A Regular Board Meeting of the Board of Trustees of Kilgore Junior College District was held on February 21, 2022, beginning at 6:30 PM on the 2nd floor of the McLaurin Administration Building, 1100 Broadway, Kilgore, TX 75662, with the following members present:

Joe Carrington, President
Lon Ford, Vice President
Jon Rowe, Secretary
David Castles
Kelvin Darden
Josh Edmonson
Travis Martin

Members absent: Janice Bagley
Larry Woodfin

1. CALL TO ORDER
   A. Invocation and Pledge of Allegiance

   Mr. Joe Carrington called the meeting to order at 6:30 pm. Dr. Mike Jenkins said the Invocation and Mr. Joe Carrington led the Pledge of Allegiance.

2. PRESENTATIONS
   A. Employee Spotlights
      1. Faculty Awards: 2021-22 NISOD Excellence Award Recipients
         Presenter: Dr. Tracy Skopek
            a. Kristi Kleinig
            Presenter: Dr. Larry Guerrero
            b. Alesha O'Steen
            Presenter: D'Wayne Shaw
            c. Ada Ortiz
            Presenter: D'Wayne Shaw
            d. Mary Shaw
            Presenter: Brandon Walker
            e. Lori Truman
            Presenter: Becky Johnson

      2. Faculty Awards - 2022 Beeson Excellence Award Recipient: Julian Redfearn
         Presenter: Dr. Tracy Skopek

   B. Student Success Spotlight - Fall to Spring Retention
      Presenter: Natalie Bryant, Coordinator of Institutional Research
      Attachment: See Appendix A
3. PUBLIC COMMENT
   There were no public comments.

4. CONSENT AGENDA
   Presenter: Mr. Joe Carrington
   A. To consider approving the minutes of December 14, 2021 regular board meeting
   B. To consider approval of personnel items submitted as follows: (See Appendix B)
      • Employee Resignations
      • Employee Retirements
      • Employee Terminations
      • Proposed Change of Employment
      • Offers of Employment
   C. To consider payment of legal fees

   David Castles made the motion to accept the Consent Agenda. Travis Martin seconded the
   motion. The motion passed.

5. BOARD COMMITTEE REPORTS & ACTION ITEMS
   A. Investment/Finance/Audit Committee - Jon Rowe, Chair
      1. ACTION ITEM: To consider a budget amendment that will allow for the purchase of KC
         Mobile Operations Unit
         Presenter: Mr. Terry Hanson
         Attachment: See Appendix C
         Jon Rowe made the motion for adopting a budget amendment for the acquisition of
         the KC Mobile Trailer, in the amount of $195,000. This motion is coming from
         Committee and does not require a second. The motion passed.

      2. ACTION ITEM: To consider approving the recommended fee changes for the 2022-2023
         Academic Year.
         Presenter: Mr. Terry Hanson/Dr. Tracy Skopek
         Attachment: See Appendix D
         Jon Rowe made the motion to adopt the recommended fee changes for the 2022-
         2023 Academic Year. This motion is coming from Committee and does not require a
         second. The motion passed.

      3. ACTION ITEM: To consider, by Resolution (R-2022-6), renewing the 50% Historic
         Property Tax Exemption Rate for the year 2022 for the Dr. E. L. and Nancy Walker
         recorded historical landmark home in Gladewater, Texas owned by Matthew L. and Memori
         Ruesing.
         Presenter: Mr. Jon Rowe
         Attachment: See Appendix E
         Jon Rowe made the motion to adopt Resolution No. R-2022-6 that renews the 50% historic
         property tax exemption rate for the year 2022 for the Dr. E. L. and Nancy Walker
         recorded historical landmark home in Gladewater, Texas owned by Matthew L. and Memori
         Ruesing. This motion is coming from Committee and does not require a second. The motion passed.
4. INFORMATION ITEM: Financial Update – November 2021  
**Presenter:** Mr. Terry Hanson  
Attachment: See Appendix F

5. INFORMATION ITEM: Public Funds Investment Act (PFIA) Investment Report - Quarter 1  
**Presenter:** Mr. Terry Hanson  
Attachment: See Appendix G

**B. Policy & Personnel Committee - Lon Ford, Chair**

1. **ACTION ITEM:** To consider approval of the following policies:  
   a. BD (Legal, Local): Board Meetings (See Appendix H)  
   b. BE (Legal, Local): Policy & Bylaw Development (See Appendix I)  
   c. BBH (Local only): Conventions, Conferences, and Workshops (See Appendix J)  
   d. CDC (Legal, Local, Administrative Rule): Audits (See Appendix K)  
   e. CM (Legal, Local): Facilities Construction (See Appendix L)  
   f. CMA (Legal, Local) Facilities Construction: Competitive Bidding (See Appendix M)  
   g. CMB (Legal, Local): Facilities Construction: Competitive Sealed Proposals (See Appendix N)  
   h. EA (Legal, Local): Academic Year and Calendar (See Appendix O)  
   i. EBA (Legal, Local): Alternative Methods of Instruction: Distance Education (See Appendix P)  
   j. FB (Legal, Local): Admissions (See Appendix Q)  
   k. FC (Legal, Local): Attendance (See Appendix R)  

**Presenter:** Mr. Lon Ford  
Attachments: See Appendices H - R

Lon Ford made the motion that all eleven (11) policies be approved as presented. This motion is coming from Committee and does not require a second. The motion passed.

**C. Property & Facilities Committee - Josh Edmonson, Chair**

1. **ACTION ITEM:** To consider Aramark's proposed renovations to the KC Sport's Grill  
**Presenter:** Dr. Mike Jenkins  
Attachment: See Appendix S

Josh Edmonson made the motion to approve Aramark's proposed renovations to the KC Sport's Grill. This motion is coming from Committee and does not require a second. The motion passed.

**D. Student Success Committee – David Castles**

1. **ACTION ITEM:** To consider approving the recommendation of the DEI Committee to commemorate the Juneteenth Federal Holiday on the third Friday of June each year as a student and employee holiday.  
**Presenter:** Ms. Ebony Allison-Dennis and Ms. Cori Holden
David Castles made the motion to approve the recommendation of the DEI Committee to commemorate the Juneteenth Federal Holiday on the third Friday of June each year as a student and employee holiday. This motion is coming from Committee and does not require a second. The motion passed.

2. INFORMATION ITEM: DEI Survey and Data Summit  
   **Presenter:** Mr. Jase Graves

3. INFORMATION ITEM: Maps: Improving the Student Experience  
   **Presenter:** Ms. Callie Blakeley

4. INFORMATION ITEM: 2021-22 Innovation Grant Recipients  
   **Presenter:** Dr. Brenda Kays  
   a. Tina Rushing  
   b. Kristi Kleinig  
   c. Sarah Whitfield

5. INFORMATION ITEM: Mental Health First Aid  
   **Presenter:** Dr. Tracy Skopek  
   Attachment: See Appendix S

6. KILGORE COLLEGE FOUNDATION BOARD UPDATES - Lon Ford, Foundation Board Appointee  
   A. ACTION ITEM: To consider approval of a proposed change in the Operating Agreement between Kilgore College and the Kilgore College Foundation.  
      **Presenter:** Mr. Lon Ford  
      Attachment: See Appendix T

      Lon Ford made the motion to approve the proposed change to the Operating Agreement between Kilgore College and the Kilgore College Foundation. David Castles seconded. The motion passed.

   B. INFORMATION ITEM: Kilgore College Foundation Updates  
      **Presenter:** Merlyn Holmes, Executive Director of the KC Foundation

7. REPORT FROM THE KC BOARD OF TRUSTEES CANDIDATE APPOINTMENT COMMITTEE – David Castles, Chair  
   A. ACTION ITEM: To consider appointing Gina DeHoyos to serve the unexpired term of Larry Woodfin.

      Mr. David Castles moved to appoint Gina DeHoyos to serve the unexpired term of Larry Woodfin (April 2022 until May 2023). This motion is coming from Committee and does not require a second. The motion passed.

8. EXECUTIVE SESSION  
   The Board of Trustees did not go into Executive Session.
9. ADJOURNMENT

The meeting was adjourned by Joe Carrington at 8:45 pm.

If during the course of the meeting covered by this notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any item included in this notice, then such closed or executive meeting or session as authorized by Section 551.001 et. seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board concerning any subjects and for any and all purposes permitted by Sections 551.01-551.089 of the Open Meetings Act.

Respectfully submitted,

Karen Scibona, Recording Secretary
Kilgore College Board of Trustees

President of the Board

Secretary of the Board
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Appendix B  Personnel Agenda
Appendix C  Budget amendment that will allow for the purchase of KC Mobile Operations Unit
Appendix D  Recommended fee changes for the 2022-2023 Academic Year
Appendix E  Resolution #R-2022-6 which renews the 50% Historic Property Tax Exemption Rate for the year 2022 for the Dr. E. L. and Nancy Walker recorded historical landmark home in Gladewater, Texas owned by Matthew L. and Memori Ruesing
Appendix F  Financial Update – November 2021
Appendix G  Public Funds Investment Act (PFIA) Investment Report - Quarter 1
Appendix H  Policy - BD (Legal, Local): Board Meetings
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Appendix M  Policy - CMA (Legal, Local): Facilities Construction: Competitive
Appendix N  Policy - CMB (Legal, Local): Facilities Construction: Competitive Sealed Proposals
Appendix O  Policy - EA (Legal, Local): Academic Year and Calendar
Appendix P  Policy - EBA (Legal, Local): Alternative Methods of Instruction: Distance Education
Appendix Q  Policy - FB (Legal, Local): Admissions
Appendix R  Policy - FC (Legal, Local): Attendance
Appendix S  Mental Health First Aid
Appendix T  Operating Agreement between Kilgore College and the Kilgore College Foundation
Fall to Spring Student Retention
First Time in College (FTIC) Full Time Cohort

- **2019-20**: 851 Students, 87%
- **2020-21**: 710 Students, 84%
- **2021-22**: 736 Students, 87%
1. **Recommendation to accept employee resignation as follows:**

   a. Ms. Derek Keith, Police Officer, effective December 9, 2021 after eleven months of service

   b. Ms. Raquel Galvan, Professional Support Assistant-Registrar, effective December 31, 2021 after two years and four months of service

   c. Ms. Adrienne Jackson, Support Specialist – Healthcare Services, effective December 31, 2021 after eight years and three months of service

   d. Mr. Sammy Wagner, Police Officer (Captain), effective January 3, 2022 after eight years of service

   e. Mr. Aaron Baker, eLearning Technician, effective January 17, 2022 after eight months of service

   f. Ms. Nella Custer, Support Specialist – Testing Center, effective January 13, 2022 after one year and eleven months of service

   g. Ms. Alisha Barrow, Professional Support Assistant, Financial Aid & Appeals Specialist, effective January 14, 2022 after two months of service

   h. Mr. Mike Simmons, Director of the Fire Academy, effective January 31, 2022 after four years and one month of service

   i. Ms. Rheutelia Thomas, Human Resources Generalist, effective February 4, 2022 after two and half months of service

   j. Ms. Cynthia Campbell, Nursing Instructor, effective February 27, 2022 after one year and five months.

2. **Recommendation to accept employee retirement as follows:**

   a. Mr. Larry Kitchen, Art Instructor, effective August 31, 2022 after thirty-seven years of service

   b. Mr. Tony Johnson, Director of Human Resources, effective August 31, 2022 after fourteen years and two months of service
3. Recommendation of employment as follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>LOCATION</th>
<th>SALARY/RATE OF PAY</th>
<th>HIRE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Derrick Logozzo</td>
<td>Interim Band Director &amp; Music Instructor</td>
<td>Arts &amp; Sciences</td>
<td>$2,500.00/pay period 5 mo. equivalent = $40,000. This amount includes a $14,167 stipend</td>
<td>January 1, 2022</td>
</tr>
<tr>
<td>Ms. Teleka Delgadillo</td>
<td>Executive Assistant VP of Student Services</td>
<td>Student Services</td>
<td>$1,311.21/pay period 12 mo. equivalent = $31,469</td>
<td>January 1, 2022</td>
</tr>
<tr>
<td>Mr. Michael Henry</td>
<td>Advisor – KC Longview</td>
<td>Business, Entrepreneurship &amp; Information Technology</td>
<td>$1,482.00/pay period 12 mo. equivalent = $35,568</td>
<td>January 4, 2022</td>
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<tr>
<td>Mr. Russell Thompson</td>
<td>Kinesiology Instructor &amp; Assistant FB Coach</td>
<td>Health Sciences</td>
<td>$2,616.67/pay period 12 mo. equivalent = $62,800. This amount includes a $5,000 stipend for coaching duties.</td>
<td>February 1, 2022</td>
</tr>
<tr>
<td>Mr. Brian Stover, Jr.</td>
<td>Safety Officer</td>
<td>KCPD</td>
<td>$1,040.00/pay period 12 mo. equivalent = $24,960</td>
<td>January 16, 2022</td>
</tr>
<tr>
<td>Mr. Kenneth Struggs</td>
<td>Safety Officer</td>
<td>KCPD</td>
<td>$1,040.00/pay period 12 mo. equivalent = $24,960</td>
<td>February 1, 2022</td>
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<tr>
<td>Ms. Elizabeth Gunn</td>
<td>Professional Support Assistant – Financial Aid &amp; Appeals Specialist</td>
<td>Student Services</td>
<td>$1,025.08/pay period 12 mo. equivalent = $24,602</td>
<td>January 16, 2022</td>
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<tr>
<td>Mr. Stephen Harvey</td>
<td>Up Ward Bound Project Advisor</td>
<td>Student Services</td>
<td>$1,500.00/pay period 12 mo. equivalent = $36,000. This position is grant funded.</td>
<td>February 1, 2022</td>
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<tr>
<td>Ms. Kristen Stovall</td>
<td>Instructional Divisional Dean, Business, Entrepreneurship &amp; Information Technology</td>
<td>Business, Entrepreneurship &amp; Information Technology</td>
<td>$3,739.79/pay period 12 mo. equivalent = $89,755</td>
<td>March 1, 2022</td>
</tr>
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## Kilgore College
### Budget Amendment
**February 21, 2022**

**22-BA03** $195,000 - Utilize Lease Revenues to Acquire KC Mobile Hydraulic Trailer

<table>
<thead>
<tr>
<th>Account #</th>
<th>Account Name</th>
<th>Previous Budget</th>
<th>Budget Change</th>
<th>Revised Budget</th>
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<tr>
<td>10-100-50-204-6710</td>
<td>Equipment - KC Trailer</td>
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<td>195,000</td>
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<tr>
<td>10-100-00-108-5749</td>
<td>Lease Revenues</td>
<td>-</td>
<td>130,800</td>
<td>130,800</td>
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<tr>
<td>10-100-00-000-5998</td>
<td>Use of Reserves</td>
<td>1,588,576</td>
<td>64,200</td>
<td>1,652,776</td>
</tr>
</tbody>
</table>

### Description

KC will acquire a hydraulic trailer that will be used for mobile operations including but not limited to retail sales, community outreach, college promotion, and student recruitment.

### Financial Impact

No significant operating budget impacts. The funds to pay for the trailer will be offset by the lease revenues (that were not budgeted). The use of fund balance will be recovered by the lease revenues received in the next fiscal year.
Recommended
2022 - 2023 Tuition & Fees
Kilgore College - February 2022

Dr. Tracy Skopek - Vice-President Instruction & Chief Academic Officer
Terry Hanson - Vice-President Administrative Services & Chief Financial Officer
Tuition & Fees
Current Rates

**In-District Student (per semester)**
- Tuition: $53 per semester hour
- General Education Fee: $37 per semester hour
- TOTAL: $90 per semester hour

**Out-of-District Student (per semester)**
- Tuition: $53 per semester hour
- Out-of-District Fee: $79 per semester hour
- General Education Fee: $37 per semester hour
- TOTAL: $169 per semester hour

**Non-Resident (Out-of-State and International) Student (per semester)**
- Tuition: $103 per semester hour
- Out-of-District Fee: $79 per semester hour
- General Education Fee: $37 per semester hour
- TOTAL: $219 per semester hour

**Dual Credit**

**In-District Student (per semester)**
- Tuition, $49 per semester hour
- General Education Fee, $2 per semester hour
- TOTAL: $51 per semester hour*

**Out-of-District Student (per semester)**
- Tuition, $96 per semester hour
- General Education Fee, $2 per semester hour
- TOTAL: $98 per semester hour*
# Tuition & Fees

## Tuition Recommendation

### In-District Student (per semester)

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</table>

### Out-of-District Student (per semester)

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### Non-Resident (Out-of-State and International) Student (per semester)

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### Dual Credit

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</tbody>
</table>

*Note: TOTAL for Out-of-District Student includes $2 per semester hour for General Education Fee.*
## Tuition & Fees

### General Ed Fee Recommendation

#### In-District Student (per semester)
- Tuition: $53 per semester hour
- General Education Fee: $37 per semester hour
- Total: $90 per semester hour

#### Out-of-District Student (per semester)
- Tuition: $53 per semester hour
- Out-of-District Fee: $79 per semester hour
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- Total: $169 per semester hour

#### Non-Resident (Out-of-State and International) Student (per semester)
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### Dual Credit

#### In-District Student (per semester)
- Tuition: $49 per semester hour
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- Total: $51 per semester hour

#### Out-of-District Student (per semester)
- Tuition: $96 per semester hour
- General Education Fee: $2 per semester hour
- Total: $98 per semester hour

---

**No Changes**
Campus Security Fee

New Fee for Campus Security

• $15 per Semester
• Generate approximately $120,000
• Not charged to dual-credit students
• Student attending Fall and Spring would pay $30
• For operating and capital costs related to campus security & safety
# Other Fees

