION

Information held by a law enforcement agency that deals with detection, investigation, or prosecution of crime is excepted from the requirements of the PIA if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime;
2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or
3. It is information relating to a threat against a peace officer collected or disseminated under Government Code 411.048.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of the PIA if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or
2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

This section does not except from the requirements of the PIA information that is basic information about an arrested person, an arrest, or a crime. *Gov't Code 552.108*

PRIVATE CORRESPONDENCE AND COMMUNICATIONS

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of the PIA. *Gov't Code 552.109*
A trade secret obtained from a person and privileged or confidential by statute or judicial decision is excepted from the requirements of the PIA. Gov’t Code 552.110(a)

Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained are excepted from the requirements of the PIA. Gov’t Code 552.110(b)

An interagency or intraagency memorandum or letters that would not be available by law to a party in litigation with the agency is excepted from the requirements of the PIA. Gov’t Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000) (concluding that the deliberative process privilege, incorporated into the exception found at Government Code 552.111, exempts communications related to a governmental agency’s policymaking)

An audit working paper of an audit of the state auditor or the auditor of an institution of higher education is excepted from the requirements of the PIA. If information in an audit working paper is also maintained in another record, that other record is not excepted from the requirements of the PIA.

"Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts.

Gov’t Code 552.116

Information is excepted from the requirements of the PIA if it is a student record at an educational institution funded wholly or partly by state revenue. The record shall be made available on the request of the educational institution personnel, the student involved, or the student’s parent, guardian, or spouse or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D. This chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g. Gov’t Code 552.114, .026 [See FL]

Information is excepted from the requirements of the PIA if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person, or that reveals whether the person has family members:
1. A current or former official or employee of a governmental body, except as otherwise provided by Government Code 552.024.

2. A peace officer as defined by Code of Criminal Procedure 2.12, regardless of whether the officer complies with Government Code 552.024 or 552.1175, as applicable.

3. A commissioned security officer as defined by Occupations Code 1702.002, regardless of whether the officer complies with Sections 552.024 or 552.1175, as applicable.

4. Other officials listed under Government Code 552.117.

Gov’t Code 552.117 [See PERSONAL INFORMATION, above]

PHOTOGRAPHS OF PEACE OFFICERS

A photograph that depicts a peace officer, as defined by Code of Criminal Procedures 2.12, the release of which would endanger the life or physical safety of the officer is excepted from the requirements of the PIA, unless:

1. The officer is under indictment or charged with an offense by information;

2. The officer is a party in a civil service hearing or a case in arbitration; or

3. The photograph is introduced as evidence in a judicial proceeding.

A photograph excepted from disclosure as described above may be made public only if the peace officer gives written consent to the disclosure.

Gov’t Code 552.119

TEST ITEMS

Test items developed by a state-funded educational institution. A test item developed by a licensing agency or governmental body is excepted from the requirements of the PIA. Gov’t Code 552.122

RARE BOOKS AND ORIGINAL MANUSCRIPTS

A rare book or original manuscript that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA. Gov’t Code 552.120

DOCUMENTS HELD FOR HISTORICAL RESEARCH

An oral history interview, personal paper, unpublished letter, or organizational record of a nongovernmental entity that was not created or maintained in the conduct of official business of a governmental body and that is held by a private or public archival and manuscript repository for the purpose of historical research is excepted from the requirements of the PIA to the extent that the ar-
chival and manuscript repository and the donor of the interview, paper, letter, or record agree to limit disclosure of the item. *Gov't Code 552.121*

**CHIEF EXECUTIVE OFFICER APPLICANTS**

The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of the PIA except that the governing board of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the employment of the person. *Gov't Code 552.123*

**MOTOR VEHICLE RECORD INFORMATION**

Information is excepted from the requirements of the PIA if the information relates to:

1. A motor vehicle operator’s or driver’s license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, or another state or country or a local agency authorized to issue an identification document.

Information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a governmental body may redact information described above from any information the governmental body discloses without the necessity of requesting a decision from the attorney general under Government Code Chapter 552, Subchapter G. If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.

A governmental body that redacts or withholds information as described above shall provide the following information to the requestor on a form prescribed by the attorney general: a description of the redacted or withheld information; a citation to Government Code 552.130; and instructions regarding how the requestor may seek a decision from the attorney general regarding whether the redacted or withheld information is excepted from required disclosure.

*Gov't Code 552.130*
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>COMMERCIAL BOOK OR PUBLICATION</td>
<td>A governmental body is not required under the PIA to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public information. A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the governmental body. <em>Gov't Code 552.027</em></td>
</tr>
<tr>
<td>SOCIAL SECURITY NUMBERS</td>
<td>The social security number of a living person is excepted from the requirements of the PIA, but is not confidential under Government Code 552.147 and this section does not make the social security number of a living person confidential under the PIA or other law. A governmental body may redact the social security number of a living person from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. <em>Gov't Code 552.147(a)–(b)</em></td>
</tr>
<tr>
<td>DONOR INFORMATION</td>
<td>The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of the PIA. This provision does not except from required disclosure other information relating to the described gifts, grants, and donations, including the amount or value of an individual gift, grant, or donation. <em>Gov't Code 552.1235</em></td>
</tr>
<tr>
<td>SAFETY AND SECURITY AUDIT</td>
<td>Any document or information collected, developed, or produced during a safety and security audit conducted under Education Code 37.108(b) is not subject to disclosure under the PIA [see CG].</td>
</tr>
<tr>
<td>MULTIHAZARD EMERGENCY OPERATIONS PLAN EXCEPTION</td>
<td>A document relating to a public junior college district's multihazard emergency operations plan [see CGC] is subject to disclosure if the document enables a person to:</td>
</tr>
<tr>
<td>1.</td>
<td>Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Texas Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;</td>
</tr>
</tbody>
</table>
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;

3. Verify that the plan addresses the four phases of emergency management under Education Code 37.108(a);

4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

6. Verify that the district has completed a safety and security audit under Education Code 37.108(b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district’s board of trustees; and

7. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months.

*Education Code 37.108(c-1)–(c-2)*
This introductory page outlines the contents of the public information policy. See the following sections for statutory provisions on:

SECTION I  Officer for Public Information and Required Notices  pages 2–3
1. Duties
2. Training
3. Notice Regarding Public Information

SECTION II Access to Public Information  pages 3–8
1. Procedural Rules Regarding Access
2. Treatment of Public Information Requests
3. Location of Access
4. Time for Response to Public Information Requests
5. Clarifying or Narrowing Scope of a Request
6. Time for Examination of Information
7. Information in Electronic Format
8. Repetitious or Redundant Requests

SECTION III Attorney General Decisions  pages 8–14
1. Time for Requests
2. Notice to Requestor
3. Information Submitted to Attorney General
4. Private or Proprietary Information

SECTION IV Charges Regarding Public Information Requests  pages 14–19
1. Charges for 50 Pages or Less
2. Statement of Labor Costs
3. Statement of Estimated Charges
4. Deposit or Bond
5. Unpaid Amounts Owed by Requestor

SECTION V Inspection of Public Information  pages 19–21
1. Deposit or Bond Required to Make Information Available
2. Electronic Records

SECTION VI Miscellaneous Provisions  pages 21–24
1. Large or Frequent Requests
2. Filing Suit To Withhold Information
3. Parent’s Request for Information
SECTION I: OFFICER FOR PUBLIC INFORMATION AND REQUIRED NOTICES

OFFICER FOR PUBLIC INFORMATION

The chief administrative officer of a governmental body, including a college district, is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with the Public Information Act (PIA), Government Code Chapter 552. Gov't Code 552.201(a), .202

DUTIES

An officer for public information is responsible for the release of public information as required by the PIA. Each officer for public information, subject to penalties provided by the PIA, shall:

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and
3. Repair, renovate, or rebind public information as necessary to maintain it properly.

The officer is not responsible for the use made of the information by the requestor or the release of information after it is removed from a record as a result of an update, a correction, or a change of status of the person to whom the information pertains.

Gov't Code 552.203–.204

PUBLIC INFORMATION ACT TRAINING

The officer for public information of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under the PIA not later than the 90th day after the date the public official assumes the person's duties as a public official.

The attorney general shall ensure that the training is made available. The office of the attorney general may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity.

A governmental body shall maintain and make available for public inspection the record of the public information coordinator's completion of the training.

A public official may designate a public information coordinator to satisfy the training requirements for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under the PIA.

Gov't Code 552.012(a)–(e)
An officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a governmental body, including a college district, and the procedures for inspecting or obtaining a copy of public information under the PIA. The officer shall display the sign at one or more places in the administrative offices of the governmental body where it is plainly visible to:

1. Members of the public who request public information in person under the PIA; and
2. Employees of the governmental body whose duties include receiving or responding to requests under the PIA.

Gov’t Code 552.205(a)

SECTION II: ACCESS TO PUBLIC INFORMATION

A governmental body, including a college district, may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. The rules may not be inconsistent with any provision of the PIA. Gov’t Code 552.230

It shall be the policy of a governmental body to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. Gov’t Code 552.228(a)

The officer for public information or the officer’s agent may not make an inquiry of a requestor except to establish proper identification or to ask the requestor to narrow or clarify the request as provided by Government Code 552.222(b) or (c) [see REQUESTS TO CLARIFY OR NARROW, below]. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or the officer’s agent shall give to a requestor all reasonable comfort and facility for the full exercise of the right granted by the PIA.

Gov’t Code 552.222(a), .223–.224

An officer for public information complies with the request to promptly produce public information under the PIA by:

1. Providing the information for inspection or duplication in the offices of the governmental body [see TIME FOR EXAMINATION, below]; or
2. Sending copies of the public information by first class U.S. mail, if the person requesting the information requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see COSTS AND CHARGES, below].

The PIA does not authorize a requestor to remove an original copy of a public record from the office of a governmental body.

Gov't Code 552.221(b), .226

TIME FOR RESPONSE

An officer for public information of a governmental body shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. “Promptly” means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A governmental body, including a college district, may not automatically withhold for ten business days public information not excepted from disclosure.

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code 552.221(a), (c)–(d); Tex. Atty. Gen. ORD-664 (2000)

REQUESTS TO CLARIFY OR NARROW

If what information is requested is unclear to the governmental body, the governmental body may ask the requestor to clarify the request.

If a large amount of information has been requested, the governmental body, including a college district, may discuss with the requestor how the scope of a request might be narrowed, but the governmental body may not inquire into the purpose for which the information will be used.

If the information requested relates to a motor vehicle record, the officer for public information or the officer's agent may require the requestor to provide additional identifying information sufficient for the officer or the officer's agent to determine whether the requestor is eligible to receive the information under Transportation Code
Chapter 730. "Motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.

If the requestor’s request for public information included the requestor’s physical or mailing address, the request may not be considered withdrawn unless the governmental body, or officer for public information, or agent, as applicable sends the request for clarification or discussion on the written request for additional information to that address by certified mail. A written request for clarification or discussion on the written request for additional information must include a statement as to the consequences of failure by the requestor to timely respond to the request for clarification, discussion, or additional information. If, by the 61st day after the governmental body sends the written request for clarification or discussion or an officer for public information or agent sends a written request for additional information, the governmental body does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

Gov’t Code 552.222(b)–(f)

A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination of information within ten business days after the date the custodian of the information makes the information available and does not file a request for additional time, the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer for public information a written request for additional time. The officer for public information shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer for public information a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer for public information if the information is needed for use by the governmental body, including a college district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov’t Code 552.225

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on
diskette or on magnetic tape. A governmental body, including a college district, shall provide a copy in the requested medium if:

1. The governmental body has the technological ability to produce a copy of the requested information in the requested medium;

2. The governmental body is not required to purchase any software or hardware to accommodate the request; and

3. Provision of a copy of the information will not violate the terms of any copyright agreement between the governmental body and a third party.

If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the governmental body shall provide a copy in another medium that is acceptable to the requestor. A governmental body is not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

*Gov't Code 552.228(b)–(c)*

A governmental body shall provide the requestor a written statement described below, if the governmental body determines:

1. That responding to a request for public information will require programming or manipulation of data; and

2. That:
   a. Compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or
   b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement must include:

1. A statement that the information is not available in the requested form;

2. A description of the form in which the information is available;

3. A description of any contract or services that would be required to provide the information in the requested form;

4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under the PIA [see GAB(EXHIBIT)]; and
5. A statement of the anticipated time required to provide the information in the requested form.

Gov't Code 552.231(a)–(b)

RESPONSE TIME WHEN PROGRAMMING OR MANIPULATION IS REQUIRED

The governmental body shall provide the written statement to the requestor within 20 days after the date of the governmental body’s receipt of the request. The governmental body has an additional ten days to provide the statement if the governmental body gives written notice to the requestor, within 20 days after the date of receipt of the request, that the additional time is needed. Gov't Code 552.231(c)

FURTHER ACTION

On providing the written statement to the requestor as described above, the governmental body does not have any further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing to the governmental body that the requestor:

1. Wants the governmental body to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the governmental body agree; or

2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

Gov't Code 552.231(d)–(d-1)

PROCESSING OF REQUESTS

The officer for public information of a governmental body shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A governmental body shall maintain a file containing all written statements issued under the PIA in a readily accessible location. Gov't Code 552.231(e)

REPETITIOUS OR REDUNDANT REQUESTS

A governmental body, including a college district, that determines that a requestor has made a request for information for which the governmental body has previously furnished copies to the requestor or made copies available to the requestor on payment of the applicable charges under Government Code Chapter 552, Subchapter F, shall respond to the request, in relation to the information for which copies have been already furnished or made available, in accordance with this section, except that:

1. This section does not prohibit the governmental body from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The governmental body is not required to comply with this section in relation to information that the governmental body simply furnishes or makes available to the requestor again in accordance with the request.

If the governmental body selects this option, the governmental body is not required to comply with the procedures described below.

Gov't Code 552.232(a)

This section does not apply to information for which the governmental body has not previously furnished copies to the requestor or made copies available to the requestor on payment of applicable charges under Subchapter F. A request by the requestor for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, shall be treated in the same manner as any other request for public information under the PIA. Gov't Code 552.232(d)

PROCEDURES

The governmental body shall certify to the requestor that copies of all or part of the requested information, as applicable, were previously furnished to the requestor or made available to the requestor on payment of applicable charges under Subchapter F. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date the governmental body received the requestor’s original request for that information;
3. The date the governmental body previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or the officer’s agent making the certification.

