

## Minutes of Regular Board Meeting

### The Board of Trustees Kilgore College



A Regular Board Meeting of the Board of Trustees of Kilgore College was held on February 27, 2023, beginning at 6:30 PM on the 2<sup>nd</sup> floor of the McLaurin Administration Building, 1100 Broadway, Kilgore, TX 75662, with the following members present:

Lon Ford, President  
Jon Rowe, Vice President  
Josh Edmonson, Secretary  
Janice Bagley  
Kelvin Darden  
Travis Martin

**Member absent:**

Joe Carrington  
David Castles  
Gina DeHoyos

#### 1. CALL TO ORDER

**A. Invocation and Pledge of Allegiance**

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

**B. INFORMATION ITEM:** Mr. Lon Ford read Mr. Joe Carrington's letter of resignation from the Board of Trustees because of a job relocation effective immediately. – *Appendix A*

#### 2. PRESENTATIONS

**A. Program/Employee/Student Spotlight**

1. Excellence Award: Mrs. Shelley Wayne

**Presenter:** Dr. Staci Martin

2. 2022-23 Beeson Teaching Award: Dr. Meredith May

**Presenter:** Dr. Tracy Skopek

3. 2022-23 Innovation Grant Award Recipients

- Michelle Sullivan
- Kyla Sather
- D'Wayne Shaw
- Nicholas Simpson

**Presenter:** Dr. Brenda Kays

B. Student Success Data Spotlight: Retention  
**Presenter:** Dr. Brenda Kays

### 3. PUBLIC COMMENT

There were no public comments.

### 4. CONSENT AGENDA

**Presenter:** Mr. Lon Ford

A. To consider approving the minutes from the

- December 12, 2022 Regular Board Meeting

B. To consider approval of the Personnel Agenda submitted as follows -*Appendix B*

- Employee Resignations
- Employee Retirements
- Employee Terminations
- Proposed Change of Employment
- Offers of Employment

C. To consider payment of December 2022 and January 2023 Legal fees

**Kelvin Darden made the motion to accept the Consent Agenda. Janice Bagley seconded the motion. The motion passed unanimously.**

### 5. BOARD COMMITTEE REPORTS & ACTION ITEMS

A. Investment/Finance/Audit Committee - Jon Rowe, Chair

1. ACTION ITEM: To consider approval of tax abatements for Skeeter Products, Inc. -  
*Appendix C*

**Presenter:** Ms. Lisa Denton, Executive Director, Kilgore Economic Development Corporation  
**Jon Rowe moved to approve the Tax Abatement for Skeeter Products, Inc. as presented. The motion came from Committee and did not require a second. The motion passed unanimously.**

2. ACTION ITEM: To consider approval of the Tuition and Fees presented for the 2023-2024 Academic Year. -*Appendix D*

**Presenter:** Mr. Terry Hanson/Dr. Tracy Skopek/Dr. Staci Martin

**Jon Rowe moved to approve the Tuition and Fees presented for the 2023-2-24 Academic Year. The motion came from Committee and did not require a second. The motion passed unanimously.**

3. ACTION ITEM: To consider approval of a budget adjustment for Old Main renovation project. -*Appendix E*

**Presenter:** Mr. Terry Hanson

**Jon Rowe moved to approve the budget adjustments for the Old Main renovation project as presented. The motion came from Committee and did not require a second. The motion passed unanimously.**

4. ACTION ITEM: To consider approval of the Resolutions R-2023-4 (Updating Authorized Signatures with TexPool) and R-2023-5 (Updating Authorized Signatures with Austin Bank).- *Appendices F & G*

**Presenter:** Mr. Terry Hanson

**Jon Rowe moved for approval of Resolution R-2023-4 updating the authorized signatures with TexPool and R-2023-5 updating the authorized signatures with Austin Bank as presented. The motion came from Committee and did not require a second. The motion passed unanimously.**

5. ACTION ITEM: To consider, by Resolution (R-2023-2), renewing the 50% Historic Property Tax Exemption rate for the year 2023 for the Dr. E. L. and Nancy Walker recorded Historical Landmark home in Gladewater, Texas, owned by Matthew L. and Memori Ruesing. - *Appendix H*

**Presenter:** Mr. Terry Hanson

**Jon Rowe moved to approve Resolution R-2023-2 that serves to renew the 50% Historic Property Tax Exemption rate for the year 2023 for the Dr. E. L. and Nancy Walker recorded Historical Landmark home in Gladewater, Texas, owned by Matthew L. and Memori Ruesing as presented. The motion came from Committee and did not require a second. The motion passed unanimously.**

6. ACTION ITEM: To consider approval of Resolution R-2023-3: Support for the Texas Commission on Community College Finance recommendations. - *Appendix I*

**Presenter:** Dr. Brenda Kays

**Jon Rowe moved to approve Resolution R-2023-2 supporting the Texas Commission on Community College Finance recommendations. The motion came from Committee and did not require a second. The motion passed unanimously.**

7. ACTION ITEM: To consider approval of the *Shared Maintenance and Access Agreement* between Kilgore College and CHRISTUS Good Shepherd Medical Center for the property located at 1612 S. Henderson Boulevard, Kilgore, Texas 75662. - *Appendix J* **Presenter:** Dr. Brenda Kays

**Jon Rowe moved to approve the *Shared Maintenance and Access Agreement* between Kilgore College and CHRISTUS Good Shepherd Medical Center for the property located at 1612 S. Henderson Boulevard, Kilgore, Texas 75662 and authorize Dr. Kays to execute the same. Janice Bagley seconded. The motion passed unanimously.**

8. INFORMATION ITEM: Financial Update

a. December 2022 Financials with Capital Breakout - *Appendix K*

**Presenter:** Mr. Terry Hanson

b. Public Funds Investment Act (PFIA) - 1st Quarter - *Appendix L*

**Presenter:** Mr. Terry Hanson

B. Policy & Personnel Committee - Josh Edmonson, Chair

1. ACTION ITEM: To consider approval of the following TASB Policies:

a. BBB (LEGAL, LOCAL & EXHIBIT) - Board Members: Elections - *Appendix M*

- b. BBD (LEGAL & LOCAL) - Board Members: Orientation and Training-Appendix N
- c. BBE (LEGAL & LOCAL)-Board Members: Authority-Appendix O
- d. CHF (LEGAL & LOCAL)- Weapons-Appendix P
- e. FL (LEGAL & LOCAL) - Students Rights and Responsibilities -Appendix Q

**Josh Edmonson moved to approve these policies as presented. This motion came from Committee and did not require a second. The motion passed unanimously.**

2. INFORMATION ITEM: New TASB Policies for Information Only

- a. AB (LEGAL & EXHIBITS) - College District Name and Definitions -Appendix R
- b. BBBA (LEGAL) - Elections: Reporting Campaign Funds -Appendix S
- c. BBFA (LEGAL & EXHIBITS) - Ethics: Conflict of Interest Disclosures -Appendix T
- d. BCAD (LEGAL) - Board Officers and Officials - Duties and Requirements of Secretary -Appendix U
- e. BCB (LEGAL) - Board Internal Organization - Board Committees -Appendix V
- f. BDA (LEGAL) - Board Meetings - Closed Meetings-Appendix W
- g. BF (LEGAL) - ChiefExecutive Officer-Appendix X
- h. BFB (LEGAL) - ChiefExecutive Officer - Contract -Appendix Y
- i. BFC (LEGAL) - ChiefExecutive Officer - Termination of Employment -Appendix Z
- j. CGA (LEGAL) - Safety Programs - Inspections -Appendix AA
- k. CHB (LEGAL) - Site Management Maintenance -Appendix BB
- l. CHC (LEGAL) - Site Management - Traffic and Parking Controls -Appendix CC
- m. CIA (LEGAL) - Transportation Management - Maintenance of Vehicles-Appendix DD
- n. CLA (LEGAL) - Facilities Planning- Facilities Standards-Appendix EE
- o. CMC (LEGAL) - Facilities Construction - Construction Manager-Agent -Appendix FF
- p. CMD (LEGAL) - Facilities Construction - Construction Manager/At-Risk-Appendix GG
- q. CME (LEGAL) - Facilities Construction - Design-Build-Appendix HH
- r. CMF (LEGAL) - Facilities Construction - Job Order Contracts-Appendix II
- s. DCC (LEGAL) - Employment Practices - At-Will Employment-Appendix JJ
- t. DEB (LEGAL) - Compensation and Benefits - Fringe Benefits -Appendix KK
- u. DGA (LEGAL) - Employee Rights & Privileges - Freedom of Association -Appendix LL
- v. EFCA (LEGAL) - Students with Disabilities - Appendix MM
- w. FF (LEGAL) - Student Welfare -Appendix NN
- x. FG (LEGAL) - Student Housing -Appendix OO
- y. FLBA (LEGAL) - Student Dress -Appendix PP
- z. FLBD (LEGAL)-Tobacco Use-Appendix QQ
- aa. GC (LEGAL)- Public Information Program -Appendix RR
- bb. GCA (LEGAL) - Public Information Program - Access to Information -Appendix SS

C. Property & Facilities Committee - Travis Martin, Chair

1. ACTION ITEM: To consider approval to utilize the design-build method of procurement for the CDL classroom, warehousing, and awning structures. -Appendix TT

**Presenter:** Dr. Mike Jenkins

**Travis Martin moved to approve the utilization of the design-build method of procurement for the CDL classroom, warehousing, and awning structures. This motion came from Committee and did not require a second. The motion was approved unanimously.**



2. INFORMATION ITEM: Update on Projects

**Presenter:** Dr. Mike Jenkins

D. Student Success Committee - Janice Bagley, Chair

1. INFORMATION ITEM: Diversity, Equity, Inclusion (DEI) Committee

**Presenter:** Ebony Allison-Dennis and Cori Holden

2. INFORMATION ITEM: Update on Partnership with UT Tyler at Longview University Center.

**Presenter:** Dr. Brenda Kays/Dr. Tracy Skopek

3. INFORMATION ITEM: Relaunch of LVN Program

**Presenter:** Dr. Tracy Skopek

4. INFORMATION ITEM: Annual Security & Fire Safety *Report-Appendix UU*

**Presenter:** Chief William McPherson

## **6. KILGORE COLLEGE FOUNDATION UPDATE**

**Presenter:** Merlyn Holmes, Executive Director of KC Foundation

## **7. BOARD PRESIDENT'S REPORT:**

**Presenter:** Mr. Lon Ford

A. ACTION ITEM: To consider approval of Certification of Unopposed Candidates. -*Appendix VV*

**Presenter:** Mr. Josh Edmonson

**Josh Edmonson moved to approve for the Certification of unopposed candidates. This motion came from Committee and did not require a second. The motion passed unanimously.**

B. ACTION ITEM: To consider approval of the Cancellation of the May 6, 2023 Board of Trustee Election -*Appendix WW*

- North Zone
- Central Zone

**Presenter:** Mr. Josh Edmonson

**Josh Edmonson moved to declare the election canceled and the unopposed candidates are hereby elected for the North and Central Zones. This motion came from Committee and did not require a second. The motion passed unanimously.**

C. ACTION ITEM: To consider approval of the contract for Joint Election Services with Rusk County for the May 6, 2023 Board of Trustee Election. -*Appendix XX*

**Presenter:** Mr. Josh Edmonson

**Josh Edmonson moved for the Board to contract for Joint Election Services with Rusk County for the May 6, 2023 Board of Trustee's Election. This motion came from Committee and did not require a second. The motion passed unanimously.**

D. ACTION ITEM: To consider approval of the amended Notice of General Election and Order of General Election for the Board of Trustee May 6, 2023, South Zone. -*Appendix YY*

**Presenter:** Mr. Josh Edmonson

**Josh Edmonson moved for approval of the ammended Notice of General Election and Order of General Election for the May 6, 2023 Board of Trustee's Election South Zone. This motion came from Committee and did not require a second. The motion passed unanimously.**

E. INFORMATION ITEM: Appoint an Ad Hoc Committee to lead the search to fill the vacancy on the KC Board of Trustees.

**Presenter: Mr. Lon Ford**

**Committee Chair: Mr. David Castles, Members: Mr. Travis Martin & Mr. Josh Edmonson**

F. INFORMATION ITEM: Board Retreat: Annual Evaluation and Data Retreat: Saturday, March 4, 8:30am-1:30pm

## **8. EXECUTIVE SESSION**

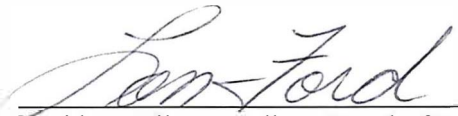
**The Board of Trustees did not go into Executive Session.**


## **9. ADJOURNMENT**

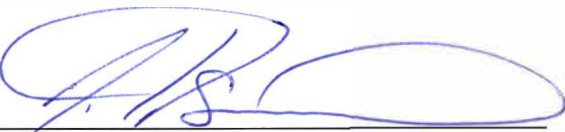
**The meeting was adjourned by Mr. Lon Ford at 9:13 PM.**

*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,

  
\_\_\_\_\_  
President, Kilgore College Board of Trustees

  
\_\_\_\_\_  
Karen Scibona, Recording Secretary  
Kilgore College Board of Trustees