## Current Rates

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCUPLACER ESL</td>
<td>$40</td>
</tr>
<tr>
<td>ADN Computer Software Fee</td>
<td>$150 per semester</td>
</tr>
<tr>
<td>Auditing a Course</td>
<td>(tuition &amp; fees same as if enrolled)</td>
</tr>
<tr>
<td>Computer Competency Test</td>
<td>$35</td>
</tr>
<tr>
<td>Checks, Returned</td>
<td>$30</td>
</tr>
<tr>
<td>Credit by Exam; for Experience or Departmental Exam (Advanced Placement)</td>
<td>(equal to in-district tuition/fees as if enrolled)</td>
</tr>
<tr>
<td>Credit Card Convenience Fee</td>
<td>$2 per transaction</td>
</tr>
<tr>
<td>Distance Learning Fee (Web, Hybrid and Remote courses)</td>
<td>$40 per course</td>
</tr>
<tr>
<td>e-Services Fee</td>
<td>$5 per course</td>
</tr>
<tr>
<td>Excess Developmental</td>
<td>$70 per semester hour</td>
</tr>
<tr>
<td>FAX</td>
<td>$5</td>
</tr>
<tr>
<td>HESI A2 (Nursing Entrance Test)</td>
<td>$65</td>
</tr>
<tr>
<td>High Cost Workforce Development Course Fee</td>
<td>$35 per semester hour</td>
</tr>
<tr>
<td>Insurance (EMT)</td>
<td>$70 per year</td>
</tr>
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<td>Insurance (Health Occupations)</td>
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</tr>
<tr>
<td>Matriculation Fee</td>
<td>$15</td>
</tr>
<tr>
<td>Posting AP Credit to transcript</td>
<td>$25 per course</td>
</tr>
<tr>
<td>Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>Reinstatement Fee *</td>
<td>$25</td>
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<tr>
<td>Repeat Three</td>
<td>$70 per semester hour</td>
</tr>
<tr>
<td>TCOLE State Exam ETPA Proctoring Fee</td>
<td>$30 per test</td>
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<tr>
<td>Texas Commission on Fire Protection Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>TSI Assessment - Full Test</td>
<td>$40</td>
</tr>
<tr>
<td>TSI Assessment - Partial Test (2 sections)</td>
<td>$20</td>
</tr>
</tbody>
</table>
## Other Fees

### Recommended Rates

<table>
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<th>Fee</th>
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**Distance Learning Fee $15 per semester hour**

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<tr>
<td>Computer Competency Test</td>
<td>$35</td>
</tr>
<tr>
<td>Checks, Returned</td>
<td>$30</td>
</tr>
<tr>
<td>Credit by Exam; for Experience or Departmental Exam (Advanced Placement)</td>
<td>(equal to in-dist tuition/fees as if enrolled)</td>
</tr>
<tr>
<td>Credit Card Convenience Fee</td>
<td>$2 per transaction</td>
</tr>
<tr>
<td><strong>Distance Learning Fee (Web, Hybrid and Remote courses)</strong></td>
<td><strong>$40 per course</strong></td>
</tr>
<tr>
<td>e-Services Fee</td>
<td>$5 per course</td>
</tr>
<tr>
<td>Excess Developmental</td>
<td>$70 per semester hour</td>
</tr>
<tr>
<td>FAX</td>
<td>$5</td>
</tr>
<tr>
<td>HESI A2 (Nursing Entrance Test)</td>
<td>$65</td>
</tr>
</tbody>
</table>

### Distance Learning Fee $15

- **Rate:** $15 per semester hour

### e-Services Fee $7

- **Rate:** $7 per semester hour
Distance Learning & e-Services Fees
Increase for Technology

• Increase would generate approximately $560,000

• Cover technology costs
  • Blackboard
  • Programs initiated in Title 3
    • Improved Helpdesk - Scheduling - Software Licensing

• Remaining balance ($100,000+) earmarked for Technology to improve Student Experience
  • Lab refresh - classroom technology
Distance Learning & e-Services Fees
Impact to Student

- e-Services fee would be an additional $64 per semester
- Distance Learning could be $0 to $20 per semester
Other Fees

Test/Exam Fees (based on cost)

• ATI TEAS - $85
• Work Keys NCRC - $50
• Work Keys Basic 4 Tests - $65
• CLEP - $90
Other Fees

Recommended Rates

<table>
<thead>
<tr>
<th>Service</th>
<th>Recommended Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCUPLACER ESL</td>
<td>$40</td>
</tr>
<tr>
<td>ADN Computer Software Fee</td>
<td>$150 per semester</td>
</tr>
<tr>
<td>Auditing a Course</td>
<td>(tuition &amp; fees same as enrolled)</td>
</tr>
<tr>
<td>Computer Competency Test</td>
<td>$35</td>
</tr>
<tr>
<td>Checks, Returned</td>
<td>$30</td>
</tr>
<tr>
<td>Credit by Exam; for Experience or</td>
<td>$75</td>
</tr>
<tr>
<td>Departmental Exam (Advanced Placement)</td>
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<td>Credit Card Convenience Fee</td>
<td>$2 per transaction</td>
</tr>
<tr>
<td>Distance Learning Fee (Web, Hybrid</td>
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</tr>
<tr>
<td>and Remote courses)</td>
<td>$15 per SCH</td>
</tr>
<tr>
<td>e-Services Fee</td>
<td>$5 per course</td>
</tr>
<tr>
<td>Excess Developmental</td>
<td>$70 per semester hour</td>
</tr>
<tr>
<td>FAX</td>
<td>$5</td>
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<tr>
<td>HESI A2 (Nursing Entrance Test)</td>
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Housekeeping Increases

For some minor fees

<table>
<thead>
<tr>
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<tr>
<td>High Cost Workforce Development</td>
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</tr>
<tr>
<td>Course Fee</td>
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</tr>
<tr>
<td>Insurance (EMT)</td>
<td>$70 per year</td>
</tr>
<tr>
<td>Insurance (Health Occupations)</td>
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</tr>
<tr>
<td>Matriculation Fee</td>
<td>$15</td>
</tr>
<tr>
<td>Posting AP Credit to transcript</td>
<td>$25 per course</td>
</tr>
<tr>
<td>Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>Reimbursement Fee</td>
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<tr>
<td>Reinstatement Fee *</td>
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</tr>
<tr>
<td>Repeat Three</td>
<td>$70 per semester hour</td>
</tr>
<tr>
<td>TCOLE State Exam ETPA Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>Texas Commission on Fire Protection</td>
<td>$30 per test</td>
</tr>
<tr>
<td>Proctoring Fee</td>
<td></td>
</tr>
<tr>
<td>TSI Assessment - Full Test</td>
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</tr>
<tr>
<td>TSI Assessment - Partial Test (2</td>
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<tr>
<td>sections)</td>
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## Other Fees

### Recommended Rates

<table>
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<tr>
<th>Service</th>
<th>Recommended Rate</th>
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<tr>
<td>ACCUPLACER ESL</td>
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<tr>
<td>ADN Computer Software Fee</td>
<td>$150 per semester</td>
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<tr>
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<td>(tuition &amp; fees same as if enrolled)</td>
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<tr>
<td>Computer Competency Test</td>
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<td>Checks, Returned</td>
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<tr>
<td>Credit Card Convenience Fee</td>
<td>$2 per transaction</td>
</tr>
<tr>
<td>Distance Learning Fee (Web, Hybrid and Remote courses)</td>
<td>$40 per course $15 per SCH</td>
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<tr>
<td>e-Services Fee</td>
<td>$5 per course $7 per SCH</td>
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<tr>
<td>Excess Developmental</td>
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### Eliminated Fees

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<td>Insurance (Health Occupations)</td>
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<td>Matriculation Fee</td>
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<tr>
<td>Posting AP Credit to transcript</td>
<td>$25 per course</td>
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<td>Proctoring Fee</td>
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<td>Reinstatement Fee *</td>
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</tr>
<tr>
<td>Repeat Three</td>
<td>$70 per semester hour $75</td>
</tr>
<tr>
<td>TCOLE State Exam ETPA Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>Texas Commission on Fire Protection Proctoring Fee</td>
<td>$30 per test</td>
</tr>
<tr>
<td>TSI Assessment - Full Test</td>
<td>$40</td>
</tr>
<tr>
<td>TSI Assessment - Partial Test (2 sections)</td>
<td>$20</td>
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</table>
Fee Comparisons
Survey of Other Community Colleges

Is your college considering a Tuition increase:
- Undecided: 33.3%
- No: 46.7%
- Yes: 20%

Is your college considering an Out of District increase:
- Undecided: 35.7%
- No: 50%
- Yes: 14.3%

Is your college considering other fee increases:
- Undecided: 40%
- No: 53.3%
- Yes: 6.7%
## Fee Comparisons
Compare to East Texas Community Colleges

### Fall 2021

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<thead>
<tr>
<th>College District</th>
<th>In-District Resident</th>
<th></th>
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<th>Out-of-District</th>
<th></th>
<th></th>
<th></th>
<th>Non-Resident</th>
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<tr>
<td></td>
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<td>Fees (12 SCH)</td>
<td>Total (12 SCH)</td>
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<td>Tuition (12 SCH)</td>
<td>Fees (12 SCH)</td>
<td>Total (12 SCH)</td>
<td>Total per SCH</td>
<td>Tuition (12 SCH)</td>
<td>Fees (12 SCH)</td>
<td>Total (12 SCH)</td>
<td>Total per SCH</td>
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<tr>
<td>Angelina East</td>
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<td>$384</td>
<td>$1,188</td>
<td>$99</td>
<td>$1,320</td>
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<tr>
<td>Kilgore East</td>
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<td>$444</td>
<td>$1,080</td>
<td>$90</td>
<td>$636</td>
<td>$1,392</td>
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<td>$169</td>
<td>$1,236</td>
<td>$1,392</td>
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<td>Northeast TX East</td>
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<td>$725</td>
<td>$1,277</td>
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<td>$396</td>
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<td>Paris East</td>
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<td>$684</td>
<td>$900</td>
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<td>$132</td>
<td>$1,884</td>
<td>$300</td>
<td>$2,184</td>
<td>$182</td>
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<tr>
<td>Texarkana East</td>
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<td>$482</td>
<td>$1,202</td>
<td>$100</td>
<td>$804</td>
<td>$1,106</td>
<td>$1,910</td>
<td>$159</td>
<td>$912</td>
<td>$1,706</td>
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<tr>
<td>Trinity Valley East</td>
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<tr>
<td>Tyler East</td>
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<td><strong>East Average</strong></td>
<td>$581</td>
<td>$551</td>
<td>$1,132</td>
<td>$94</td>
<td>$749</td>
<td>$1,138</td>
<td>$1,886</td>
<td>$157</td>
<td>$1,329</td>
<td>$1,087</td>
<td>$2,416</td>
<td>$201</td>
</tr>
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</table>

### Kilgore to Avg
- 110% 81% 95% 95% 85% 122% 108% 108% 93% 128% 109% 109%

### Kilgore to TJC
- 166% 54% 89% 89% 166% 90% 105% 105% 184% 90% 118% 118%
# Room & Board Rates

## Recommendations

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nolen</td>
<td>1,140</td>
<td>1,260</td>
</tr>
<tr>
<td>Quads</td>
<td>1,250</td>
<td>1,370</td>
</tr>
<tr>
<td>Stark</td>
<td>1,025</td>
<td>1,125</td>
</tr>
<tr>
<td>Gussie Nell Davis</td>
<td>1,800</td>
<td>1,990</td>
</tr>
<tr>
<td>Meals</td>
<td>1,825</td>
<td>1,880</td>
</tr>
<tr>
<td>Mailbox</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Summer I</td>
<td>880</td>
<td>950</td>
</tr>
<tr>
<td>Summer II</td>
<td>930</td>
<td>1,000</td>
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</table>
Fee & Rate Summary

Rates to be Published in Catalog

<table>
<thead>
<tr>
<th>Fee</th>
<th>Current</th>
<th>Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCUPLACER ESL</td>
<td>40 per semester</td>
<td>40 per semester</td>
</tr>
<tr>
<td>ADN Computer Software Fee</td>
<td>150 per semester</td>
<td>150 per semester</td>
</tr>
<tr>
<td>Computer Competency Test</td>
<td>35</td>
<td>0</td>
</tr>
<tr>
<td>Returned Checks</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>Credit Card Convenience Fee</td>
<td>2 per transaction</td>
<td>2 per transaction</td>
</tr>
<tr>
<td>Distance Learning Fee</td>
<td>40 per course</td>
<td>15 per semester hr</td>
</tr>
<tr>
<td>e-Services Fee</td>
<td>5 per course</td>
<td>7 per semester hr</td>
</tr>
<tr>
<td>Excess Developmental</td>
<td>70 per semester hr</td>
<td>75 per semester hr</td>
</tr>
<tr>
<td>FAX</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>HESI A2 (Nursing Entrance Test)</td>
<td>65 per semester hr</td>
<td>0 per semester hr</td>
</tr>
<tr>
<td>High Cost Workforce Dev</td>
<td>35 per semester hr</td>
<td>35 per semester hr</td>
</tr>
<tr>
<td>Insurance (EMT)</td>
<td>70 per year</td>
<td>70 per year</td>
</tr>
<tr>
<td>Insurance (Health Occupations)</td>
<td>30 per year</td>
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<td>Matriculation Fee</td>
<td>15</td>
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<tr>
<td>Posting AP Credit to transcript</td>
<td>25 per course</td>
<td>25 per course</td>
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<tr>
<td>Proctoring Fee</td>
<td>30 per test</td>
<td>30 per test</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>25</td>
<td>25</td>
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<tr>
<td>Repeat 3</td>
<td>70 per semester hr</td>
<td>75 per semester hr</td>
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<tr>
<td>TCOLE State Exam ETPA Proctoring</td>
<td>30 per test</td>
<td>30 per test</td>
</tr>
<tr>
<td>TX Comm on Fire Proctoring</td>
<td>30 per test</td>
<td>30 per test</td>
</tr>
<tr>
<td>TSI Assessment - Full Test</td>
<td>40</td>
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<tr>
<td>TSI Assessment - Partial Test</td>
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<tr>
<td>ATI TEAS</td>
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<tr>
<td>Work Keys NCRC</td>
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<tr>
<td>Work Keys Basic (4) Tests</td>
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<tr>
<td>CLEP Exam</td>
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<tr>
<td>Nolen</td>
<td>1,140 per semester</td>
<td>1,250 per semester</td>
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</tr>
<tr>
<td>Summer II</td>
<td>930</td>
<td>1,000</td>
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## Course Fee Recommendations

<table>
<thead>
<tr>
<th>COURSE</th>
<th>CURRENT FEE</th>
<th>PROPOSED FEE</th>
<th>FEE CHANGE JUSTIFICATION</th>
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<tbody>
<tr>
<td>AMS COL 0300</td>
<td>$43</td>
<td>$39</td>
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</tr>
<tr>
<td>EDUC 1301</td>
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<tr>
<td>EDUC 2301</td>
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<td>MATH 1307</td>
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<td>MATH 2412</td>
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<tr>
<td>BIOL 2404</td>
<td>$75</td>
<td>$0</td>
<td>course is offered only on-line so there is no need for lab supplies</td>
</tr>
<tr>
<td>BIOL 2406</td>
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<td>$0</td>
<td>course is offered only on-line so there is no need for lab supplies</td>
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<tr>
<td>ENGL 0307</td>
<td>$80</td>
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<td>BUSG 1307 - Entrepreneurship and Economic Development</td>
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<td>No lab or additional supplies need for this course.</td>
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<td>BUSG 2309 - Small Business Management/Entrepreneurship</td>
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| CIT BCIS 1305 - Business Computer Applications | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| COSC 1436 - Programming Fundamentals I | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| COSC 1437 - Programming Fundamentals II | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| COSC 2320 - Computer Organization | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| COSC 2436 - Programming Fundamentals III | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| CPT 1306 - IT Essentials I: PC Hardware and Software | $0 | $50 | Add Course Fee of $50. Increased cost of computer hardware and software updates |
| CPTM 2250 - Industry Certification Preparation | $0 | $168 | Add 168 for CompTIA certification fee. Industry Certification for students |
| EECT 1300 - Technical Customer Service | $0 | $50 | Add Course fee of $50. Increased cost of computer hardware and software updates |
| GAME 1303 - Introduction to Game Design and Development | $0 | $50 | Add Course Fee of $50. Increased cost of computer hardware and software updates |
| GAME 2402 - Mathematical Applications for Game Development | $35 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| INEW 2330 - Comprehensive Software Project: Planning and Design | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| ITCC 1314 - CCNA 1: Introduction to Networks | $0 | $50 | Add Course fee of $50. Increased cost of computer hardware and software updates |
| ITCC 1344 - CCNA 2: Switching, Routing and Wireless Essentials | $0 | $50 | Add Course fee of $50. Increased cost of computer hardware and software updates |
| ITCC 2230 - CCNA 3: Enterprise Networking, Security and Automation | $0 | $50 | Add Course fee of $50. Increased cost of computer hardware and software updates |
| ITCC 2343 - Network Security | $0 | $50 | Add Course fee of $50. Increased cost of computer hardware and software updates |
| ITMT 1356 - Windows Client Operating System | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| ITNW 1336 - Cloud Deployment and Infrastructure Management | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| ITNW 1354 - Implementing and Supporting Servers | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| ITSC 1315 - Project Management Software | $0 | $50 | Add Course Fee of $50. Increased cost of computer hardware and software updates |
| ITSC 1316 - Linux Installation and Configuration | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
| ITSC 1319 - Internet/Web Page Development | $0 | $50 | Increase course fee to $50. Increased cost of computer hardware and software updates |
## Course Fee Recommendations