Gov't Code 552.232(b)

SECTION III: ATTORNEY GENERAL DECISIONS

A governmental body, including a college district, that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under the PIA, must ask for a decision from
the attorney general about whether the information is within the exception if there has not been a previous determination about whether the information falls within one of the exceptions [see SUBMISSION TO ATTORNEY GENERAL, below]. For these purposes, a “written request” includes a request made in writing that is sent to the officer for public information, or the person designated by that officer, by electronic mail or facsimile transmission. Gov't Code 552.301(a), (c)

TIME FOR REQUEST

The governmental body must ask for the attorney general’s decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after receiving the written request. If a governmental body does not timely request an attorney general decision and provide the requestor with the information required by Government Code 552.301(d) and (e-1) [see, STATEMENT TO REQUESTOR, below], the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. Gov't Code 552.301(b), .302

A governmental body may only request an attorney general decision if the governmental body reasonably believes that the requested information is excepted from required disclosure. Tex. Atty. Gen. ORD-665 (2000)

CALCULATING TIME LINES

RECEIPT OF REQUEST FROM REQUESTOR

For the purposes of Government Code Chapter 552, Subchapter G regarding attorney general decisions, if a governmental body receives a written request by U.S. mail and cannot adequately establish the actual date on which the governmental body received the request, the written request is considered to have been received by the governmental body on the third business day after the date of the postmark on a properly addressed request. Gov't Code 552.301(a-1)

SUBMISSION BY MAIL

When Subchapter G requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class U.S. mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or

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

Gov't Code 552.308(a)
When Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the document is submitted to the attorney general through the attorney general’s designated electronic filing system within that period. This provision does not affect the right of a person or governmental body to submit information to the attorney general by mail under Government Code 552.308.

When Subchapter G requires the attorney general to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the document is electronically transferred by the attorney general electronically within that period.

*Gov’t Code 552.309*

A governmental body, including a college district, must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under the PIA is within an exception under the PIA if the governmental body has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information under the PIA that is not excepted. This exception applies to specific information that is again requested from a governmental body after the attorney general has previously issued a decision regarding the precise information or records at issue. The law, facts, and circumstances that formed the basis of the prior ruling must not have since changed. *Gov’t Code 552.301(f); Tex. Att’y Gen. ORD-673 (2001)*

**EXCEPTION**

A governmental body may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general under Subchapter G if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the PIA concerning the precise information at issue;
2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
3. The parties agree to dismiss the lawsuit.

*Gov’t Code 552.301(g)*

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<tr>
<th>ELECTRONIC SUBMISSIONS</th>
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<td>When Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the document is submitted to the attorney general through the attorney general’s designated electronic filing system within that period. This provision does not affect the right of a person or governmental body to submit information to the attorney general by mail under Government Code 552.308.</td>
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<td>A governmental body, including a college district, must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under the PIA is within an exception under the PIA if the governmental body has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information under the PIA that is not excepted. This exception applies to specific information that is again requested from a governmental body after the attorney general has previously issued a decision regarding the precise information or records at issue. The law, facts, and circumstances that formed the basis of the prior ruling must not have since changed. <em>Gov’t Code 552.301(f); Tex. Att’y Gen. ORD-673 (2001)</em></td>
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1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the PIA concerning the precise information at issue;
2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and
3. The parties agree to dismiss the lawsuit.

*Gov’t Code 552.301(g)*
A governmental body may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to the type of governmental body from which the information is requested;

2. The previous decision concludes that the category of information is or is not excepted from public disclosure;

3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and

4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

*Tex. Att'y Gen. ORD-673 (2001)*

A governmental body that relies on any previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying.

A governmental body may withhold from public disclosure the categories of personnel records listed at Texas Attorney General Open Records Decision 684 (2010).

*Tex. Att'y Gen. ORD-684 (2010)*

A governmental body may withhold from public disclosure personally identifiable, non-directory information in “education records” as defined in the Family Education Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g [see FL]. *Tex. Att'y Gen. ORD-634 (1995)*

A governmental body that requests an attorney general decision must provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor’s written request:

1. A written statement that the governmental body wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and

2. A copy of the governmental body’s written communication to the attorney general asking for the decision or, if a governmental body’s written communication to the attorney general...
discloses the requested information, a redacted copy of that written communication. 

**Gov't Code 552.301(d)**

A governmental body that requests an attorney general decision must within a reasonable time but not later than the 15th business day after the date of receiving the written request:

1. Submit to the attorney general all of the following:
   a. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
   b. A copy of the written request for information;
   c. A signed statement as to the date on which the written request for information was received by the governmental body or evidence sufficient to establish that date; and
   d. A copy of the specific information requested, or submit representative samples of the information if a voluminous amount of information was requested.

2. Label that copy of specific information or of the representative samples to indicate which exceptions apply to which parts of the copy.

A governmental body that submits written comments to the attorney general shall send a copy of the comments to the requestor not later than the 15th business day after the governmental body receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

**Gov't Code 552.301(e)–(e-1)**

Unless the information requested is confidential by law, the governmental body may disclose the requested information to the public or the requestor before the attorney general makes a final determination that the requested information is public or, if suit is filed under this chapter, before a final determination that the requested information is public has been made by the court with jurisdiction over the suit, except as otherwise provided by Government Code 552.322. **Gov't Code 552.303(a)**

A governmental body that requests a decision from the attorney general about whether requested public information is excepted from public disclosure may submit that request for decision to the attorney general through the attorney general's designated elec-
The governmental body's request for decision must comply with the requirements of Government Code 552.301.

The deadlines in Government Code 552.301 and 552.303 are met if the governmental body timely submits the required documents and other materials through the attorney general's designated electronic filing system within the time prescribed.

The governmental body must comply with the requirements of Government Code 552.301(d) and (e-1) and 552.305 regardless of whether the request for attorney general decision is submitted electronically or through another permissible method of submission.

To use the attorney general's designated electronic filing system, the governmental body must agree to and comply with the terms and conditions of use as outlined on the attorney general's designated electronic filing system website.

The confidentiality of Government Code 552.3035 applies to information submitted under Government Code 552.301(e)(1)(D) through the attorney general's designated electronic filing system.

1 TAC 63.22

If the attorney general determines that information in addition to that required by Government Code 552.301 is necessary to render a decision, the attorney general shall give written notice of that fact to the governmental body. The governmental body shall submit the necessary additional information to the attorney general not later than the seventh calendar day after the date the notice is received. If a governmental body does not comply with the attorney general's request, the information that is the subject of a person's request to the governmental body and regarding which the governmental body fails to timely submit to the attorney general is presumed to be subject to required public disclosure and must be released unless there exists a compelling reason to withhold the information. Gov't Code 552.303(c)–(e)

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.104 (information related to competitive bidding), 552.110 (trade secrets), and 552.114 (student records), a governmental body may decline to release the information for the purpose of requesting an attorney general decision. A person whose interests may be involved, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. The governmental body may, but is not required
to, submit its reasons why the information should be withheld or released. *Gov't Code 552.305(a)–(c)*

If release of a person’s proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.113 (geological or geophysical information), or 552.131 (economic development information), a governmental body that requests an attorney general decision shall make a good faith attempt to notify that person of the request for the attorney general decision. The notice must:

1. Be in writing and be sent within a reasonable time not later than the tenth business day after the date the governmental body receives the request for information; and

2. Include:
   a. A copy of any written request for information, if any, received by the governmental body; and
   b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit in writing to the attorney general within a reasonable time, not later than the tenth business day after the date the person receives the notice, each reason the person has as to why the information should be withheld and a letter, memorandum, or brief in support of that reason.

*Gov't Code 552.305(d)*

**SECTION IV: CHARGES REGARDING PUBLIC INFORMATION REQUESTS**

**COSTS AND CHARGES**

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the public information, including costs of materials, labor, and overhead. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of producing the information or for making public information that exists in a paper record available for inspection.

Charges for providing a copy of public information are considered to accrue at the time the governmental body, including a college district, advises the requestor that the copy is available on payment of the applicable charges.

*Gov't Code 552.261(a), (d), .262(a)*

50 PAGES OR LESS

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the public information may not include
costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings. Gov’t Code 552.261(a), (c)

If the charge for providing a copy of public information includes costs of labor, the requestor may require the governmental body’s officer for public information or the officer’s agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer for public information or the officer’s agent, and the officer or agent’s name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor. Gov’t Code 552.261(b)

The rules adopted by the attorney general shall be used by each governmental body in determining charges for providing copies of public information and in determining the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. [See GAB(EXHIBIT)]

A governmental body may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection but may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the governmental body requests an exemption.

Gov’t Code 552.262(a); 1 TAC 70.1(b)

A governmental body may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the attorney general and must state the reason for the exemption. If the attorney general determines that good cause exists for exempting a governmental body from a part or all of the rules, the attorney general shall give written notice of the determination to the governmental body within 90 days of the request. On receipt of the determination, the governmental body may amend its charges for providing copies of public information or its charge, de-
If a request for a copy of public information will result in the imposition of a charge that exceeds $40, or a request to inspect a paper record will result in the imposition of a charge under Government Code 552.271 that exceeds $40, the governmental body shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the governmental body regarding the alternative method. A governmental body must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and of the rights granted by that entire section and give the requestor the information needed to respond, including:

1. That the requestor must provide the governmental body with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor’s choice which type of address to provide;

2. That the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the time and manner required by this section; and

3. That the requestor may respond to the statement by delivering the written response to the governmental body by mail, in person, by facsimile transmission if the governmental body is capable of receiving documents transmitted in that manner, or by electronic mail if the governmental body has an electronic mail address.

If the governmental body later determines, but before it makes the copy or the paper record available, that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the governmental body shall send to the requestor a written updated itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

Gov’t Code 552.2615(a), (c)
Northeast Texas Community College
225500
PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION (LEGAL)

DATE ISSUED: 3/27/2015
UPDATE 30
GAB(LEGAL)-LJC

ing the governmental body within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

Gov't Code 552.2615(b)

ACTUAL CHARGES

If the actual charges that a governmental body imposes for a copy of public information, or for inspecting a paper record under Government Code 552.271, exceeds $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

Gov't Code 552.2615(d)

TIMING OF DEADLINES

An itemized statement or updated itemized statement is considered to have been sent by the governmental body to the requestor on the date that:

1. The statement is delivered to the requestor in person;
2. The governmental body deposits the properly addressed statement in the U.S. mail; or
3. The governmental body transmits the properly addressed statement by electronic mail or facsimile transmission, if the requestor agrees to receive the statement by electronic mail or facsimile transmission, as applicable.

A requestor is considered to have responded to the itemized statement or the updated itemized statement on the date that:

1. The response is delivered to the governmental body in person;
2. The requestor deposits the properly addressed response in the U.S. mail; or
3. The requestor transmits the properly addressed response to the governmental body by electronic mail or facsimile transmission.
The time deadlines do not affect the application of a time deadline imposed on a governmental body for requesting a decision by the attorney general under the PIA.

Gov't Code 552.2615(e)-(g)

**DEPOSIT OR BOND**

An officer for public information or the official's agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer for public information or the officer's agent has provided the requestor with the written itemized statement required by Government Code 552.2615 [see STATEMENT OF ESTIMATED CHARGES, above] detailing the estimated charge for providing the copy; and

2. The charge for providing the copy of the public information specifically required by the requestor is estimated by the governmental body to exceed $100, if the governmental body has more than 15 full-time employees, or $50, if the governmental body has fewer than 16 full-time employees.

The officer for public information or the officer's agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

For the purposes of charging for providing copies of public information under Government Code Chapter 552, Subchapter F or for requesting an attorney general's opinion under Government Code Chapter 552, Subchapter G, a request for a copy of public information is considered to have been received by a governmental body on the date the governmental body receives the deposit or bond for payment of anticipated costs or unpaid amounts if the governmental body's officer for public information or the officer's agent requires a deposit or bond in accordance with this section. A requestor who fails to make a required deposit or post a bond before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

Gov't Code 552.263(a)–(b), (e)–(f)

**MODIFIED REQUEST**

If a requestor modifies the request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the governmental body receives the written modified request. Gov't Code 552.263(e-1)
UNPAID AMOUNTS

An officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts owing to the governmental body in relation to previous requests that the requestor has made under the PIA before preparing a copy of public information in response to a new request, if those unpaid amounts exceed $100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means.  

Gov't Code 552.263(c)

A governmental body that receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the governmental body as provided under Government Code 552.261(b) may require the requestor to pay the estimated charges for the request before the request is fulfilled. Gov't Code 552.2661

DOCUMENTATION OF UNPAID AMOUNTS

The governmental body must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond. The documentation is subject to required public disclosure under the PIA.  

Gov't Code 552.263(d)

WAIVERS

A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public.

If the cost to a governmental body of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the governmental body may waive the charge.

Gov't Code 552.267

GOVERNMENT PUBLICATION

The cost provisions described above do not apply to a publication that is compiled and printed by or for a governmental body for public dissemination. If the cost of the publication is not determined by state law, a governmental body may determine the charge for providing the publication. The governmental body may provide the publication free of charge if state law does not require a certain charge.  

Gov't Code 552.270

SECTION V: INSPECTION OF PUBLIC INFORMATION

If the requestor does not request a copy of public information, a charge may not be imposed for making available for inspection any public information that exists in a paper record, except as set forth below.  

Gov't Code 552.271(a)
CONFIDENTIAL INFORMATION

If a requested page contains confidential information that must be edited from the record before the information can be made available for inspection, the governmental body may charge for the cost of making a photocopy of the page from which confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code 552.271(b)*

PAYMENT, DEPOSIT, OR BOND

An officer for public information or the officer’s agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The public information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and

2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

*Gov't Code 552.271(c)*

CERTAIN SMALL GOVERNMENTAL BODIES

If a governmental body has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The public information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and

2. The officer for public information or the officer’s agent estimates that more than two hours will be required to make the information available for inspection.

*Gov't Code 552.271(d)*

ELECTRONIC RECORDS

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, the governmental body shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available. A charge under this section must be assessed in accordance with the PIA.