  
\_\_\_\_\_  
Secretary, Kilgore College Board of Trustees

## **TABLE OF CONTENTS FOR APPENDICES**

Appendix A	Resignation letter from Board of Trustees from Mr. Joe Carrington
Appendix B	Personnel Agenda
Appendix C	Tax Abatements for Skeeter Products, Inc.
Appendix D	Tuition and Fees presented for the 2023-2024 Academic Year
Appendix E	Budget adjustment for Old Main renovation project
Appendix F	Resolution R-2023-4: Updating Authorized Signatures with TexPool
Appendix G	Resolution R-2023-5: Updating Authorized Signatures with Austin Bank
Appendix H	Resolution R-2023-2: Renewing the 50% Historic Property Tax Exemption rate for the year 2023 for the Dr. E. L. and Nancy Walker recorded Historical Landmark home
Appendix I	Resolution R-2023-3: Support for the Texas Commission on Community College Finance recommendations
Appendix J	<i>Shared Maintenance and Access Agreement</i> between Kilgore College and CHRISTUS Good Shepherd Medical Center for the property located at 1612 S. Henderson Boulevard, Kilgore, Texas 75662
Appendix K	December 2022 Financials with Capital Breakout
Appendix L	Public Funds Investment Act (PFIA) - 1st Quarter
Appendix M	Policy - BBB (LEGAL, LOCAL & EXHIBIT)'- Board Members: Elections
Appendix N	Policy - BBD (LEGAL & LOCAL) - Board Members: Orientation and Training
Appendix O	Policy - BBE (LEGAL & LOCAL) - Board Members: Authority
Appendix P	Policy - CHF (LEGAL & LOCAL) – Weapons
Appendix Q	Policy - FL (LEGAL & LOCAL) - Students Rights and Responsibilities
Appendix R	Policy - AB (LEGAL & EXHIBITS) - College District Name and Definitions
Appendix S	Policy - BBBA (LEGAL) - Elections: Reporting Campaign Funds
Appendix T	Policy - BBFA (LEGAL & EXHIBITS) - Ethics: Conflict of Interest Disclosures

## **TABLE OF CONTENTS FOR APPENDICES (continued)**

Appendix U	Policy - BCAD (LEGAL) - Board Officers and Officials - Duties and Requirements of Secretary
Appendix V	Policy - BCB (LEGAL) - Board Internal Organization - Board Committees
Appendix W	Policy - BDA (LEGAL) - Board Meetings - Closed Meetings
Appendix X	Policy - BF (LEGAL) - Chief Executive Officer
Appendix Y	Policy - BFB (LEGAL) - Chief Executive Officer – Contract
Appendix Z	Policy - BFC (LEGAL) - Chief Executive Officer - Termination of Employment
Appendix AA	Policy - CGA (LEGAL) - Safety Programs – Inspections
Appendix BB	Policy - CHB (LEGAL) - Site Management Maintenance
Appendix CC	Policy - CHC (LEGAL) - Site Management - Traffic and Parking Controls
Appendix DD	Policy - CJA (LEGAL) - Transportation Management - Maintenance of Vehicles
Appendix EE	Policy - CLA (LEGAL) - Facilities Planning - Facilities Standards
Appendix FF	Policy - CMC (LEGAL) - Facilities Construction - Construction Manager-Agent
Appendix GG	Policy - CMD (LEGAL) - Facilities Construction - Construction Manager - At-Risk
Appendix HH	Policy - CME (LEGAL) - Facilities Construction - Design-Build
Appendix II	Policy - CMF (LEGAL) - Facilities Construction - Job Order Contracts
Appendix JJ	Policy - DCC (LEGAL) - Employment Practices - At-Will Employment
Appendix KK	Policy - DEB (LEGAL) - Compensation and Benefits - Fringe Benefits
Appendix LL	Policy - DGA (LEGAL) - Employee Rights & Privileges - Freedom of Association
Appendix MM	Policy - EFCA (LEGAL) - Students with Disabilities
Appendix NN	Policy - FF (LEGAL) - Student Welfare
Appendix OO	Policy - FG (LEGAL) - Student Housing
Appendix PP	Policy - FLBA (LEGAL) - Student Dress

## **TABLE OF CONTENTS FOR APPENDICES (continued)**

Appendix QQ	Policy - FLBD (LEGAL) - Tobacco Use
Appendix RR	Policy - GC (LEGAL) - Public Information Program
Appendix SS	Policy - GCA (LEGAL) - Public Information Program - Access to Information
Appendix TT	Design-build method of procurement for CDL classroom, warehousing, awning structures
Appendix UU	Annual Security & Fire Safety Report
Appendix VV	Certification of Unopposed Candidates
Appendix WW	Cancellation of the May 6, 2023 Board of Trustee Election: North Zone & Central Zone
Appendix XX	Joint Election Services Contract with Rusk County for 5/6/2023 Board of Trustee Election
Appendix YY	Amended Notice of General Election and Order of General Election for the Board of Trustee May 6, 2023, South Zone



## Appendix A

Joe Carrington  
511 Woodhaven St.  
White Oak, TX 75693  
January 20, 2023

Mr. Jon Rowe  
Kilgore College  
1100 Broadway Blvd.  
Kilgore, TX 75662

Dear Jon:

I regret to inform you that I will be resigning from my position on the board of trustees. I have accepted a new job and will be relocating to Austin, Texas. Please accept this letter as my official notice of immediate resignation. It has been an honor to serve on the board for the past twelve years.

Serving on the board of trustees has been a fulfilling learning experience for me that I am grateful for, and I regret to have to move on to other things. I wish the board every success in your current and future endeavors. I have deeply appreciated all of the cooperation on the board and hope we may cross paths again at some time.

Sincerely,



Joe Carrington

Board By-laws

**Kilgore Junior College District  
Personnel Agenda  
February 27, 2023**

**1. Recommendation to accept employee resignations as follows:**

- a. Ms. Julie Blundell, Instructor Nursing, effective December 23, 2022, after 14 years and 11 months of service. *(accepted teaching position at UT Tyler)*
- b. Ms. Kristina Hamilton, Accountant, effective February 3, 2023, after 4 years and 5 months of service. *(opportunity for career advancement and more pay)*

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

- a. Mr. Jude Dubois, Director of Upward Bound, effective 3/31/2023, after 20 years and 5 months of service.
- b. Ms. Melanie Magness, Coordinator Library Technical Services, effective 1/31/2023, after 14 years and 6 months of service.
- c. Ms. Ursula Dyer, Dean Institutional Effectiveness and Research, effective 3/31/2023 after 24 years and 7 months of service.
- d. Ms. Doris Johnson, Coordinator Instructional Support, effective 1/31/2023, after 29 years and 7 months of service.

**3. Recommendation to change employment as follows:**

NAME	PREVIOUS POSITION	NEW POSITION	NEW SALARY/RATE OF PAY	EFFECTIVE DATE
Ms. Estonia Graves	Associate Registrar	Registrar	12 month \$65,000 annually	November 16, 2022
Ms. Janet Collard	Support Specialist – Purchasing & Accounts Payable	Production Operator	12 month \$38,000 annually	November 16, 2022
Mr. Uriel Ramirez	Programmer – IT	ERP Programmer - IT	12 month \$60,000 annually	November 16, 2022
Ms. Jaclyn Magness	Support Specialist - Library	Technical Services Coordinator – Library	12 month \$36,000 annually	January 16, 2023

**4. Recommendation of employment as follows:**

NAME	POSITION	LOCATION	SALARY/RATE OF PAY	HIRE DATE
Mr. Abel Verastegui	IT Help Desk Supervisor	Information Technology	12 month \$46,600 annually	11/28/2022
Ms. Kelly Ansley	Interim Anatomy & Physiology Instructor	Arts & Sciences	9 month \$44,100 annually	1/2/2023
Ms. Trisha Herrick	Instructor, Nursing/CNA	Heath Sciences	12 month \$54,000 annually	12/7/2022
Mr. Justin Rios	Simulation Lab Coordinator, Nursing	Heath Sciences	12 month \$57,800 annually	1/2/2023
Ms. Asheraka Kirkwood	Instructor, Nursing	Health Sciences	12 month \$60,800 annually	12/7/2022
Ms. Tammy Jackson	Professional Support Assistant – Testing	Testing	12 month \$24,602 annually	1/2/2023
Ms. Ashlynn Smith	Support Specialist – Purchasing	Purchasing	12 month \$30,847 annually	1/16/2023
Mr. Jason Jones	Instructor, HVAC	Public Service & Industrial Technology	12 month \$55,133 annually	1/2/2023
Ms. Hannah Morris	Professional Support Assistant, Dean Health Sciences	Health Sciences	12 month \$24,920 annually	1/23/2023

*Final Publish Date 1/20/2023*

# PRIMARY EMPLOYER TAX ABATEMENT AGREEMENT-PHASE I

STATE OF TEXAS §

COUNTY OF GREGG §

This instrument is a Primary Employer Tax Abatement agreement executed by and between the City of Kilgore, Texas and Skeeter Products, Inc., a Texas business corporation (Company). Its terms and conditions are supported by good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

## RECITALS

A. The Texas Property Redevelopment and Tax Abatement Act and all amendments thereto, Chapter 312 of the Texas Tax Code ("Law") provide that the governing body of an incorporated City (such as the City of Kilgore) has the power to create one or more Reinvestment Zones for the abatement of ad valorem taxes assessed against real property or tangible personal property located on the real property provided that certain conditions as detailed in the Law are met.

B. Company will own real property ("Real Property") and/or personal property ("Personal Property") located within the city limits or extraterritorial jurisdiction of the City of Kilgore ("City").

C. The City has designated by ordinance the Real Property as City of Kilgore Reinvestment Zone No. 6 ("Zone") eligible for the abatement of ad valorem taxes assessed against the Real Property or certain tangible Personal Property located thereon. The Ordinance creating the Zone is included as Attachment "A" with Exhibits "A" and "B" describing and depicting the Zone. By virtue of the City following the requirements of the Law in creating the Zone, the City and Company now exercise their rights to enter into this instrument, the terms and conditions of which are detailed below and, together with the Attachments and Exhibits, constitute the full and complete agreement ("Agreement") between the City and Company concerning the abatement of ad valorem taxes assessed against the Real Property and Personal Property within the Zone and otherwise payable to the City.

## TERMS AND CONDITIONS

1. The first year of tax abatement under this Agreement shall be the year as stated in Section 1 (d) of Attachment "B". All valuations are determined by the Gregg or Rusk Appraisal Districts as of January 1st of each year.

2. The percentage of abatement and properties covered are described in Attachment "B" and Attachment "C" attached hereto and made a part hereof.

3. Company will construct within the Zone improvements to the Real Property and purchase tangible Personal Property for use in the Zone or on location outside of the Zone so long as the taxable situs of such Personal Property is in the Zone ("Facilities") and prior to completion or purchase by 36 months from the date of this Agreement ("Completion Period") spend a minimum of \$6,758,000.00 in construction and in Personal Property. The improvements and personal property will immediately be rendered with Gregg County Appraisal District.

4. A list of the kind, number and location of all proposed improvements constituting the Facilities are attached to this Agreement as Attachment "C". Employees and/or designated representatives of the City will have access to the Zone during the term of this Agreement to inspect the Facilities to ensure that any improvements and repairs are being made and the terms and conditions of this Agreement are being met. All inspections will be made during normal business hours and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the Facilities.

5. The use of the Real Property and/or Personal Property is limited to those uses consistent with the general purpose of encouraging development or redevelopment of the Zone during the period that property tax exemptions are in effect. Company will declare the Real Property to be the tax situs of the Personal Property and will render both the Real Property and the Personal Property with Gregg County Appraisal District during each year this agreement is in effect.

6. In the event that Company (a) allows its ad valorem taxes owed to the City and the other participating tax entities to become delinquent, or (b) violates any of the terms and conditions of this Agreement by failing to make the improvements and repairs or renditions as provided by this Agreement, or (c) fails to maintain existing jobs and create the new jobs contracted for, this Agreement then may be terminated by the City and the other participating tax entities, and all Taxes otherwise abated by virtue of this Agreement will be recaptured and paid to the City by Company within sixty (60) days of the termination. The determination of a violation shall be in the sole discretion of the City, subject to Company's right to notice and opportunity to cure as provided in Paragraph 9 hereof. As an alternative, the City may, in its discretion, not declare the Agreement terminated, but it must certify to the Gregg County Appraisal District that Company has failed to qualify for an abatement for that tax year.

7. In the event that the Facilities are completed and Company commences operations, but subsequently discontinues operations for a period of one year for any reason excepting fire, explosion or other casualty or accident or natural disaster, or as a result of government shutdown, material or labor shortages, or other matters beyond Company's control during the Abatement Period, then this Agreement shall terminate and so shall the abatement of the Taxes for the calendar year during which the Facility no longer operates. The Taxes otherwise abated for that calendar year shall be paid to City within sixty (60) days from the date of the termination.