<table>
<thead>
<tr>
<th>COURSE</th>
<th>CURRENT FEE</th>
<th>PROPOSED FEE</th>
<th>FEE CHANGE JUSTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITSE 1333 - Mobile Applications Development</td>
<td>$0</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>ITSE 1359 - Introduction to Scripting Languages</td>
<td>$0</td>
<td>$50</td>
<td>Add Course fee of $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>ITSE 2309 - Database Programming</td>
<td>$0</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>ITSW 2334 - Advanced Spreadsheets</td>
<td>$95</td>
<td>$50</td>
<td>Change Course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>ITSW 2334 - Advanced Spreadsheets</td>
<td>$0</td>
<td>$95</td>
<td>Certification Test Fee $95. Industry certification for students</td>
</tr>
<tr>
<td>ITSW 2337 - Advanced Database</td>
<td>$95</td>
<td>$50</td>
<td>Change Course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>ITSW 2337 - Advanced Database</td>
<td>$0</td>
<td>$95</td>
<td>Certification Test Fee $95. Industry certification for students</td>
</tr>
<tr>
<td>ITSY 1342 - Information Technology Security</td>
<td>$0</td>
<td>$50</td>
<td>Add Course fee of $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>BCOM  ITSW 1310 - Introduction to Presentation Graphics Software</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1204 - Computer Fundamentals</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1301 - Computer Applications I</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1349 - Spreadsheets</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 2301 - Word Processing</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 2340 - Advanced Word Processing</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1220 - Job Search Skills</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1313 - Professional Workforce Preparation</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1329 - Beginning Keyboard</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 1409 - Administrative Office Procedures I</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 2312 - Business Correspondence &amp; Communications</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>POFI 2401 - Intermediate Keyboarding</td>
<td>$30</td>
<td>$50</td>
<td>Increase course fee to $50. Increased cost of computer hardware and software updates</td>
</tr>
<tr>
<td>PMT  FRIS 1001 Firefighter 1</td>
<td>$0</td>
<td>$20</td>
<td>Cost of American Safety &amp; Health EMR card</td>
</tr>
<tr>
<td>FRIS 1001 Firefighter 1</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1301 Firefighter 1</td>
<td>$0</td>
<td>$50</td>
<td>Software access $50</td>
</tr>
<tr>
<td>FRIS 1407 Firefighter 2</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1313 Firefighter 3</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1319 Firefighter 4</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1323 Firefighter 5</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1329 Firefighter 6</td>
<td>$60</td>
<td>$0</td>
<td>TCFP State Exams-Basic Structure Firefighter</td>
</tr>
<tr>
<td>FRIS 1329 Firefighter 8</td>
<td>$0</td>
<td>$25</td>
<td>Uniform fee $25</td>
</tr>
<tr>
<td>FRIS 1433 Fire Fighter 7</td>
<td>$0</td>
<td>$475</td>
<td>Bunker Gear Rental $475</td>
</tr>
<tr>
<td>FRIS 1433 Fire Fighter 7</td>
<td>$0</td>
<td>$100</td>
<td>$100 Field Maintenance Fee</td>
</tr>
<tr>
<td>DFTG 1325 Blueprint Reading &amp; Sketching</td>
<td>$100</td>
<td>$50</td>
<td>Reduction in fee due to change in the course and the reduction in the supplies used.</td>
</tr>
<tr>
<td>EMTS 1501 Emergency Medical Technician</td>
<td>$0</td>
<td>$20</td>
<td>CPR Certification fee. Embedded Certification</td>
</tr>
<tr>
<td>EMTS 1501 Emergency Medical Technician</td>
<td>$84</td>
<td>$0</td>
<td>FRS DAP now included with the required software for this class.</td>
</tr>
<tr>
<td>EMTS 1501 Emergency Medical Technician</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
</tbody>
</table>
## Course Fee Recommendations

<table>
<thead>
<tr>
<th>COURSE</th>
<th>CURRENT FEE</th>
<th>PROPOSED FEE</th>
<th>FEE CHANGE JUSTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMSP 1360 Clinical-Emergency Medical Technology/Technician (Paramedic)</td>
<td>$0</td>
<td>$16</td>
<td>Drug test fee</td>
</tr>
<tr>
<td>EMSP 1360 Clinical-Emergency Medical Technology/Technician (Paramedic)</td>
<td>$0</td>
<td>$70</td>
<td>Liability Insurance Fee</td>
</tr>
<tr>
<td>EMSP 1438 Introduction to Advanced Practice</td>
<td>$84</td>
<td>$0</td>
<td>FSDAP now included with the required software for this class</td>
</tr>
<tr>
<td>EMSP 1438 Introduction to Advanced Practice</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 1438 Introduction to Advanced Practice</td>
<td>$0</td>
<td>$70</td>
<td>Liability Insurance Fee</td>
</tr>
<tr>
<td>EMSP 1456 Patient Assessment &amp; Airway Management</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 2206 Emergency Pharmacology</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 1465 Trauma Management</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 1166 Practicum - Emergency Medical Technology/Technician (Paramedic)</td>
<td>$30</td>
<td>$55</td>
<td>Cost increase for the certification</td>
</tr>
<tr>
<td>EMSP 2444 Cardiology</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 2330 Special Populations</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 2243 Assessment Based Management</td>
<td>$125</td>
<td>$0</td>
<td>No one knows why this fee was applied</td>
</tr>
<tr>
<td>EMSP 2003 EMS Operations</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 3034 Medical Emergencies</td>
<td>$25</td>
<td>$35</td>
<td>Course fee increase due to raising cost of supplies for labs</td>
</tr>
<tr>
<td>EMSP 2169 Practicum - Emergency Medical Technology/Technician (Paramedic)</td>
<td>$0</td>
<td>$30</td>
<td>Background Check required</td>
</tr>
<tr>
<td>EMSP 1001 Firefighter EMT</td>
<td>$0</td>
<td>$75</td>
<td>6 month access to Master Your Medics software</td>
</tr>
<tr>
<td>EMSP 1001 Firefighter EMT</td>
<td>$0</td>
<td>$20</td>
<td>Uniform Fee - Cost per shirt</td>
</tr>
<tr>
<td>EMSP 1000 Emergency Care Attendant</td>
<td>$0</td>
<td>$20</td>
<td>Cost of American Safety &amp; Health EMR card</td>
</tr>
</tbody>
</table>

| PTAG 2445 Troubleshooting | $85 | $55 | New end of course requirement of NAPTA $50 Test $5 Admin |

| DAAC 1360 | NA | $39 | NA |

| RNSG 1119 (NE) Integrated Nursing Skills | $150 | $150 | Change fee name to correspond with the wording reflected by the Student Accounts Coordinator. Remove Course Fee and replace with Certification Fee. |
| RNSG 1129 (NT) Integrated Nursing Skills II | $150 | $150 | Change fee name to correspond with the wording reflected by the Student Accounts Coordinator. Remove Course Fee and replace with Certification Fee. |
| RNSG 1163 (NT) Transition Clinical | $0 | $30 | Insurance fee is captured with the clinical course. Currently begin charge under RNSG 1424. Also under Fasrs. Remove the word Clinical to say only Course Fee |
| RNSG 1218 (NT) Transition to Professional Nursing Competencies | $100 | $100 | Change Fee name to correspond with the wording reflected by the Students Accounts Coordinator. Remove Course Fee and replace with Certification Fee |
| RNSG 1293 (NT) - Special Topics in Nursing | $150 | $0 | RNSG 1293 Special Topics in Nursing. Previous policy required students to take this course prior to repeating a course they were unsuccessful. Now students take the failed course while taking RNSG 1293. Access fees will be collected in the repeated courses fee. |
| RNSG 1293 (NT) - Special Topics in Nursing | $125 | $0 | RNSG 1293 Special Topics in Nursing. Previous policy required students to take this course prior to repeating a course they were unsuccessful. Now students take the failed course while taking RNSG 1293. Access fees will be collected in the repeated courses fee. |
| RNSG 1293 (NT) - Special Topics in Nursing | $0 | $125 | The Computer Software and Testing fee was removed. A Certification Fee needs to be added for this course |
| RNSG 1301 (NT) Pharmacology | $150 | $150 | Change Fee name to correspond with the wording reflected by the Students Accounts Coordinator. Remove Course Fee and replace with Certification Fee |
| RNSG 1434 (NT) Concept-Based Transition to Professional Nursing | $30 | $0 | Remove fee that is now captured on RNSG 1163 |
| RNSG 1424 (NT) Concept-Based Transition to Professional Nursing | $100 | $100 | Add the Simulation Lab Fee $100 to catalog. This fee is already being collected and the wording reflects with the Students Accounts Coordinator. |
# Course Fee Recommendations

<table>
<thead>
<tr>
<th>COURSE</th>
<th>CURRENT FEE</th>
<th>PROPOSED FEE</th>
<th>FEE CHANGE JUSTIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>RN SG 1430 (NT) Health Care Concepts I</td>
<td>$100</td>
<td>$100</td>
<td>Simulation Lab Fee $100 is listed twice in the catalog. Please remove the repeat.</td>
</tr>
<tr>
<td>RN SG 1533 (NT) Health Care Concepts II</td>
<td>$150</td>
<td>$200</td>
<td>Change Fee name and list the correct dollar amount that is currently in the catalog to reflect what is being collected by the Students Accounts Coordinator. In the catalog change Computer Course Fee to: Computer Software Fee.</td>
</tr>
<tr>
<td>RN SG 1533 (NT) Health Care Concepts II</td>
<td>$125</td>
<td>$200</td>
<td>To reflect what is being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 1533 (NT) Health Care Concepts II</td>
<td>$75</td>
<td>$100</td>
<td>Change Fee name and list the correct dollar amount that is currently in the catalog to reflect what is being collected by the Students Accounts Coordinator. In the catalog change Simulation Fee to: Simulation Lab Fee.</td>
</tr>
<tr>
<td>RN SG 1533 (NT) Health Care Concepts II</td>
<td>$100</td>
<td>$50</td>
<td>Change the dollar amount (Course Fee) that is currently in the catalog to reflect what is being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 1533 (NT) Health Care Concepts II</td>
<td>$100</td>
<td>$100</td>
<td>Change the dollar amount currently in the catalog of $0 to reflect what is being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 1538 (NT) Health Care Concepts III</td>
<td>$200</td>
<td>$200</td>
<td>Change Computer Course Fee name to Computer Software Fee; which reflects what is being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 1538 (NT) Health Care Concepts III</td>
<td>$50</td>
<td>$50</td>
<td>Change Computer Lab Course Fee name to Course Fee; which reflects what is being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 1538 (NT) Health Care Concepts III</td>
<td>$200</td>
<td>$100</td>
<td>Change the Certification Fee to $100 to reflect what is currently being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 2363 (NT) Clinical Registered Nursing/Registered Nurse III</td>
<td>$75</td>
<td>$100</td>
<td>Change the Course Fee to $100 to reflect what is currently being collected by the Students Accounts Coordinator.</td>
</tr>
<tr>
<td>RN SG 2539 (NT) Health Care Concepts IV</td>
<td>$200</td>
<td>$200</td>
<td>Change Computer Course Fee name to Computer Software Fee; which reflects what is being collected by the Students Accounts Coordinator.</td>
</tr>
</tbody>
</table>

HyFlex 600 Distance Learning Fee
High Cost Workforce Fee (applicable programs)

Distance Learning Fee (Online or Hybrid Courses):
- 40 per course
- 15 per hour (currently $40 per course) to HyFlex courses (already on Web, Remote and Hybrid); New $40 for a 3 hour course

e-Services Fee:
- 5 per course
- 7 per hour
- Currently $5 per course; new $7 per credit hour
RESOLUTION NO. R-2022-6
A RESOLUTION OF THE KILGORE COLLEGE
BOARD OF TRUSTEES
TO RENEW THE HISTORICAL PROPERTY TAX EXEMPTION
FOR DR. E. L. AND NANCY WALKER HOME IN GLADEWATER, TEXAS

WHEREAS, the property owners, Matthew and Memori Ruesing, have received the 'notice of renewal' request from the Gregg County Appraisal District regarding the Historic Property Tax Exemption. The exemption must be (1) renewed annually, (2) submitted with proper documentation from each taxing entity to the Gregg County Appraisal District, and (3) that the board decides the tax exemption rate.

WHEREAS, this property tax exemption is allowed by the Texas Tax code Title 1, Subtitle C, Chapter 11, Sub Chapter A and Section 11.24.

HISTORIC SITES. The governing body of a taxing unit by official action of the body adopted in the manner required by law for official actions may exempt from taxation part or all the assessed value of a structure or archeological site and the land necessary for acres to ad use of the structure or site, if the structure or archeological site is:

(1) Designated as a Recorded Texas Historic Landmark under Chapter 442, Government Code, or state archeological landmark under Chapter 191, Natural Resources Code, by the Texas Historical Commission.

BE IT RESOLVED, that the Kilgore College Board of Trustees recommends to renew the 50% historical property tax exemption for the year 2022 for the Dr. E.L. and Nancy Walker recorded historical landmark home in Gladewater, Texas owned by Matthew and Memori Ruesing.

PASSED, ADOPTED AND APPROVED this 21st day of February, 2022

[Signature]
President, Kilgore College Board of Trustees

ATTEST:

[Signature]
Secretary, Kilgore College Board of Trustees
# Fiscal Year 2022 (September 1, 2021 to August 31, 2022) Revenues and Expenses from Operations - Excludes Auxiliary

## Credit Tuition

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-District Tuition</td>
<td>$1,174,688.40</td>
<td>$813,618.90</td>
<td>($638,846)</td>
<td>$1,452,465</td>
<td>56%</td>
</tr>
<tr>
<td>Out of District Tuition</td>
<td>$3,076,714.70</td>
<td>$2,057,717.05</td>
<td>($1,311,368)</td>
<td>$3,890,085</td>
<td>61%</td>
</tr>
<tr>
<td>Out of State Tuition (Texas Non-Resident)</td>
<td>$340,340.95</td>
<td>$252,762.00</td>
<td>($125,763)</td>
<td>$378,525</td>
<td>67%</td>
</tr>
<tr>
<td>Early Admission/Dual Credit</td>
<td>$1,539,069.60</td>
<td>$1,201,575.40</td>
<td>$368,337</td>
<td>$833,238</td>
<td>144%</td>
</tr>
<tr>
<td><strong>Total Credit Tuition</strong></td>
<td>$6,130,813.65</td>
<td>$4,325,673.35</td>
<td>($1,727,640)</td>
<td>$6,053,313</td>
<td>71%</td>
</tr>
</tbody>
</table>

## Course and Special Fees

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Education Fee</td>
<td>$3,126,956.70</td>
<td>$2,123,827.35</td>
<td>($1,412,048)</td>
<td>$3,535,875</td>
<td>60%</td>
</tr>
<tr>
<td>Out of District Fee</td>
<td>$4,846,520.45</td>
<td>$3,261,645.35</td>
<td>($2,080,335)</td>
<td>$5,341,980</td>
<td>61%</td>
</tr>
<tr>
<td>Course Fees</td>
<td>$1,945,754.75</td>
<td>$1,596,678.37</td>
<td>($609,043)</td>
<td>$2,205,721</td>
<td>72%</td>
</tr>
<tr>
<td>All Other Fees</td>
<td>$411,944.06</td>
<td>$56,517.16</td>
<td>($355,427)</td>
<td>$1,043,237</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total Course and Special Fees</strong></td>
<td>$10,331,175.96</td>
<td>$7,038,668.23</td>
<td>($5,088,145)</td>
<td>$12,126,813</td>
<td>58%</td>
</tr>
</tbody>
</table>

## State Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Appropriations - Formula Funding</td>
<td>$9,267,650.00</td>
<td>$3,234,390.00</td>
<td>($6,420,513)</td>
<td>$9,654,903</td>
<td>33.50%</td>
</tr>
<tr>
<td>State Appropriations - Higher Education Group Insurance (HEGI)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>State Appropriations - Teacher Retirement System TRS/ORP</td>
<td>$157,168.46</td>
<td>$21,050.53</td>
<td>$21,051</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total State Appropriations</strong></td>
<td>$9,424,818.46</td>
<td>$3,255,440.53</td>
<td>($6,399,462)</td>
<td>$9,654,903</td>
<td>34%</td>
</tr>
</tbody>
</table>

## District Ad-Valorem Property Taxes

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Tax Revenues</td>
<td>$6,911,198.51</td>
<td>$2,995,842.81</td>
<td>($3,915,355)</td>
<td>$6,508,163</td>
<td>46%</td>
</tr>
<tr>
<td>Delinquent Tax Collections</td>
<td>$249,545.73</td>
<td>$262,322.54</td>
<td>($12,777)</td>
<td>$150,000</td>
<td>17%</td>
</tr>
<tr>
<td><strong>Total Ad-Valorem Tax Collections</strong></td>
<td>$7,160,744.24</td>
<td>$3,022,065.35</td>
<td>($3,636,678)</td>
<td>$6,658,163</td>
<td>45%</td>
</tr>
</tbody>
</table>

## Other Revenue from Operations

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indirect Cost Recovery (from grants/contracts)</td>
<td>$28,365.85</td>
<td>$10,090.33</td>
<td>($18,275.52)</td>
<td>$33,000</td>
<td>31%</td>
</tr>
<tr>
<td>Interest/Investment Income</td>
<td>$96,733.98</td>
<td>$21,083.11</td>
<td>($75,650.87)</td>
<td>$225,000</td>
<td>9%</td>
</tr>
<tr>
<td>Continuing Education</td>
<td>$1,955,819.22</td>
<td>$924,185.65</td>
<td>($1,031,633)</td>
<td>$1,460,775</td>
<td>63%</td>
</tr>
<tr>
<td>Other Revenue from Operations</td>
<td>$256,851.51</td>
<td>$153,284.70</td>
<td>($103,566.81)</td>
<td>$408,655</td>
<td>38%</td>
</tr>
<tr>
<td>KC Plant Fund Reserves for Capital Improvements</td>
<td>$0.00</td>
<td>$0</td>
<td>$0</td>
<td>$425,000</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Other Revenue from Operations</strong></td>
<td>$2,337,770.56</td>
<td>$1,108,643.99</td>
<td>($1,229,126.57)</td>
<td>$2,552,430</td>
<td>43%</td>
</tr>
</tbody>
</table>

## Total Operating Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2022 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Operating Revenues</td>
<td>$35,835,322.87</td>
<td>$18,750,501.45</td>
<td>($18,295,121)</td>
<td>$37,045,622</td>
<td>51%</td>
</tr>
</tbody>
</table>

## Operating Expenses

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2022 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries &amp; Wages</td>
<td>$17,021,020.25</td>
<td>$4,827,032.44</td>
<td>($12,193,987)</td>
<td>$13,560,567</td>
<td>26%</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>$2,276,287.60</td>
<td>$589,341.33</td>
<td>($1,686,946)</td>
<td>$1,655,635</td>
<td>26%</td>
</tr>
<tr>
<td>Other Operating Expenses</td>
<td>$11,667,849.17</td>
<td>$5,194,625.10</td>
<td>$6,473,224.07</td>
<td>$16,405,884</td>
<td>32%</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>$30,965,157.02</td>
<td>$10,610,998.87</td>
<td>$20,354,158.15</td>
<td>$37,038,459</td>
<td>29%</td>
</tr>
</tbody>
</table>