If public information exists in an electronic form on a computer owned or leased by a governmental body and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically
copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the government-owned or government-leased computer before the information is copied. If public information exists in an electronic form on a computer owned or leased by a governmental body and if the public has direct access to that computer through a computer network or other means and the information requires processing, programming, or manipulation before it can be electronically copied, a governmental body may impose charges in accordance with the PIA.

If information is created or kept in an electronic form, a governmental body is encouraged to explore options to separate out confidential information and to make public information available to the public through electronic access through a computer network or other means.

Gov't Code 552.272(a)–(d)

SECTION VI: MISCELLANEOUS PROVISIONS

LARGE OR FREQUENT REQUESTS PERSONNEL TIME

A governmental body, including a college district, may establish a reasonable limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. The time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body. Gov't Code 552.275(a)–(b)

REQUEST BY MINOR

In determining whether a time limit applies, any time spent complying with a request for public information submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor. Gov't Code 552.275(c)

EXCEPTION

This section does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
1. A radio or television broadcast station that holds a broadcast license for an assigned frequency issued by the Federal Communications Commission;

2. A newspaper that is qualified under Government Code 2051.044 to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news;

3. A newspaper of general circulation that is published on the Internet by a news medium engaged in the business of disseminating news or information to the general public; or

4. A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.

This section does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state. This section does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt under Internal Revenue Code 501(c)(3).

Gov’t Code 552.275(j)–(l)

If a governmental body establishes a time limit, each time the governmental body complies with a request for public information, the governmental body shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable 12-month period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement provided by the requestor. Gov’t Code 552.275(d)

WRITTEN STATEMENT OF PERSONNEL TIME

WRITTEN ESTIMATE OF CHARGES

If in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, the governmental body shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the tenth day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general. Gov’t Code 552.275(e)
If the governmental body determines that additional time is required to prepare the written estimate and provides the requestor with a written statement of that determination, the governmental body must provide the written estimate as soon as practicable, but on or before the tenth day after the date the governmental body provided the statement. *Gov’t Code 552.275(f)*

If a governmental body provides a requestor with the written estimate, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor’s request unless on or before the tenth day after the date the governmental body provided the written estimate, the requestor submits a statement in writing to the governmental body in which the requestor commits to pay the lesser of:

1. The actual costs incurred in complying with the request, including the cost of materials, personnel time, and overhead; or
2. The amount stated in the written estimate.

If the requestor fails or refuses to submit a written statement, the requestor is considered to have withdrawn the requestor’s pending request for public information. *Gov’t Code 552.275(g)–(h)*

This section does not prohibit a governmental body from providing a copy of public information without charge or at a reduced rate under Government Code 552.267, or from waiving a charge for providing a copy of public information under Section 552.267 [see WAIVERS, above]. *Gov’t Code 552.275(i)*

The only suit a governmental body, including a college district, may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325; and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

The governmental body must bring the suit not later than the 30th calendar day after the date the governmental body receives the decision of the attorney general determining that the requested information must be disclosed to the requestor. If the governmental body does not bring suit within that period, the governmental body shall comply with the decision of the attorney general.
ernmental body wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), suit must be filed not later than the tenth calendar day after receipt of a decision by the attorney general that the information is public.

Gov't Code 552.324, .353(b)(3)
The Director of Marketing and Public Information shall serve as the College President's agent in receiving and responding to public information requests.

After personnel of the College District collectively have spent 36 hours of time producing public information for a requestor during the College District's fiscal year, the College District shall charge the requestor for any additional personnel time spent producing information for the requestor, in accordance with law.
GUIDELINES FOR COPY CHARGES

The charges in this exhibit, to recover costs associated with providing copies of public information, are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 TAC 70.4.

Copy charges

Standard-paper copy: The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is $.10 per page or part of a page. Each side that has recorded information is considered a page. 1 TAC 70.3(b)(1), .10(1)

Nonstandard-size copy: The charges below are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:

1. Diskette — $1.00
2. Magnetic tape — actual cost
3. Data cartridge — actual cost
4. Tape cartridge — actual cost
5. Rewritable CD (CD-RW) — $1.00
6. Non-rewritable CD (CD-R) — $1.00
7. Digital video disc (DVD) — $3.00
8. JAZ drive — actual cost
9. Other electronic media — actual cost
10. VHS video cassette — $2.50
11. Audio cassette — $1.00
12. Oversize paper copy (e.g., 11” x 17”, greenbar, bluebar, not including maps and photographs using specialty paper; see also 1 TAC 70.9) — $.50
13. Specialty paper (e.g., Mylar, blueprint, blueline, map, photographic) — actual cost

1 TAC 70.3(b)(2), .10(2)

Labor charges

For programming: If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer’s time. The hourly charge for a programmer is $28.50 an hour. Only programming services will be charged at this hourly rate. Governmental bodies that do not have in-house programming
capabilities shall comply with requests in accordance with Government Code 552.231. If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Government Code 552.261(b). 1 TAC 70.3(c), .10(3)–(4)

For locating, compiling, manipulating data, and reproducing public information: The charge for labor costs incurred in processing a request for public information is $15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.

A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.

A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:

1. To determine whether the governmental body will raise any exceptions to disclosure of the requested information under Government Code Chapter 552, Subchapter C; or
2. To research or prepare a request for a ruling by the attorney general's office pursuant to Government Code 552.301.

When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).

If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Government Code 552.261.

1 TAC 70.3(d), .10(3)

Overhead charges

Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).
The overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $15.00 x .20 = $3; or programming labor charge, $28.50 x .20 = $5.70. If a request requires one hour of labor charge for locating, compiling, and reproducing information ($15.00 per hour); and one hour of programming labor charge ($28.50 per hour), the combined overhead would be: $15 + $28.50 = $43.50 x .20 = $8.70.

1 TAC 70.3(e), .10(4)

Microfiche and microfilm charges

If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for the governmental body. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.

If only a master copy of information in microform is maintained, the charge is $.10 per page for standard size paper copies plus any applicable labor and overhead charge for more than 50 copies.

1 TAC 70.3(f), .10(5)

Remote document retrieval charges

Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by a governmental body to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.

If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge will be factored in for time spent locating documents at the storage location by the private company’s personnel. If after delivery to the governmental body the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with 1 TAC 70.3(d)(1) [see For locating, compiling, manipulating data, and reproducing public information, above].

1 TAC 70.3(g), .10(6)

Computer resource charges

The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs),
servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.

The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:

<table>
<thead>
<tr>
<th>Type of System</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mainframe</td>
<td>$10.00 per CPU minute</td>
</tr>
<tr>
<td>Midsize</td>
<td>$1.50 per CPU minute</td>
</tr>
<tr>
<td>Client/Server</td>
<td>$2.20 per clock hour</td>
</tr>
<tr>
<td>PC or LAN</td>
<td>$1.00 per clock hour</td>
</tr>
</tbody>
</table>

The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described at 1 TAC 70.3(d) [see Labor charges, above]. No charge should be made for computer print-out time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows: $10 / 3 = $3.33; or $10 / 60 x 20 = $3.33.

A governmental body that does not have in-house computer capabilities will comply with requests in accordance with Government Code 552.231.

1 TAC 70.3(h), .10(7)

**Miscellaneous supplies**

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information. 1 TAC 70.3(i), .10(8)

**Postal and shipping charges**

Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party. 1 TAC 70.3(j), .10(9)

**Sales tax**

Pursuant to Office of the Comptroller of Public Accounts’ rules, sales tax will not be added on charges for public information. (34 TAC, Part 1, Chapter 3, Subchapter O, 3.341 and 3.342). 1 TAC 70.3(k), .10(14)
Miscellaneous charges

A governmental body that accepts payment by credit card for copies of public information and that is charged a transaction fee by the credit card company may recover that fee. \textit{1 TAC 70.3(l)}
Note: For institutional reports required to be distributed to students, see AFA.

**CLERY ACT REPORTING**

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, each eligible institution participating in any program under 20 U.S.C. Chapter 28, Subchapter IV, Part F and 42 U.S.C. Chapter 34, Subchapter I, Part C, shall on August 1, 1991, begin to collect information with respect to campus crime statistics and campus security policies of that institution, and, beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the information with respect to the campus security policies and campus crime statistics of that institution. *20 U.S.C. 1092(f)*

**DEFINITIONS**

**“CAMPUS”**

“Campus” means any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of the Clery Act.

*20 U.S.C. 1092(f)(6)(A)(i), (B); 34 C.F.R. 668.46(a)*

**“CAMPUS SECURITY AUTHORITY”**

A “campus security authority” means:

1. A campus police department or a campus security department of an institution.

2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under this definition, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined by 34 C.F.R. 668.46(a), the official is not considered a campus security authority when acting as a pastoral or professional counselor.

34 C.F.R. 668.46(a)

"CLERY GEOGRAPHY"

For the purposes of collecting statistics on the crimes listed in 34 C.F.R. 668.46(c) [see REPORTED CRIMES and RECORDING CRIMES, below] for submission to the U.S. Department of Education and inclusion in an institution's annual security report, Clery geography includes:

1. Buildings and property that are part of the institution's campus;

2. The institution's noncampus buildings and property; and

3. Public property within or immediately adjacent to and accessible from the campus.

For the purposes of maintaining the crime log required in 34 C.F.R. 668.46(f) [see CRIME LOG, below], “Clery geography” includes, in addition to the locations listed above in this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

34 C.F.R. 668.46(a)

"HATE CRIME"

The term “hate crime” means a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of the Clery Act, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

"NONCAMPUS BUILDING OR PROPERTY"

The term “noncampus building or property” means any building or property owned or controlled by a student organization recognized by the institution and any building or property, other than a branch campus, owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's
educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution. 20 U.S.C. 1092(f)(6)(A)(ii); 34 C.F.R. 668.46(a)

“PUBLIC PROPERTY”  
The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes. 20 U.S.C. 1092(f)(6)(A)(iii); 34 C.F.R. 668.46(a)

ANNUAL SECURITY REPORT  
An institution must prepare an annual security report that contains, at a minimum, the following information:

1. The crime statistics described in 34 C.F.R. 668.46(c) [see REPORTED CRIMES, below].

2. A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution’s policies concerning its response to these reports, including:
   a. Policies for making timely warning reports to members of the campus community, as required by 34 C.F.R. 668.46(e) [see EMERGENCY NOTIFICATION, below], regarding the occurrence of crimes described in 34 C.F.R. 668.46(c)(1) [see REPORTED CRIMES, below];
   b. Policies for preparing the annual disclosure of crime statistics;
   c. A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in 34 C.F.R. 668.46(c)(1) [see REPORTED CRIMES, below] for the purposes of making timely warning reports and the annual statistical disclosure; and
   d. Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

3. A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

4. A statement of policies concerning campus law enforcement that:
a. Addresses the law enforcement authority and jurisdiction of security personnel;

b. Addresses the working relationship of campus security personnel with state and local police agencies, including:
   (1) Whether those security personnel have the authority to make arrests; and
   (2) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

c. Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and

d. Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

5. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

6. A description of programs designed to inform students and employees about the prevention of crimes.

7. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.

8. A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.

9. A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.

10. A description of any drug or alcohol-abuse education programs, as required under Section 120(a)–(d) of the Higher
Education Act of 1965 (HEA), otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, the institution may cross-reference the materials the institution uses to comply with Section 120(a)–(d) of the HEA.

11. A statement advising the campus community where law enforcement agency information provided by a state under Section 121 of the Adam Walsh Child Protection and Safety Act of 2006, 42 U.S.C. 16921, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

20 U.S.C. 1092(f)(1); 34 C.F.R. 668.46(b)

In accordance with 20 U.S.C. 1092(j) and 34 C.F.R. 668.46(b)(11) and (j)–(k), an institution must prepare an annual security report that contains a statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking, and of procedures that the institution will follow when one of these crimes is reported. 20 U.S.C. 1092(f)(8); 34 C.F.R. 668.46(b)(11) [See FA]

An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include:

1. The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;

2. A description of the process the institution will use to:
   a. Confirm that there is a significant emergency or dangerous situation as described in item 1;
   b. Determine the appropriate segment or segments of the campus community to receive a notification;
   c. Determine the content of the notification; and
   d. Initiate the notification system;

3. A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim
or to contain, respond to, or otherwise mitigate the emergency;

4. A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in item 2;

5. The institution’s procedures for disseminating emergency information to the larger community; and

6. The institution’s procedures to test the emergency response and evacuation procedures on at least an annual basis, including:
   a. Tests that may be announced or unannounced;
   b. Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
   c. Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

20 U.S.C. 1092(f)(1); 34 C.F.R. 668.46(b)(13), (g)

MISSING STUDENT NOTIFICATION POLICIES AND PROCEDURES

An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report in accordance with 20 U.S.C. 1092(j) and 34 C.F.R. 668.46(h). 20 U.S.C. 1092(j); 34 C.F.R. 668.46(b)(14), (h) [See FG]

REPORTED CRIMES

An institution must report to the U.S. Department of Education and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority:

1. Primary crimes, including:
   a. Criminal homicide:
      (1) Murder and nonnegligent manslaughter.
      (2) Negligent manslaughter.
   b. Sex offenses:
      (1) Rape;
      (2) Fondling;
(3) Incest; and
(4) Statutory rape.

c. Robbery.
d. Aggravated assault.
e. Burglary.
f. Motor vehicle theft.
g. Arson.

2. Arrests and referrals for disciplinary actions, including:
   a. Arrests for liquor law violations, drug law violations, and illegal weapons possession.
   b. Persons not included in item 2a who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

3. Hate crimes, including:
   a. The number of each type of crime in item 1 that are determined to be hate crimes; and
   b. The number of the following crimes that are determined to be hate crimes:
      (1) Larceny-theft.
      (2) Simple assault.
      (3) Intimidation.
      (4) Destruction/damage/vandalism of property.

4. Dating violence, domestic violence, and stalking.

34 C.F.R. 668.46(c)(1)

In compliance with 34 C.F.R. 668.46(c)(9), an institution must compile the crime statistics using the FBI's UCR program and the Hierarchy Rule. 34 C.F.R. 668.46(c)(9)

HATE CRIMES

For each hate crime recorded under item 3, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim’s actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability. 34 C.F.R. 668.46(c)(4)
In complying with the statistical reporting requirements under 34 C.F.R. 668.46(c)(1), an institution must make a reasonable, good faith effort to obtain statistics for crimes that occurred on or within the institution’s Clery geography and may rely on the information supplied by a local or state police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or state police agency to supply the required statistics. 34 C.F.R. 668.46(c)(11)

An institution must include in its crime statistics all crimes listed in paragraph (c)(1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in Section 40002(a)(20) of the Violence Against Women Act of 1994, 42 U.S.C. 13925(a)(20).