8. Company must annually, on or before February 1 of each year, certify to the City Council that it is in compliance with the terms of this Agreement as of January 1st of that year. (Attachment E)

9. Should the City determine that Company is in default in the terms and conditions of this Contract, then the City shall notify Company at the address stated below or personal notice. Company shall have thirty (30) days from receipt of such notice to cure the stated default. If Company fails to complete such cure within the thirty-day period, City may exercise such remedies as may be available.

10. This Agreement is made subject to all conditions, prohibitions, obligations, acts of default, termination, reimbursement and recapture contained in Chapter 312 of the Property Redevelopment and Tax Abatement Act. In case of conflict between this Agreement and §312.204 of the TTC, §312.204 shall control.

11. The City shall have the right to see that the jobs the Company is contracting to create are indeed created and maintained on an annual basis for the duration of the Abatement. The Company will be required to fill out attached Form A and submit it to the City annually. (Sample Job Creation Form A is attached as Attachment "D"). In addition, Company will provide City with Texas Employment Commission Employer's Quarterly Report (Currently known as Form C-3), Form 941 filed with the Internal Revenue Service for each calendar year and a roster of its employees at the end of each year, listing the total number of hours worked by each employee during that year and the positions filled by each employee. Company will also provide City with copies of its tax renditions with the Gregg County Appraisal District for both Real Property and Personal Property during each year of this agreement.

All jobs created and maintained pursuant to this Agreement must be jobs in Kilgore, Gregg or Rusk County, Texas, must be a new full-time job (or full-time job equivalent) created over and above Company's existing employment base as of the date of this Agreement, and must be a full-time job filled by an employee (or employees), who has or have worked a minimum of 1820 hours during the calendar year. This hourly requirement, in the sole discretion of City, may be prorated if this Agreement is signed after the first of any year. Existing jobs located within commuting distance will not be considered newly created positions.

12. If Company makes additional capital improvements over and above the dollar amount specified in this Agreement, it can receive credit for the additional capital improvements in lieu of creating jobs. The specific dollar amount of capital improvements to take the place of a job created shall be as determined by the Kilgore City Council.

13. Additional Terms and Conditions are contained in Attachment "B".

14. All notices required or contemplated by this Agreement shall be addressed as follows:

If to Company, then to 1 Skeeter St., Kilgore, TX 75662, Attention: Jeff Stone

If to the City, then to 815 N. Kilgore St, Kilgore, Texas 75662, Attention: City Clerk of the City of Kilgore, Texas, with copy to Kilgore Economic Development Corporation, 1001 Synergy BLVD., Suite 100, Kilgore, TX 75662

15. The terms and conditions of this Agreement are binding upon the successors and assigns of both parties hereto. This Agreement cannot be assigned by Company unless permission is first granted by the City, in its sole discretion.

16. This Agreement was approved by the affirmative vote of a majority of the members of the governing body of the City Council of the City of Kilgore at a regularly scheduled meeting on the 20<sup>th</sup> day of February, 2023, and Ronald E. Spradlin, III, Mayor, was authorized to sign on behalf of the City of Kilgore, Texas.

17. This Agreement was authorized by Company, and Jeff Stone of Company was authorized to sign on its behalf.

18. This Agreement is performable in Gregg County, Texas.

WITNESS OUR HANDS, this 20th day of February, 2023.

Skeeter Products, Inc.

By:   
Jeff Stone, its Senior Vice President

CITY OF KILGORE, TEXAS

By:   
Ronald E. Spradlin, III, Mayor

ATTEST:

Rachel Rowe  
Rachel Rowe, City Clerk

APPROVED AS TO FORM AND EFFECT:

Robert G. Schleier, Jr.  
Robert G. Schleier, Jr., City Attorney

THE STATE OF TEXAS

COUNTY OF GREGG

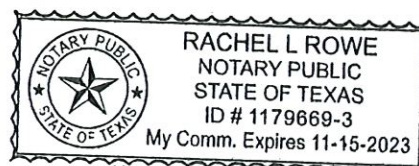
Before me, the undersigned authority, on this day personally appeared Jeff Stone as Senior Vice President of Skeeter Products, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said Corporation.

Given under my hand and seal of office on this 20<sup>th</sup> day of February 2023.

Rachel L. Rowe  
Notary Public, State of Texas

THE STATE OF TEXAS

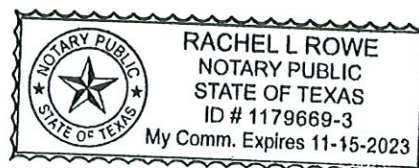
COUNTY OF GREGG



Before me, the undersigned authority, on this day personally appeared Ronald E. Spradlin III, Mayor of the City of Kilgore, a Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said City of Kilgore.

Given under my hand and seal of office on this 20<sup>th</sup> day of February 2023.

Rachel L. Rowe  
Notary Public, State of Texas



ATTACHMENTS TO TAX ABATEMENT AGREEMENT

Attachment "A"	Ordinance creating Reinvestment Zone
Attachment "B"	Tax Abatement Terms and Conditions
Attachment "C"	List of proposed improvements and/or repairs to be made to the property by Company or tangible personal property to be purchased and located on the property
Attachment "D"	Job Creation Form A
Attachment "E"	Certificate of Compliance
Attachment "F"	Map showing existing uses and conditions of Company's property
Attachment "G"	Map showing proposed improvements and use of Company's property when improvements are completed.

ATTACHMENT "A"

Ordinance creating Reinvestment Zone.

ORDINANCE NO. 1848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILGORE, TEXAS, DESIGNATING LOTS 1 & 2 OF NORTH KILGORE INDUSTRIAL PROPERTIES AS CITY OF KILGORE REINVESTMENT ZONE NO. 6, PROVIDING FOR THE ESTABLISHMENT OF AGREEMENTS WITHIN THE ZONE, AND OTHER MATTERS RELATING THERETO; PROVIDING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE FOR THE COMMENCEMENT OF THE REINVESTMENT ZONE AND THIS ORDINANCE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Kilgore, Texas, (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone, as codified in Chapter 312 of the Texas Tax Code (the "Act"); and

WHEREAS, a hearing before the City Council was set for 5:30 p.m. on the 24<sup>th</sup> day of January, 2023, such date being at least SEVEN (7) days after the date of publication of the notice of such public hearing in a newspaper of general circulation in the City of Kilgore; and

WHEREAS, the City has called a public hearing and published notice of such public hearing, and has properly notified the proper officials of Gregg County, Kilgore SD and Kilgore College as required by the Act; and

WHEREAS, upon such hearing being convened there was presented proper proof and evidence that notices of such hearing had been published and mailed as described above; and

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the Reinvestment Zone, whether all or part of the territory, which is described by a metes and bounds or other suitable description attached hereto as Exhibit "A" and depicted in the drawing attached hereto as Exhibit "B", should be included in such proposed Reinvestment Zone; and

WHEREAS, all owners of property located within the proposed Reinvestment Zone and all other taxing units and other interested persons were



given the opportunity at such public hearing to protest the creation of the proposed Reinvestment Zone or the inclusion of their property in such Reinvestment Zone; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and no opponents of the reinvestment zone appeared to contest creation of the reinvestment zone;

WHEREAS, after considering all testimony and evidence offered at the public hearing, the City Council finds that improvements in the Reinvestment Zone will enhance significantly the value of all taxable real and personal property in the Zone, will be of general benefit to the City of Kilgore and that it will be in the public interest to pass this ordinance creating a Reinvestment Zone; and further finds that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement entered into under Section 312.204 or 312.211, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILGORE, TEXAS:

SECTION 1: That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2: The City, after conducting such hearing and having heard such evidence and testimony, pursuant to Chapter 312 of the Texas Tax Code (TTC), has made the following findings and determinations based on the evidence and testimony presented to it:

- (a) That the public hearing on adoption of the Reinvestment Zone has been properly called held and conducted and that notice of such hearing has been published as required by law.
- (b) That the City has jurisdiction to hold and conduct this public hearing on the creation of the proposed Reinvestment Zone pursuant to the Act; and
- (c) That creation of the proposed zone with boundaries as described in Exhibits "A" and "B" will result in benefits to the City, its residents and property owners, and to the property, residents and property owners in the reinvestment zone.

- (d) That the Reinvestment Zone, as defined in Exhibits "A" and "B", meets the criteria for the creation of a Reinvestment Zone as set forth in Chapter 312.201 of the Act.

SECTION 3: That the City hereby creates a Reinvestment Zone over the area described by the description in Exhibit "A" attached hereto and depicted in a drawing attached hereto as Exhibit "B" and such Reinvestment Zone shall hereafter be identified as the City of Kilgore Reinvestment Zone, Number 6, (the "Zone").

SECTION 4: That operation of the Zone shall commence on January 24, 2023, for a period of five years, and may be renewed for an additional five years or may terminate sooner by subsequent ordinance.

SECTION 5: That a written Agreement as provided in the Act, with the owners of the property located within the Reinvestment Zone is to be considered according to the schedule and term outlined in Exhibit "C", and the written agreement shall provide an exemption from taxation the increased value in the real and/or personal property according to that schedule

SECTION 6: That if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

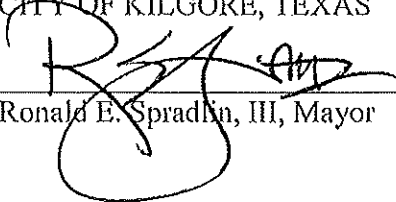
SECTION 7: Pursuant to §312.002, the City Council hereby finds that the terms of the Tax Abatement Agreement to be executed in connection with this Ordinance meets the applicable Guidelines and Criteria for Primary Employer Tax Abatement adopted on June 8, 2021 by the City Council, effective June 8, 2021 through June 7, 2023.

SECTION 8: That it is hereby officially found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the city Hall of the city for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551 et seq of the Texas Local Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.


SECTION 9: That the contents of the notice of public hearing, which hearing was held before the City Council on January 24, 2023, and the publication of said notices, is hereby ratified, approved and confirmed.

PASSED, APPROVED, and ADOPTED on this the 24<sup>th</sup> day of January, 2023.

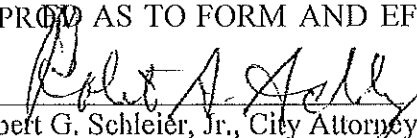
CITY OF KILGORE, TEXAS

  
\_\_\_\_\_  
Ronald E. Spradlin, III, Mayor

ATTEST:

  
\_\_\_\_\_  
Rachel Rowe,  
City Clerk

APPROVED AS TO FORM AND EFFECT:

  
\_\_\_\_\_  
Robert G. Schleier, Jr., City Attorney



ATTACHMENT "B"

PRIMARY EMPLOYER TAX ABATEMENT TERMS AND CONDITIONS

SECTION 1: CONDITIONS

- a) All values used shall be established by Gregg County Appraisal District.
- b) The current taxable base value of the property of the Company in the Zone is:

Real Estate:	<u>\$838,000.06</u>
Personal Property:	<u>\$ 0</u>
Total Base Value:	<u>\$838,000.06</u>

\* Gregg County Appraisal District values according to 2022 preliminary or certified valuation.

NOTE: Values will be confirmed by Gregg/Rusk Appraisal District prior to execution of Agreement.

- c) The City of Kilgore hereby exempts from ad valorem real and personal property taxation for the term set forth, the value in the Zone in excess of the base value stated in Attachment "B" Section 1:b, in accordance with Tax Abatement Terms and Conditions, Attachment "B" Section 2: Schedule of Tax Abatement.
- d) The term of the exemption will be for the period of time of 7 years, beginning January 1 of the year in which the Gregg County Appraisal District pronounces the improvements to be constructed on the Real Estate to be substantially completed or in which the City of Kilgore issues a Certificate of Occupancy for the improvements, whichever occurs first. After the term expires, the full value of the improvements shall be included on the tax roll and assessed appropriately, and this Agreement shall terminate.
- e) The Company shall, within the Term of this Agreement, construct or cause to be constructed upon Company's property in the Zone certain improvements and/or repairs as set forth in Attachment "C" of this Agreement and/or purchase or cause to be purchased in tangible personal property including, but not limited to those set forth in Attachment "C" of this agreement. Such Attachment lists the kind, number and location of all proposed improvements and/or repairs to the property of Company in the Zone. Make, model and serial number of tangible personal property should be listed when known. However, it is the intent of the City to abate taxes on all improvements and additions in excess of the Base Value, regardless of whether itemized on Schedule C.

f) The Company agrees to build improvements in accordance with all applicable laws, ordinances, codes, rules, requirements or regulations of the city and any subdivision, agency, or authority thereof, and prior to commencing shall secure all permits, licenses, and authorization required.

g) Upon completion and inspection by the City of the improvements specified in this Agreement, Company shall execute a Certificate of Compliance set out in Attachment "E" of this Agreement. A copy of this shall be sent to each taxing entity involved, the Company and to Gregg County Appraisal District.

h) Should Company fail to make the improvements and personal property purchases as provided in this Agreement, then all real and personal property tax revenue lost by the City of Kilgore from Company's property in the zone due to this Agreement shall be forthwith paid to the City of Kilgore by Company, and this agreement shall become void.

i) A map showing existing uses and conditions of Company's property within the Zone is attached as Attachment "F" and incorporated herein by reference.

j) A map showing proposed improvements and uses to Company's property within the Zone is attached as Attachment "G" and incorporated herein by reference.

k) The Company agrees to create or relocate 7 new full-time jobs in the Zone during the Term of this Agreement.