## Net Income/(Loss) from Operations

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 2022 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Income/(Loss) from Operations</td>
<td>$4,420,165.85</td>
<td>$8,139,502.58</td>
<td>($3,719,336.73)</td>
<td>$8,132,340</td>
<td>$7,163</td>
</tr>
</tbody>
</table>
## November Financial Snapshot

**Fiscal Year 2022 (September 1, 2021 to August 31, 2022)**

### Revenues and Expenses from Auxiliary Services (Grouped)

<table>
<thead>
<tr>
<th>Services</th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student Housing</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$2,490,233</td>
<td>$1,175,659</td>
<td>($1,232,497)</td>
<td>$2,408,156</td>
<td>48.8%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$1,383,508</td>
<td>$545,125</td>
<td>$1,048,383</td>
<td>$1,592,524</td>
<td>34.2%</td>
</tr>
<tr>
<td><strong>Net Student Housing Activity</strong></td>
<td>$1,106,726</td>
<td>$630,534</td>
<td>($185,098)</td>
<td>$815,632</td>
<td></td>
</tr>
<tr>
<td><strong>Bookstore</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$1,949,027</td>
<td>$1,341,316</td>
<td>($1,551,184)</td>
<td>$2,892,500</td>
<td>46.4%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$1,510,816</td>
<td>$226,019</td>
<td>$2,284,800</td>
<td>$2,330,176</td>
<td>9.7%</td>
</tr>
<tr>
<td><strong>Net Bookstore Activity</strong></td>
<td>$438,211</td>
<td>$1,115,298</td>
<td>($552,974)</td>
<td>$562,324</td>
<td></td>
</tr>
<tr>
<td><strong>Rangerette Showcase</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$75,024</td>
<td>$12,007</td>
<td>($57,993)</td>
<td>$70,000</td>
<td>17.2%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$42,123</td>
<td>$21,837</td>
<td>$10,286</td>
<td>$40,621</td>
<td>53.8%</td>
</tr>
<tr>
<td><strong>Net Rangerette Showcase Activity</strong></td>
<td>$32,901</td>
<td>($9,830)</td>
<td>($42,999)</td>
<td>$29,379</td>
<td></td>
</tr>
<tr>
<td><strong>Parks Fitness Center</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$12,241</td>
<td>$4,135</td>
<td>($59,106)</td>
<td>$63,500</td>
<td>6.5%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$49,363</td>
<td>$21,951</td>
<td>$27,412</td>
<td>$106,666</td>
<td>20.6%</td>
</tr>
<tr>
<td><strong>Net Parks Fitness Center Activity</strong></td>
<td>($37,122)</td>
<td>($17,816)</td>
<td>($25,228)</td>
<td>$43,166</td>
<td></td>
</tr>
<tr>
<td><strong>East Texas Oil Museum</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$103,860</td>
<td>$34,750</td>
<td>($120,400)</td>
<td>$155,150</td>
<td>22.4%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$119,436</td>
<td>$37,809</td>
<td>$81,627</td>
<td>$154,945</td>
<td>24.4%</td>
</tr>
<tr>
<td><strong>Net East Texas Oil Museum Activity</strong></td>
<td>($15,577)</td>
<td>($3,059)</td>
<td>($26,024)</td>
<td>$205</td>
<td></td>
</tr>
<tr>
<td><strong>Theater</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$3,114</td>
<td>$6,038</td>
<td>($23,963)</td>
<td>$30,000</td>
<td>20.1%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$7,859</td>
<td>$375</td>
<td>$4,484</td>
<td>$30,000</td>
<td>1.3%</td>
</tr>
<tr>
<td><strong>Net Theater Activity</strong></td>
<td>($4,745)</td>
<td>$5,662</td>
<td>$5,662</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td><strong>Printshop</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$248,149</td>
<td>$47,130</td>
<td>($279,870)</td>
<td>$327,000</td>
<td>14.4%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$200,527</td>
<td>$37,225</td>
<td>$163,302</td>
<td>$245,249</td>
<td>15.2%</td>
</tr>
<tr>
<td><strong>Net Printshop Activity</strong></td>
<td>$47,622</td>
<td>$9,905</td>
<td>($71,846)</td>
<td>$81,751</td>
<td></td>
</tr>
<tr>
<td><strong>Athletics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>$25,337</td>
<td>$65,721</td>
<td>$33,584</td>
<td>$32,500</td>
<td>202.2%</td>
</tr>
<tr>
<td>Expenses</td>
<td>$1,379,936</td>
<td>$584,150</td>
<td>$795,786</td>
<td>$1,485,788</td>
<td>39.3%</td>
</tr>
<tr>
<td><strong>Net Athletics Activity</strong></td>
<td>($1,354,600)</td>
<td>($518,429)</td>
<td>($262,002)</td>
<td>($1,453,288)</td>
<td></td>
</tr>
</tbody>
</table>

**Total Net Auxiliary Services Activity:** $213,417 $1,212,265 $1,219,428 ($7,163)
Kilgore College
November Financial Snapshot
Fiscal Year 2022 (September 1, 2021 to August 31, 2022)

Revenues and Expenses from Auxiliary Services

<table>
<thead>
<tr>
<th></th>
<th>FY 2021 Actual</th>
<th>November 30, 2021</th>
<th>Over (Under) Budget</th>
<th>FY 2022 Budget</th>
<th>% of Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Auxiliary Services Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Housing</td>
<td>$2,490,233.38</td>
<td>$1,175,659.11</td>
<td>($1,232,497)</td>
<td>$2,408,156</td>
<td>48.8%</td>
</tr>
<tr>
<td>Bookstore</td>
<td>$1,949,026.79</td>
<td>$1,341,316.05</td>
<td>($551,184)</td>
<td>$2,892,500</td>
<td>46.4%</td>
</tr>
<tr>
<td>Rangerette Showcase</td>
<td>$75,024.35</td>
<td>$12,007.23</td>
<td>($57,993)</td>
<td>$70,000</td>
<td>17.2%</td>
</tr>
<tr>
<td>Parks Fitness Center</td>
<td>$12,241.30</td>
<td>$4,135.30</td>
<td>($59,365)</td>
<td>$63,500</td>
<td>6.5%</td>
</tr>
<tr>
<td>East Texas Oil Museum</td>
<td>$103,859.52</td>
<td>$34,749.69</td>
<td>($120,400)</td>
<td>$155,150</td>
<td>22.4%</td>
</tr>
<tr>
<td>Theater</td>
<td>$3,113.85</td>
<td>$6,037.50</td>
<td>($23,963)</td>
<td>$32,000</td>
<td>20.1%</td>
</tr>
<tr>
<td>Printshop</td>
<td>$248,148.63</td>
<td>$47,129.89</td>
<td>($279,870)</td>
<td>$327,000</td>
<td>14.4%</td>
</tr>
<tr>
<td>Athletics</td>
<td>$25,336.50</td>
<td>$65,720.74</td>
<td>$33,221</td>
<td>$32,500</td>
<td>202.2%</td>
</tr>
<tr>
<td><strong>Total Auxiliary Services Revenues:</strong></td>
<td>$4,906,984</td>
<td>$2,686,756</td>
<td>($3,292,050)</td>
<td>$5,978,806</td>
<td>44.9%</td>
</tr>
</tbody>
</table>

| **Auxiliary Services Expenses** |                   |                   |                    |                |                   |
| Student Housing              | $1,383,507.55    | $545,125.21       | $1,047,399         | $1,592,524     | 34.2%             |
| Bookstore                    | $1,510,815.67    | $226,018.52       | $2,104,157         | $2,330,176     | 9.7%              |
| Rangerette Showcase          | $42,123.37       | $21,837.15        | $18,784            | $40,621        | 53.8%             |
| Parks Fitness Center         | $49,363.26       | $21,951.35        | $84,715            | $106,666       | 20.6%             |
| East Texas Oil Museum        | $119,436.10      | $37,808.74        | $117,136           | $154,945       | 24.4%             |
| Theater                      | $7,858.69        | $375.33           | $29,625            | $30,000        | 1.3%              |
| Printshop                    | $200,526.54      | $37,224.73        | $208,204           | $245,249       | 15.2%             |
| Athletics                    | $1,379,936.03    | $584,149.83       | $901,638           | $1,485,788     | 39.3%             |
| **Total Auxiliary Services Expenses:** | $4,693,567 | $1,474,491 | $4,511,478 | $5,985,969 | 24.6% |

| **Net Profit/(Loss) from Auxiliary Services** | $213,417 | $1,212,265 | $1,219,428 | ($7,163) | N/A |
TO: Board of Trustees  
Kilgore College  

DATE: February 1, 2022  
RE: Investment Reporting  

The Statement of Cash and Investments as of November 30, 2021 along with the corresponding Schedule of Cash and Investments as of November 30, 2021 has been prepared in accordance with Texas Government Code, Section 2256.023 and the Higher Education Investment Reporting Requirements issued by the State Auditor’s Office. Inquiries related to this report may be directed to:

Terry Hanson  
Chief Financial Officer / VP of Administrative Services  
Kilgore College  
1100 Broadway  
Kilgore, TX 75662  
903-983-7495  
thanson@kilgore.edu

The investments are held in compliance with the Kilgore College investment strategy to manage and invest funds with the following objectives listed in order of their priority: safety, suitability, liquidity, diversity and yield.

Brenda S. Kays, President

Terry Hanson, Chief Financial Officer/ VP of Administrative Services
## Kilgore College
### Statement of Cash and Investments
#### November 30, 2021

<table>
<thead>
<tr>
<th>Total Cash and Investments</th>
<th>August 31, 2021</th>
<th>August 31, 2021</th>
<th>Change</th>
<th>November 30, 2021</th>
<th>November 30, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Book Value</td>
<td>Market Value</td>
<td></td>
<td>Book Value</td>
<td>Market Value</td>
</tr>
<tr>
<td>Bank Deposits (Cash)</td>
<td>$ 21,087,115</td>
<td>$ 21,087,115</td>
<td>$ 1,710,717</td>
<td>$ 22,797,832</td>
<td>$ 22,797,832</td>
</tr>
<tr>
<td>Certificate of Deposits</td>
<td>7,601,283</td>
<td>$ 7,601,283</td>
<td>25,785</td>
<td>$ 7,627,068</td>
<td>$ 7,627,068</td>
</tr>
<tr>
<td>TexPool</td>
<td>$ 176,828</td>
<td>$ 176,828</td>
<td>15</td>
<td>$ 176,843</td>
<td>$ 176,843</td>
</tr>
<tr>
<td><strong>TOTAL CASH AND INVESTMENTS</strong></td>
<td><strong>$ 28,865,226</strong></td>
<td><strong>$ 28,865,226</strong></td>
<td><strong>$ 1,736,517</strong></td>
<td><strong>$ 30,601,743</strong></td>
<td><strong>$ 30,601,743</strong></td>
</tr>
</tbody>
</table>

**Notes:**
- Kilgore College does not employ outside investment advisors or managers and does not have soft dollar arrangements.
- Kilgore College is associated with the Kilgore College Foundation, a 501(c)3 corporation.
- The market value of the Kilgore College Foundation as of November 30, 2021 was $26,616,987.
- On September 1, 2019 all Texas Presbyterian Funds ($9.6m) were transferred to the Kilgore College Foundation.
Kilgore College  
Schedule of Cash and Investments  
November 30, 2021

<table>
<thead>
<tr>
<th>FUND</th>
<th>Maturity Date</th>
<th>Rate</th>
<th>Operating</th>
<th>Auxiliary</th>
<th>Restricted</th>
<th>Endowment</th>
<th>Plant Reserve</th>
<th>Bond Reserve</th>
<th>Agency</th>
<th>Accrued Interest</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance as of 08/31/2021</strong></td>
<td></td>
<td></td>
<td>$24,410,533</td>
<td>$13,100</td>
<td>($96,695)</td>
<td>$3,354,941</td>
<td>$1,178,624</td>
<td>$4,722</td>
<td></td>
<td></td>
<td>$28,865,225</td>
</tr>
<tr>
<td><strong>Bank Deposits (Cash)</strong></td>
<td></td>
<td>0.20%</td>
<td>$21,047,844</td>
<td>$13,100</td>
<td>$508,463</td>
<td>$0</td>
<td>$1,178,624</td>
<td>$40,000</td>
<td></td>
<td></td>
<td>$22,797,832</td>
</tr>
<tr>
<td><strong>Certificates of Deposit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Reserve CD (91 days) established 11/29/2012</td>
<td>2/17/2022</td>
<td>0.50%</td>
<td>4,345,534</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>22,442</td>
<td>4,013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Fund Reserve CD (91 days) established 9/16/2010</td>
<td>12/1/2021</td>
<td>0.50%</td>
<td>3,255,079</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Certificates of Deposit</strong></td>
<td></td>
<td></td>
<td>4,345,534</td>
<td>-</td>
<td>-</td>
<td>3,255,079</td>
<td>-</td>
<td>26,456</td>
<td>4,013</td>
<td></td>
<td>7,627,088</td>
</tr>
<tr>
<td><strong>Total Cash and Investments</strong></td>
<td></td>
<td></td>
<td>25,816,102</td>
<td>13,100</td>
<td>$508,463</td>
<td>$3,358,915</td>
<td>$1,178,624</td>
<td>$40,000</td>
<td>26,456</td>
<td>178,443</td>
<td>$29,861,743</td>
</tr>
</tbody>
</table>
KILGORE COLLEGE TASB POLICY CONVERSION

Summary of Policy for Proposed Adoption by the Kilgore College Board of Trustees

LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: B LOCAL GOVERNANCE
Policy: BD Board Meetings

Summary of LOCAL Policy:
- This policy outlines the rules and regulations associated with who/what/where/when and how meetings of the KC Board of Trustees will be conducted.

Procedures:
- None
**Meeting Place and Time**

**Regular Meetings**
The notice for a Board meeting shall reflect the date, time, and location of the meeting.

Regular meetings of the Board shall typically be held on the second Monday of the month at 6:30 pm. When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.

**Special or Emergency Meetings**
The Board President shall call a special meeting at the Board President’s discretion or on request by five (5) members of the Board.

The Board President shall call an emergency meeting when it is determined by the Board President or five (5) members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.

**Agenda**

**Submission of Topics**
A Board member may request that a subject be included on the agenda for a meeting. The deadline for submitting items for inclusion on the agenda is at least twenty-four (24) hours prior to the Board’s Executive Committee meeting date before regular meetings and at least five (5) business days before special meetings.

**Preparation**
The College President shall compile for review by the Board President all topics timely submitted by Board members, topics requested by the Board, and topics suggested by the College President.

The Board President and the College President shall confer regarding the proposed topics, and the Board President shall determine the topics for the official meeting agenda. The Board President shall ensure that any topic the Board or individual Board members have requested be addressed are either on the meeting agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not refuse to assign a topic requested by a Board member to an agenda and, once assigned, shall not have the authority to remove the topic from the agenda without that Board member’s specific authorization.

**Consent Agenda**
When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.
### Notice to Members
Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least one hour prior to the time of an emergency meeting.

### Closed Meeting
Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, as provided by law. The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BDA]

### Order of Business
The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members present.

### Rules of Order
The Board shall observe the parliamentary procedures as found in *Robert’s Rules of Order, Newly Revised*, except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.

### Voting
Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member’s vote or failure to vote shall be recorded upon that member’s request.

### Minutes
Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.

The official minutes of the Board shall be retained on file in the office of the College President and shall be available for examination during regular office hours.

### Discussions and Limitation
Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.

The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.
“Meeting” means a deliberation among a quorum of a governmental body, including a college district board of trustees, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered, or during which the governmental body takes formal action, or except as otherwise provided by this provision, a gathering:

1. That is conducted by the governmental body or for which the governmental body is responsible;
2. At which a quorum of members of the governmental body is present;
3. That has been called by the governmental body; and
4. At which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control.

Gov’t Code 551.001(3)–(4)

“Deliberation” means a verbal or written exchange between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body.

Gov’t Code 551.001(2)

“Quorum” means a majority of a governmental body.

Gov’t Code 311.013(b), 551.001(6)

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

Gov’t Code 551.001(7)

“Videoconference call” means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet.

Gov’t Code 551.001(8)

The term “meeting” does not include the gathering of a quorum of a governmental body, including a college district board of trustees, at a social function unrelated to the public business that is conducted by the body, the attendance by a quorum of the governmental body at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a governmental body at a candidate forum, appearance, or debate to
inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. Gov’t Code 551.001(4)

Legislative Committee or Agency Meeting

The attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature is not considered to be a meeting of that governmental body if the deliberations at the meeting by the members of that governmental body consist only of publicly testifying at the meeting, publicly commenting at the meeting, and publicly responding at the meeting to a question asked by a member of the legislative committee or agency. Gov’t Code 551.0035(b)

Online Message Board

A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of Government Code Chapter 551 if the communication is in writing and the writing is posted to an online message board or similar internet application in accordance with Government Code 551.006. [See BBI(LEGAL)] Gov’t Code 551.006(a)

Prohibited Series of Communications

A member of a governmental body commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by Government Code Chapter 551 and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and

2. Knew at the time the member engaged in the communication that the series of communications involved would involve a quorum and would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov’t Code 551.143(a)

Open to Public

Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by Government Code Chapter 551. [See BCB and BDA] Gov’t Code 551.002

Exclusion of a Witness

A governmental body that is investigating a matter may exclude a witness from a hearing during the examination of another witness in an investigation. Gov’t Code 551.084
Recording by Attendees

A person in attendance may record all or any part of an open meeting of a governmental body by means of a recorder, video camera, or any other means of aural or visual reproduction. A governmental body may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this section may not prevent or unreasonably impair a person from exercising the right to record. Gov't Code 551.023

Minutes

A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body. The minutes must state the subject of each deliberation and indicate each vote, order, decision, or other action taken.

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body’s chief administrative officer or the officer’s designee.

Gov't Code 551.021–.022

Notice Required

The governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body. Gov't Code 551.041

Continued Meeting

Government Code 551.041 does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the governmental body must give the required written notice of the meeting continued to that other day. Gov't Code 551.0411(a)

Inquiry During Meeting

If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which the required notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. Gov't Code 551.042

Time of Notice and Accessibility

The notice of a meeting of a governmental body must be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. The notice must be posted in a place readily accessible to the public at all times for at least 72 hours before the
scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W.2d 762 (Tex. 1991)*

If the Open Meetings Act (OMA) specifically requires or allows a governmental body to post notice of a meeting on the internet, the governmental body satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period.