An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority. When recording crimes of stalking by calendar year, an institution must follow the requirements in 34 C.F.R. 668.46(c)(6).

34 C.F.R. 668.46(c)(2)(i), (3)

An institution must specify whether each of the crimes recorded under 34 C.F.R. 668.46(c)(1) [see REPORTED CRIMES, above] occurred:

1. On campus;
2. In or on a noncampus building or property; or
3. On public property.

An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus. When recording stalking by location, an institution must follow the requirements in 34 C.F.R. 668.46(c)(6).

20 U.S.C. 1092(f)(12); 34 C.F.R. 668.46(c)(5)

The required statistics do not include the identification of the victim or the person accused of committing the crime. 20 U.S.C. 1092(f)(7); 34 C.F.R. 668.46(c)(7)

An institution is not required to report statistics under 34 C.F.R. 668.46(c) for crimes reported to a pastoral or professional counselor. 20 U.S.C. 1092(f)(10); 34 C.F.R. 668.46(c)(8)
In complying with the statistical reporting requirements, the institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas. 

34 C.F.R. 668.46(c)(10)

An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under the Clery Act. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

An institution must report to the U.S. Department of Education and disclose in its annual security report statistics the total number of crime reports listed in 34 C.F.R. 668.46(c)(1) [see REPORTED CRIMES, above] that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

34 C.F.R. 668.46(c)(2)(ii)–(iii)

An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred within its Clery geography and that is reported to the campus police or the campus security department. This log must include:

1. The nature, date, time, and general location of each crime; and
2. The disposition of the complaint, if known.

The institution must make an entry or an addition to an entry to the log within two business days of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.
The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

An institution may withhold the crime log information if there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. The institution must disclose any information withheld once the adverse effect described is no longer likely to occur.

An institution may withhold only that information that would cause the adverse effects described.

20 U.S.C. 1092(f)(4); 34 C.F.R. 668.46(f)

An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, and will aid in the prevention of similar crimes, report to the campus community on crimes that are:

1. Described in 34 C.F.R. 668.46(c)(1) [see REPORTED CRIMES, above];
2. Reported to campus security authorities as identified under the institution’s statement of current campus policies or local police agencies; and
3. Considered by the institution to represent a threat to students and employees.

An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in 34 C.F.R. 668.46(g)(1), an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

34 C.F.R. 668.46(e)
A governmental entity, including a college district, shall take no action abridging the freedom of speech or the right of the people to petition the governing board of the entity for redress of grievances.  

*U.S. Const. Amend. I, XIV*

The governing board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the governing board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys.  *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819 (1995); *City of Madison v. Wis. Emp. Rel. Comm’n*, 429 U.S. 167 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968)

The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.  *Tex. Const. Art. I, Sec. 27*

The governing board of a community college is not required to negotiate or even respond to complaints. However, the board must stop, look, and listen and must consider the petition, address, or remonstrance.  *Prof'l Ass'n of College Educators v. El Paso County Cmty Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

A recipient of federal financial assistance that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations).  *29 U.S.C. 794; 34 C.F.R. 104.7(b)*

A public entity, including a college district, that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations).  *28 C.F.R. 35.107(b), .140*

The board may conduct a closed meeting on a public complaint to the extent required or provided by law.  [See BDA]

A person commits an offense if, with intent to prevent or disrupt a lawful meeting, the person substantially obstructs or interferes with the ordinary conduct of the meeting by physical action or verbal utterance and thereby curtails the exercise of others' First Amend-
ment rights. *Penal Code 42.05; Morehead v. State*, 807 S.W.2d 577 *(Tex. Crim. App. 1991)*
**GUIDING PRINCIPLES**

**INFORMAL PROCESS**
The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

**FORMAL PROCESS**
An individual may initiate the formal process described below by timely filing a written complaint.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

**FREEDOM FROM RETALIATION**
Neither the Board nor any College District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

**COMPLAINTS**
In this policy, the term “complaint” and “grievance” shall have the same meaning.

This policy shall apply to all complaints from the public except complaints regarding a commissioned peace officer who is an employee of the College District. [See CHA] The policy may require appeals to be submitted in accordance with GB after the relevant complaint process.

**GENERAL PROVISIONS**
Complaints and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

**SCHEDULING CONFERENCES**
The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to
appear at a scheduled conference, the College District may hold
the conference and issue a decision in the individual’s absence.

RESPONSE
At Levels One and Two, “response” shall mean a written communi-
cation to the individual from the appropriate administrator. Re-
sponses may be hand-delivered, sent by electronic communication
to the individual’s e-mail address of record, or sent by U.S. Mail to
the individual’s mailing address of record. Mailed responses shall
be timely if they are postmarked by U.S. Mail on or before the
deadline.

DAYS
“Days” shall mean College District business days. In calculating
time lines under this policy, the day a document is filed is “day ze-
ro.” The following day is “day one.”

REPRESENTATIVE
“Representative” shall mean any person who or organization that is
designated by an individual to represent the individual in the co-
plaint process.

The individual may designate a representative through written n-
otice to the College District at any level of this process. If the indi-
vidual designates a representative with fewer than three days’ n-
otice to the College District before a scheduled conference or
hearing, the College District may reschedule the conference or
hearing to a later date, if desired, in order to include the College
District’s counsel. The College District may be represented by
counsel at any level of the process.

CONSOLIDATING
COMPLAINTS
Complaints arising out of an event or a series of related events
shall be addressed in one complaint. An individual shall not file
separate or serial complaints arising from any event or series of
events that have been or could have been addressed in a previous
complaint.

UNTIMELY FILINGS
All time limits shall be strictly followed unless modified by mutual
written consent.

If a complaint or appeal notice is not timely filed, the complaint may
be dismissed, on written notice to the individual, at any point during
the complaint process. The individual may appeal the dismissal by
seeking review in writing within ten days from the date of the writ-
ten dismissal notice, starting at the level at which the complaint
was dismissed. Such appeal shall be limited to the issue of timel-
lessness.

COSTS INCURRED
Each party shall pay its own costs incurred in the course of the
complaint.

COMPLAINTS AND
APPEALS IN WRITING
Complaints and appeals under this policy shall be submitted in writ-
ing.
Copies of any documents that support the complaint should be attached to the complaint. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing.

LEVEL ONE

Complaints must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the College President or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint at Level One.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any relevant documents or information.

LEVEL TWO

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the College President or designee to appeal the Level One decision.

The appeal notice must be filed in writing within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.
The Level One record shall include:

1. The original complaint and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The College President or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board with the record of the Level Two complaint. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.

3. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD] In a closed meeting, the Board may exclude other group members in order to hear each individual member of a group.

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.
CONTRACTUAL AGREEMENTS FOR INSTRUCTION

Generally, general enrollment or contract training courses that are noncredit and do not result in the award of continuing education units (CEUs) are not eligible for any state apportionment funding, but a two-year college is free to market such noncredit or non-CEU training to business, industry, and government at whatever rate can be negotiated with the contracting organization. Exceptions regarding programs serving incarcerated students must be submitted to the Coordinating Board staff for review and approval.

Courses earning CEUs shall be subject to the guidelines published by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) as a condition of eligibility for state appropriations.

All student enrollments for semester hour credit are subject to the provisions of the Texas Success Initiative as applicable.

Public two-year colleges providing courses to organizations for which semester hour credits or CEUs are earned must charge out-of-state tuition to nonresident students who are brought from out-of-state for such contract courses.

19 TAC 9.123

Contractual agreements for instruction by public two-year colleges with non-SACSCOC accredited organizations must comply with all current guidelines of SACSCOC. Courses and programs offered under contractual agreements must be consistent with the educational purpose, mission, and goals of the institution. Courses and programs offered and eligible for state appropriations must remain under the sole and direct control of the sponsoring public two-year college.

All programs and courses must be approved through the established procedures of the Coordinating Board.

Courses offered must remain under the sole and direct control of the sponsoring public two-year college, which exercises ultimate and continuing responsibility for the performance of the functions reflected in the contract. Instructors of courses must meet qualifications as stipulated by the public two-year college. The public two-year college must employ at least one full-time faculty member per degree program and specify in the contract the institutional procedures by which the contracted courses or programs meet the standards of regular programs as disclosed fully in the publications of the institution, specifically including the following:

1. Recruitment and counseling of students;
2. Admission of students to courses and/or to the sponsoring institution where certificate and associate degree programs are pursued;

3. Development and evaluation of the curriculum;

4. Evaluation of student progress;

5. Recordkeeping;

6. Tuition and/or fee charges, receipts and disbursement of funds, and refund policy;

7. Appointment, supervision, and evaluation of faculty; and

8. Instruction and learning resources.

The contractual agreement must be executed by designated officers of the public two-year college and their counterparts in the contracting organization. The contractual agreement shall establish a definite understanding between the public two-year college and the contracting agency to include each of the items required by 19 Administrative Code 9.124(b), above. The agreement shall specify the work to be performed, the period of the agreement, and the conditions under which any renewal or renegotiation must occur.

19 TAC 9.124

STATE FUNDING

Contact hours for contract instruction eligible for state appropriations must be determined and reported in compliance with state law and Coordinating Board rules and policy.

No funds appropriated to any public two-year college may be expended for any course which has not been approved by the commissioner, even if such course is taught under a contractual agreement.

19 TAC 9.127-.128

SKILLS DEVELOPMENT FUND

In accordance with Labor Code 303.003 and 40 Administrative Code 803.3, the skills development fund may be used by public community and technical colleges, community-based organizations, and the Texas Engineering Extension Service as start-up or emergency funds for the following job-training purposes:

1. Developing customized training programs for businesses and trade unions; and

2. Sponsoring small and medium-sized business networks and consortiums.

Labor Code 303.003(b); 40 TAC 803
A public community college shall promptly provide workforce training and services that are requested:

1. By a local workforce development board if the need for the training and services is based on the labor market information system available for the area;

2. By employers located in the college’s taxing district when the request is presented directly to the college by the employers or through the local workforce development board; or

3. As part of economic development incentives designed to attract or retain an employer, including incentives offered under the skills development fund program under Labor Code Chapter 303.

Gov’t Code 2308.308
OUTDOOR ADVERTISING

A person commits an offense if the person erects or maintains outdoor advertising or a sign in violation of Transportation Code Chapters 391 through 395 and 43 Administrative Code Chapter 21. Transp. Code 391.003, .0031, .061, .067, 392.032, 393.005, 394.021; 43 TAC Chapter 21

GENERAL DEFINITIONS

“Outdoor advertising” means an outdoor sign. Transp. Code 391.001(10)

“Sign” means a sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended, or used to advertise or inform. Transp. Code 392.001, 393.001, 394.001, 395.002

“Electronic sign” means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes. 43 TAC 21.251

“Directional sign” means a sign that contains only a message that identifies an attraction or activity and provides directional information, such as mileage, route number, or exit number, useful to the traveler in locating the attraction or activity. 43 TAC 21.941

INTERSTATE OR PRIMARY SYSTEM

A college district that wishes to erect or maintain outdoor advertising that is visible from the main-traveled way of the interstate or primary system shall comply with Transportation Code Chapter 391 and 43 Administrative Code Chapter 21, Subchapter I.

“Interstate system” means that portion of the national system of interstate and defense highways that is located in this state and is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.

“Primary system” means that portion of connected main highways located in this state that is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.

Transp. Code 391.001

STATE HIGHWAY RIGHT-OF-WAY

A college district that wishes to place or maintain a sign on a state highway right-of-way shall comply with Transportation Code Chapter 392.

“State highway right-of-way” means the right-of-way of a highway designated as part of the state highway system.

Transp. Code 392.001

PUBLIC ROAD

A college district that wishes to place a sign on the right-of-way of a public road shall comply with Transportation Code Chapter 393.
RURAL ROAD
A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a rural road shall comply with Transportation Code Chapter 394 and 43 Administrative Code Chapter 21, Subchapter K.

“Rural road” means a road, street, way, or bridge:
1. That is located in an unincorporated area;
2. That is not privately owned or controlled;
3. That any part of which is open to the public for vehicular traffic; and
4. That is under the jurisdiction of the state or a political subdivision.

Transp. Code 394.002

TOLL ROAD
A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a toll road and erected for the purpose of having the message seen from the main-traveled way shall comply with any rules adopted by the governing body of the toll road authority under Transportation Code Chapter 395.

This provision applies only to a toll road located in a county with a population of 3.3 million or more or that is adjacent to a county with a population of 3.3 million or more and in which a municipality with a population of more than 60,000 is located.

Transp. Code 395.001

ELECTRONIC SIGN
A college district that wishes to erect an electronic sign shall comply with 43 Administrative Code Subchapter J.

DIRECTIONAL SIGN
A college district that wishes to erect a directional sign shall comply with 43 Administrative Code Subchapter Q.