Each new job created must be filled by an employee (or employees) who has (have) worked a minimum of 1820 hours during the year. However, if Company fails to create the agreed upon number of full-time jobs during the Term of this Agreement, but makes additional capital improvements over and above those listed in Attachment "C" attached hereto, it can receive credit as if it had created new jobs. The amount of credit allowed will be determined in Section 2 below.



## SECTION 2: SCHEDULE OF PRIMARY EMPLOYER TAX ABATEMENT

The City agrees to abate ad valorem taxes on real and personal property improvements of qualified businesses in Industrial Reinvestment Zones as follows:

### Schedule I

Tax abatement on improvements to real and personal property may be granted to qualified businesses in the Industrial Reinvestment Zone (i) investing a minimum of \$1,000,000 in capital improvements and (ii) either creating 7 or more full-time jobs or increasing and maintaining payroll by at least \$625,000 annually during the term of this agreement. The abatement will be granted according to the following sliding scale:

<u>YEAR</u>	<u>% OF ADDED VALUE TO BE ABATED</u>
1	100%
2	100%
3	100%
4	75%
5	50%
6	25%
7	0%

Company may substitute additional investment in capital improvements for job creation or payroll increase. Every additional \$425,000 in capital improvements invested in the Reinvestment Zone may substitute for the creation of either 5 full-time jobs or an increase in payroll of \$85,000, excluding payroll for principals of company.

Note: All jobs created must be full-time jobs located within the City limits of Kilgore, Texas and must be direct labor positions, not including principals of the company. Existing jobs within commuting distance of Kilgore will not be considered as newly created jobs.

ATTACHMENT "C"

List of proposed improvements and/or repairs to be made to the property by Company or tangible personal property to be purchased and located on the property.

Building renovation and new equipment for closed molded FRP small parts manufacturing

ATTACHMENT "D"

JOB CREATION FORM A

Prepared for the City of Kilgore by Skeeter Products, Inc.

PERMANENT FULL TIME JOBS

1. Current total number of employees as of December 31, 2023:
2. Total employed on effective date of Primary Employer Tax Abatement:
3. Total number of qualifying jobs created as of December 31, 2023  
(Difference between lines 1 and 2):

This form was completed by:

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ATTACHMENT "E"

CERTIFICATE OF COMPLIANCE  
WITH PRIMARY EMPLOYER TAX ABATEMENT AGREEMENT  
BETWEEN THE CITY OF KILGORE AND SKEETER  
PRODUCTS, INC. DATED\_\_\_\_.  
IN CITY OF KILGORE REINVESTMENT ZONE NO. 6  
CITY OF KILGORE, TEXAS  
THE STATE OF TEXAS  
COUNTY OF GREGG



Skeeter Products, Inc. (the "Company") hereby certifies that:

- (1) the real and/or personal property improvements on the property, described on the above referenced Agreement have been completed and that all ~~its~~ improvements have been constructed or acquired pursuant to said Agreement.
- (2) the jobs to be created for this year of the Agreement have been created and maintained including the base jobs, (or) the additional payroll has been added to the base payroll and maintained for this year of the Agreement.
- (3) all ad valorem taxes have been paid to City and all other taxing entities.
- (4) all other terms and conditions of this Agreement have been complied with.



Skeeter Products, Inc. (the "Company") hereby certifies that:

The Company is /is not (circle one) in compliance with its tax abatement agreement.

Current total employment is: \_\_\_\_\_ or current payroll is \$ \_\_\_\_\_.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

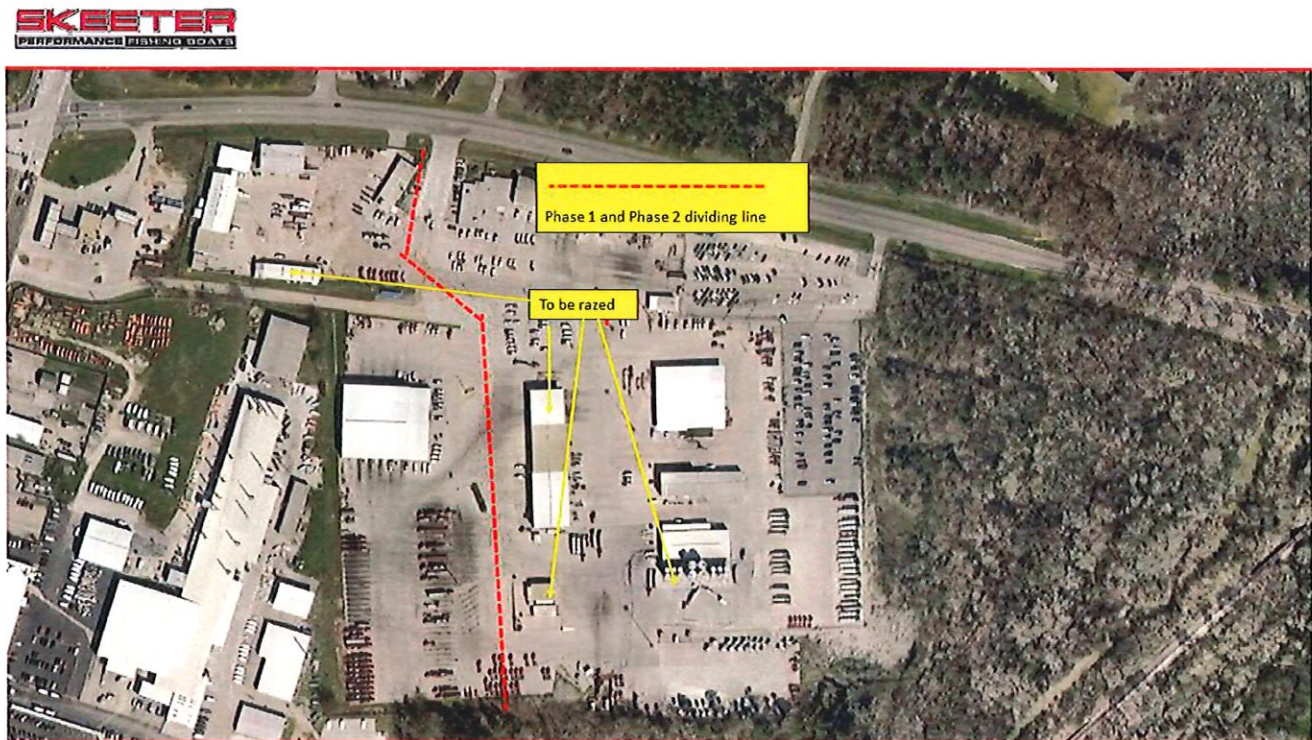
\_\_\_\_\_  
(Signature of Company Representative)

\_\_\_\_\_  
(Position/Title)



ATTACHMENT "G"

Map showing proposed improvements and use of  
Company's property when improvements are completed.



Appendix C

Estimated Company Name: Project 2251-Phase I

Computing Tax Abatement without Inventory

*Value of improvements:	\$ 6,758,000.00	divided by \$100 =	\$ 67,580.00	= Tax Base Value of Improvements
Value of Land	\$ 838,000.00	divided by \$100 =	\$ 8,380.00	= Tax Base Value of Land
City Tax Rate:	0.5990000	for the year of:	2023	
KISD Tax Rate:	1.3853000			
KC Tax Rate:	0.1750000			
Gregg Co. Tax Rate:	0.2817000			
TOTAL TAX RATE	\$ 2.4410000			

Real	\$	3,230,000.00		
Personal	\$	3,528,000.00		
Inventory	\$	-		
*Investment Abated	\$	6,758,000.00		
Inventory Freeport	\$	-	Acres	Cost per Acre
Value of Land + Imp Not Abated	\$	838,000.06	11.915	\$ 70,331.52
	\$	7,596,000.06		

Year	Schedule 100% Abatement Percentage Rates	City of Kilgore Tax Abatement	City of Kilgore Tax to be Paid	City of Kilgore Tax to be Paid Land+Imp	Kilgore ISD Tax To be Paid	Kilgore ISD Tax to be Paid Land+Imp	Kilgore College Tax Abate.	Kilgore College Tax to be Paid	Kilgore College Tax to be Paid Land+Imp	Gregg County Tax Abatement	Gregg County Tax to be Paid	Gregg County Taxes Paid Land+Imp	Total Taxes Abated By Year	Total Taxes Paid By Year
1st	1.000	\$ 40,480.42	\$ -	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 11,826.50	\$ -	\$ 1,466.50	\$ 19,037.29	\$ -	\$ 2,360.65	\$ 71,344.21	\$ 114,074.15
2nd	1.000	\$ 40,480.42	\$ -	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 11,826.50	\$ -	\$ 1,466.50	\$ 19,037.29	\$ -	\$ 2,360.65	\$ 71,344.21	\$ 114,074.15
3rd	1.000	\$ 40,480.42	\$ -	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 11,826.50	\$ -	\$ 1,466.50	\$ 19,037.29	\$ -	\$ 2,360.65	\$ 71,344.21	\$ 114,074.15
4th	0.750	\$ 30,360.32	\$ 10,120.11	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 8,869.88	\$ 2,956.63	\$ 1,466.50	\$ 14,277.96	\$ 4,759.32	\$ 2,360.65	\$ 53,508.15	\$ 131,910.21
5th	0.500	\$ 20,240.21	\$ 20,240.21	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 5,913.25	\$ 5,913.25	\$ 1,466.50	\$ 9,518.64	\$ 9,518.64	\$ 2,360.65	\$ 35,672.10	\$ 149,746.26
6th	0.250	\$ 10,120.11	\$ 30,360.32	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ 2,956.63	\$ 8,869.88	\$ 1,466.50	\$ 4,759.32	\$ 14,277.96	\$ 2,360.65	\$ 17,836.05	\$ 167,582.31
7th	-	\$ -	\$ 40,480.42	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ -	\$ 11,826.50	\$ 1,466.50	\$ -	\$ 19,037.29	\$ 2,360.65	\$ -	\$ 185,418.36
8th	-	\$ -	\$ 40,480.42	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ -	\$ 11,826.50	\$ 1,466.50	\$ -	\$ 19,037.29	\$ 2,360.65	\$ -	\$ 185,418.36
9th	-	\$ -	\$ 40,480.42	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ -	\$ 11,826.50	\$ 1,466.50	\$ -	\$ 19,037.29	\$ 2,360.65	\$ -	\$ 185,418.36
10th	-	\$ -	\$ 40,480.42	\$ 5,019.62	\$ 93,618.57	\$ 11,608.81	\$ -	\$ 11,826.50	\$ 1,466.50	\$ -	\$ 19,037.29	\$ 2,360.65	\$ -	\$ 185,418.36
		\$ 182,161.89	\$ 222,642.31	\$ 50,196.20	\$ 936,185.74	\$ 116,088.14	\$ 53,219.25	\$ 65,045.75	\$ 14,665.00	\$ 85,667.79	\$ 104,705.07	\$ 23,606.46	\$ 321,048.93	\$ 1,533,134.67

10 Year Total Taxes Paid:	\$	1,533,134.67
10 Year Total Abated Taxes:	\$	321,048.93

Phase I Benefit Info:	(10 year term)
Sales Taxes	\$141,439
Real Property Taxes	\$176,393
FF&E Property Taxes	\$45,964
Inventory Property Taxes	\$7,804
New Residential Prop Tax	\$166
Hotel Occupancy Taxes	\$38,324
Building Permits & Fees	\$6,444
Utility Revenue	\$31,481
Utility Franchise Fee	\$2,259
Misc. Taxes and User Fees	\$6,618
Benefits Subtotal	\$456,892
Cost of Services	(\$37,534)
Net Benefits	\$419,358

Jobs
7 Direct Jobs
2.7 Spin Off
9.7 Jobs



Appendix C

Estimated

Company Name: Project 2251-Phase II Optoinal Scenario

Computing Tax Abatement without Inventory

*Value of improvements:	\$ 30,000,000.00	divided by \$100 =	\$ 300,000.00	= Tax Base Value of Improvements
Value of Land	\$ 1,762,000.01	divided by \$100 =	\$ 17,620.00	= Tax Base Value of Land
City Tax Rate:	0.5990000	for the year of:	2025	
KISD Tax Rate:	1.3853000			
KC Tax Rate:	0.1750000			
Gregg Co. Tax Rate:	0.2769400			
TOTAL TAX RATE	\$ 2.4362400			

Real	\$	9,000,000.00		
Personal	\$	21,000,000.00		
Inventory	\$	-		
*Investment Abated	\$	30,000,000.00		
Inventory Freeport	\$	-	Acres	Cost per Acre
Value of Land + Imp Not Abated	\$	1,762,000.01	43.215	\$ 40,772.88
	\$	31,762,000.01		