The governmental body must still comply with any duty to physically post the notice at a particular location. If the governmental body makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted on the location prescribed by the OMA must be readily accessible to the general public during normal business hours.

*Gov't Code 551.043(b)*

This section applies only to a governmental body that maintains an internet website or for which an internet website is maintained. In addition to the other place at which notice is required to be posted, the governing body of a junior college or junior college district, including a college or district that has changed its name in accordance with Education Code Chapter 130 must also concurrently post notice of a meeting on the internet website of the governmental body.

The governing body of a junior college district, including a district that has changed its name in accordance with Chapter 130, that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also concurrently post the agenda for the meeting on the internet website of the governmental body.

The validity of a posted notice of a meeting or an agenda by a governmental body that made a good-faith attempt to comply with the internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the governmental body.

*Gov't Code 551.056*

A political subdivision, including a college district, with the authority to impose a tax that maintains a publicly accessible internet website, shall post on a publicly accessible internet website each notice of a meeting of the political subdivision’s governing body under the OMA, and each record of a meeting of the political subdivision’s governing body under the OMA.

*Gov't Code 2051.151, .152(a)(5)–(6)*
<table>
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<tr>
<th>Large College Districts</th>
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| The governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which notice is required under Government Code Chapter 551, shall post as early as practicable in advance of the meeting on the internet website of the district any written agenda and related supplemental written materials provided by the district to the board members for the members’ use during the meeting. This requirement does not apply to written materials that the general counsel or other appropriate attorney for the district certifies are confidential or may be withheld from public disclosure under Government Code Chapter 552 (Texas Public Information Act).

The governing board of a junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board’s control.

Gov’t Code 551.1282

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<th>Specificity of Agenda / Notice</th>
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| Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to top administrators are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the board proposes to discuss or accomplish. Cox Enterprises, Inc. v. Austin Indep. Sch. Dist., 706 S.W.2d 956 (Tex. 1986); Point Isabel Indep. Sch. Dist. v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi, 1990, writ denied); Atty. Gen. Ops. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977)

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to the board by employees or staff members. Atty. Gen. Op. JC-169 (2000)

The subject of a report or update by college district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. Atty. Gen. Op. GA-668 (2008)

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<th>Emergency Meeting or Emergency Addition to an Agenda</th>
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| In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which the re-
required notice has been posted is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened. *Gov’t Code 551.045(a)*

An emergency or urgent public necessity exists only if immediate action is required of a governmental body because of an imminent threat to public health and safety, including a threat described below, if imminent or a reasonably unforeseeable situation, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov’t Code 551.045(b)*

The sudden relocation of a large number of residents from the area of a declared disaster to a governmental body’s jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. *Gov’t Code 551.045(e)*

The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice. *Gov’t Code 551.045(c)*

A governmental body may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted under Government Code 551.045(a) other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting as provided by Government Code 551.045(c); or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

*Gov’t Code 551.045(a-1)*

**Catastrophe**

A governmental body that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent the OMA. If the governmental body is unable to convene the open meeting within those 72 hours, the governmental body may
subsequently convene the meeting only if the governmental body gives the required written notice of the meeting.

“Catastrophe” means a condition or occurrence that interferes physically with the ability of the governmental body to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

**Gov’t Code 551.0411(b)–(c)**

**Special Notice to News Media**

A school district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. **Gov’t Code 551.052; Att’y Gen. Op. JM-340 (1985) (a college district board of trustees is considered a school district board of trustees for the purposes of the OMA)**

**Emergency Meeting or Emergency Item**

The presiding officer of a governmental body, or the member of a governmental body who calls an emergency meeting of the governmental body or adds an emergency item to the agenda of a meeting of the governmental body, shall notify the news media of the emergency meeting or emergency item. The presiding officer or member is required to notify only those members of the news media that have previously filed at the headquarters of the governmental body a request containing all pertinent information for the special notice and agreed to reimburse the governmental body for the cost of providing the special notice. The presiding officer or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened to any news media who have previously requested special notice of all meetings. **Gov’t Code 551.047**

**Disaster**

Notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if:

1. The entity’s jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

*Gov't Code 418.1102*

**Secret Ballot**


**Meeting by Telephone Conference Call**

The OMA does not prohibit the governing board of an institution of higher education from holding a meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if the meeting is a special called meeting and immediate action is required, and the convening at one location of a quorum of the board is difficult or impossible. *Gov't Code 551.121(b)–(c)*

**Public Access**

Each part of the telephone conference call meeting that is required to be open to the public must be:

1. Audible to the public at the location specified in the notice of the meeting as the location of the meeting; and

2. Broadcast over the internet in the manner prescribed by Government Code 551.128, below.

*Gov't Code 551.121(f)*

**Notice**

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice of a telephone conference call meeting of a governing board must specify as the location of the meeting the location where meetings of the governmental board are usually held. *Gov't Code 551.121(d)–(e)*

**Recording**

Each part of the telephone conference call meeting that is required to be open to the public must be recorded and made available to the public in an online archive located on the internet website of the entity holding the meeting. *Gov't Code 551.121(f)*

**Quorum at One Location**

The OMA does not prohibit the governing board of a junior college district from holding an open or closed meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if a quorum of the governing board is physically present at the location where meetings of the board are usually held. *Gov't Code 551.122(a)–(b)*

**Public Access**

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location where the quorum is present. The location of the meeting shall provide two-way communication during the entire telephone con-
ference call meeting, and the identification of each party to the telephone conference shall be clearly stated before the party speaks. *Gov’t Code 551.122(d)–(e)*

**Notice**
The telephone conference call meeting is subject to the notice requirements applicable to other meetings. *Gov’t Code 551.122(c)*

**Recording**
Each part of the telephone conference call meeting that is required to be open to the public shall be recorded. The recording shall be made available to the public. *Gov’t Code 551.122(d)*

**Attendance**
A member of a governing board of a junior college district who participates in a board meeting by telephone conference call but is not physically present at the location of the meeting is considered to be absent from the meeting for purposes of Education Code 130.0845. *Gov’t Code 551.122(g)*

**Meeting by Videoconference Call**
A member or employee of a governmental body, including a college district board of trustees, may participate remotely in a meeting of the governmental body by means of a videoconference call if the video and audio feed of the member’s or employee’s participation, as applicable, is broadcast live at the meeting and complies with the provisions of this section. *Gov’t Code 551.127(a-1)*

**Quorum**
A meeting may be held by videoconference call only if a quorum of the governmental body is physically present at one location of the meeting. *Gov’t Code 551.127(b)*

**Exception**
A meeting of a state governmental body or a governmental body that extends into three or more counties may be held by videoconference call only if the member of the governmental body presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting. *Gov’t Code 551.127(c)*

**Attendance**
A member of a governmental body who participates in the meeting as provided by Government Code 551.127(a-1), above, shall be counted as present at the meeting for all purposes.

A member of a governmental body who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The governmental body may continue the meeting only if a quorum of the body remains present at the meeting location or, if applicable, continues to participate in a meeting conducted under Government Code 551.127(c), above. *Gov’t Code 551.217(a-2)-(a-3)*

**Notice**
A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements prescribed by this section. The notice of a meeting to
be held by videoconference call must specify as a location of the meeting the location where a quorum of the governmental body will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting to be held by videoconference call under Government Code 551.127(c), above, must specify as a location of the meeting the location where the member of the governmental body presiding over the meeting will be physically present and specify the intent to have the member of the governmental body presiding over the meeting present at that location. Gov't Code 551.127(d)–(e)

Public Access

The location where the member of the governmental body presiding over the meeting is physically present shall be open to the public during the open portions of the meeting. Gov't Code 551.127(e)

Quality of Audio and Video Signals

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified under Government Code 551.127(e), above. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The physical location specified under Section 551.127(e), and each remote location from which a member of the governmental body participates, shall have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by Section 551.127(e) and at any other location of the meeting that is open to the public.

The Department of Information Resources (DIR) by rule shall specify minimum standards for audio and video signals at a meeting held by videoconference call. The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed those standards.

The audio and video signals perceptible by members of the public at each location of the meeting described by Government Code 551.127(h) must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.30–.31
| **Recording** | The governmental body shall make at least an audio recording of the meeting. The recording shall be made available to the public. *Gov't Code 551.127(g)* |
| **Public Testimony by Videoconference Call** | Without regard to whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a member of the public to testify at a meeting from a remote location by videoconference call. *Gov't Code 551.127(k)* |
| **Internet Broadcast** | A governmental body may broadcast an open meeting over the internet. Except as provided by Government Code 551.128(b-2), a governmental body that broadcasts a meeting over the internet shall establish an internet site and provide access to the broadcast from that site. The governmental body shall provide on the internet site the same notice of the meeting that the governmental body is required to post under Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Chapter 551, Subchapter C. *Gov't Code 551.128(b)–(c)* |
| **Large College Districts** | The governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which notice is required under Government Code Chapter 551, shall: |
| | 1. Broadcast the meeting, other than any portions of the meeting closed to the public as authorized by law, over the internet in the manner prescribed by Government Code 551.128; and |
| | 2. Record the broadcast and make that recording publicly available in an online archive located on the district’s internet website. |
| **Meeting Recording Required** | The governing board of the junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board’s control. *Gov’t Code 551.1282(a)–(b), (d)* |
| **Meeting Recording Required** | An elected school district board of trustees for a school district that has a student enrollment of 10,000 or more shall: |
| | 1. Make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting; and |
| | 2. Make available an archived copy of the video and audio recording of each meeting described by item 1 on the internet. |
Gov’t Code 551.128(b-1); Att’y Gen. Op. JM-340 (1985) (a college district board of trustees is considered a school district board of trustees for the purposes of the OMA)

A governmental body described by Government Code 551.128(b-1) may make available the archived recording of a meeting on an existing internet site, including a publicly accessible video-sharing or social networking site. The governmental body is not required to establish a separate internet site and provide access to archived recordings of meetings from that site. Gov’t Code 551.128(b-2)

A governmental body described by Section 551.128(b-1) that maintains an internet site shall make available on that site, in a conspicuous manner the archived recording of each meeting or an accessible link to the archived recording of each such meeting. Gov’t Code 551.128(b-3)

A governmental body described by Section 551.128(b-1) shall make the archived recording of each meeting available on the internet not later than seven days after the date the recording was made and maintain the archived recording on the internet for not less than two years after the date the recording was first made available. Gov’t Code 551.128(b-4)

A governmental body described by Section 551.128(b-1) is exempt from the requirements of Government Code 551.128 (b-2) and (b-4) if the governmental body’s failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411, or a technical breakdown. Following a catastrophe or breakdown, a governmental body must make all reasonable efforts to make the required recording available in a timely manner. Gov’t Code 551.128(b-5)

A governmental body described by Government Code 551.128(b-1) may broadcast a regularly scheduled open meeting of the body on television. Gov’t Code 551.128(b-6)

A governmental body may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body. [See BDA]

Each part of a public consultation by a governmental body with its attorney in an open meeting of the governmental body must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

Gov’t Code 551.129(a)–(b)
Passing Resolutions or Orders

The board shall act and proceed by and through resolutions or orders adopted or passed by the board and the affirmative vote of a majority of all members of the board shall be required to adopt or pass a resolution or order, and the board shall adopt such rules, regulations, and bylaws as it deems advisable, not inconsistent with Education Code 130.082. Education Code 130.082(d)

Persons with a Hearing Impairment

In a proceeding before the governing body of a political subdivision in which the legal rights, duties, or privileges of a party are to be determined by the governing body after an adjudicative hearing, the governing body shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

“Deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding or communication with others.

Gov't Code 558.001, .003
KILGORE COLLEGE TASB POLICY CONVERSION
Summary of Policy for Proposed Adoption by the Kilgore College Board of Trustees

LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: B LOCAL GOVERNANCE
Policy: BE POLICY AND BYLAW DEVELOPMENT

Summary of LOCAL Policy:
- This policy summarizes the adoption, maintenance, and distribution of Board adopted policies.

Procedures:
- Creation of an official Board of Trustees Policy Manual, paper and electronic, that resides and is maintained in the KC President’s office.
Within the context of current law, the College District shall be guided by Board-adopted written policies that are given appropriate distribution and are accessible to staff members, parents, students, and community residents.

**Organization**
Legally referenced policies contain provisions from federal and state statutes and regulations, case law, and other legal authority that together form the framework for local decision making and implementation. These policies are binding on the College District until the cited provisions are repealed, revised, or superseded by legislative, regulatory, or judicial action.

At each policy code, the legally referenced policy and the Board-adopted local policy must be read together to further a full understanding of a topic.

**Terms**
The terms “Trustee” and “Board member” are used interchangeably in the local policy manual. Both terms are intended to reflect all the duties and obligations of the office.

[See AB for College District name terminology]

**Harmony with Law**
Newly enacted law is applicable when effective. No policy or regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable law.

**Severability**
If any portion of a policy or its application to any person or circumstance is found to be invalid, that invalidity shall not affect other provisions or applications of policy that can be given effect without the invalid provision or application. To this end, the provisions of this policy manual are declared to be severable.

**Policy Development**
Policies and policy amendments may be initiated by the College President, Board members, College District personnel, students, or community citizens but generally shall be recommended for the Board’s consideration by the College President.

**Adoption and Amendment**
Local policies may be adopted or amended by a majority of the Board at any regular or special meeting, provided that Board members have had advance written notice of the proposed change and that it has been placed on the agenda for such meeting.

Local policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Legally referenced policies are not adopted by the Board.

**Official Policy Manual**
The Board shall designate one copy of the local policy manual as the official policy manual of the College District. The official copy shall be kept in the central administration office, and the College President shall be responsible for its accuracy and integrity and
shall maintain a historical record of the College District's policy manual.

TASB Localized Updates

After Board review of legally referenced policies and adoption of local policies, the new material shall be incorporated into the official policy manual and into other localized policy manuals maintained by the College District. If discrepancies occur between different copies of the manual, the version contained in the official policy manual shall be regarded as authoritative.
The board shall adopt such rules, regulations, and bylaws it deems advisable not inconsistent with Education Code 130.082. Education Code 130.082(d)
KILGORE COLLEGE TASB POLICY CONVERSION
Summary of Policy for Proposed Adoption by the Kilgore College Board of Trustees

LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022
Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section:  B  LOCAL GOVERNANCE
Policy:  BBH  Conventions, Conferences, and Workshops

Summary of LOCAL Policy:
- Authorizes KC Board members to attend and be reimbursed for attendance at regional, state, or national convenings so long as the travel is authorized and deemed by the Board to further the educational mission and function of the College.

Procedures:
- None

Note:
- Local policy only; no legal.
Board members may attend regional, state, or national conventions, conferences, and workshops. Reimbursement for reasonable travel expenses for attendance at such conventions, conferences, and workshops shall be made by the College District when attendance is authorized and deemed by the Board to be necessary or desirable in carrying out the educational functions of the College District. [See BBG]
LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board of Trustees Policy and Personnel Committee Meeting Date: January 27, 2022
Kilgore College Board of Trustees Meeting Date: February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: C BUSINESS AND SUPPORT SERVICES
Policy: CDC AUDITS

Summary of LOCAL Policy:
- The policy specifies the conditions under which the Board selects an auditing firm for a designated period of time through a Request for Proposal (RFP) or an engagement letter outlining the Board’s expectations for the annual audit. The audits will be conducted in accordance with appropriate standards.

Procedures:
- The procedures for selecting an audit firm through an RFP remain the same as previously established (see attached Administrative Rule), as no substantial changes in policy have been made.
- The policy directs the College President to provide periodic reports to the Board evaluating the work of the selected auditor.
- If an internal audit is conducted, the results of the internal audit will be reported to the Board.
The Board shall select an auditing firm for a designated period through a Request for Proposal (RFP) or an engagement letter that outlines the Board’s expectations for the annual audit and ensures that the audit firm follows the guidelines and standards of the American Institute of Certified Public Accountants (AICPA) and the Governmental Accounting Standards Board (GASB).

The annual audit of all funds shall be made to determine:

1. The adequacy of the Board’s fiscal policies;
2. The execution of those fiscal policies; and
3. A check and review of the College District’s fiscal actions for the preceding year.

A comprehensive audit report of all funds and accounts of the College District, including a management letter, shall be submitted annually to the Board. A copy of the independent audit shall become a part of the Board’s official minutes and shall be available to the public for inspection during regular office hours.

Periodically, the College President shall submit reports to the Board evaluating the work of the College District’s auditor.

Internal Audits

All College District accounts shall be subject to internal audit as deemed appropriate. The objective of internal accounting control is to provide reasonable assurance as to the safeguarding of assets against loss from unauthorized use or disposition and to evaluate the reliability of financial records for preparing financial statements and maintaining accountability for assets. Findings of such audits shall be reported to the Board.
The comptroller of public accounts and the Coordinating Board jointly shall prescribe and periodically update a uniform system of financial accounting and reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. The Coordinating Board may require institutions to report additional financial information as the board considers necessary. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system. *Education Code 61.065*

**Annual Audit Report**

A community college’s bound and audited financial statements, in the quantity indicated, should be forwarded to each agency listed in Section 2.1 of the Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges manual by January 1st of each year and submitted electronically to the Coordinating Board. The audit must be certified by the auditor but does not need to be approved by the governing board before submission.

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

*Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges (PDF)*

**Information from State Auditor**

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

1. How the appropriate representatives of the district may participate in the audit planning process; and

2. How the district may request information or assistance in preparing for the audit from the state auditor.

*Gov’t Code 321.0137(a)*

**Publication**

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

1. The agency’s internal audit plan approved as provided by Government Code 2102.008; and
2. The agency's annual report required under Government Code 2102.009.

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

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

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

Gov't Code 2102.015

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

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I. Purpose and Scope

This rule establishes the procedures for the request for qualifications (RFQ) for financial audit services, audit initiation, communication of audit results, and reporting the results of the audit.

II. Procedures

Request for Qualifications

A Request for Qualifications (RFQ) will be issued no less than every five calendar years.