CHARITABLE RAFFLES
"RAFFLE"
A “raffle” is the awarding of one or more prizes by chance at a single occasion among a pool or group of persons who have paid or promised a thing of value for a ticket that represents a chance to win a prize. Occupations Code 2002.002(6)

"QUALIFIED NONPROFIT ORGANIZATION"
An organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) is a “qualified nonprofit organization” for the purposes of Occupations Code 2002 if the organization:
1. Does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services;

2. Has existed for the three preceding years;

3. Does not devote a substantial part of its activities to attempting to influence legislation and does not participate or intervene in any political campaign on behalf of any candidate for public office in any manner, including by publishing or distributing statements or making campaign contributions;

4. Qualifies for and has obtained an exemption from federal income tax from the Internal Revenue Service under Section 501(c), Internal Revenue Code of 1986; and

5. Does not have or recognize any local chapter, affiliate, unit, or subsidiary organization in this state.

 Occupations Code 2002.003(a)

An organization that is formally recognized as and that operates as a local chapter, affiliate, unit, or subsidiary organization of a parent organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) is a “qualified nonprofit organization” if both it and its parent organization meet the qualifications set out above at items 1 through 3 and either the local or parent organization satisfies item 4. The local organization must have been formally recognized as a local chapter, affiliate, unit, or subsidiary organization of the parent organization for the previous three years. Occupations Code 2002.003(b)

An organization that is formally recognized as and that operates as a local chapter, affiliate, unit, or subordinate lodge of a grand lodge or other institution or order incorporated under Vernon's Texas Civil Statutes Title 32, as authorized by Vernon's Texas Civil Statutes Article 1399 is a “qualified nonprofit organization” if it satisfies the provisions of Occupations Code 2002.003(b–1). Occupations Code 2002.003(b–1)

An unincorporated organization, association, or society is a “qualified nonprofit organization” if it meets the qualifications described at items 1, 3, and 4 above and, for the three preceding years, has been affiliated with a state or national organization organized to perform the same purposes as the unincorporated organization, association, or society. Occupations Code 2002.003(c)

A nonprofit wildlife conservation association and its local chapters, affiliates, wildlife cooperatives, or units are “qualified nonprofit or-
"QUALIFIED ORGANIZATION" "Qualified organization" means a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization. *Occupations Code 2002.002(2)*

GENERALLY A qualified organization may conduct a raffle subject to the conditions imposed by Occupations Code Chapter 2002, Subchapter B. *Occupations Code 2002.051*
ADVERTISING AND FUND-RAISING

PROMOTIONAL ACTIVITIES

College District facilities shall not be used to advertise, promote, sell tickets, or collect funds for any nonschool-related purpose without prior approval of the College President.

[For information relating to community use of College District facilities, see GF.]

ADVERTISING

For purposes of this policy, “advertising” shall mean a communication designed to attract attention or patronage by the public or college community and communicated through means under the control of the College District in exchange for consideration to the College District. “Advertising” does not include public recognition of donors or sponsors who have made contributions, financial or otherwise, to the College District or College District support organizations.

Advertising shall be accepted solely for the purpose of generating revenue for the College District and not for the purpose of establishing a forum for communication. The College District shall retain final editorial authority to accept or reject submitted advertisements in a manner consistent with the First Amendment. The College District shall retain the authority to determine the size and location of any advertising. The College District shall also reserve the right to reject advertising that is inconsistent with federal or state law, Board policy, College District or campus regulations, or curriculum, as well as any content the College District determines has a reasonable likelihood of exposing the College District to controversy, litigation, or disruption.

Acceptance of advertising shall not constitute College District approval or endorsement of any product, service, organization, or issue referenced in the advertising, nor shall acceptance of advertising from a vendor determine whether the College District will purchase goods or services from the vendor through the College District’s formal procurement process.

[For information relating to College District-sponsored publications, see FKA.]
PROHIBITED ACTS

An officer or employee of the state or of a political subdivision of the state, including a college district, who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;

2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or of a political subdivision of the state;

3. Refuse to grant a benefit to the person; or

4. Impose an unreasonable burden on the person.

_Civ. Prac. and Rem. Code_ 106.001(a)

FIRST AMENDMENT

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

FORUM ANALYSIS

"TRADITIONAL PUBLIC FORUM"

A “traditional public forum” includes locations, such as sidewalks and parks, where members of the public have historically been permitted to gather and speak on any topic. _Cornelius v. NAACP Legal Def. & Educ. Fund, Inc._, 473 U.S. 788 (1985) An institution’s property is not a traditional public forum, with the exception of sidewalks, streets, and parks that are indistinguishable from surrounding city property. _Widmar v. Vincent_, 454 U.S. 263 (1981); _Brister v. Faulkner_, 214 F.3d 675 (2000)

If an institution’s property is deemed a traditional public forum, the entity may exclude particular content if that entity can assert a compelling governmental interest that is narrowly tailored to address that interest, a standard referred to as the “strict scrutiny” standard. The institution can also enforce viewpoint-neutral time, place, and manner restrictions to meet a compelling governmental interest if a sufficient number of alternative communication channels are available. _Perry Educ. Ass’n v. Perry Local Educators’ Ass’n_, 460 U.S. 37 (1983)

"DESIGNATED PUBLIC FORUM"

A “designated public forum” is a forum that a college or university intentionally opens to the general public to discuss matters of public concern. _Cornelius v. NAACP Legal Def. and Educ. Fund, Inc._, 473 U.S. 788 (1985). Once designated, an institution may enforce reasonable time, place, and manner restrictions. _Widmar v. Vin-
"LIMITED PUBLIC FORUM"

A “limited public forum” is a forum that an institution opens to a particular group of speakers or for discussion regarding a particular topic. Christian Legal Society v. Martinez, 130 S.Ct. 2971 (2010); Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995). Within a limited public forum, limits on expression must be viewpoint-neutral and reasonable in light of the purpose of the forum. The government may impose reasonable time, place, and manner restrictions, as long as these restrictions do not relate to the content of the expression. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

To distinguish between a designated public forum and a limited public forum, courts consider two factors: (1) the intent of the institution regarding the forum, and (2) the forum’s nature and compatibility with particular speech. Justice for All v. Faulkner, 410 F.3d 760 (5th Cir. 2005); Chiu v. Plano Indep. School Dist., 260 F.3d 330 (5th Cir. 2001)

"NONPUBLIC FORUM"

If an institution has not opened a public forum, it remains a “nonpublic forum.” Although limits on expression must be reasonable and viewpoint neutral even within a nonpublic forum, an institution will have greater discretion to control the content of speech within such a forum. Cornelius v. NAACP Legal Def. and Educ. Fund, Inc., 473 U.S. 788 (1985)

PROTECTED SPEECH

The mere dissemination of ideas on the campus of an institution of higher education may not be restricted on the basis of conventions of decency, regardless of how offensive those ideas are to good taste. However, an institution has the authority to enforce reasonable regulations as to the time, place, and manner of speech and its dissemination. Papish v. Bd. of Curators, 410 U.S. 667 (1973); Healy v. James, 408 U.S. 169 (1972)

[See also CHE for use of the college district’s mail system]

FEES FOR USE

The governing board of each junior college district shall be authorized to fix and collect rentals, rates, charges, and/or fees from students and others for the occupancy, use, or availability of all or any of its property, buildings, structures, activities, operations, or facilities, in such amounts and in such manner as may be determined by such board. Education Code 130.123(c)

FACILITIES AS POLLING PLACES

The entity, including a college district, that owns or controls a public building shall make the building available for use as a polling place in any election that covers territory in which the building is located.
If more than one authority requests the use of the building for the same day and simultaneous use is impractical, the entity that owns or controls the building shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, may be made for the use of a public building for a polling place if the day of the election is a day on which the building is normally open for business. If the day of an election is a day on which the building is not normally open for business, a charge may be made only for reimbursement of the actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

**ELECTIONEERING**

“Electioneering” includes the posting, use, or distribution of political signs or literature. *Election Code 61.003(b)(1), 85.036(f)(2)*

**DURING THE REGULAR VOTING PERIOD**

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building’s premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

*Election Code 61.003(a)–(a-1)*

**DURING EARLY VOTING**

During the time an early voting polling place is open for the conduct of early voting, a person may not electioneer for or against any candidate, measure, or political party in or within 100 feet of an outside door through which a voter may enter the building or structure in which the early voting polling place is located. A person commits an offense if the person electioneers in violation of this provision.

The entity that owns or controls a public building being used as an early voting polling place may not, at any time during the early voting period, prohibit electioneering on the building’s premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

*Election Code 85.036(a)–(b), (d)*

**POLITICAL PARTY CONVENTIONS**

No charge may be made for the use of a public building for a precinct, county, or senatorial district convention except for reimbursement for the actual expenses resulting from use of the build-
ing for the convention. The reimbursing authority is entitled to an itemized statement of expenses before making remittance. A person commits an offense if the person assesses a charge for the use of a public building for a precinct, county, or senatorial district convention in violation of this provision. Election Code 174.0631

SEARCH AND RESCUE DOGS

“Search and rescue dogs” mean canines that are trained or being trained to assist a nationally recognized search and rescue agency in search and rescue activities. Health and Safety Code 785.001(4)

PUBLIC FACILITY

The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog admittance to the facility. The owner, manager, or operator of a public facility, or an employee or other agent of the owner, manager, or operator, may not deny a search and rescue dog's handler admittance to the facility because of the presence of the handler's search and rescue dog. The discrimination prohibited by this section includes:

1. Refusing to allow a search and rescue dog or the dog's handler to use or be admitted to a public facility;

2. A ruse or subterfuge calculated to prevent or discourage a search and rescue dog or the dog's handler from using or being admitted to a public facility; and

3. Failing to make a reasonable accommodation in a policy, practice, or procedure to allow a search and rescue dog or the dog's handler to be admitted to a public facility.

Health and Safety Code 785.002(a)–(b), (d)

TRANSPORTATION

The owner, manager, or operator of a common carrier, airplane, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation operating within this state, or an employee or other agent of the owner, manager, or operator, may not:

1. Refuse to accept as a passenger a search and rescue dog or the dog's handler; or

2. Require the dog's handler to pay an additional fare because of the search and rescue dog.

Health and Safety Code 785.002(c)

HOUSING

A search and rescue dog's handler is entitled to full and equal access, in the same manner as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to any condition or limitation established
by law that applies to all persons, except that the handler may not be required to pay an extra fee or charge or security deposit for the search and rescue dog. *Health and Safety Code 785.002(f)*

“HANDLER”

“Handler” means a person who handles a search and rescue dog and who is certified by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.001(1)*

CREDENTIALS

A person may ask a search and rescue dog handler to display proof that the handler is a person with a certification issued by the National Association for Search and Rescue or another state or nationally recognized search and rescue agency. *Health and Safety Code 785.005*

RESPONSIBILITIES

A handler who accompanies a search and rescue dog shall keep the dog properly harnessed or leashed. A person may maintain a cause of action against a dog’s handler for personal injury, property damage, or death resulting from the failure of the dog’s handler to properly harness or leash the dog under the same law applicable to other causes brought for the redress of injuries caused by animals. The handler of a search and rescue dog is liable for any property damage caused by the search and rescue dog to a public facility or to housing accommodations. *Health and Safety Code 785.004(a)–(b)*

POLICY

A policy relating to the use of a public facility by a designated class of persons from the general public may not prohibit the use of the particular public facility by a search and rescue dog or the dog’s handler. *Health and Safety Code 785.002(e)*

PENALTY

A person who violates Health and Safety Code 785.002 commits an offense. An offense under this subsection is a misdemeanor punishable by a fine of not less than $300 or more than $1,000. It is a defense to prosecution that the actor requested the search and rescue dog handler’s credentials under Health and Safety Code 785.005 and the handler failed to provide the actor with the credentials. *Health and Safety Code 785.003*
| **USE OF COLLEGE DISTRICT FACILITIES** | The grounds and facilities of the College District shall be made available to members of the College District community and community organizations, including College District support organizations, when such use is for educational, recreational, civic, or social activities and the use does not conflict with use by, or any of the policies and procedures of, the College District.  

[For use by employees or employee organizations, see DGD. For use by students and registered student organizations, see FLAA.] |
| **REQUESTS** | To request permission to meet on College District premises, interested community members or organizations shall file a written request with the Executive Vice President for Instruction in accordance with administrative procedures.  

The community members or organization making the request shall indicate that they have read and understand the policies and rules governing use of College District facilities and that they will abide by those rules. |
| **APPROVAL** | Requests for community use of College District facilities shall be considered on a first-come, first-served basis.  

The Executive Vice President for Instruction shall approve or reject the request in accordance with provisions of and deadlines set out in this policy and administrative procedures, without regard to the religious, political, philosophical, or other content of the speech likely to be associated with the community members’ or organization’s use of the facility.  

Approval shall not be granted when the official has reasonable grounds to believe that:  

1. The College District facility requested is unavailable, inadequate, or inappropriate to accommodate the proposed use at the time requested;  

2. The applicant is subject to a sanction [see VIOLATIONS OF POLICY, below] prohibiting the use of the facility;  

3. The proposed use would constitute an immediate and actual danger to the peace or security of the College District that available law enforcement officials could not control with reasonable efforts;  

4. The applicant owes a monetary debt to the College District and the debt is considered delinquent;  

5. The proposed activity would disrupt or disturb the regular academic program; or |
6. The proposed use would result in damage to or defacement of property or the applicant has previously damaged College District property.

| FOR-PROFIT USE | The College District shall not permit individuals or for-profit organizations to use its facilities for financial gain; however, the College District shall permit private academic instruction, as well as public performances or presentations so long as no admission fee is charged, when these activities do not conflict with College District use or with this policy. |
| NONPROFIT USE | The College District shall permit nonprofit organizations to conduct fund-raising events on College District property when these activities do not conflict with College District use or with this policy. |
| CAMPAIGN-RELATED USE | Except to the extent a College District facility is used as an official polling place, College District facilities shall not be available for use by individuals or groups for political advertising, campaign communications, or electioneering, as those terms are used in state law. |
| NO APPROVAL REQUIRED | No approval shall be required for nonschool-related recreational use of the College District’s unlocked, outdoor recreational facilities, such as the track, tennis courts, and the like, when the facilities are not in use by the College District or for another scheduled purpose. |
| WRITTEN NOTICE IF REQUEST REJECTED | The Executive Vice President for Instruction shall provide the applicant a written statement of the grounds for rejection if a request is denied. |
| EMERGENCY USE | In case of emergencies or disasters, the College President may authorize the use of College District facilities by civil defense, health, or emergency service authorities. |
| REPEATED USE | The College District shall permit repeated use by any community member or organization in accordance with administrative procedures. |
| EXCEPTION | Any limitations on repeated use by a community member or organization shall not apply to any group or organization when the primary participants in the activities are College District students, faculty, or staff. |
| SCHEDULING | Academic and extracurricular activities sponsored by the College District shall always have priority when any use is scheduled. The Executive Vice President for Instruction shall have authority to cancel a scheduled use by a community member or organization if an unexpected conflict arises with a College District activity. |
USE AGREEMENT
Any community member or organization approved for a nonschool use of College District facilities shall be required to complete a written agreement indicating receipt and understanding of this policy and any applicable administrative regulations, and acknowledging that the College District is not liable for any personal injury or damages to personal property related to the nonschool use.

FEES FOR USE
A community member or organization authorized to use College District facilities shall be charged a fee for the use of designated facilities.