Year	Schedule 100% Abatement Percentage Rates	City of Kilgore Tax Abatement	City of Kilgore Tax to be Paid	City of Kilgore Tax to be Paid Land+Imp	Kilgore ISD Tax To be Paid	Kilgore ISD Tax to be Paid Land+Imp	Kilgore College Tax Abate.	Kilgore College Tax to be Paid	Kilgore College Tax to be Paid Land+Imp	Gregg County Tax Abatement	Gregg County Tax to be Paid	Gregg County Taxes Paid Land+Imp	Total Taxes Abated By Year	Total Taxes Paid By Year
1st	1.000	\$ 179,700.00	\$ -	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 52,500.00	\$ -	\$ 3,083.50	\$ 83,082.00	\$ -	\$ 4,879.68	\$ 315,282.00	\$ 458,516.55
2nd	1.000	\$ 179,700.00	\$ -	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 52,500.00	\$ -	\$ 3,083.50	\$ 83,082.00	\$ -	\$ 4,879.68	\$ 315,282.00	\$ 458,516.55
3rd	1.000	\$ 179,700.00	\$ -	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 52,500.00	\$ -	\$ 3,083.50	\$ 83,082.00	\$ -	\$ 4,879.68	\$ 315,282.00	\$ 458,516.55
4th	0.750	\$ 134,775.00	\$ 44,925.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 39,375.00	\$ 13,125.00	\$ 3,083.50	\$ 62,311.50	\$ 20,770.50	\$ 4,879.68	\$ 236,461.50	\$ 537,337.05
5th	0.750	\$ 134,775.00	\$ 44,925.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 39,375.00	\$ 13,125.00	\$ 3,083.50	\$ 62,311.50	\$ 20,770.50	\$ 4,879.68	\$ 236,461.50	\$ 537,337.05
6th	0.750	\$ 134,775.00	\$ 44,925.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 39,375.00	\$ 13,125.00	\$ 3,083.50	\$ 62,311.50	\$ 20,770.50	\$ 4,879.68	\$ 236,461.50	\$ 537,337.05
7th	0.500	\$ 89,850.00	\$ 89,850.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 26,250.00	\$ 26,250.00	\$ 3,083.50	\$ 41,541.00	\$ 41,541.00	\$ 4,879.68	\$ 157,641.00	\$ 616,157.55
8th	0.500	\$ 89,850.00	\$ 89,850.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 26,250.00	\$ 26,250.00	\$ 3,083.50	\$ 41,541.00	\$ 41,541.00	\$ 4,879.68	\$ 157,641.00	\$ 616,157.55
9th	0.250	\$ 44,925.00	\$ 134,775.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 13,125.00	\$ 39,375.00	\$ 3,083.50	\$ 20,770.50	\$ 62,311.50	\$ 4,879.68	\$ 78,820.50	\$ 694,978.05
10th	0.250	\$ 44,925.00	\$ 134,775.00	\$ 10,554.38	\$ 415,590.00	\$ 24,408.99	\$ 13,125.00	\$ 39,375.00	\$ 3,083.50	\$ 20,770.50	\$ 62,311.50	\$ 4,879.68	\$ 78,820.50	\$ 694,978.05
		\$ 1,212,975.00	\$ 584,025.00	\$ 105,543.80	\$ 4,155,900.00	\$ 244,089.86	\$ 354,375.00	\$ 170,625.00	\$ 30,835.00	\$ 560,803.50	\$ 270,016.50	\$ 48,796.83	\$ 2,128,153.50	\$ 5,609,831.99

10 Year Total Taxes Paid:	\$	5,609,831.99
10 Year Total Abated Taxes:	\$	2,128,153.50

Phase II Benefit Info:	(20 year term)	Jobs
Sales Taxes	\$542,641	84 Direct Jobs
Real Property Taxes	\$1,176,799	32.4 Spin Off
FF&E Property Taxes	\$404,924	116.4 Jobs
Inventory Property Taxes	\$22,577	
New Residential Prop Tax	\$4,319	
Hotel Occupancy Taxes	\$85,041	
Building Permits & Fees	\$16,833	
Utility Revenue	\$821,022	
Utility Franchise Fee	\$58,922	
Misc. Taxes and User Fees	\$176,609	
Benefits Subtotal	\$3,305,686	
Cost of Services	(\$978,891)	
Net Benefits	\$2,326,795	



# **Recommended 2023 - 2024 Tuition & Fees**

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**Kilgore College - February 2023**



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**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 Tuition Charges:

#### In-District (per semester):

- \$49/credit hour + \$2 General Education Fee per semester hour
- **TOTAL:** \$51 per semester hour *(does not include the Distance Learning Fee for web, hybrid or remote courses).*

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

- \$96/credit hour + \$2 General Education Fee per semester hour
- **TOTAL:** \$98 per semester hour *(does not include the Distance Learning Fee for web, hybrid or remote courses).*

# Tuition & Fees

## Tuition 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
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

No Changes

### Dual Credit Tuition Charges:

#### In-District (per semester):

- \$49/credit hour + \$2 General Education Fee per semester hour
- **TOTAL:** \$51 per semester hour *(does not include the Distance Learning Fee for web, hybrid or remote courses).*

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

- \$96/credit hour + \$2 General Education Fee per semester hour
- **TOTAL:** \$98 per semester hour *(does not include the Distance Learning Fee for web, hybrid or remote courses).*

# Tuition & Fees

## Tuition 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
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

No Changes

# Update To 40% Discount

### Dual Credit Tuition Charges:

#### In-District (per semester):

- \$49/credit hour + \$2 General Education Fee per semester hour **\$56**
- **TOTAL: ~~XX~~** per semester hour (does not include the Distance Learning Fee for web, hybrid or remote courses).

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

- \$96/credit hour + \$2 General Education Fee per semester hour **\$103.40/hr**
- **TOTAL: ~~XX~~** per semester hour (does not include the Distance Learning Fee for web, hybrid or remote courses).

No Changes to General Ed Fees



# New Fee Recommendations

## Registration Fee

- \$40 per Semester
- Generate approximately \$240,000
- Not charged to dual-credit students
- Student attending Fall and Spring would pay \$80
- For operating costs associated with registration activities
- Other colleges charge similar fee

# New Fee Recommendations

## Health & Wellness Fee

- \$25 per Semester
- Generate approximately \$150,000
- Not charged to dual-credit students
- Student attending Fall and Spring would pay \$50
- For operating costs associated with fitness center and benefits navigator

# New Fee Recommendations

## Student Services Fees

- \$5 per Semester
- Generate approximately \$30,000
- Not charged to dual-credit students
- Student attending Fall and Spring would pay \$10
- Recover portion of operating costs associated with student activities
- Other colleges charge similar fee on a per hour basis

# Other Fees

## Current Rates

ACCUPLACER ESL	\$40
ACT WorkKeys Basic Package	\$65 (four tests) \$50 (NCRC certificate) \$15 per retest section
ACT WorkKeys NCRC Certification	\$50 per test
ADN Computer Software Fee	\$150 per semester
ATI TEAS	\$85 per test
Auditing a Course	(tuition & fees same as if enrolled)
Campus Security Fee	\$15 per semester
KC Computer Competency Test	\$35
Checks, Returned	\$35
CLEP Exam	\$90 per test
Credit by Exam; for Experience or Departmental Exam (Advanced Placement)	(equal to in-district tuition/fees as if enrolled)
Credit Card Convenience Fee	\$2 per transaction
Distance Learning Fee (Web, Hybrid and/or Remote courses)	\$15 per semester hour
e-Service Fee	\$7 per semester hour
Excess Developmental	\$75 per semester hour
FAX	\$5

High-Cost Workforce Development Course Fee	\$35 per semester hour
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee *	\$25
Repeat Three	\$75 per semester hour
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-Student	\$45

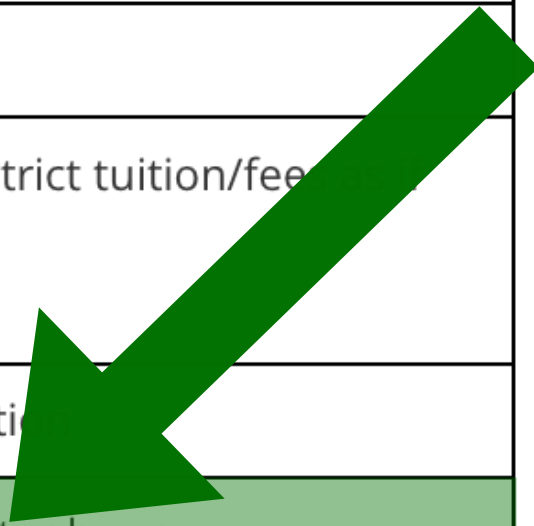


# Other Fees

## Recommend Rate Changes

ACCUPLACER ESL	\$40
ACT WorkKeys Basic Package	\$65 (four tests) \$50 (NCRC certificate) \$15 per retest section
ACT WorkKeys NCRC Certification	\$50 per test
ADN Computer Software Fee	\$150 per semester
ATI TEAS	\$85 per test
Auditing a Course	(tuition & fees same as if enrolled)
Campus Security Fee	\$15 per semester
KC Computer Competency Test	\$35
Checks, Returned	\$35
CLEP Exam	\$90 per test
Credit by Exam; for Experience or Departmental Exam (Advanced Placement)	(equal to in-district tuition/fees if enrolled)
Credit Card Convenience Fee	\$2 per transaction
Distance Learning Fee (Web, Hybrid and/or Remote courses)	\$15 per semester hour
e-Service Fee	\$7 per semester hour
Excess Developmental	\$75 per semester hour
FAX	\$5

Distance Learning  
Fee to \$20  
Cover increasing  
technology costs  
~\$250k



High-Cost Workforce Development Course Fee	\$35 per semester hour
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee *	\$25
Repeat Three	\$75 per semester hour
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-Student	\$45

# Other Fees

## Recommend Rate Changes

ACCUPLACER ESL	\$40
ACT WorkKeys Basic Package	\$65 (four tests) \$50 (NCRC certificate) \$15 per retest section
ACT WorkKeys NCRC Certification	\$50 per test
ADN Computer Software Fee	\$150 per semester
ATI TEAS	\$85 per test
Auditing a Course	(tuition & fees same as if enrolled)
Campus Security Fee	\$15 per semester
KC Computer Competency Test	\$35
Checks, Returned	\$35
CLEP Exam	\$90 per test
Credit by Exam; for Experience or Departmental Exam (Advanced Placement)	(equal to in-district tuition fees as if enrolled)
Credit Card Convenience Fee	\$2 per transaction
Distance Learning Fee (Web, Hybrid and/or Remote courses)	\$15 per semester hour <b>\$20</b>
e-Service Fee	\$7 per semester hour
Excess Developmental	\$75 per semester hour
FAX	\$5

e-Services Fee to \$10

- Cover increasing technology costs
- Prepare for future tech
  - AI
  - VR

~\$275k

High-Cost Workforce Development Course Fee	\$35 per semester hour
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee *	\$25
Repeat Three	\$75 per semester hour
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-Student	\$45

# Other Fees

## Recommend Rate Changes

ACCUPLACER ESL	\$40
ACT WorkKeys Basic Package	\$65 (four tests) \$50 (NCRC certificate) \$15 per retest section
ACT WorkKeys NCRC Certification	\$50 per test
ADN Computer Software Fee	\$150 per semester
ATI TEAS	\$85 per test
Auditing a Course	(tuition & fees same as if enrolled)
Campus Security Fee	\$15 per semester
KC Computer Competency Test	\$35
Checks, Returned	\$35
CLEP Exam	\$90 per test
Credit by Exam; for Experience or Departmental Exam (Advanced Placement)	(equal to in-district tuition/fees as if enrolled)
Credit Card Convenience Fee	\$2 per transaction
Distance Learning Fee (Web, Hybrid and/or Remote courses)	\$15 per semester hour <b>\$20</b>
e-Service Fee	\$7 per semester hour <b>\$10</b>
Excess Developmental	\$75 per semester hour
FAX	\$5



**Campus Security Fee to \$35**  
 Cover increasing security & safety costs  
 ~\$120k

High-Cost Workforce Development Course Fee	\$35 per semester hour
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee *	\$25
Repeat Three	\$75 per semester hour
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-Student	\$45



# Other Fees

## Recommend Rate Changes

ACCUPLACER ESL	\$40
ACT WorkKeys Basic Package	\$65 (four tests) \$50 (NCRC certificate)
	\$15 per retest section <b>\$25</b>
ACT WorkKeys NCRC Certification	\$50 per test
ADN Computer Software Fee	\$150 per semester
ATI TEAS	\$85 per test <b>\$115</b>
Auditing a Course	(tuition & fees same as if enrolled)
Campus Security Fee	\$15 per semester <b>\$35</b>
KC Computer Competency Test	\$35
Checks, Returned	\$35
CLEP Exam	\$90 per test
Credit by Exam; for Experience or Departmental Exam (Advanced Placement)	(equal to in-district tuition/fees as if enrolled)
Credit Card Convenience Fee	\$2 per transaction
Distance Learning Fee (Web, Hybrid and/or Remote courses)	\$15 per semester hour <b>\$20</b>
e-Service Fee	\$7 per semester hour <b>\$10</b>
Excess Developmental	\$75 per semester hour
FAX	\$5