1) When issued, RFQs will be solicited by January 31, in order to provide for a timely selection process.
2) The College President will provide a synopsis of the solicitations received and make a recommendation to the Finance, Investment and Auditing Committee. Upon consideration of the recommendation, the Committee will take the recommendation to the full Board of Trustees (Board).
3) At the option of the Board of Trustees, the same firm will not be chosen as auditors for more than 5 out of any 10 years.

Audit Initiation

The audit firm will initiate the annual audit by communicating with the Finance, Investment and Auditing Committee, the College President, and the Vice-President of Administrative Services/CFO. The Auditor will communicate with Trustees and college staff pursuant to applicable generally accepted auditing standards and governmental auditing standards.

Audit Results

Results from the annual audit will be presented to the Board Finance, Investment and Auditing Committee, and then to the full Board during its December meeting, or in the event of an unforeseen delay, as soon thereafter as practicable.

Audit Reporting

The Vice-President of Administrative Services/CFO is responsible for posting the audited financial report on the College’s website, and the distribution of the audited financial report to other governmental agencies, accrediting entities, credit rating agencies, and others as required or requested.
KILGORE COLLEGE TASB POLICY CONVERSION
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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board of Trustees Policy and Personnel Committee Meeting Date:
January 27, 2022
Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: C BUSINESS AND SUPPORT SERVICES
Policy: CM Facilities Construction

Summary of LOCAL Policy:
• The policy directs the College President to establish procedures ensuring that all facilities within the College District comply with acceptable laws and local building codes. The requirements regarding construction contracts, addressing change orders, and project administration is specified. College District construction projects that are valued at or above $50,000.00 shall be presented by the College President for Board approval.

• In the event of a catastrophe, emergency, or natural disaster affecting the College District, the policy empowers the Board to delegate the College President authority to contract for the replacement, construction, or repair of College District equipment or facilities in accordance with applicable law if emergency replacement, construction, or repair is necessary for the health and safety of College District students and staff.

• The policy directs the Board or its Designee (the College President) to approve change orders prior to executing any changes in the approved plans or in the actual construction of the facility in question.

Procedures:
• Kilgore College’s director of facilities, environmental safety, and construction, in coordination with the College’s maintenance contractor, will perform or cause to have all regularly scheduled facility-related inspections, as required by local, state, and/or federal regulations, performed to ensure that all facilities with the College District comply with applicable laws and building codes.
The College President or designee shall establish procedures ensuring that all facilities within the College District comply with applicable laws and local building codes.

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above $50,000. To assist the Board, the College President shall recommend the project delivery/contract award method that he or she determines provides the best value to the College District. [See CM series]

For construction contracts valued at or above $50,000 the College President shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the College President and consistent with law and policy. [See also CF]

Change orders permitted by law shall be approved by the Board or its designee prior to executing any changes in the approved plans or in the actual construction of the facility.

All construction projects shall be administered by the College President or designee.

The College President or designee shall keep the Board informed concerning construction projects and also shall provide information to the general public.

The College District shall not make final payments for the construction or the supervision of construction until the work has been completed and the College District has accepted the work.
• For new construction and major renovation projects, the College will employ the professional services and an architectural/engineering firm to ensure that the project complies with applicable laws and local building codes. For “in-house” and minor projects, the College will follow the local permitting processes, as applicable, to ensure that the project complies with applicable laws and local building codes.

• The Executive Vice President of Internal Collaboration and Strategic Initiatives is compiling a Facilities Construction Procedure Manual in conjunction with procurement services to ensure that all legal and local requirements are published and followed.
Note: For information on procuring goods and services under Education Code Chapter 44, including the delegation of authority and pursuit of injunctions, see CF(LEGAL). For information on expenditures using federal funds, see CAAB. For information on providing notice to the Legislative Budget Board (LBB) regarding contracts exceeding $50,000, see GGC.

Education Code Chapter 44, Subchapter B, applies to junior college districts. *Education Code 44.031(a)*

**Board Authority**

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

**Delegation of Authority**

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

The governmental entity shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. *Gov't Code 2269.053*

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

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

1. An interlocal contract. [See CF]
2. Competitive bidding. [See CMA]
3. Competitive sealed proposals. [See CMB]
4. Construction manager-agent method. [See CMC]
5. Construction manager-at-risk method. [See CMD]
6. Design-build method. [See CME]
7. The reverse auction procedure as defined by Government Code 2155.062(d). [See CF] *Education Code 44.031(a); Gov't Code Ch. 2269*

**Selecting a Contracting Method**

The governing body of a governmental entity that considers a construction contract using a method authorized by Government Code...
Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity. Gov’t Code 2269.056(a)

Exceptions

Emergency Damage or Destruction

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

Contracts Requiring a Bond

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

Public Notice

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

Contract Selection Criteria

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

1. Consider and apply any existing laws, including any criteria, related to historically underutilized businesses; and

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

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

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

Gov’t Code 2269.055

Out-of-State Bidder
A governmental entity, including a college district, may not award a governmental contract for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment to a nonresident bidder whose principal place of business is not in this state, unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located or the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which a majority of the manufacturing relating to the contract will be performed. Gov’t Code 2252.001–.002

This requirement does not apply to a contract involving federal funds. A governmental entity shall use the information published by the comptroller in the Texas Register to evaluate the bid of a nonresident bidder. Gov’t Code 2252.003–.004

Publishing Criteria
The governmental entity shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion. Gov’t Code 2269.056(b)

Contracts Valued at or Above $1 Million
The contract requirements in Government Code Chapter 552, Subchapter J apply to an entity that is not a governmental body that executes a contract with a governmental body that:

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

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

Contracts Prohibited

Scrutinized Companies

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

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

Gov't Code 2252.001(3), .152

Companies that Boycott Israel

This section applies only to a contract that:

1. Is between a governmental entity and a company with ten or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the governmental entity.

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

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

Gov't Code 2270.002

Required Disclosures

Disclosure of Interested Parties

A governmental entity or state agency may not enter into a contract with a business entity that requires an action or vote by the governing body of the entity or agency before the contract may be signed, has a value of at least $1 million, or is for services that would require a person to register as a lobbyist under Government Code Chapter 305, with certain exceptions, unless the business entity, in accordance with Government Code 2252.908 and rules adopted by the Texas Ethics Commission, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. [See GL] Gov't Code 2252.908
Before a state agency, including a college district, may award a major contract, a contract that has a value of at least $1 million, for the purchase of goods or services to a business entity, each of the state agency’s purchasing personnel working on the contract must disclose in writing to the administrative head of the state agency any relationship the purchasing personnel is aware about that the employee has with an employee, a partner, a major stockholder, a paid consultant with a contract with the business entity the value of which exceeds $25,000, or other owner of the business entity who is within a degree described by Government Code 573.002, the third degree by consanguinity or within the second degree by affinity of the purchasing employee. The state auditor shall develop a form for use in reporting a specified relationship.

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

Gov’t Code 2262.001(4), .004

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

Submission

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

Electronic Bids or Proposals

A college district may receive bids or proposals through electronic transmission if the board of trustees of the college district adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time. An electronic bid or proposal is not required to be sealed. A provision of this chapter that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission. Education Code 44.0313
**Selection**
The governmental entity shall base its selection among offerors on applicable criteria listed for the particular method used. *Gov't Code 2269.056(b)*

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

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

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

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

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

*Education Code 44.0411*

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

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

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

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

Gov't Code 2269.057

Registered Architect

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

1. A new building having construction costs exceeding $100,000 that is to be constructed and owned by a political subdivision of this state and used for education, assembly, or office occupancy.

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

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

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

Registered Engineer

The following work is exempt from Occupations Code Chapter 1001:

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is $8,000 or less; or

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

Certification for Purchases Through Purchasing Cooperatives

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

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

2. The plans and specifications required under Occupations Code Chapters 1001 and 1051 have been prepared.

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

Gov't Code 791.011(j)

Procuring Professional Services

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

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

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;

2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, an architect, a landscape architect, a land surveyor, a physician, including a surgeon, an optometrist, a professional engineer, a state certified or state licensed real estate appraiser, or a registered nurse; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov’t Code 2254.002, .003(a)

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

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

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

Gov’t Code 2254.004

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

A state agency, including a college district and other institutions of higher education, shall provide written notice to the LBB of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds $14,000. The notice must be on a form prescribed by the LBB and filed not later than the tenth day after the date the agency enters into the contract. Gov’t Code 2254.006

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

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.
In a contract for engineering or architectural services to which a governmental agency is a party, a provision establishing a different standard of care is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

*Local Gov't Code 271.904(d)–(e)*

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

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

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

*Local Gov't Code 271.904(a)–(c)*

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

**Right to Work**

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

1. May not consider whether a person is a member of or has another relationship with any organization; and

2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person’s membership or other relationship status with respect to any organization.

Gov’t Code 2269.054

**Accessibility**

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

**Payment and Performance Bonds**

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

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

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

Gov't Code 2253.021(a)–(e)

Failure to Obtain Payment Bond

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

No Bond for Design Services Only

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

Bond for Insured Loss

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

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

2. A payment bond as described in Government Code 2253.021(c) for the benefit of the beneficiaries described by that subsection. If the payment bond is not furnished, the governmental entity is subject to the same liability that a surety would have if the surety had issued the payment bond and the governmental entity had required the bond to be provided.

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

Gov't Code 2253.022(a)–(c), (f)

Exception to Bond Requirement

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

Prevailing Wage on Public Works

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

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

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

Gov’t Code 2258.022

Enforcement

A public body awarding a contract, and an agent or officer of the
public body, shall take cognizance of complaints of all violations of
Government Code Chapter 2258, and withhold money forfeited or
required to be withheld under this chapter from the payments to the
contractor under the contract, except that the public body may not
withhold money from other than the final payment without a deter-
mination by the public body that there is good cause to believe that
the contractor has violated Chapter 2258.

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

Gov’t Code 2258.051, .052(a)–(c)
A public body shall retain any amount due under the contract pending a final determination of the violation. A public body shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator’s award. The public body may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. Gov’t Code 2258.052(d), .056

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

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

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers’ compensation coverages described in 28 Administrative Code 110.110(c)(7). [See CM(EXHIBIT)]

2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities described in 28 Administrative Code 110.110(d). [See CM(EXHIBIT)]

3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person’s beginning work on the project. “Person providing services on the project” includes but is not limited to all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that

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**Retainage and Reimbursement**

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

**Penalty for Noncompliance**

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

**Required Workers’ Compensation Coverage**

- A governmental entity that enters into a building or construction contract on a project, which includes the provision of all services related to a building or construction contract for a governmental entity, shall:
  1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers’ compensation coverages described in 28 Administrative Code 110.110(c)(7). [See CM(EXHIBIT)]
  2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities described in 28 Administrative Code 110.110(d). [See CM(EXHIBIT)]
  3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person’s beginning work on the project. “Person providing services on the project” includes but is not limited to all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that
person contracts directly with the contractor and regardless of whether that person has employees. This includes, but is not limited to, independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the contract. “Services” include, but are not limited to, providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other services related to a project. “Services” does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage.

5. Before the end of the coverage period, if the contractor’s current certificate shows that the coverage period ends during the duration of the project.

6. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.

7. Retain certificates of coverage on file for the duration of the project and for three years thereafter.

8. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers’ Compensation upon request and to any person entitled to a copy by law.

9. Use the prescribed language for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation. [See CM(EXHIBIT) for prescribed language]

Exception

A sole proprietor, partner, or corporate executive officer of a business entity that elects to provide workers’ compensation insurance coverage is entitled to benefits under that coverage as an employee unless the sole proprietor, partner, or corporate executive officer is specifically excluded from coverage through an endorsement to the insurance policy or certificate of authority to self-insure.

Use of Student Fees in Construction

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

**Impermissible Practices**

Violation of Purchasing Laws

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

Prohibition on Collective Bargaining Agreements

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

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or

2. Discriminate against a person described above based on the person’s involvement in the agreement, including the person’s status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

*Gov’t Code 2269.0541*

**Enforcement Actions**

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

**Attorney Fees**

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

**Public and Private Facilities and Infrastructure Partnerships**

A governmental entity, including a college district, may enter into a partnership with a private entity for the acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, and installation of education facilities, technology and other public infrastructure, and government facilities that serve a public need and purpose in accordance with the requirements of Government Code Chapter 2267. *Gov’t Code Ch. 2267*
LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date: January 27, 2022
Kilgore College Board of Trustees Meeting Date: February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: C BUSINESS AND SUPPORT SERVICES
Policy: CMA Competitive Bidding

Summary of LOCAL Policy: (Option A – Does Not Allow for Electronic Submissions)
- The policy directs the College President to ensure that detailed specifications are prepared for any construction project when competitive bids are sought. In accordance with the policy, all bids shall be submitted in accordance with administrative regulations and in sealed envelopes plainly marked with the name of the bid and time of the scheduled bid opening.

Procedures:
- The College President or designee and the procurement services department will review all requests for competitive bid documents prior to publication to ensure that detailed specifications and legal requirements are clearly delineated. Additionally, the College President may elect to engage a review by the college attorney.
Specifications

The College President or designee shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

Bid Process

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

Safety Record

If the College District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder’s OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder’s insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.
“Competitive bidding” is a procurement method by which a governmental entity, including a college district, contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

Except as otherwise provided by Government Code Chapter 2269 or other law, a governmental entity may contract for the construction, alteration, rehabilitation, or repair of a facility only after the entity advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

_Gov’t Code 2269.101_

The competitive bidding process is governed by the process outlined below. The governmental entity must comply with applicable legal requirements in this policy as well as other applicable legal requirements [see CM(LEGAL)], which include the following steps:

1. Giving PUBLIC NOTICE of the project;
2. Publishing CONTRACT SELECTION CRITERIA;
3. MAKING EVALUATIONS PUBLIC after the contract is awarded; and
4. Providing for INSPECTION, VERIFICATION, AND TESTING necessary for acceptance of the facility by the governmental entity.

_Education Code 44.031(g); Gov’t Code 2269.052, .055, .056(c), .058, .105_

**Note:** Terms in all capital letters, above, point to margin notes in the referenced policy.

**Preparation of Request**

The governmental entity shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. _Gov’t Code 2269.103_

**Use of Architect or Engineer**

The governmental entity shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding. _Gov’t Code 2269.102 [See CM]_

**Opening Bids**

The governmental entity shall receive, publicly open, and read aloud the names of the offerors and their bids. Bids may be opened
only by the governing body of the governmental entity at a public meeting or by an officer or employee of the governmental entity at or in an office of the governmental entity. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. Gov’t Code 2269.104; Local Gov’t Code 271.026

The governmental entity is entitled to reject any and all bids. Local Gov’t Code 271.027(a)

Safety Record

In determining who is a responsible bidder, the governmental entity may take into account the safety record of the bidder, of the firm, corporation, partnership, or institution represented by the bidder, or of anyone acting for such firm, corporation, partnership, or institution if:

1. The governing body of the governmental entity has adopted a written definition and criteria for accurately determining the safety record of the bidder;

2. The governmental entity has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder; and

3. The determinations are not arbitrary and capricious.

Local Gov’t Code 271.0275; Education Code 44.0351(b)

Conflict of Laws

Except as otherwise specifically provided in this policy, Local Government Code Chapter 271, Subchapter B, does not apply to the competitive bidding process. Gov’t Code 2269.106; Education Code 44.0351(b)
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LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: C BUSINESS AND SUPPORT SERVICES
Policy: CMB Competitive Sealed Proposals

Summary of LOCAL Policy: (Option A – Does Not Allow for Electronic Submissions)

- The policy directs the College President to Prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

Procedures:
- The College President or designee shall develop a draft request for proposal documents. The College President and procurement services department will review all request for proposal documents prior to publication to ensure that detailed specifications and legal requirements are clearly delineated. Additionally, the College president may elect to engage a review by the college attorney.
Specifications

The College President or designee shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

Process

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal Acceptance

The College District may reject any and all proposals.

Safety Record

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror’s OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror’s insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.
“Competitive sealed proposals” is a procurement method by which a governmental entity, including a college district, requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility. *Gov’t Code 2269.151*

If a governmental entity uses the competitive sealed proposals method as described in this policy, it must comply with applicable legal requirements in this policy as well as other applicable legal requirements [see CM], which include the following steps:

1. **SELECTING A CONTRACTING METHOD**;
2. Giving **PUBLIC NOTICE** of the project;
3. Publishing **CONTRACT SELECTION CRITERIA**;
4. **MAKING EVALUATIONS PUBLIC** after the contract is awarded; and
5. Providing for **INSPECTION, VERIFICATION, AND TESTING** necessary for acceptance of the facility by the governmental entity.

*Education Code 44.031(g); Gov’t Code 2269.052, .055, .056(a), (c), .058*

### Note:
Terms in all capital letters, above, point to margin notes in the referenced policy.

**Request for Proposals**
The governmental entity shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, schedule, and other information that a contractor may require to respond to the request. *Gov’t Code 2269.153*

**Architect / Engineer**
The governmental entity shall select or designate an architect or engineer to prepare construction documents for the project. *Gov’t Code 2269.152 [See CM]*

**Opening Proposals**
The governmental entity shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors. Not later than the 45th day after the date on which the proposals are opened, the governmental entity shall evaluate and rank each proposal submitted in relation to the published selection criteria.

**Selection**
The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity.
based on the selection criteria in the request for proposals and the
weighted value for those criteria in the request for proposal and on
its ranking evaluation.

The governmental entity shall first attempt to negotiate a contract
with the selected offeror. The governmental entity and its architect
or engineer may discuss with the selected offeror options for a
scope or time modification and any price change associated with
the modification. If the governmental entity is unable to negotiate a
satisfactory contract with the selected offeror, the governmental en-
tity shall, formally and in writing, end negotiations with that offeror
and proceed to the next offeror in the order of the selection ranking
until a contract is reached or all proposals are rejected.

Gov’t Code 2269.154–.155
KILGORE COLLEGE TASB POLICY CONVERSION
Summary of Policy for Proposed Adoption by the Kilgore College Board of Trustees

LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

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Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: E INSTRUCTION
Policy: EA ACADEMIC YEAR AND CALENDAR

Summary of LOCAL Policy:
The policy specifies the timing of the College District’s obligation to approve and post the College District’s academic calendar each Fall.