The Executive Vice President for Instruction shall establish and publish a schedule of fees based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervision, custodial services, food services, security, and technology services.

EXCEPTION
Fees shall not be charged when College District buildings are used for public meetings sponsored by state or local governmental agencies.

NO ALCOHOL USE
The purchase, distribution, possession, sale, storage, or use of alcoholic beverages shall be prohibited while on campus or on College District property unless waived specifically by the office of the College President.

REQUIRED CONDUCT
Community members and organizations using College District facilities shall:

1. Conduct business in an orderly manner;
2. Provide identification when requested to do so by a College District representative;
3. Abide by all laws and policies, including, but not limited to, those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and the use of tobacco products on College District property; [See GFA]
4. Make no alteration, temporary or permanent, to College District property without prior written consent from the College President; and
5. Be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the College District for the cost of any such repairs.

COLLEGE DISTRICT FIRING RANGES
The College District maintains two firing ranges, an indoor eight-lane firing range and an outdoor firing range.
The firing ranges shall support both the credit and noncredit classes of the College District.

**USE OF RANGE**

Both ranges shall serve primarily as laboratories for the Northeast Texas Police Academy/Criminal Justice program, with the outdoor range being configured for specialized tactical training oriented toward law enforcement. This range is not available for use by the general public.

Use shall be extended to Northeast Texas Police Academy firearms instructors who must maintain firearms proficiency. This use shall generally be one hour per month, although the hour may take place over several days or evenings, and instructors shall work together to ensure that at no time is an instructor using the range without another authorized person present. At no time shall there be any person on the firing range without a Northeast Texas Police Academy firearms instructor unless it is for routine cleanup and maintenance.

**SECURITY**

The outdoor firing range shall remain surrounded by a fence, and access shall be limited by two locked gates. Both ranges shall be secured at all times, and keys shall be provided only to the Director of Plant Services, Director of Campus Security, Northeast Texas Police Academy full-time faculty, and part-time firearms instructors on a semester-by-semester basis. Signs reflecting “No Trespassing” shall be posted upon entry to the ranges.

**ACKNOWLEDGMENT OF RULES**

Rules and procedures for the use of the firing range shall be issued in all classes, both credit and noncredit. A procedure shall exist by which users of the ranges acknowledge receipt of the rules prior to training on the range and records maintained as such. Range rules shall also be posted on the gates, the entry into the range, and in three places on the range.

**FIRST AID**

Prior to the first training session and at least annually, the Northeast Texas Police Academy faculty shall provide a map with the exact location of the firing range to Mt. Pleasant/Titus County EMS, Fire Department and the Sheriff's Department. All parties shall provide a signed statement indicating receipt of the map. Northeast Texas Police Academy firearms instructors must maintain CPR certification and shall participate in in-service training regarding emergency trauma (gunshot) care. First-aid equipment shall be maintained at the range. A telephone, for emergency use only, shall be located in the storage facility on the firing range.

**VIOLATIONS**

Any person who uses the ranges for purposes outside of this policy or violates procedures associated with such shall be informed by the authority operating the range, campus security, or other law enforcement.
enforcement entity as prescribed by law. Depending on the circumstances, charges may be filed.

**DISTRIBUTION OF LITERATURE**

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the College District shall not be sold, circulated, distributed, or posted on any College District premises by any community member or organization, including a College District support organization except in accordance with this policy.

The College District shall not be responsible for, nor shall the College District endorse, the contents of any nonschool literature distributed by a community member or organization.

[See CHE regarding use of the College District’s internal mail system and FLA regarding distribution of literature by students and registered student organizations]

**LIMITATIONS ON CONTENT**

Nonschool literature shall not be distributed by a community member or organization on College District property if:

1. The materials are obscene;
2. The materials contain defamatory statements about public figures or others;
3. The materials advocate imminent lawless or disruptive action and are likely to incite or produce such action;
4. The materials are considered prohibited harassment [see DIA and FFD];
5. The materials constitute unauthorized solicitation [see USE OF COLLEGE DISTRICT FACILITIES, above]; or
6. The materials infringe upon intellectual property rights of the College District [see CT].

**TIME, PLACE, AND MANNER RESTRICTIONS**

The College President shall designate times, locations, and means by which nonschool literature that is appropriate for distribution, as provided in this policy, may be made available or distributed by community members or organizations to students or others at College District facilities.

Distribution of the nonschool literature shall be conducted in a manner that:

1. Is not disruptive [see FLB];
2. Does not impede reasonable access to College District facilities;
COMMUNITY USE OF COLLEGE DISTRICT FACILITIES

3. Does not result in damage to College District property;
4. Does not coerce, badger, or intimidate a person;
5. Does not interfere with the rights of others; and
6. Does not violate local, state, or federal laws or College District policies and procedures.

The distributor shall clean the area around which the literature was distributed of any literature that was discarded or leftover.

POSTING OF SIGNS

For the purposes of this policy, “sign” shall be defined as a billboard, decal, notice, placard, poster, banner, or any kind of handheld sign; and “posting” shall be defined as any means used for displaying a sign.

No signs may be posted on College District property by a community member or organization.

EXCEPTION

A College District support organization may post a sign with prior approval of the Executive Vice President for Instruction in accordance with the procedures developed for that purpose.

IDENTIFICATION

A community member or organization distributing materials on campus shall provide identification when requested to do so by a College District representative.

VIOLATIONS OF POLICY

Failure to comply with the policy and procedures regarding community use of College District facilities or distribution of literature shall result in appropriate administrative action, including but not limited to, the suspension of the individual’s or organization’s use of College District facilities and the confiscation of nonconforming materials.

APPEALS

Decisions made by the administration in accordance with this policy may be appealed in accordance with GB(LOCAL).
TRESPASS AND DAMAGES

It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state, including a college district, or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. *Education Code 51.204*

DISRUPTIVE ACTIVITIES

A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of an institution of higher education, including a college district. For purposes of this section, disruptive activity is:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.
2. Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity.
3. Preventing or attempting to prevent by force or violence or the threat of violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.
5. Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school.

An offense under this section is a Class B misdemeanor. *Education Code 37.123(b), 51.935(a)–(c)*

PERIODS OF DISRUPTION

A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility. *Education Code 51.231*

IDENTIFICATION OF PERSONS ON CAMPUS

During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the chief administrative officer, or an officer or employee of the institu-
tion designated by the chief administrative officer to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of identification, or if the person is a student or employee of the institution, the student or employee official institutional identification card or other evidence of the person's relationship with the institution.

If any person refuses or fails upon request to present evidence of identification, or if the person is a student or employee of the institution, the person's student or employee official identification card, or other evidence of relationship with the institution, and if it reasonably appears that the person has no legitimate reason to be on the campus or facility, the person may be ejected from the campus or facility.

_Education Code 51.232_

During periods of disruption, the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by the chief administrative officer to maintain order on the campus or facility, may notify a person that consent to remain on the campus or facility has been withdrawn whenever there is reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility.

In no case shall consent be withdrawn for longer than 14 days from the date on which consent was initially withdrawn. Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, the officer or employee shall submit a written report to the chief administrative officer within 24 hours, unless the authorized officer or employee has reinstated consent for the person to remain on the campus. The report must contain all of the following:

1. The description of the person from whom consent was withdrawn, including, if available, the person’s name, address, and phone number; and

2. A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by the officer for this purpose, upon reviewing the written report described in Education Code 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the orderly operation of the campus or facility, and that the person’s
presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, the officer or designee may enter written confirmation upon the report of the action taken by the officer or employee.

If the chief administrative officer, or in his absence, the person designated by the officer, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during the period shall not for this reason be deemed not to have been made for probable cause.

_Education Code 51.233, .235–.236_

**NOTICE**

When the chief administrative officer of a campus or other facility of a state-supported institution of higher education, or an officer or employee of the institution designated by him to maintain order on the campus or facility, decides to withdraw consent for any person to remain on the campus or facility, he shall notify that person in writing that consent to remain is withdrawn. The written notice must contain all of the following:

1. That consent to remain on the campus has been withdrawn and the number of days for which consent has been withdrawn, not to exceed 14;
2. The name and job title of the person withdrawing consent, along with an address where the person withdrawing consent can be contacted during regular working hours;
3. A brief statement of the activity or activities resulting in the withdrawal of consent; and
4. Notification that the person from whom consent has been withdrawn is entitled to a hearing on the withdrawal not later than three days from the date of receipt by the chief administrative officer of a request for a hearing.

_Education Code 51.234_

**REQUEST FOR A HEARING**

A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.
The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Education Code 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

*Education Code 51.237*

A person from whom consent to remain on the campus of a state-supported institution of higher education has been withdrawn is entitled, in addition to the procedures set out in Education Code 51.234, to the following:

1. To be represented by counsel;
2. To the right to call and examine witnesses and to cross-examine adverse witnesses;
3. To have all matters upon which the decision may be based introduced into evidence at the hearing in the person’s presence;
4. To have the decision based solely on the evidence presented at the hearing;
5. To prohibit the introduction of statements made against the person unless the person has been advised of their content and the names of the persons who made them, and has been given the opportunity to rebut unfavorable inferences that might otherwise be drawn; and
6. To have all findings made at the hearing be final, subject only to the person’s right to appeal to the president and the governing board of the institution.

*Education Code 51.243*

The chief administrative officer shall reinstate consent whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. *Education Code 51.238*

Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Education Code 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains
upon the campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Education Code 51.244.

This section does not apply to any person who enters or remains on the campus or facility for the sole purpose of applying to the chief administrative officer or authorized officer or employee for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

_Education Code 51.239_

Every student or employee who has been suspended or dismissed from a state-supported institution of higher education after a hearing, in accordance with procedures established by the institution, for disrupting the orderly operation of the campus or facility of the institution, as a condition of the suspension or dismissal, may be denied access to the campus or facility, or both, of the institution for the period of suspension, and in the case of dismissal, for a period not to exceed one year. A person who has been notified by personal service of the suspension or dismissal and condition and who willfully and knowingly enters upon the campus or facility of the institution to which the person has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and is subject to punishment as set out in Section 51.244. _Education Code 51.241(a)–(b)_

_No person may refuse or fail to leave a building under the control and management of a public agency, including a state-supported institution of higher education, during those hours of the day or night when the building is regularly closed to the public, upon being requested to do so by a guard, watchman, or other employee of a public agency, including a state-supported institution of higher education, controlling and managing the building or property, if the surrounding circumstances are such as to indicate that the individual or individuals have no apparent lawful business to pursue. Education Code 51.242_

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, or prohibited weapon listed in Penal Code 46.05(a) onto the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, unless pursuant to written regulations or written authorization of the institution, or on the premises of a polling place on the day of an election or while early voting is in progress. _Penal Code 46.03 [See also FLBF]_
“Premises” means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. \textit{Penal Code 46.03(c)(1), .035(f)(3)}

A concealed handgun license holder commits an offense if the license holder carries a handgun under the authority of Government Code Chapter 411, Subchapter H, on property of another without effective consent and received notice that entry on the property by a license holder with a concealed handgun was forbidden or that remaining on the property with a concealed handgun was forbidden and failed to depart.

A person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by holder of license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a concealed handgun”; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

An offense under this section is a Class A misdemeanor. \textit{Penal Code 30.06 (a)–(b), (c)(3), (d)}

It is an exception to the application of this law that the property on which the license holder carries a handgun is owned or leased by a governmental entity, including a college district, and is not a premise or other place on which the license holder is prohibited from carrying the handgun under Government Code 46.03 or 46.035. \textit{Penal Code 30.06(e)} [See also FLBF]

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed, on or about the license holder’s person, on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless
the license holder is a participant in the event and a handgun is used in the event. *Penal Code 46.035(b)(2)*

A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Government Code Chapter 411, Subchapter H, regardless of whether the handgun is concealed, at any meeting of a governmental entity, if the license holder was given effective notice under Penal Code 30.06. *Penal Code 46.035(c),(i)*

It is a defense to prosecution under Penal Code 46.035 (b) and (c), above that the actor, at the time of the commission of the offense, was:

1. A judge or justice of a federal court;
2. An active judicial officer, as defined by Government Code 411.201;
3. A district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney; or
4. A bailiff designated by the active judicial officer and engaged in escorting the officer.

*Penal Code 46.035(h-1)*

**Note:** For information regarding the storage or transportation of firearms or ammunition in private vehicles on college district property, see CHC(LEGAL).

A person may not explode or ignite fireworks within 600 feet of an institution of higher education, including a college district, unless the person receives authorization in writing from that organization. *Occupations Code 2154.251(a)(1)*
WEAPONS PROHIBITED

The College District prohibits the use, possession, or display of any firearm, illegal knife, club, or prohibited weapon, as defined at FLBF, on all College District property at all times.

EXCEPTIONS

No violation of this policy occurs when:

1. The use, possession, or display of an otherwise prohibited weapon takes place as part of a College District-approved activity supervised by proper authorities.

2. The firearm or ammunition is stored or transported in a locked, privately owned or leased motor vehicle by a person who holds a license to carry a concealed handgun and who lawfully possesses the firearm or ammunition:
   a. On a street or driveway located on the campus of the College District; or
   b. In a parking lot, parking garage, or other parking area located on the campus of the College District. [See CHC]

TOBACCO USE

The College District prohibits the use of any type of tobacco products, including electronic cigarettes, on College District grounds and in College District buildings, facilities, and vehicles in order to provide students, employees, and visitors a safe and healthy environment. This prohibition shall also apply to spaces leased by the College District. The use of tobacco products, including electronic cigarettes, shall be permitted in designated areas and private vehicles parked on College District property provided any residue is retained within the vehicle. [See also DH and FLBD]
An agency or political subdivision of the state, including a college district, shall report to the Office of Federal-State Relations any contract between the agency or political subdivision and a federal-level government relations consultant. A state agency or political subdivision shall submit one report not later than the 30th day after the contract is executed and a second report not later than the 30th day after the contract is terminated. The report must include:

1. The name of the consultant or consulting firm;
2. The issue on which the consultant was hired to consult; and
3. The amount of compensation paid or to be paid to the consultant under the contract.

This section does not apply to a political subdivision whose federal-level government relations consultant is required by other law to disclose, report, and make available the required information to the public and a federal or state entity.