Housekeeping  
Adjustments  
Cover costs  
No significant  
revenue

New Fee  
ID Replacement **\$15**

High-Cost Workforce Development Course Fee	\$35 per semester hour
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee *	\$25
Repeat Three	\$75 per semester hour
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-Student	\$45

# Fee Impacts

## Impacts to Average Student

New/Increased Mandatory Fees	Amount
Registration Fee	\$ 80
Health & Wellness Fee	50
Student Services Fee	10
Campus Security Fee	40
e-Services (24 hours)	72
<b>Total Increase</b>	<b>\$ 252</b>

**Increase in Pell Grant** **\$ 500**  
(2-year increase \$900)

# Room & Board Rates

## Recommendations

Housing Fee	Current	Recommended	% Change
Housing Deposit	\$0	\$150 refundable	
Nolen*	\$1,260 per semester	\$1,350 per semester	7%
Quads*	\$1,370 per semester	\$1,500 per semester	9%
Stark*	\$1,125 per semester	\$1,600 per semester	42%
Gussie Nell Davis	\$1,990 per semester	\$2,100 per semester	6%
Meals	\$1,880 per semester	\$1,940 per semester	3%
Mailbox	\$25 per semester	\$50 per semester	100%
<i>*Private Rooms</i>	<i>Double Hall Rate</i>	<i>Double Hall Rate</i>	
Summer 1 Room & Meals	\$880	\$970	10%
Summer II Room & Meals	\$930	\$1,025	10%



# Fee & Rate Summary

## Changes for the 2023-2024 Academic Year

Tuition/Fee	Current	Recommended
Dual Credit (ID)	\$49 per hour	\$54 per hour
Dual Credit (OD)	\$96 per hour	\$101.40 per hour
Registration Fee	\$0	\$40 per semester
Health & Wellness Fee	\$0	\$25 per semester
Student Services Fee	\$0	\$5 per semester
Distance Learning Fee	\$15 per hour	\$20 per hour
e-Services Fee	\$7 per hour	\$10 per hour
Campus Security Fee	\$15 per semester	\$35 per semester
ACT WorkKeys Restest	\$15 per test	\$25 per test
ATI TEAS test	\$85 per test	\$115 per test
ID Replacement Fee	\$0	\$15 per replacement
Housing Deposit	\$0	\$150 refundable
Nolen*	\$1,260 per semester	\$1,350 per semester
Quads*	\$1,370 per semester	\$1,500 per semester
Stark*	\$1,125 per semester	\$1,600 per semester
Gussie Nell Davis	\$1,990 per semester	\$2,100 per semester
Meals	\$1,880 per semester	\$1,940 per semester
Mailbox	\$25 per semester	\$50 per semester
<i>*Private Rooms</i>	<i>Double Hall Rate</i>	<i>Double Hall Rate</i>
Summer 1 Room & Meals	\$880	\$970
Summer II Room & Meals	\$930	\$1,025

# Course Fees

## Summary of Significant Changes

- High Cost Workforce Development Course Fee added to Surg Tech and New Nursing Curriculum
- Add Differential Fees to High Demand programs - ensured competitive rates
  - Automotive Tech - Physical Therapy Asst - Rad Science - Nursing - Vocational Nursing - Surg Tech - Culinary
- Adjust Course Fees to account for program and/or cost changes
- Include overhead on pass through charges



# High-Cost Workforce & Differential Fee Changes

Current Fees			Recommended Fees	
Course	High Cost per Hour	Differential Fee per Hour	High Cost per Hour	Differential Fee per Hour
<b><i>New Nursing Curriculum</i></b>				
RNSG 1301	N/A	-	35	15
RNSG 1209	N/A	-	35	15
RNSG 1343	N/A	-	35	15
RNSG 2260	N/A	-	35	15
RNSG 1207	N/A	-	35	15
RNSG 1412	N/A	-	35	15
RNSG 2461	N/A	-	35	15
RNSG 1413	N/A	-	35	15
RNSG 1200	N/A	-	35	15
RNSG 1360	N/A	-	35	15
RNSG 2213	N/A	-	35	15
RNSG 1341	N/A	-	35	15
RNSG 1160	N/A	-	35	15
RNSG 2161	N/A	-	35	15
<b><i>Culinary</i></b>				
CHEF 1205	-	-	-	10
CHEF 1291	-	-	-	10
CHEF 1301	-	-	-	10
CHEF 1302	-	-	-	10
CHEF 1310	-	-	-	10
CHEF 1340	-	-	-	10
CHEF 1341	-	-	-	10
CHEF 1345	-	-	-	10
CHEF 1364	-	-	-	10
CHEF 2201	-	-	-	10
HAMG 1221	-	-	-	10
HAMG 2205	-	-	-	10
HAMG 2332	-	-	-	10
PSTR 1301	-	-	-	10
PSTR 2331	-	-	-	10
RSTO 1204	-	-	-	10
RSTO 1306	-	-	-	10

Current Fees			Recommended Fees	
Course	High Cost per Hour	Differential Fee per Hour	High Cost per Hour	Differential Fee per Hour
<b><i>Automotive Tech</i></b>				
AUMT 1405	35	-	35	4
AUMT 1307	35	-	35	4
AUMT 1410	35	-	35	4
AUMT 1412	35	-	35	4
AUMT 1316	35	-	35	4
AUMT 2317	35	-	35	4
AUMT 2334	35	-	35	4
AUMT 2301	35	-	35	4
AUMT 2321	35	-	35	4
AUMT 1306	35	-	35	4
AUMT 2371	35	-	35	4
AUMT 1345	35	-	35	4
AUMT 2380	35	-	35	4
AUMT 2381	35	-	35	4
<b><i>Physical Therapy Asst</i></b>				
PTHA 1201	35	-	35	10
PTHA 1225	35	-	35	10
PTHA 1266	35	-	35	10
PTHA 1321	35	-	35	10
PTHA 1405	35	-	35	10
PTHA 1413	35	-	35	10
PTHA 1431	35	-	35	10
PTHA 2160	35	-	35	10
PTHA 2239	35	-	35	10
PTHA 2266	35	-	35	10
PTHA 2267	35	-	35	10
PTHA 2301	35	-	35	10
PTHA 2305	35	-	35	10
PTHA 2509	35	-	35	10
PTHA 2531	35	-	35	10
PTHA 2535	35	-	35	10
<b><i>Rad Science</i></b>				
RADR 1201	35	-	35	7
RADR 1202	35	-	35	7
RADR 1203	35	-	35	7
RADR 1213	35	-	35	7
RADR 1266	35	-	35	7
RADR 1267	35	-	35	7
RADR 1268	35	-	35	7
RADR 1311	35	-	35	7
RADR 2205	35	-	35	7
RADR 2209	35	-	35	7
RADR 2217	35	-	35	7
RADR 2233	35	-	35	7
RADR 2266	35	-	35	7
RADR 2267	35	-	35	7
RADR 2301	35	-	35	7
RADR 2313	35	-	35	7
RADR 2331	35	-	35	7
RADR 2335	35	-	35	7

Current Fees			Recommended Fees	
Course	High Cost per Hour	Differential Fee per Hour	High Cost per Hour	Differential Fee per Hour
<b><i>Nursing</i></b>				
RNSG 1119	35	-	35	15
RNSG 1125	35	-	35	15
RNSG 1126	35	-	35	15
RNSG 1128	35	-	35	15
RNSG 1129	35	-	35	15
RNSG 1137	35	-	35	15
RNSG 1161	35	-	35	15
RNSG 1163	35	-	35	15
RNSG 1201	35	-	35	15
RNSG 1218	35	-	35	15
RNSG 1226	35	-	35	15
RNSG 1293	35	-	35	15
RNSG 1301	35	-	35	15
RNSG 1424	35	-	35	15
RNSG 1430	35	-	35	15
RNSG 1533	35	-	35	15
RNSG 1538	35	-	35	15
RNSG 2138	35	-	35	15
RNSG 2360	35	-	35	15
RNSG 2362	35	-	35	15
RNSG 2363	35	-	35	15
RNSG 2539	35	-	35	15
<b><i>Vocational Nursing</i></b>				
VSNG 1115	35	-	35	8
VNSG 1163	35	-	35	8
VNSG 1204	35	-	35	8
VNSG 1216	35	-	35	8
VNSG 1219	35	-	35	8
VNSG 1226	35	-	35	8
VNSG 1227	35	-	35	8
VNSG 1230	35	-	35	8
VNSG 1238	35	-	35	8
VNSG 1260	35	-	35	8
VNSG 1323	35	-	35	8
VNSG 1331	35	-	35	8
VNSG 1334	35	-	35	8
VNSG 1361	35	-	35	8
VNSG 1362	35	-	35	8
VNSG 1420	35	-	35	8
VNSG 1429	35	-	35	8
VNSG 1432	35	-	35	8
VNSG 1502	35	-	35	8
<b><i>Surg Tech</i></b>				
SRGT 1405	-	-	35	7
SRGT1409	-	-	35	7
SRGT 1441	-	-	35	7
SRGT 2461	-	-	35	7
SRGT 1442	-	-	35	7
SRGT 2462	-	-	35	7



# Course Fee Recommendations

DIVISION	COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
Business, Entrepreneurship & Information Technology				
*	ITSW 1310-Introduction to Presentation Graphics Software	Certification Testing Fee: \$95	Certification Testing Fee: \$104	Certiport has increased the pricing for the certification voucher
*	POFI 1349-Spreadsheets	Certification Testing Fee: \$95	Certification Testing Fee: \$104	Certiport has increased the pricing for the certification voucher
*	POFI 2340-Advanced Word Processing	Certification Testing Fee: \$95	Certification Testing Fee: \$104	Certiport has increased the pricing for the certification voucher
	ACNT 1304 - Introduction to Accounting II	\$0	Certification Testing Fee: \$118	Add Intuit Bookkeeping Certification exam plus one retake to the course
	ACNT 1311 - Intro to Computerized Accounting	\$0	Certification Testing Fee: \$118	Add Intuit Quickbooks Certification exam plus one retake to the course
	BCIS 1305 - Business Computer Applications	Curriculum Fee: \$120	Curriculum Fee: \$71	Reduce curriculum fee from \$120 to \$71, due to change from Cengage to McGraw Hill Simnet
*	ITSC 1309 - Integrated Software Applications I	Curriculum Fee: 120	Curriculum Fee: \$71	Reduce curriculum fee from \$120 to \$71, due to change from Cengage to McGraw Hill Simnet
*	ITSW 2334 - Advanced Spreadsheets	Certification Testing Fee: \$95	Certification Testing Fee: \$104	Certiport has increased the pricing for the certification voucher
*	ITSW 2337 - Advanced Database	Certification Testing Fee: \$95	Certification Testing Fee: \$104	Certiport has increased the pricing for the certification voucher
Arts and Sciences				
	MATH 0300 - Developmental Mathematics	\$66	\$0	Removal of Inclusive Access fee, switching to MyOpen Math
	MATH 2413 - Calculus 1	\$66	\$0	Removal of Inclusive Access fee, switching to MyOpen Math
	GEOL 1405-(Lecture and Lab)	\$50	\$0	Moved online-no supplies needed

# Course Fee Recommendations Health Sciences

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
SRGT 1409 Fundamentals of Perioperative Concepts & Techniques	N/A	Course Fee: \$50	Instructional Supplies
SRGT 1409 Fundamentals of Perioperative Concepts & Techniques	N/A	Insurance Fee: \$30	Liability Insurance for Student
SRGT 1405 Intro to Surgical Technology	N/A	Course Fee: \$50	Instructional Supplies
SRGT 1441 Surgical Procedures I	N/A	Course Fee: \$50	Instructional Supplies
SRGT 2461 Clinical-Surgical Technology/Technologist	N/A	Course Fee: \$50	Instructional Supplies
SRGT 1442 Surgical Procedures II	N/A	Course Fee: \$50	Instructional Supplies
SRGT 2462 Clinical-Surgical Technology/Technologist	N/A	Course Fee: \$50	Instructional Supplies
VNSG 1204 (NT) - Foundations of Nursing	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1204 (NT) - Foundations of Nursing	\$100	\$0	Not test package fee-Renamed Elsevier course package bundle
VNSG 1227 (NT) - Essentials of Medication Administration	\$25	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1260 (NT) - Clinical-Practical Nurse-Introductory	\$25	Course Fee: \$100	Computer software program- Shadow Health
VNSG 1260 (NT) - Clinical-Practical Nurse-Introductory	\$15	\$0	No longer need FISDAP Fee
VNSG 1260 (NT) - Clinical-Practical Nurse-Introductory	\$25	Insurance Fee: \$30	Liability Insurance fee increase
VNSG 1260 (NT) - Clinical-Practical Nurse-Introductory	\$15	\$0	Done prior to start of program
VNSG 1420 (NT) - *Anatomy and Physiology for Allied Health	\$0	Course Fee: \$100	Instructional Supplies
VNSG 1502 (NT) - Applied Nursing Skills I	\$25	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1502 (NT) - Applied Nursing Skills I	\$35	Skills Lab Fee: \$300	Lab Supplies
VNSG 1115 (NT) - Disease Control & Prevention	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1163 (NT) - Clinical-Practical Nurse- Advanced	\$25	Course Fee: \$100	Computer software program- Shadow Health
VNSG 1216 (NT) - *Nutrition	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1219 (NT) - Leadership and Professional Development	\$100	\$0	No separate Test Package Fee
VNSG 1219 (NT) - Leadership and Professional Development	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1226 (NT) - Gerontology	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1238 (NT) - Mental Illness	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1362 (NT) - Clinical-Practical Nurse- Intermediate	\$25	Course Fee: \$100	Computer software program- Shadow Health
VNSG 1429 (NT) - Medical - Surgical Nursing I	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1429 (NT) - Medical - Surgical Nursing I	\$0	Skills Lab Fee: \$200	lab supplies
VNSG 1334 (NT) - Pediatric Nursing	\$100	\$0	No Separate Testing Package
VNSG 1334 (NT)-Pediatric Nursing	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1230 (NT) - Maternal Neonatal Nursing	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1361 (NT) - Clinical-Practical Nurse- Intermediate (Summer)	\$25	Course Fee: \$100	Computer software program- Shadow Health
VNSG 1361 (NT) - Clinical-Practical Nurse- Intermediate (Summer)	\$0	Insurance Fee: \$30	Liability insurance
VNSG 1432 (NT) - Medical Surgical Nursing II	\$0	Course Fee: \$100	Computer software program- Elsevier course package
VNSG 1432 (NT) - Medical Surgical Nursing II	\$0	Skills Lab Fee: \$200	lab supplies