Procedures:
- Creation of the academic calendar resides with the Office of Admissions and Registrar. In October of each year, the Registrar reviews the previous calendar and makes revisions to dates, days of the week, and events for the next year. Once revised, the Registrar forwards the calendar to the Dean of Enrollment Management and Student Services, and to the Vice President of Student Services for additional review and corrections. Every effort is made to coordinate Spring Break dates with service area school districts.

- In November, the revised calendar is presented to the Calendar Committee for additional review. The Calendar Committee is chaired by the Registrar, and is comprised (but not limited to) the following stakeholders:
  - Instructional Deans
  - Selected Faculty Members/Academic Department Chairs
  - Coordinator of Instructional Support – eLearning
  - VP Administrative Services and CFO
  - VP of Student Services
  - VP of Instruction
  - Coordinator of Dual Credit
• This committee will review the calendar and make corrections as needed. Additionally, this committee will make recommendations for any calendar changes (holidays, additional campus closures, etc.) to the Executive Cabinet.

• The VP of Student Services will present the calendar to the Executive Cabinet as an agenda item. Once approved by the Executive Cabinet, the calendar is presented to the Board of Trustees for approval as part of the College Catalog for the next academic year and posted in all appropriate venues.
Each fall, the Board shall approve the College District’s academic calendar for the subsequent academic year. The calendar shall include dates for orientation, registration, holidays, final examinations, and the end of each semester and summer term. As necessary, the Board may amend the calendar.

The calendar shall be published in the College District catalog and other College District publications as appropriate.
The commissioner shall establish and periodically update a common calendar for Texas public universities and community, technical, and state colleges. The commissioner may grant waivers to the common calendar to benefit students and/or to improve the efficient operations of the institutions. A public university or community, technical, or state college that begins its fall and spring semesters and its first summer term within seven days of the date set by the common calendar is in compliance with the common calendar and does not require a waiver. 19 TAC 4.5(a)–(b)

**Fall and Spring Semesters**

A semester normally shall include at least 15 weeks for instruction and one week for final examinations or a total of 16 weeks for instruction and examinations combined. Every fall semester will end before Christmas but not later than December 23. 19 TAC 4.5(c)

**Summer Session**

The summer session shall be considered an integral part of the college year, and maximum use should be made of the summer session. Each of the two summer terms shall include no less than five-and-one-half calendar weeks including registration, instructions, and final examinations. Colleges may register students for a six-semester-credit-hour load for each five-and-one-half week summer term. Colleges and universities may schedule summer enrollment periods longer or shorter than five-and-one-half weeks, but the amount of credit given must be proportional. 19 TAC 4.5(d)

**Other Dates**

Each college and university shall establish its own dates for orientation, registration, holidays, final examinations, and the end of each semester and summer term consistent with the provisions above. 19 TAC 4.5(e)

**Utilization of Facilities**

Nothing in this policy shall be interpreted to preclude experimentation and innovation by any institution looking toward full utilization of facilities on a year-round basis. 19 TAC 4.5(g)
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Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: E INSTRUCTION
Policy: EBA Distance Education

Summary of LOCAL Policy:

- The policy prescribes the College District’s obligation, as a SACSCOC accredited institution approved to offer distance education, to offer online coursework in accordance with applicable law, regulations and guidelines of the Texas Higher Education Coordinating Board (THECB), and College District policies and procedures.

Procedures:

- Instructional Divisions determine distance learning schedules for each semester in accordance with required policy and accreditation standards.
- The Distance Education Advisory committee meets twice a year to recommend changes and improvements to the operations and processes related to distance education at Kilgore College. The KC Vice President of Instruction is responsible for ensuring that recommendations from the Distance Education Advisory Committee are taken through the appropriate approval processes. Recommendations from the Distance Education Advisory Committee go through appropriate approval processes.
The College District shall offer distance education courses and programs in accordance with:

- Applicable law;

- Coordinating Board regulations and guidelines, including the Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered Electronically;

- Policies and guidelines of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); and

- College District policies and procedures.

The College President shall develop procedures to implement this policy.
An institution of higher education, including a college district, may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the Coordinating Board. An institution must certify to the Coordinating Board that a course offered for credit outside the state meets the Coordinating Board's academic criteria. An institution shall include the certification in submitting any other reports required by the Coordinating Board. *Education Code 61.0512(g)*

**Definitions**

**Continuing Education Course**

A "continuing education course" is a non-credit higher education technical course offered for continuing education units, has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. *19 TAC 4.257(5)*

**Distance Education**

"Distance education" is the formal education process that occurs when students and instructors are not in the same physical setting for the majority (more than 50 percent) of instruction. *19 TAC 4.257(8)*

**Distance Education Course**

A "distance education course" refers to a course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are not in the same place. Two categories of distance education courses are defined as follows:

1. **Fully Distance Education Course**: A course that may have mandatory face-to-face sessions totaling no more than 15 percent of the instructional time. Examples of face-to-face sessions include orientation, laboratory, exam review, or an in-person test.

2. **Hybrid/Blended Course**: A course in which a majority (more than 50 percent but less than 85 percent) of the planned instruction occurs when the students and instructor(s) are not in the same place.

   *19 TAC 4.257(9)*

**Non-credit Course**

A "non-credit course" is a course that results in the award of continuing education units (CEUs) as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. *19 TAC 4.257(17)*

**Self-Supporting Courses and Programs**

“Self-supporting courses and programs” are academic credit courses and programs (formerly defined as extension courses or programs) whose semester credit hours are not submitted for formula funding. *19 TAC 4.257(24)*
**Workforce Continuing Education Course**

A “workforce continuing education course” is a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or avocational purposes which is not supported by state funding. *19 TAC 4.257(26)*

**Applicability of Subchapter P**

The provisions of 19 Administrative Code Chapter 4, Subchapter P (addressing approval of distance education courses and programs) apply to academic credit courses, degree and certificate programs, and self-supporting courses and programs provided by all public institutions of higher education, including college districts, and formula-funded workforce credit courses and continuing education provided by a public community college, Lamar State College, or public technical college. These provisions do not apply to non-formula-funded continuing education provided by a public community college, Lamar State College, or public technical college. *19 TAC 4.258*

**Standards and Criteria Generally**

The following provisions apply to all institutions covered by 19 Administrative Code Chapter 4, Subchapter P, unless otherwise specified:

1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

2. Institutions shall adhere to criteria outlined in Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered Electronically.

3. Students shall be provided academic support services appropriate for distance education, such as advising, career counseling, library, and other learning resources.

4. Institutions shall report enrollments, courses, and graduates associated with distance education offerings as required by the commissioner.

5. If a non-Texas resident student enrolls in regular, on-campus courses for at least one-half of the normal full-time course load as determined by the institution, the institution may report that student’s fully distance education or hybrid/blended courses for formula-funding enrollments.

*19 TAC 4.260*

**Out-of-State**

If an institution offers postsecondary education through distance education or correspondence courses to students located in a state
in which the institution is not physically located or in which the institution is otherwise subject to that state’s jurisdiction as determined by that state, the institution must meet any of that state’s requirements for it to be legally offering postsecondary distance education or correspondence courses in that state. The institution must, upon request, document the state’s approval to the U.S. Secretary of Education. 34 C.F.R. 600.9(c)(1)(i)

Exception

If an institution offers postsecondary education through distance education or correspondence courses in a state that participates in a state authorization reciprocity agreement, and the institution is covered by such agreement, the institution is considered to meet state requirements for it to be legally offering postsecondary distance education or correspondence courses in that state, subject to any limitations in that agreement and to any additional requirements of that state not relating to state authorization of distance education. The institution must, upon request, document its coverage under such an agreement to the U.S. Secretary of Education. 34 C.F.R. 600.9(c)(1)(i)(ii)

Location

For purposes of this 34 C.F.R. 600.9, an institution must make a determination, in accordance with the institution’s policies or procedures, regarding the state in which a student is located, which must be applied consistently to all students. The institution must, upon request, provide the U.S. Secretary of Education with written documentation of its determination of a student’s location, including the basis for such determination. An institution must make a determination regarding the state in which a student is located at the time of the student’s initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution’s procedures, that the student’s location has changed to another state. 34 C.F.R. 600.9(c)(2)

Definitions

**Distance Education**

For purposes of the federal distance education provisions, “distance education” is education that uses one or more of the technologies listed below at items 1 through 4 to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies that may be used to offer distance education include:

1. The internet;
2. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
3. Audio conferencing; or
4. Other media used in a course in conjunction with any of the technologies listed at 1 through 3, above.

An instructor is an individual responsible for delivering course content and who meets the qualifications for instruction established by an institution’s accrediting agency.

An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student’s completion of a course or competency:

1. Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and

2. Monitoring the student’s academic engagement, as defined by 34 C.F.R. 600.2, and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

Substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:

1. Providing direct instruction;

2. Assessing or providing feedback on a student's coursework;

3. Providing information or responding to questions about the content of a course or competency;

4. Facilitating a group discussion regarding the content of a course or competency; or

5. Other instructional activities approved by the institution’s or program’s accrediting agency.

34 C.F.R. 600.2

A “correspondence course” is a course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructors. Interaction between instructors and students is limited, is not regular and substantive, and is primarily initiated by the students. A correspondence course is not distance education.

If a course is part correspondence and part residential training, the U.S. Secretary of Education considers the course to be a correspondence course.

34 C.F.R. 600.2
State Authorization Reciprocity Agreement (SARA) is an agreement among its member states, districts, and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs. 19 TAC 4.312(11)

Any public degree granting institution of higher education, including a college district, may apply to participate in SARA if its principle campus is located in Texas. All distance education content provided by SARA participants must originate in the United States or a U.S. territory. The institution must be accredited by an accrediting body recognized by the U.S. Department of Education. 19 TAC 4.313

All eligible institutions may apply to the Coordinating Board for admission to SARA under the signature of the institution’s chief academic officer. Within the application, an institution shall make assurances that it:

1. Agrees to abide by the Council of Regional Accrediting Commissions (C-RAC) Guidelines for the Evaluation of Distance Education.
2. Agrees to be responsible for the actions of any third-party providers used by the institution to engage in operations under SARA.
3. Agrees to notify the Coordinating Board of any negative changes to its accreditation status.
4. Agrees to provide data requested by the Coordinating Board.
5. Agrees to cooperate with the Coordinating Board in the investigation of any complaints arising from the students it serves in other states through SARA and to abide by investigating authority’s resolution of any such complaint.
6. All complaints must follow the institution’s customary resolution procedure prior to being referred to the Coordinating Board. Grade appeals and student conduct appeals will be resolved at the institutional level without further appeal through SARA.
7. Agrees to notify all students in a course or program that customarily leads to professional licensure, or which a student could reasonably believe leads to such licensure, whether or not the course or program meets requirements for licensure in the state where the student resides. If an institution does not know whether the course or program meets licensure requirements in the student’s state of residence, the institution may
meet this SARA requirement by informing the student in writing and providing the student the contact information for the appropriate state licensing board(s). An email dedicated solely to this purpose and sent to the student's best known email address meets this requirement.

8. Agrees, in cases where the institution cannot fully deliver the instruction for which a student has contracted, to provide a reasonable alternative for delivering the instruction or reasonable financial compensation for the education the student did not receive.

9. Agrees to pay an annual fee to the National Council for State Authorization Reciprocity Agreements (NC-SARA). This fee replaces any state fees that the institution would normally pay to other SARA member states. If an institution offers distance education to students in non-SARA participating states, it must pay required state fees.

19 TAC 4.312(4), (10), .314

Maintaining Eligibility

To remain eligible for participation in SARA, an institution must renew its participation agreement with the Coordinating Board and pay its required SARA fees annually. At the time of renewal, Coordinating Board staff will determine whether the institution still meets SARA requirements. An institution may be removed at any time by the Coordinating Board for violation of SARA standards. 19 TAC 4.315

Complaints

Institutions operating under SARA shall make their resolution policies and procedures readily available to students taking courses under SARA provisions.

Complaints against an institution operating under SARA must first go through the institution's own procedures for resolution grievances. If a person bringing a complaint is not satisfied with the outcome of the institutional process for handling complaints, the complainant may appeal, within two years of the incident, to the Coordinating Board.

19 TAC 4.316

Distance Education Programs

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

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior approval by the Coordinating Board may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.

3. An institution offering a degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.

4. Each degree program offered by distance education shall be approved by an institution’s governing board or the board’s institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.

5. An institution shall require that students, except for students in out-of-country programs, enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home institution.

6. Out-of-country students shall meet equivalent standards for admission into programs and shall be assessed for academic guidance purposes in a manner determined by the admitting institution.

19 TAC 4.261

Distance Education Courses

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

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.

2. All courses shall meet the quality standards applicable to on-campus courses.

3. Institutions shall report to the Coordinating Board, in accordance with Coordinating Board policy and procedures, all distance education courses and programs.

4. Students shall satisfy the same requirement for enrollment in an academic credit course as required of on-campus students, except that out-of-country students shall meet equivalent standards for enrollment in an academic credit course and shall be assessed for academic guidance purposes in a manner determined by the admitting institution.
5. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

6. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.

19 TAC 4.262

Distance Education Faculty

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

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus courses.

2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching courses through electronic means.

3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

19 TAC 4.263

Institutional Plan

Prior to offering any distance education courses or programs for the first time, institutions of higher education, including college districts, shall submit an Institutional Plan for Distance Education to the Coordinating Board for approval. The commissioner shall provide guidelines for development of the report and a schedule for any periodic submission of updated reports.

Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education courses and programs in accordance with the provisions of 19 Administrative Code Chapter 4, Subchapter P. An Institutional Plan for Distance Education shall conform to Coordinating Board guidelines and criteria of the SACSCOC in effect at the time of the Report’s approval. These criteria shall include provisions relating to:

1. Institutional issues;
2. Educational programs;
3. Faculty;
4. Student support services; and
5. Distance education facilities and support.

19 TAC 4.259
Institutions, including college districts, shall report distance education courses submitted for formula funding in accordance with the Coordinating Board’s uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter P.

Institutions may submit for formula funding academic credit courses delivered by distance education to any student located in Texas or to Texas residents located out-of-state or out-of-country.

Institutions shall not submit for formula funding distance education courses taken by non-resident students who are located out-of-state or out-of-country, courses in out-of-state or out-of-country programs taken by any students, or self-supporting courses.

19 TAC 4.264(a)–(c)

For courses not submitted for formula funding, institutions shall charge fees that are equal or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 4.264(d)

Note: For more information regarding distance education, including related approval processes, reporting deadlines, and forms, visit the Coordinating Board’s Distance Education Modifications and Requests1 website.

1 Distance Education Modifications and Requests: https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/academic-program-development-modifications/distance-education-resources/distance-education-modifications-requests/
KILGORE COLLEGE TASB POLICY CONVERSION
Summary of Policy for Proposed Adoption by the Kilgore College Board of Trustees

LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: F STUDENTS
Policy: FB ADMISSIONS

Summary of LOCAL Policy:
• The policy directs the College District, through the College President, to maintain an open admissions policy to ensure access to all persons who can benefit from postsecondary education.
• The College District is directed to maintain non-discrimination on the basis of race, color, sex, national origin, religion, disability, age, or military status in its admissions processes.
• Admission to the College District does not constitute acceptance into a specific program of study.

Procedures:
• All admissions procedures are included in the “Admissions” section of the College Catalog.
• Admission requirements for particular courses are included in the “Course Descriptions” section of the College Catalog.
• Admission requirements for particular restricted admissions programs of study are included on program webpages on the College website.
• The “Notice of Penalty for False Alarm or Report” is posted on the Kilgore College website at https://www.kilgore.edu/about/institutional-information/consumer-disclosure-information
The College District has an open admissions policy that ensures that all persons who can benefit from postsecondary education have an opportunity to enroll. The College District shall not discriminate on the basis of race, color, sex, national origin, religion, disability, age, or military status in admissions.

Admission to the College District does not guarantee admittance to a particular course or program of study. A student may be required to satisfy certain requirements before enrolling in particular courses of study.

The College President shall develop procedures for student admissions, including any additional course admission requirements. The procedures shall be published in the College District catalog and other relevant College District publications.
Public community colleges, public state colleges, and public technical institutes shall accept freshman and undergraduate transfer applications submitted using the electronic common admission application forms. When sending a printed common application form to a student with or without other materials, an institution shall not alter the form in any way and shall include instructions for completing the form, general application information, and instructions for accessing a list of deadlines for all institutions.

Each general academic teaching institution, public community college, public state college, and public technical institute shall collect information regarding gender, race/ethnicity, and date of birth as part of the application process and report this information to the Coordinating Board. Common application forms do not have to be the source of those data.

Institutions of higher education may require an applicant to submit additional information within a reasonable time after the institution has received a common application form.

Participating institutions may charge a reasonable fee for the filing of a common application form. Operating costs of the system will be paid for by all institutions required to use the common application plus independent and health-related institutions that contract to use the electronic application, in accordance with 19 Administrative Code 4.10(h). Institutions failing to pay their share of the cost by the due date may be denied access to incoming application data until such time that payments are received.

*Education Code 51.762; 19 TAC 4.10(a)–(c), (e)(2)–(3), (h)*

Unless otherwise prohibited by law, a resident of this state is entitled to apply for admission to and enroll as an undergraduate student in any public institution of higher education, including a college district, under Education Code 51.931.

If an applicant elects to seek admission under this section, a public institution of higher education, in considering the applicant for admission, shall not consider academic course credits or grades earned by the applicant ten or more years prior to the starting date of the semester in which the applicant seeks to enroll. An applicant who makes the election to apply under this section and is admitted as a student may not receive any course credit for courses undertaken ten or more years prior to enrollment.

Nothing in this section prohibits a public institution of higher education from applying standard admissions criteria generally applicable to persons seeking admission to the institution.

*Education Code 51.931(b)–(c), (e)*
Students with Nontraditional Secondary Education

“Nontraditional secondary education” means a course of study at the secondary school level in a nonaccredited private school setting, including a home school.

Because the State of Texas considers successful completion of a nontraditional secondary education to be equivalent to graduation from a public high school, an institution of higher education, including a college district, must treat an applicant for admission to the institution as an undergraduate student who presents evidence that the person has successfully completed a nontraditional secondary education according to the same general standards, including specific standardized testing score requirements, as other applicants for undergraduate admission who have graduated from a public high school.