Gov't Code 751.016

In accordance with Education Code 130.0103, the board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities, including counties and municipalities located in whole or in part in the service area of the junior college district. Education Code 130.0103(a) [See GH and GI]
A local government, including a college district, may contract or agree with another local government, or a federally recognized Indian tribe, as listed by the U. S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A party to an interlocal contract may contract with a state agency, as defined by Government Code 771.002, or similar agency of another state.

An interlocal contract may be to:

1. Study the feasibility of the performance of a governmental function or service by an interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract unless a party to the contract is a municipally owned electric utility, in which event the governing body may establish procedures for entering into interlocal contracts that do not exceed $100,000 without requiring the approval of the governing body;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

A local government and an institution of higher education or a university system may contract with one another to perform any governmental function and service. If the terms of the contract provide for payment based on cost recovery, any law otherwise requiring competitive procurement does not apply to the functions and services covered by the contract.

An interlocal contract shall comply with the requirements at Government Code Chapter 791.

[See CF for interlocal purchasing contracts]

Gov't Code 791.011, .035(a)

A local government, including a college district, may contract with another local government authorized to provide health care and hospital services to provide those services for the local government's officers and employees and their dependents. Gov't Code 791.030
MILITARY AND NAVAL TRAINING

The governing board of any state-supported institution of higher education, including a college district, may request the U.S. Department of Defense to establish and maintain courses in military and naval training qualifying male student graduates of the courses for reserve commission awards as a part of its curriculum. The board may enter into mutually agreeable contracts for that purpose. The work of the students enrolling in the courses may be credited toward degree requirements under regulations prescribed by the board. Education Code 51.304
EMERGENCY ASSISTANCE

A local government, including a college district, may provide emergency assistance to another local government, whether or not the local governments have previously agreed or contracted to provide that kind of assistance, if:

1. In the opinion of the presiding officer of the governing body of the local government desiring emergency assistance, a state of civil emergency exists in the local government that requires assistance from another local government and the presiding officer requests assistance; and

2. Before the emergency assistance is provided, the governing body of the local government that is to provide the assistance authorizes that local government to provide the assistance by resolution or other official action.

Gov't Code 791.027(a)

MUTUAL AID

A local government entity may render mutual aid to other local government entities under mutual aid agreements or the Texas Statewide Mutual Aid System (TSMAS). Gov't Code 418.107(c)

A local government entity or organized volunteer group may provide mutual aid assistance on request from another local government entity or organized volunteer group. The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity. Gov't Code 418.109(d)

DEFINITIONS

“LOCAL GOVERNMENT ENTITY”

“Local government entity” means a county, incorporated city, independent school district, college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under the laws of this state that maintains the capability to provide mutual aid. Gov't Code 418.004(10)

“MUTUAL AID”

“Mutual aid” means a homeland security activity, as defined by Government Code 421.001, performed under the system or a written mutual aid agreement. Gov't Code 418.004(11)

“ORGANIZED VOLUNTEER GROUP”

"Organized volunteer group" means an organization such as the American National Red Cross, the Salvation Army, the Civil Air Patrol, the Radio Amateur Civil Emergency Services, a volunteer fire department, a volunteer rescue squad, or other similar organization recognized by federal or state statute, regulation, or memorandum. Gov't Code 418.004(5)
A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing. *Gov't Code 418.115(a)*

When contacted with a request for mutual aid assistance, a local government entity shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

A responding local government entity may provide assistance to the extent personnel, equipment, and resources are determined to be available. A local government entity is not required to provide mutual aid assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

*Gov't Code 418.1151*

When providing mutual aid assistance under the system:

1. The response effort must be organized and function in accordance with the National Incident Management System guidelines;

2. The personnel, equipment, and resources of a responding local government entity being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;

3. Direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the responding local government entity;

4. The designated supervisory personnel of the responding local government entity shall:
   a. Maintain daily personnel time records, material records, and a log of equipment hours;
   b. Be responsible for the operation and maintenance of the equipment and other resources furnished by the responding local government entity; and
   c. Report work progress to the requesting local government entity; and

5. The responding local government entity’s personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

*Gov't Code 418.1152*
The provision of mutual aid assistance under the system may continue until:

1. The services of the responding local government entity are no longer required; or

2. The responding local government entity determines that further assistance should not be provided.

Gov’t Code 418.1153

A person assigned, designated, or ordered to perform duties by the governing body of the local government entity employing the person in response to a request under the TSMAS is entitled to receive the same wages, salary, pension, and other compensation and benefits, including injury or death benefits, disability payments, and workers’ compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

The local government entity employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under the system.

Gov’t Code 418.116

If the division of emergency management in the office of the governor requests the provision of assistance and the local government entity responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity. A request for reimbursement made to the division must be made in accordance with procedures developed by the division. Gov’t Code 418.118(a)-(b)

If a local government entity requests mutual aid assistance from another local government entity under the system that requires a response that exceeds 12 consecutive hours, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the responding local government entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement’s terms of reimbursement, as provided by Government Code 418.111.
The requesting local government entity shall pay the reimbursement from available funds. If federal money is available to pay costs associated with the provision of mutual aid assistance, the requesting local government entity shall make the claim for the eligible costs of the responding local government entity on the requesting entity's subgrant application and shall disburse the federal share of the money to the responding local government entity, with sufficient local funds to cover the actual costs of the responding local government entity in providing assistance.

Gov't Code 418.1181

[See CGC for emergency management within the college district]
The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities.

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the Coordinating Board.

The junior college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the district and the other participating entities under the terms of the cooperative agreement.

*Education Code 130.0103*

An independent school district and an institution of higher education, including a college district, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more independent school districts and an institution of higher education may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of the district’s students in courses offered at that facility.

*Education Code 45.109(a-1)–(a-2)*

Any independent school district, acting by and through its board of trustees, may contract with any institution of higher education located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education. The contract may be for any
The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district’s facilities. The contract must be approved by resolution of the governing boards of the community college district and the school district.

For purposes of state funding, a course held in the school district facilities is considered to be a course held in the community college district if the course:

1. Has been approved by a regional higher education council recognized by rule of the coordinating board and in which the district has been designated a member by the coordinating board; and

2. Is approved by the coordinating board as an out-of-district course for the community college district.

Any statutory or regulatory requirement of local support of a community college program is satisfied by the school district providing its facilities without charge to the community college if the total community college enrollment in the school district does not exceed 1,000 full-time students, or the equivalent.

Either party may terminate a contract under this section by giving the other party at least one year’s written notice.

*Education Code 130.006*

The board of trustees of a school district may operate a school or program or hold a class on the campus of an institution of higher education in this state, including a college district, if the board obtains written consent from the president or other chief executive officer of the institution.

The president or other chief executive officer of an institution of higher education may provide written consent to a board of trustees of a school district regardless of whether the institution is located within the boundaries of the school district.

*Education Code 11.166*

Each public two-year college shall report student performance as prescribed below to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.
A student performance report includes initial assessment student test scores, as prescribed under 19 Administrative Code Chapter 4, Subchapter C (relating to the Texas Success Initiative (TSI)), descriptions of developmental education courses required, and individual student grade point averages.

Appropriate safeguards shall be implemented to ensure student privacy in these reports.

*Education Code 51.403(e); 19 TAC 9.23*

<table>
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<tr>
<th>COLLEGE CREDIT PROGRAM</th>
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<td>Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state, including a college district, shall assist the school district in developing and implementing a program. The college credit may be earned through:</td>
</tr>
<tr>
<td>1. International baccalaureate, advanced placement, or dual credit courses;</td>
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<td>2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or</td>
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<tr>
<td>3. Any combination of the courses described above.</td>
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A program implemented under the college credit program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

| 1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree; and is approved by the Coordinating Board; and |
| 2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements. |

*Education Code 28.009(a)-(a-1)*

<table>
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<tr>
<th>PAYMENT OF COSTS</th>
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<td>A school district is not required to pay a student's tuition or other associated costs for taking a course under this section. <em>Education Code 28.009(a-2)</em></td>
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<tr>
<th>INSTRUCTIONAL PARTNERSHIPS WITH PUBLIC SECONDARY SCHOOLS</th>
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<tr>
<td>Types of instructional partnerships between a public two-year college and a school district include:</td>
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<tr>
<td>1. Partnerships for award of high school credit only [see HIGH SCHOOL CREDIT-ONLY COURSES, below].</td>
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</table>
2. Partnerships for award of concurrent course credit [see DUAL CREDIT PROGRAMS, below].

3. Partnerships for tech-prep programs [see TECH-PREP PROGRAMS, below].

4. Partnerships for remedial or development instruction for high school graduates [see REMEDIAL PROGRAMS, below].

19 TAC 9.143

For any instructional partnership between a secondary school and a public two-year college, an agreement must be approved by the governing boards of both the public school district or private secondary school and the public two-year college prior to the offering of courses. Any partnership agreement must address the following elements:

1. Student eligibility requirements;

2. Faculty qualifications;

3. Location and student composition of classes;

4. Provision of student learning and support services;

5. Eligible courses;

6. Grading criteria;

7. Transcripting of credit; and

8. Funding provisions.

19 TAC 9.144

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125(a), (b)(2), .143(a)
well as the minimum guidelines approved by the State Board of Education. \textit{19 TAC 9.125(b)(1)}

**FUNDING**

Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school. \textit{19 TAC 9.125(b)(3)}

**DUAL CREDIT PROGRAMS**

Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:

1. Course credit toward the student's high school academic requirements; and
2. Course credit as a student of the junior college, if the student has been admitted to the college district or becomes eligible to enroll in and is subsequently admitted to the junior college.

A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.

\textit{Education Code 130.008(a), (d)}

**STUDENT ELIGIBILITY REQUIREMENTS**

In admitting or enrolling high school students in a course offered for joint high school and junior college credit, a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school. \textit{Education Code 130.008(e); 19 TAC 4.85(b)(5)}

To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.). \textit{19 TAC 4.85(b)(6)}

**CLASS YEAR STANDING**

To be eligible for enrollment in a dual credit course offered by a public college, students must have at least junior year high school standing.
Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by achieving TSI college readiness standards on SAT, ACT, or TSI Assessment) may be approved by the principal of the high school and the chief academic officer of the college. Students with less than junior year high school standing must demonstrate eligibility as outlined under 19 Administrative Code 4.85(b)(1).

19 TAC 4.85(b)(7)

A high school student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student:

1. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the TSI [see EI] on relevant section(s) of an assessment instrument approved by the Coordinating Board; or

2. Demonstrates that he or she is exempt under the provisions of the TSI.

19 TAC 4.85(b)(1)

An eleventh grade high school student is also eligible to enroll in dual credit courses that are TSI liable in reading, writing, and/or mathematics under any of the following conditions:

1. Courses that require reading/writing TSI complete:
   
   a. If the student achieves a Level 2 final recommended score, as defined by the Texas Education Agency (TEA), on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC); or
   
   b. If the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the reading test; or
   
   c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an equivalent score on the ACT-Aspire as determined by ACT.

2. Courses that require mathematics TSI complete:

   a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or

   b. If the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra II STAAR EOC; or
If the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the mathematics test; or

If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or an equivalent score on the ACT-Aspire as determined by ACT.

An eligible high school student who enrolls in a dual credit course requiring TSI completion in reading, writing, or mathematics during their junior year under the STAAR EOC provisions shall not be required to demonstrate further evidence of eligibility to enroll in dual credit courses in the twelfth grade.

An eligible high school student who enrolls in a dual credit course requiring TSI completion in reading, writing, or mathematics during their junior year under the PSAT/NMSQT, PLAN, or Aspire provisions and earns a grade of C or better has demonstrated eligibility to enroll in dual credit courses in the twelfth grade.

An eligible high school student who enrolls in a dual credit course requiring TSI completion in reading, writing, or mathematics during their junior year under the PSAT/NMSQT, PLAN, or Aspire provisions and does not earn a grade of C or better must demonstrate eligibility to enroll in dual credit courses in the twelfth grade.

19 TAC 4.85(b)(2)

A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute in the eleventh and/or twelfth grade and shall not be required to provide any additional demonstration of college readiness. 19 TAC 4.85(b)(3)

A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program in the eleventh and/or twelfth grade under the following conditions:

1. Courses that require reading/writing TSI complete:
   a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the English II STAAR EOC; or
   b. If the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the reading test; or

### WORKFORCE EDUCATION

<table>
<thead>
<tr>
<th>LEVEL 1 CERTIFICATE PROGRAM OR LESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORKFORCE EDUCATION LEVEL 1</td>
</tr>
<tr>
<td>CERTIFICATE</td>
</tr>
<tr>
<td>PROGRAM</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LEVEL 2 CERTIFICATE OR APPLIED ASSOCIATE DEGREE PROGRAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORKFORCE EDUCATION LEVEL 2</td>
</tr>
<tr>
<td>CERTIFICATE OR APPLIED ASSOCIATE DEGREE PROGRAM</td>
</tr>
</tbody>
</table>
c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an equivalent score on the ACT-Aspire as determined by ACT.

2. Courses that require mathematics TSI complete:
   a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
   b. If the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra II STAAR EOC; or
   c. If the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the mathematics test; or
   d. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or an equivalent score on the ACT-Aspire as determined by ACT.

An eligible high school student who enrolls in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program during their junior year under the STAAR EOC provisions shall not be required to demonstrate further evidence of eligibility to enroll in dual credit courses in the twelfth grade.

An eligible high school student who enrolls in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program during their junior year under the PSAT/NMSQT, PLAN, or Aspire provisions and earns a grade of C or better has demonstrated eligibility to enroll in dual credit courses in the twelfth grade.

An eligible high school student who enrolls in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program during their junior year under the PSAT/NMSQT, PLAN, or Aspire provisions and does not earn a grade of C or better must demonstrate eligibility to enroll in dual credit courses in the twelfth grade.

A student who is exempt from taking TAKS or STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

19 TAC 4.85(b)(4)
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<th>REDUCTIONS WITH SCHOOLS AND DISTRICTS</th>
<th>GH (LEGAL)</th>
</tr>
</thead>
</table>

**ADDITIONAL ELIGIBILITY REQUIREMENTS**

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with 19 Administrative Code 4.85. 19 TAC 4.85(b)(9)

**COURSE ENROLLMENT LIMITS PER SEMESTER**

High school students shall not be enrolled in more than two dual credit courses per semester. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability, as evidenced by grade point average, ACT or SAT scores, or other assessment indicators, may be approved by the principal of the high school and the chief academic officer of the college to a maximum of 15 semester credit hours.