# Course Fee Recommendations Health Sciences

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
PTHA 2239 (NT) Professional Issues	\$210 (Testing Fee: \$125; Software Fee: \$85)	Course Fee: \$460	The \$250 is for the addition of a licensure exam review course to be offered in the last semester to improve pass rates on the licensure exam
RADR 1411 (Formerly RADR 1311)-Basic Radiographic Procedures	\$0	Software Fee: \$100	New PACS server due to E-film no longer being supported allows for students to have access at home
RADR 2217-Radiographic Pathology	\$0	Software Fee: \$100	New PACS sever due to E-film no longer being supported allows for students to have access at home
RADR 2331-Advanced Radiographic Procedures	\$0	Course Fee: \$220	Kettering Seminar will come to campus and present registry review. Students will receive wookbook, content spec study guide and recorded lecuture
MDCA 1313 (NT) Medical Terminology	\$80	Course Fee: \$100	
RNSG 1226 Trans Prof Nurse Concepts	\$0	Course Fee: \$150	Instructional Supplies
RNSG1301.0040 Pharmacology	\$200	Testing Fee: \$100	Exam Soft-testing software
RNSG1301.0040 Pharmacology	\$200	Course Fee: \$150	Instructional Supplies
RNSG1301.0040 Pharmacology	\$0		
		Fee: \$3.25	Background Check
RNSG 1424 Trans Prof Nurse Practice	\$300	Computer Software Fee: \$200	HESI Exam Software Fee
RNSG 1424 Trans Prof Nurse Practice	\$200	Testing Fee: \$100	Exam Soft-testing software
RNSG 1424 Trans Prof Nurse Practice	\$200	Course Fee: \$150	Instructional Supplies
RNSG 1424 Trans Prof Nurse Practice	\$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG 1163 Transition Clinical	Clinical Course Fee: \$100	\$0	No charge needed
RNSG 1163 Transition Clinical	\$0	Insurance Fee: \$30	Required Liability Insurance for Student
RNSG 1137 Professional Nursing Concepts III	\$0	Course Fee: \$150	Instructional Supplies
RNSG 1538 Health Care Concepts III	\$200	Testing Fee: \$100	ExamSoft-testing software
RNSG 1538 Health Care Concepts III	\$200	Course Fee: \$150	Instructional Supplies
RNSG 1538 Health Care Concepts III	\$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG 1538 Health Care Concepts III	\$325	\$0	LVN Licensure Fee-No Longer Needed
RNSG 2363 Clinical III	Clinical Course Fee: \$100	\$0	No Charge Needed
RNSG 2138 Professional Nursing Concepts IV	\$0	Course Fee: \$150	Instructional Supplies
RNSG 2539 Health Care Concepts IV	\$200	Testing Fee: \$100	Exam Soft-testing software
RNSG 2539 Health Care Concepts IV	\$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG 2539 Health Care Concepts IV	\$300	Certification Fee: \$250	SAMA Training
RNSG 2539 Health Care Concepts IV	\$200	Course Fee: \$150	Instructional Supplies
RNSG 2539 Health Care Concepts IV	\$325	Licensure Fee: \$375	NCLEX Requirement Fee Change
RNSG 2360 Clinical IV	Course Fee: \$100	\$0	No charge needed
RNSG 2360 Clinical IV	\$0	Insurance Fee: \$30	Required Liability Insurance for Student
RNSG 1125 Professional Nursing Concepts I	\$0	Course Fee: \$150	Instructional Supplies
RNSG 1128 Intro to Health Care Concepts	\$0	Testing Fee: \$200	ExamSoft-Testing software

# Course Fee Recommendations Health Sciences

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
RNSG 1128 Intro to Health Care Concepts	\$0	Course Fee: \$150	Instructional Supplies
RNSG1430.0040 Health Care Concepts I	\$200	Testing Fee: \$100	ExamSoft-Testing software
RNSG1430.0040 Health Care Concepts I	\$100	Course Fee: \$150	Instructional Supplies
RNSG1430.0040 Health Care Concepts I	\$100	Simulation Fee: \$150	Sim Lab Supplies Addition
RNSG1430.0040 Health Care Concepts I	\$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG1129.0040 Integrated Nursing Skills II	Testing Fee: \$200	\$0	No Testing Fee Needed
RNSG1129.0040 Integrated Nursing Skills II	Course Fee: \$200	Course Fee: \$150	Instructional Supplies
RNSG1161.0040 Clinical I	Clinical Course Fee: \$100	\$0	No Fee Needed
RNSG 1126 Professional Nursing Concepts II	\$0	Course Fee: \$150	Instructional Supplies
RNSG 1533 Health Care Concepts II	\$200	Testing Fee: \$100	ExamSoft-testing software
RNSG 1533 Health Care Concepts II	Course Fee: \$200	Course Fee: \$150	Instructional Supplies
RNSG 1533 Health Care Concepts II	Simulation Fee: \$100	Simulation Fee: \$150	Sim Lab Supplies Addition
RNSG 1533 Health Care Concepts II	Computer Lab Fee: \$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG 2362 Clinical II	Clinical Course Fee: \$100	\$0	No Fee Needed
RNSG 1137 Professional Nursing Concepts III	Course Fee: \$200	Course Fee: \$150	Instructional Supplies
RNSG 1137 Professional Nursing Concepts III	Testing Fee: \$200	Testing Fee: \$100	Exam Soft-Testing software
RNSG 1137 Professional Nursing Concepts III	Computer Lab Fee: \$50	Computer Lab Fee: \$100	Computer Replacement/Upkeep
RNSG 1137 Professional Nursing Concepts III	Licensure Fee: 325	\$0	No licensure offered

# Course Fee Recommendations

## Health Sciences

### New Nursing Program

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
RNSG1301 Pharmacology			
Course is same as before/same fees		Testing Fee: \$100 Course Fee: \$150 Computer Software FEe: \$200	Exam soft- testing software Instructional Supplies HESI Exam fee
RNSG 1209-Introduction to Nursing			
		Testing Fee: \$100 Course Fee: \$150 Computer Lab Fee: \$100	Exam soft- testing software Instructional Supplies Computer Replacement/Upkeep
RNSG 1343-Complex Concepts of Adult Health w/lab			
		Software Fee: \$200 Testing Fee: \$100 Course Fee: \$150 Simulation Fee: \$100 Computer Lab Fee: \$100	HESI Exam fee Exam soft- testing software Instructional Supplies Sim Lab Supplies Computer Replacement/Upkeep
RNSG 2260-Clinical Complext Concepts of Adult Health			
		Course Fee: \$150	Instructional Supplies
RNSG 1207-Nursing Jurisprudence			
		Computer Software Fee: \$300 Testing Fee: \$100 Course Fee: \$150 Simulation Lab Fee: \$100 Licensure Fee: \$375	HESI Exam fee Exam soft- testing software Instructional Supplies Sim Lab Supplies NCLEX requirements
RNSG 1412-Nursing Care of the Childbearing and Childbearing Family			
		Computer Software Fee: \$200 Testing Fee: \$100 Course Fee: \$150 Simulation Fee: \$100 Computer Lab Fee: \$100	HESI Exam fee Exam soft- testing software each didactic course should have a course fee associated supply charge computer lab/computer replacements
RNSG 2461-Clinical Capstone			
		Insurance Fee: \$30 Course Fee: \$150	liability insurance required annually per student Instructional Supplies
RNSG 1413-Foundations for Nursing Practice			
		Computer Software Fee: \$200 Testing Fee: \$100 Course Fee: \$150 Simulation Lab Fee: \$150 Computer Lab Fee: \$100	HESI Exam fee Exam soft- testing software Instructional Supplies Sim Lab Supplies Computer Replacement/Upkeep

# Course Fee Recommendations Health Sciences New Nursing Program

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
RNSG 1200-Health Assessment		Testing Fee: \$100 Course Fee: \$150	Exam soft- testing software Instructional Supplies
RNSG 1360-Clinical Foundations of Nursing Practice		Insurance Fee: \$30 Course Fee: \$150	liability insurance required annually per student Instructional Supplies
RNSG 2213-Mental Health Nursing		Testing Fee: \$100 Computer Software Fee:\$200 Certification Fee: \$250 Course Fee: \$150	Exam soft- testing software HESI Exam fee SAMA Training Instructional Supplies
RNSG 1341-Common Concepts of Adult Health w/Lab		Computer Software Fee: \$200 Testing Fee: \$100 Course Fee: \$150 Simulation Lab Fee: \$150 Computer Lab Fee: \$100	HESI exam fee Exam soft- testing software Instructional Supplies Sim Lab Supplies Computer Replacement/Upkeep
RNSG 1160- Clinical Mental Health		Course Fee: \$150	Instructional Supplies
RNSG 2161- Clinical Nursing care of the childbearing & childbearing family		Course Fee: \$150	Instructional Supplies



# Course Fee Recommendations

## Public Services & Industrial Technologies

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
AUMT 2321 Electrical Diag	\$50	\$75	Moving Scan Tool fee from 1412 to 2321, Change the fee name to Multimeter Fee, increasing due to increased cost
AUMT 1307 Electrical	\$30	\$55	Increasing uniform count for students
AUMT 1405 Intro	\$30	\$55	Increasing uniform count for students
All AUMT courses except 2301,2380 & 2381	\$60	\$75	Increase in cost of lab supplies
DFTG 1345 Parametric Modeling	\$175	\$100	Only taught dual credit at one high school and we do not use any 3D printing supplies at that location.
DEMR 1316 Basic Hydraulics	\$0	\$20	Lunchbox Training online Hydraulics training pass through fee.
DEMR 1291 Special Topics	\$0	\$20	SP/2 Training Online Program for Safety, Employment

# Course Fee Recommendations Public Services & Industrial Technologies Continuing Education

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
HRPO 2030 SHRM Learning System	\$995	\$1,095	included in the course tuition. KC cannot sell this material seperately.Fee: \$1095 -(\$575 is for materials)
IEIR 1006 Electrical Motors	\$375	\$400	Increased cost of supplies to offer the course
ELPT 1019 Fundamentals of Electricity	\$375	\$400	Increased cost of supplies to offer the course
EECT 2043 Troubleshooting Electrical Systems	\$375	\$400	Increased cost of supplies to offer the course
IEIR 1040 Electrical Safety	\$175	\$200	Increased cost of supplies to offer the course
ELPT 1057 Industrial Wiring	\$450	\$525	Increased cost of supplies to offer the course
ELPT 1029 Residential Wiring	\$450	\$525	Increased cost of supplies to offer the course
METL 1266 Practicum	NONE	High-Cost Fee: 35 CH	Course doesn't currently have High-Cost Workforce Development fee, as shown in catalog.
METL 1291 Special Topics	NONE	High-Cost Fee: \$35 CH	Course doesn't currently have High-Cost Workforce Development fee, as shown in catalog.
METL 1291 Special Topics	NONE	\$100	Course doesn't currently have a course fee to cover consumables used for lab activities, as shown in catalog.
METL 2371 Corrosion Integrity Management	NONE	High-Cost Fee: \$35 CH	Course doesn't currently have High-Cost Workforce Development fee, as shown in catalog.
METL 2373 Corrosion Operator Qualification - Level 2	NONE	High-Cost Fee: \$35 CH	Course doesn't currently have High-Cost Workforce Development fee, as shown in catalog.
NDTE 1310 Liquid Penetrant/Magnetic Particle Testing	NONE	High-Cost Fee: \$35 CH	Course doesn't currently have High-Cost Workforce Development fee, as shown in catalog.
NDTE 1310 Liquid Penetrant/Magnetic Particle Testing	NONE	\$100	Course doesn't currently have a course fee to cover consumables used for lab activities, as shown in catalog.
Basic Fire Academy (online, onsite, night skills, VFD)			
FIRS 1001 TUITION (48 hrs)	\$182	\$168	we are proposing to use the formula based on hours in each course.
FIRS 1007 TUITION (64 hrs)	\$205	\$224	we are proposing to use the formula based on hours in each course.
FIRS 1013 TUITION (64 hrs)	\$205	\$224	we are proposing to use the formula based on hours in each course.
FIRS 1019 TUITION (62 hrs)	\$205	\$217	we are proposing to use the formula based on hours in each course.
FIRS 1023 TUITION (110 hrs)	\$205	\$385	we are proposing to use the formula based on hours in each course.
FIRS 1029 TUITION (54 hrs)	\$183	\$189	we are proposing to use the formula based on hours in each course.
FIRS 1033 TUITION (72 hrs)	\$205	\$252	we are proposing to use the formula based on hours in each course.
Tuition Total:	<b>\$1,390</b>	<b>\$1,659</b>	
VENDOR FEE (ACTION TRAINING VIDEOS)	\$50	\$50 (no change)	Attached as miscellaneous-as needed
	<b>\$1,440</b>	<b>\$1,709</b>	
Required charges/fees:			
Bunker Gear Rental-FIRS 1033	\$475	\$500	To capture rising cost
Spear Training Field Usage-FIRST 1033	\$100	\$125	To capture rising cost
Uniform Package-attached to FIRS 1001	\$125	\$130	To capture rising cost
Misc. Charge for ASHI BLS (\$10)and/or EMR (\$20)cards	0	\$30	We have not captured this cost in the past This is a pass through fee