An institution of higher education may not require an applicant for admission to the institution as an undergraduate student who presents evidence that the person has successfully completed a nontraditional secondary education to:

1. Obtain or submit evidence that the person has obtained a general education development certificate, certificate of high school equivalency, or other credentials equivalent to a public high school degree; or

2. Take an examination or comply with any other application or admission requirement not generally applicable to other applicants for undergraduate admission to the institution.

If an institution of higher education in its undergraduate admission review process sorts applicants by high school graduating class rank, the institution shall place any applicant who presents evidence that the applicant has successfully completed a nontraditional secondary education that does not include a high school graduating class ranking at the average high school graduating class rank of undergraduate applicants to the institution who have equivalent standardized testing scores as the applicant.

*Education Code 51.9241*

Veterans, Spouses, and Dependents

In determining whether to admit a person to any certificate program or professional degree program, an institution of higher education, including a college district, may not consider the fact that the person is eligible for an exemption under Education Code 54.341 (Veterans and Other Military Personnel; Dependents). *Education Code 54.341(j)*

Immunization Notice

An institution of higher education, including a college district, in conjunction with the Texas Department of State Health Services,
Foreign Students
SEVIS System

should provide individual notice to each student applying for admission regarding:

1. The consequences of not being current on immunization for certain diseases;

2. The age groups most vulnerable to these vaccine-preventable diseases; and

3. Local providers of immunization services.

*Education Code 51.933; 25 TAC 97.64(a), (d)*

**Note:** For information regarding immunization requirements that apply to applicants for admission, see FFAA.

A school or school system, including a college district, seeking initial or continued authorization for attendance by a nonimmigrant, alien student holding an F visa (academic institutions), J visa (exchange student program), or M visa (vocational and nonacademic institutions), including a “border commuter” student holding an F-3 or M-3 visa (Canadian and Mexican nationals), must apply to the U.S. Attorney General for approval under 8 U.S.C. 1372 and 8 C.F.R. 214.3.

A school must also submit electronic data regarding nonimmigrant students through the Student and Exchange Visitor Information System (SEVIS). A school shall provide the information set forth at 8 U.S.C. 1372(c) and 8 C.F.R. 214.3(g), regarding each student with an F, J, or M visa. Schools must update SEVIS with the current information within 21 days of a change in the information or the occurrence of events described in 8 C.F.R. 214.3(g)(2).

*8 U.S.C. 1372; 8 C.F.R. 214.3(a)(1), (g)–(h)*

Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien, or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation. *8 U.S.C. 1372(a)(4); 8 C.F.R. 214.3(g)(2)*

An educational agency or institution may not refuse to report information concerning an F or M nonimmigrant student or a J nonimmigrant exchange visitor that the educational agency or institution is required to report under 8 U.S.C. 1372 and 8 C.F.R. 214.3(g) (or
any corresponding U.S. Department of State regulation concerning J nonimmigrants) on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. The waiver of FERPA under this paragraph authorizes and requires an educational agency or institution to report information concerning an F, J, or M nonimmigrant that would ordinarily be protected by FERPA but only to the extent that 8 U.S.C. 1372 and 8 C.F.R. 214.3(g) (or any corresponding U.S. Department of State regulation concerning J nonimmigrants) requires the educational agency or institution to report information. 8 U.S.C. 1372(c)(2); 8 C.F.R. 214(h)

This section applies only to a student who withdraws from an institution of higher education, including a college district, to perform active military service as a member of the U.S. Armed Forces or the Texas National Guard, except that this section does not apply to a student who withdraws from an institution solely to perform one or more training exercises as a member of the Texas National Guard.

For any academic term that begins after the date a student described above is released from active military service but not later than the first anniversary of that date, the institution of higher education from which the student withdrew shall readmit the student, without requiring reapplication or charging a fee for readmission, if the student is otherwise eligible to register for classes at the institution. On readmission of the student, the institution shall:

1. Provide to the student any financial assistance previously provided by the institution to the student before the student’s withdrawal if the student meets current eligibility requirements for the assistance, other than any requirement directly affected by the student’s services, such as continuous enrollment or another similar timing requirement; and

2. Allow the student the same academic status that the student had before the student’s withdrawal, including any course credit awarded to the student by the institution.

An institution of higher education may adopt rules requiring reasonable proof from a student of the fact and duration of the student’s active military service.

Education Code 51.9242

Qualified persons may not, on the basis of disability, be denied admission or be subjected to discrimination in admission or recruitment by a postsecondary education program or activity to which 34 C.F.R. Part 104, Subpart E applies. 34 C.F.R. 104.42(a)
Notice of Penalty for False Alarm or Report

Each institution of higher education, including each college district, and private or independent institution of higher education shall notify all incoming students, as soon as practicable, of the penalty for the offense under Penal Code 42.06 of making a false alarm or report involving a public or private institution of higher education. Education Code 51.219(b)
LEGAL policies summarize the law on a topic. LEGAL policies are compiled by TASB to provide the legal framework for key areas of college operations and are provided to the Board for foundational and background information only. These are not adopted by the Board.

LOCAL policies outline local Board mandates regarding governance issues. LOCAL policies are developed based on existing TASB model policies and may be customized to meet local needs. LOCAL policies are proposed for adoption by the board.

Procedures will be developed for implementation of policies, as appropriate, and do not require Board adoption. These will be provided for information only.

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:
January 27, 2022

Kilgore College Board of Trustees Meeting Date:
February 21, 2022

Proposed LOCAL Policy for Adoption:
Section: F STUDENTS
Policy: FC ATTENDANCE

Summary of LOCAL Policy:
- The policy authorizes the College President to establish attendance requirements and allowances for absences in relation to applicable law.

Procedures:
- All attendance requirements and procedures are included in the “Academic Policies” section of the College Catalog. Faculty also include attendance requirements in course syllabi.
The College President shall develop procedures addressing attendance requirements, including procedures for all excused absences consistent with applicable law. The attendance procedures shall be published in the College District catalog, official bulletins, and other appropriate publications.
Excused Absences

Each institution of higher education, including each college district, shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. 19 TAC 4.4(b)

Religious Holy Days

A “religious holy day” means a holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20.

An institution of higher education, including a college district, shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this section may not be penalized for that absence and shall be allowed to take an examination or complete an assignment within a reasonable time after the absence.

Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution’s policies and procedures relating to other excused absences.

If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined above, or if there is a similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and the instructor shall abide by the decision of the chief executive officer or his or her designee.

A student who is excused under this section may not be penalized for the absence, but the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination.

Education Code 51.911; 19 TAC 4.4, 9.24

Military Service

This section applies only if a student enrolled in an institution of higher education, including a college district, fails to attend classes or engage in other required activities because the student is called to active military service that is of a reasonably brief duration, as determined by rule adopted by the Coordinating Board, and the student chooses not to withdraw as authorized by Education Code 54.006(f). [See EGA(LEGAL)] Education Code 51.9111(b)

Active Military Service

“Active military service” includes active service in the Armed Forces of the United States or in the National Guard or the Texas State Guard. Education Code 51.9111(a)(2); 19 TAC 4.3(1)
### Excused Absence for Active Military Service

Upon notice from a student, an institution of higher education shall excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in active military service to which the student is called, including travel associated with the service. A student whose absence is excused may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. *Education Code 51.9111(c); 19 TAC 4.8(a)–(b)*

### Policies and Procedures

Each institution shall adopt a policy that includes:

1. The retention of a student’s coursework completed during the portion of the course prior to the student being called to active military service;
2. The course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
3. A definition of a reasonable time after the absence for the completion of assignments and examinations;
4. Procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
5. A dispute resolution process regarding the policy.

Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of coursework following an excused absence under this section.

*19 TAC 4.8(c), (e)*

### Maximum

The maximum period for which a student may be excused under this section shall be no more than 25 percent of the total number of class meetings or the contact hour equivalent, not including the final examination period, for the specific course or courses in which the student is currently enrolled at the beginning of the period of active military service. *Education Code 51.9111(d); 19 TAC 4.8(d)*
Notification to SEVIS

A public institution of higher education, including a college district, that is certified by the U.S. Secretary of Homeland Security to enroll a foreign student admitted into the United States under a nonimmigrant F or M visa shall promptly notify the federal Student and Exchange Visitor Information System (SEVIS) or a successor program if:

1. A student enrolled under an F or M visa withdraws from the institution or withdraws from all courses in which the student is enrolled; or

2. The institution dismisses a student enrolled under an F or M visa for nonattendance or takes any other official administrative action in regard to the student as a result of the student's nonattendance.

*Education Code 51.9091*
Mental Health First Aid is the help offered to a person developing a mental health problem or experiencing a mental health crisis. The first aid is given until appropriate treatment and support are received or until the crisis resolves.
What Participants Learn

- Risk factors and warning signs of mental health concerns
- Information on depression, anxiety, trauma, psychosis, and substance use
- A 5-step action plan to help someone developing a mental health concern or in crisis (ALGEE)
- Available resources for evidence-based professional help and self-help

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<td>Give reassurance and information</td>
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<td>Encourage appropriate professional help</td>
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<td>Encourage self-help and other support strategies</td>
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OPERATING AGREEMENT
Between Kilgore College and the Kilgore College Foundation, Inc.

This agreement is made on this 21st day of February, 2022 by and between Kilgore College, a community college in the State of Texas (the "College") and the Kilgore College Foundation, Inc. (the "Foundation").

RECORDS

Whereas, Kilgore College is an institution of higher education created pursuant to Texas Education Code: Chapter 130, Section 130.001 Public Junior Colleges; and

Whereas, the Kilgore College Foundation, Inc. is an independent 501(c)(3) nonprofit corporation established pursuant to the provisions of Section 55A-36 and 37.1 of the Texas Non-Profit Corporation Act; and

Whereas, Kilgore College has the authority to enter into such contracts as are necessary for the efficient management of the College; and

Whereas, the Kilgore College Foundation, Inc. is organized and operated exclusively to generate, receive, hold, invest, manage, and allocate funds for the advancement, achievement, and support of the educational and cultural programs and services of the College; and

Whereas, the parties desire to formalize their relationship to achieve an efficient agreement on their respective roles in the advocacy for support from the private sector and achieve coordination between them to foster the educational and cultural programs and services to the College;

Now, therefore in consideration of the mutual covenants, promises and conditions herein contained, Kilgore College (the “College”) and the Kilgore College Foundation, Inc. (the “Foundation”) agree as follows:

1.0 Term

This Agreement will commence on the 21st day of February, 2022 (the "Commencement Date") and will continue in effect for a period of three (3) years, unless earlier terminated as provided hereinafter (the "Term"). In the event that neither party has terminated this Agreement prior to the expiration of the Term, the Term of this Agreement will be automatically extended for additional periods of three (3) years each. Either party may terminate this Agreement at any time without penalty, provided that written notice of such termination is furnished to the other party at least sixty (60) days prior to the effective date of termination.
2.0 Responsibilities of the College

2.1 The College will share annually with the Foundation its strategic plan, institutional priorities and projects, and resource requirements, so that the Foundation may represent the direction and needs of the College to donor prospects and align its programs and campaigns consistent with the strategic objectives of the College.

2.2 The College will promptly alert the Foundation to prospective gifts, so that each opportunity for enhancing gift potential and donor relations is fully utilized.

2.3 In consideration of the Foundation's services and contributions to the College agrees to retain and fund experienced personnel for the Foundation Office and to provide technology support, record keeping, accounting, and bookkeeping services. Other College staff may assist the Foundation in carrying out its activities in support of the College as requested by the Foundation and mutually agreed upon by the parties. Those College employees will at all times remain under the direction and control of the College and not the Foundation and will be considered employees of the College for all purposes and subject to all the rights and responsibilities of a College employee.

2.4 The College agrees to make available to the Foundation certain administrative support resources, such as, office space, utilities, hardware, software and other appropriate office equipment/supplies required to support Foundation services.

2.5 The College will cooperate with the Foundation in the development of the Foundation's fundraising programs and campaigns as may reasonably be necessary for the successful conduct of fundraising programs and campaigns.

2.6 The College Board of Trustees will appoint one Trustee to faithfully attend the meetings of the Foundation Board of Directors, and to regularly report the actions of those meetings to the College Board of Trustees.

2.7 The College's authorized agent for purposes of administration of this agreement is the Executive Director of the Foundation.

3.0 Responsibilities of the Foundation

3.1 The Foundation will raise, invest, and endow funds for specific College purposes in accordance with the laws of the State of Texas and any applicable Federal laws. Such funds collected will be used to support and augment the activities and mission of the College as provided by the College President and Board of Trustees and agreed upon by the Foundation Board of Directors. The College will receive the benefit of all funds raised or generated by the Foundation.

3.2 The Foundation will solicit gifts, where appropriate, in the name of the Foundation, and on behalf of the College. Correspondence, solicitations, activities and advertisements concerning the Foundation will be clearly discernible as being from the Foundation.

3.3 The Foundation will conduct its activities in such a manner as to maintain its status as tax exempt, charitable organization under state and federal tax laws.
3.4 The Foundation will oversee all fundraising activities and the promotion and sponsoring of programs in support of College activities in a manner consistent with the mission and purpose of the College and in close cooperation with the President of the College.

3.5 The Foundation will be responsible for the cost of its variable expenses, including but not limited to the cost of the annual audit, fundraising campaigns, projects, Foundation Board of Director’s liability insurance, and donor recognition programs.

3.6 The Foundation agrees to notify, coordinate with, and solicit the comments from the College President regarding all significant disbursements and expenditures planned by the Foundation on behalf of the College.

3.7 The Foundation will obtain prior approval from the College Board of Trustees before accepting any gift for the benefit of the College that contains restrictive terms or conditions or involves real estate. The Foundation will advise prospective donors that any such gifts are subject to the approval of the College under this Agreement.

3.8 The Foundation will hold, invest, manage and allocate funds and property received in the name of the Foundation.

3.9 The Foundation will manage any revenues produced by its activities. The Foundation will observe and comply with any limitations or restrictions placed by donors on the use of funds contributed to the Foundation to the extent that is reasonably practical. The Foundation will pay from the revenue’s produced by its activities and projects any administrative, operating and other expenses incurred by the Foundation that are in excess of the resources and services provided by the College, including, but not limited to certain fees, and costs in connection with the investment, sale or re-investment of the Foundation’s institutional funds.

3.10 The Foundation Board of Directors retains their right to refuse any contribution, donation, or gift which comes from a source which, in the Foundations Board’s determination, is not in concert with the Foundation’s mission or its inherent legal, moral, and ethical standards.

3.11 The Foundation will have an accounting and site management system in place to ensure that financial activities and donor transactions are carried out and reported in accordance with generally accepted business and accounting practices for tax exempt charitable organizations.

3.12 The Foundation will have an annual audit of its financial activities by a certified public accountant pursuant to appropriate audit standards.

3.13 The books, records, documents, and procedures and practices of the Foundation relevant to or affecting this agreement will be subject to inspection by the College President or his/her designee at reasonable times and upon reasonable notice.

3.14 The Foundation will provide a written annual report to the College President, including but not limited to, the activities, programs, holdings, investments, income, and fiscal operations of the Foundation.

3.15 The Foundation will consult with the College before any changes in the nature, scope or purpose of the Foundation are made. The Foundation will provide the College President with an advance copy of any amendments, additions, or deletions to the Foundation By-laws.
4.0 Relationship Between the College and the Foundation

4.1 The parties acknowledge that they are independent organizations and that this Agreement will not be interpreted or deemed to create, either expressly or by implication, the existence of any relationship other than independent contractor, including but not limited to partnership, joint venture, joint enterprise, employment, borrowed servant, alter ego, or any other similar relationship. Each party to the Agreement will not, by entering into and performing its obligations under this Agreement, become liable for any of the existing or future obligations, liabilities or debts of the other party to this Agreement.

4.2 Each agrees to cooperate with the other in the advancement, achievement, and support of the educational and cultural programs and services of the College.

4.3 The Foundation will indemnify the College, its governing board, officers, employees, agents, and students in their official and personal capacities, from and against any and all claims, damages, liabilities, injuries, expenses, demands, and judgments, including court costs and attorney's fees, arising out of the Foundation's performance of this Agreement or arising out of service by any such person or persons at the Foundation's request or on its behalf.

4.4 The Foundation will maintain at all times, a policy or policies of insurance for the benefit of the Foundation Board of Directors. This paragraph (4.4) will survive the termination of this Agreement. To the fullest extent permitted by law, the Foundation retains and maintains charitable immunity pursuant to Texas Civil Practices and Remedies Code § 84.001, et seq.

4.5 The Foundation will use its best efforts to comply with the spirit of a gift within existing programs. In the event that it is no longer practical to comply with the restriction placed on a gift by a donor, due to program elimination or unfeasibility, the Foundation will try to comply with the donor intent to the extent reasonably practicable.

5.0 Governing Law

5.1 This agreement is made under and will be governed and construed in accordance with the laws of the State of Texas.

5.2 To the fullest extent permitted by law, the College retains and maintains its governmental immunity except to the extent that such immunity is expressly waived by the Legislature or statute, as provided by Texas Civil practices and Remedies Code § 101.001, et seq.

5.3 Any dispute arising from or related to the interpretation or implementation of this Agreement shall be resolved by good faith negotiation between the College and the Foundation and their designees, agents or attorneys. In the event that good faith negotiation fails to resolve such dispute the parties will engage in mediation with a mutually agreed neutral to a final resolution. The parties expressly waive their right to jury trial of any such dispute.

6.0 Miscellaneous Provisions
This Agreement constitutes the entire agreement between the parties. Modifications, amendments to the Agreement, in order to be effective, must be in writing and signed by both parties. Inaction or failure to demand strict performance of the terms hereof will not be deemed a waiver of any provision of this Agreement. The contracting parties represent that each has the authority to execute this Agreement, to enter into the transactions contemplated by this Agreement and to perform its obligations under this Agreement.

IN WITNESS WHEREOF, the undersigned parties hereto through their authorized representatives have executed this agreement as of the date first written above.

Kilgore College

Joe Carrington
Chair, KC Board of Trustees

Date

Kilgore College Foundation, Inc.

Ken Raney
Chair, KC Foundation, Inc.

Date