Institutions of higher education must have established, written policies in place prior to approving a student to enroll in more than two dual credit courses per semester. A student enrolling in more than two dual credit courses in a semester must pass all courses during that semester with a grade of C or better to continue to enroll in more than two dual credit courses in following semesters. 19 Administrative Code 4.85(b)(8) does not apply to students enrolled in approved early college high school programs. 19 TAC 4.85(b)(8)

**COURSES IN ANOTHER SERVICE AREA**

A student may not enroll in more than three courses per academic year at a community college if the community college does not have a service area that includes the student’s high school, except to the extent approved by the commissioner of education. This provision does not apply to students enrolled in approved early college high school programs. Education Code 130.008(f); 19 TAC 4.85(c)(1)–(2)

**FACULTY QUALIFICATIONS**

The college shall select instructors of dual credit courses. These instructors must be regularly employed faculty members of the college or must meet the same standards, including minimal requirements of the Southern Association of Colleges and Schools, and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college. 19 TAC 4.85(e)

**LOCATION AND COURSE COMPOSITION**

Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in...
19 Administrative Code Chapter 4, Subchapters P and Q of this chapter (relating to Approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the board’s adopted Principles of Good Practice for Courses Offered Electronically. 19 TAC 4.85(c); 19 TAC 4.255-.264, .270-.279.

Dual credit courses may be composed of dual credit students only or of dual and college credit students. Exceptions for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions:

1. If the course involved is required for completion under the State Board of Education high school program graduation requirements, and the high school involved is otherwise unable to offer such a course;

2. If the high school credit-only students are advanced placement students; or

3. If the course is a career and technology/college workforce education course and the high school credit-only students are earning articulated college credit.

19 TAC 4.85(d)

Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible. 19 TAC 4.85(g)(2)

Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Coordinating Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Coordinating Board.

Public colleges may not offer remedial and developmental courses for dual credit.

19 TAC 4.85(a)(1), (3)
The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class. 19 TAC 4.85(f)

Regular academic policies applicable to courses taught at the college’s main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc. 19 TAC 4.85(g)(1)

For dual credit courses, high school as well as college credit should be transcripted immediately upon a student’s completion of the performance required in the course. 19 TAC 4.85(h)

The junior college may waive all or part of the tuition and fees for a high school student enrolled in a course for which the student may receive joint credit.

The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Education Code 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college’s proportionate share of the state money appropriated and distributed to public junior colleges under Education Code 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student. The college may only claim funding for students getting college credit in core curriculum, career and technical education, and foreign language dual credit courses.

The funding provisions of 19 TAC 4.85(i) do not apply to students enrolled in approved early college high school programs.

Education Code 130.008(b)–(c); 19 TAC 4.85(i)

An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. 19 TAC 4.85(b)(10)

Public two-year colleges may partner with school districts to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit to be awarded upon enrollment of the students in the two-year college in an associate degree or certificate program. 19 TAC 9.143(c)
### REMEDIAL PROGRAMS

As outlined in 19 Administrative Code 9.125 [see HIGH SCHOOL CREDIT-ONLY COURSES, above], the governing board of a junior college district may contract with the governing board of an independent school district in the junior college district’s service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college.

High school students who have passed all sections of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a college at the college discretion if a need for such coursework is indicated by student performance on an assessment instrument approved by the Coordinating Board.

Remedial and developmental courses may not be offered for dual credit.

*Education Code 130.090(a); 19 TAC 9.143(d), .146(a)–(c)*

### TUITION AND FUNDING

The governing board of a junior college district may exempt from tuition a student enrolled in a remedial program.

Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations. *Education Code 130.090(b)–(d); 19 TAC 9.146(d)*

### DROPOUT RECOVERY PARTNERSHIP PROGRAM

A public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for eligible students to successfully complete and receive a diploma from a high school of the appropriate partnering school district in accordance with Education Code 29.402.

A public junior college under this section may partner with a public technical institute, as defined by Education Code 61.003, to provide, as part of the dropout recovery program curriculum, career and technology education courses that lead to industry or career certification.

*Education Code 29.402(a), (c-1)*

### FINANCING

A public junior college may receive from each partnering school district for each student from that school district enrolled in a dropout recovery program under this section an amount negotiated between the junior college and that partnering district not to exceed the total average per student funding amount in that school district...
during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund.

A public technical institute may receive from a partnering public junior college for each student enrolled in a career and technology education course as provided by Education Code 29.402(c-1), above, an amount negotiated between the public technical institute and the partnering public junior college.

To the extent consistent with the General Appropriations Act, a public junior college is eligible to receive dropout prevention and intervention program funds appropriated to the agency.

A public junior college may receive gifts, grants, and donations to use for the purposes of this section.

*Education Code 29.403, .404*

**HIGHER EDUCATION ASSISTANCE PLANS**

The institution of higher education, including a college district, in closest geographic proximity to a public high school in this state identified by the Coordinating Board for purposes of this section as substantially below the state average in the number of graduates who enroll in higher education institutions shall enter into an agreement with that high school to develop a plan to increase the number of students from that high school enrolling in higher education institutions. Under the plan, the institution shall:

1. Collaborate with the high school to:
   a. Provide to prospective students information related to enrollment in an institution of higher education or a private or independent institution of higher education, including admissions, testing, and financial aid information;
   b. Assist those prospective students in completing applications and testing related to enrollment in those institutions, including admissions and financial aid applications, and fulfilling testing requirements; and
   c. Target efforts to increase the number of Hispanic students and African-American male students enrolled in higher education institutions; and

2. Actively engage with local school districts to provide access to rigorous, high-quality dual credit opportunities for qualified high school students as needed.

An institution of higher education must include a plan developed by the institution under this section and the results of that plan in its
annual report to the Coordinating Board under Education Code 51.4032.

*Education Code 51.810(b)–(c)*

Not later than August 1 of the year in which a school district receives notice from the Texas Education Agency that Education Code 29.904 applies, the district shall enter into an agreement with the public institution of higher education in this state, including a college district, in closest geographic proximity to the district to develop a plan in accordance with Section 29.904 to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The public institution of higher education in this state in closest geographic proximity to the district shall enter into an agreement unless that institution or the district recruits another public institution of higher education in this state to enter into the agreement. A district and the public institution of higher education entering into the agreement with the district may also enter into an agreement with one or more other public institutions of higher education in this state to participate in developing the plan. *Education Code 29.904(c)*

*NOTICE*

Not later than May 1 of each year, the Coordinating Board shall notify each institution of public education in closest geographic proximity to a district to which this section applies of the applicability of Education Code 29.904 to the district unless the district is operating under a plan required by this section. *Education Code 29.904(b)*

*AFFECTED SCHOOL DISTRICTS*

This section applies only to a school district with one or more high schools that:

1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and

2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution of higher education.

*Education Code 29.904(a)*

*EARLY COLLEGE HIGH SCHOOLS*

Texas public colleges and universities (C/U) are eligible to enter into agreements with Texas public schools to create Early College High Schools (ECHS) to be administered in accordance with 19 Administrative Code Chapter 4, Subchapter G. Any C/U that participates in the creation of an ECHS shall notify the Coordinating Board in accordance with provisions and schedules determined by the commissioner. *19 TAC 4.154*
PERMANENT ADVISORY COMMITTEE

Permanent advisory committees are established. Each committee consists of the president or the president’s designee of each general academic teaching institution and each public junior college within a 100-mile radius of the general academic teaching institution. *Education Code 51.3521(a), (b), .351(1)*

OFFICERS

Each committee shall biennially elect a presiding officer. Each committee may elect other officers. *Education Code 51.3521(c)–(d)*

RULES

Each committee shall adopt rules to govern the time and place of meetings and the transaction of business. *Education Code 51.3521(e)*

PURPOSE

Each committee shall periodically study regional higher education needs in this state and make recommendations to the governing boards of each general academic teaching institution and each public junior college represented regarding degree programs, core curricula, and joint faculty appointments to enhance the transfer of students and coordinate working relationships between those institutions. *Education Code 51.3521(f)*

PARTNERSHIP AGREEMENTS

With the approval of the Coordinating Board, the governing boards of a public community/junior college and another institution of higher education that are located in the same state uniform service region as adopted by the Coordinating Board may enter into a partnership agreement designed to coordinate the management and operations of the institutions. The agreements shall in no way abrogate the powers and duties of the boards with regard to the governance of their respective institutions. *Education Code 51.662*

LOCAL INSTITUTION OF HIGHER EDUCATION

TEXAS STATE TECHNICAL COLLEGE SYSTEM

With the approval of the Coordinating Board, the board of regents of the Texas State Technical College System and a public junior college may enter into a partnership agreement designed to coordinate the management and operations of the institutions and to enhance the delivery of technical education programs across this state in accordance with Education Code Chapter 135, Subchapter D. *Education Code 135.102(a)*

DUAL USAGE EDUCATIONAL COMPLEX

The board of trustees of a junior college district may establish and operate a dual usage educational complex to provide a shared facility for the educational activities of the district and other participating entities.

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher educa-
RELATIONS WITH OTHER COLLEGES AND UNIVERSITIES

INSTRUCTIONAL ARRANGEMENTS

Public two-year colleges may enter into cooperative undertakings or contractual agreements with other Texas public two-year colleges as permitted by law.

Public two-year colleges may enter into cooperative undertakings or contractual agreements with other Texas public institutions of higher education as part of a multi-institution teaching center as outlined under 19 Administrative Code 5.78 or other partnership agreements on a shared-cost basis as permitted by state law.

Public two-year colleges may enter into cooperative undertakings or contractual agreements with Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)-accredited independent institutions of higher education as part of a multi-institution teaching center as outlined under 19 Administrative Code 5.78 or other partnership agreements on a shared-cost basis as permitted by state law.

19 TAC 9.126

STATE FUNDING

Contact hours for contract instruction eligible for state appropriations must be determined and reported in compliance with state law and Coordinating Board rules and policy.

No funds appropriated to any public two-year college may be expended for any course that has not been approved by the commissioner, even if such course is taught under a contractual agreement.

19 TAC 9.127-.128
The College District shall maintain accreditation with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The College District shall maintain other national and state accreditations as required for specific programs.
No governmental entity, including a college district, shall deny to any person within its jurisdiction the equal protection of the laws. U.S. Const. Amend. XIV

An officer or employee of a political subdivision of the state, including a college district, who is acting or purporting to act in an official capacity may not, because of a person’s race, religion, color, sex, or national origin:

1. Refuse to issue to the person a license, permit, or certificate;
2. Revoke or suspend the person’s license, permit, or certificate;
3. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the state or a political subdivision of the state;
4. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the state or a political subdivision of the state;
5. Refuse to grant a benefit to the person;
6. Impose an unreasonable burden on the person; or
7. Refuse to award a contract to the person.

A governmental entity, including a college district, shall make no law prohibiting the free exercise of religion. U.S. Const. Amends. I, XIV

A government agency may not substantially burden a person’s free exercise of religion. This restriction does not apply if the governmental agency demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. Civ. Prac. and Rem. Code 110.003(a)–(b) [See also DAA and FA]

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. 20 U.S.C. 1681; 34 C.F.R. 106.31 [See also DAA and FA]

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. 42 U.S.C. 2000d [See also DAA and FA]
Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, including a college district, or be subjected to discrimination by any such entity. A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association. 42 U.S.C. 12132; 28 C.F.R. 35.130

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. 29 U.S.C. 794(a)

"DISABILITY" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

42 U.S.C. 12102(1), (4)(C)–(D)

An individual meets the requirement of being “regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

42 U.S.C. 12102(3)(A)

Item 3 in the definition of “Disability,” above, ("regarded as having such an impairment") shall not apply to impairments that are transitory or minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

42 U.S.C. 12102(3)(B)

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses...
or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy or supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

The ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“Ordinary eyeglasses and contact lenses” are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

“Low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. 12102(4)(E)

“MAJOR LIFE ACTIVITIES”

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. 42 U.S.C. 12102(2)

“QUALIFIED INDIVIDUAL WITH A DISABILITY”

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the college district. 42 U.S.C. 12131(2); 28 C.F.R. 35.104

REASONABLE MODIFICATION

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. 35.130(b)(7)

COMMUNICATIONS

A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public, and companions with disabilities are as effective as communications with others. A public entity shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity. In
determining what types of auxiliary aids or services are necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. 28 C.F.R. 35.160

“Auxiliary aids and services” includes:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYS), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

2. Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods for making visually delivered materials available to individuals who are blind or have low vision;

3. Acquisition or modification of equipment or devices; and

4. Other similar services and actions.

28 C.F.R. 35.104

28 C.F.R. Chapter I, Part 35, Subpart E does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. 28 C.F.R. 35.164
The ADA does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of the public entity when that individual poses a direct threat to the health or safety of others.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services as provided below.

28 C.F.R. 35.104

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of 28 C.F.R. Chapter I, Part 35 and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the ADA and 28 C.F.R. Chapter I, Part 35. 28 C.F.R. 35.106

A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under 28 C.F.R. Chapter I, Part 35, including any investigation of any complaint communicated to it alleging its noncompliance with 28 C.F.R. Chapter I, Part 35 or alleging any actions that would be prohibited under 28 C.F.R. Chapter I, Part 35. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated. 28 C.F.R. 35.107(a)

A public entity that employs 50 or more persons shall adopt and publish grievance procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited by 28 C.F.R. Chapter I, Part 35. 28 C.F.R. 35.107(b) [See GB]
A recipient of federal financial assistance that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations). Such procedures need not be established with respect to complaints from applicants for employment. 34 C.F.R. 104.7(b), .11 [See GB]

No person with a disability may be denied admittance to any public facility in the state because of the person’s disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance. The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

Human Resources Code 121.003(c)–(d)

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class. Human Resources Code 121.003(e)

Note: For information regarding access by service or assistance animals and miniature horses to public facilities, see FAA(LEGAL).

No recipient of federal financial assistance or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title IX, or Section 504 or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 34 C.F.R. Parts 100, 104, or 106. 34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)
It shall be unlawful for any local government agency, including a college district, to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security account number.

The above provision does not apply with respect 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. The disclosure of a social security number to any federal, state, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; 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 a college district’s jurisdiction.

A college 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.