# Course Fee Recommendations Public Services & Industrial Technologies Continuing Education

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
TCFP Advanced Courses			
Instructor I: FIRT 2005 (48 hrs; 4 state skills)	\$250	\$268	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Instructor II: FIRT 2007 (48 hrs; 4 state skills)	\$250	\$268	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Instructor III: FIRT 2059 (64 hrs; 3 state skills)	\$250	\$299	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Driver Operator - Pumper: FIRS 2044 (60 hrs; 4 skills)	\$275	\$310	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Fire Officer I: FIRT 1042 (60 hrs; 6 skills)	\$200	\$360	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Fire Officer II: FIRT 1043 (60 hrs; 6 skills)	\$200	\$360	For consistency in tuition, we are proposing to use the formula based on hours in each course.
Incident Safety Officer: FIRT 2011 (40 hrs; 5 skills)	\$250	\$265	For consistency in tuition, we are proposing to use the formula based on hours in each course.
REFRESHERS (taken to be eligible to retest the state exam after failing two attempts. We receive many students from other schools for these classes)			For consistency in tuition, we are proposing to use a formula based the number of skills test required.
Firefighter I Refresher (4 skills)			
Because of hour requirements, this course is three sections			
FIRS 1001 tuition	\$5	\$35	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
FIRS 1007 tuition	\$5	\$35	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
FIRS 1013 tuition	\$5	\$37	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
Vendor Fee	\$35	\$50	The Vendor Fee covers the cost of Action Training Videos.
Total	\$50	\$157	
Firefighter II Refresher (5 skills)			
FIRS 1007 tuition	\$15	\$160	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
Vendor Fee	\$35	\$50	The Vendor Fee covers the cost of Action Training Videos.
Total	\$50	\$210	
Hazmat Awareness Refresher (1 skill)			
FPTA 1029 tuition	\$15	\$60	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
Vendor Fee	\$35	\$50	The Vendor Fee covers the cost of Action Training Videos.
Total	\$50	\$110	
Hazmat Operations Refresher (4 skills)			
FPTA 1041 tuition	\$15	\$135	For consistency in tuition, we are proposing to use a formula based the number of skills test required.
Vendor Fee	\$35	\$50	The Vendor Fee covers the cost of Action Training Videos.
Total	\$50	\$185	

# Course Fee Recommendations Public Services & Industrial Technologies Continuing Education

COURSE	CURRENT FEE	PROPOSED FEE	FEE CHANGE JUSTIFICATION
Skills Challenge Training/Testing (10 days)      Total	<b>\$780</b>	<b>\$1,232</b>	Formula for this course is a combination of the two above
FIRS 1033 (72 hrs; 7 skills) tuition		\$427	
Vendor Fee		\$50	
Spear Facility Usage Fee		\$125	
Uniform Package		\$130	
Bunker Gear Rental		\$500	
State Skills Testing only: FIRS 2025 (7 skills)	\$150	\$210	Increase fee to cover cost of testing
FFI State Skills Testing only: FIRS 2025 (4 skills)	\$50	\$135	Increase fee to cover cost of testing
FFII State Skills Testing only: FIRS 2025 (5 skills)	\$50	\$160	Increase fee to cover cost of testing
Hazmat Awareness State Skills Testing only: FIRS 2025 (1 skill)	\$50	\$60	Increase fee to cover cost of testing
Hazmat Operations State Skills Testing only: EMSP 1147	\$50 \$20	\$135 \$35	Increase fee to cover cost of testing Certification card price increase
EMSP 2135	\$20	\$35	Certification card price increase
LNWK 1041 Distribution Operations	\$275	\$375	supplies
LNWK 1041 Distribution Operations	\$0	\$40	material

## Kilgore College Budget Amendment

February 27, 2023

23-BA04

\$460,000 - Allocate Contingency to the Old Main Capital Project

Account #	Account Name	Previous Budget	Budget Change	Revised Budget
23-OM CLAS	Old Main Classroom Upgrades	250,000	460,000	710,000
10-100-50-111-6599	Contingency	657,500	(460,000)	197,500

### Description

The total cost to update the 13 classrooms in Old Main is slightly over \$600,000. The project is updating the technology, furniture, carpet, and window coverings. In addition, minor remodeling and repainting of walls are part of the project.

### Financial Impact

Reduces the amount of funds available in contingency.

**RESOLUTION NO. R-2023-4**  
**A RESOLUTION OF THE KILGORE COLLEGE**  
**BOARD OF TRUSTEES**  
**UPDATING AUTHORIZED SIGNATURES WITH TEXPOOL**

**WHEREAS**, it is in the best interest of Kilgore College to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

**WHEREAS**, the Texas Local Government Investment Pool ("TexPool / TexPool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

**WHEREAS**, Kilgore College periodically updates the authorized representatives on file with TexPool, due to staffing changes; and,


**WHEREAS**, TexPool requests a resolution confirming the changes from the board via the form provided by TexPool (Exhibit 1).

**NOW THEREFORE**, be it resolved as follows:


- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of Kilgore College and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of Kilgore College may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by Kilgore College and
- C. That Kilgore College may by Amending Resolution signed by Kilgore College add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of Kilgore College;
- D. The Vice-President of Administrative Services and Chief Financial Officer is authorized to execute the appropriate documents in relation to this resolution.

**ADOPTED THIS 27<sup>th</sup> day of February, 2023** by the Board of Trustees of Kilgore College.

  
\_\_\_\_\_  
President, Kilgore College Board of Trustees

  
\_\_\_\_\_  
Kilgore College Vice-President of  
Administrative Services, CFO

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Kilgore College Board of Trustees



**RESOLUTION NO. R-2023-5**  
**A RESOLUTION OF THE KILGORE COLLEGE**  
**BOARD OF TRUSTEES**  
**UPDATING AUTHORIZED SIGNATURES WITH AUSTIN BANK**

**WHEREAS**, Kilgore College currently utilizes Austin Bank as a designated depository;  
and

**WHEREAS**, Kilgore College periodically updates the authorized agents on file with Austin Bank, due to staffing changes; and,

**WHEREAS**, Austin Bank requests a resolution confirming the changes from the board via the form provided by Austin Bank (Exhibit 1).

**NOW, BE IT RESOLVED**, that

- (1) Austin Bank is designated as a depository for the funds of Kilgore College and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by Austin Bank. Any and all prior resolutions adopted by Kilgore College and certified to Austin Bank as governing the operation of this association's account(s), are in full force and effect, until Austin Bank receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to Austin Bank, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of Kilgore College. Any Agent, so long as they act in a representative capacity as an Agent of Kilgore College, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated in this resolution, from time to time with Austin Bank, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of Kilgore College with Austin Bank prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) Kilgore College agrees to the terms and conditions of any account agreement, properly opened by any Agent of Kilgore College authorizes Austin Bank, at any time, to charge Kilgore College for all checks, drafts, or other orders, for the payment of money, that are drawn on Austin Bank, so long as they contain the required number of signatures for this purpose.


(6) Kilgore College acknowledges and agrees that Austin Bank may furnish at its discretion automated access devices to Agents of Kilgore College to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.

(7) Kilgore College acknowledges and agrees that Austin Bank may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with Austin Bank, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by Kilgore College with Austin Bank from time to time) Austin Bank is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. Kilgore College authorizes each Agent to have custody of Kilgore College's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. Austin Bank shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.


(8) The Vice-President of Administrative Services and Chief Financial Officer is authorized to execute the appropriate documents in relation to this resolution.

**ADOPTED** THIS 27<sup>th</sup> day of February, 2023 by the Board of Trustees of Kilgore College.

  
\_\_\_\_\_  
President, Kilgore College Board of Trustees

  
\_\_\_\_\_  
Kilgore College Vice-President of  
Administrative Services, CFO

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Kilgore College Board of Trustees

**RESOLUTION NO. R-2023-2**  
**A RESOLUTION OF THE KILGORE COLLEGE**  
**BOARD OF TRUSTEES**  
**TO RENEW THE HISTORICAL PROPERTY TAX EXEMPTION**  
**FOR THE 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 access to and use of the structure or archeological 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 2023 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 27<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
President, Kilgore College Board of Trustees

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Kilgore College Board of Trustees

**RESOLUTION NO. R-2023-3**  
**A RESOLUTION OF THE KILGORE COLLEGE**  
**BOARD OF TRUSTEES**  
**OF SUPPORT FOR THE TEXAS COMMISSION ON COMMUNITY COLLEGE**  
**FINANCE RECOMMENDATIONS**

**WHEREAS**, the State of Texas established the Texas Commission on Community College Finance to evaluate community college funding and improve student outcomes through alignment with state postsecondary goals,

**WHEREAS**, the Texas Commission on Community College Finance developed their recommendations with input from various stakeholders, including business leaders, lawmakers, college officials, students, and trustees,

**WHEREAS**, the recommendations are a historic opportunity to obtain funding to ensure postsecondary student success,

**WHEREAS**, the recommendations include performance-based funding based on measurable outcomes,

**WHEREAS**, the recommendations include much-needed support for workforce development to produce credentials of value in high-demand fields,

**WHEREAS**, the recommendations include support for students enrolling in dual credit programs,

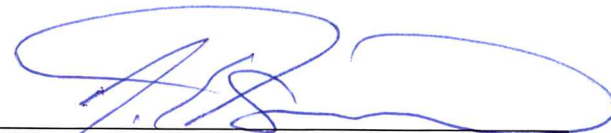
**WHEREAS**, the recommendations would provide support to economically and educationally disadvantaged students, as well as adult learners,

**THEREFORE, BE IT RESOLVED**, Board of Trustees of Kilgore College officially declares its support for the recommendations issued to the 88<sup>th</sup> Texas Legislature by the Texas Commission on Community College Finance.

**BE IT FURTHER RESOLVED** that this Resolution be included in the permanent minutes of this Board.

**ADOPTED THIS** 27<sup>th</sup> day of February, 2023, by the Board of Trustees of Kilgore College.

  
\_\_\_\_\_  
President, Kilgore College Board of Trustees

  
\_\_\_\_\_  
Secretary, Kilgore College Board of Trustees

## SHARED MAINTENANCE AND ACCESS AGREEMENT

**THIS SHARED MAINTENANCE AGREEMENT** is entered into by and between Kilgore College, a public junior college district in the State of Texas (“KC”), and CHRISTUS Good Shepherd Medical Center, a Texas non-profit corporation (“CHRISTUS”) as of this \_\_\_\_\_ day of February, 2023, but effective as of the Effective Date (defined below):

### I.

KC and CHRISTUS have both entered into agreements (each, a “Lease”) with the City of Kilgore (“City”) for leased space at the Roy H. Laird Memorial Hospital located at 1612 S. Henderson Boulevard, Kilgore, Texas 75662 (“Hospital”). The space leased by KC and CHRISTUS, respectively, is separate, independent space. However, due to the layout of the site and design of new construction, it is possible and/or anticipated that KC and CHRISTUS will share the following spaces (which is collectively referred to as the “Shared Space”):

- (1) some small common spaces (such as the lobby, stairs, or elevators);
- (2) components of infrastructure;
- (3) portions of the parking lot;
- (4) the physical plant (except for Medical Gas Compressor, as noted on Exhibit C attached hereto, and Bulk Oxygen Storage, as noted on Exhibit B attached hereto, which is space leased by CHRISTUS only);
- (5) egress/ingress onto the property; and
- (6) the fire alarm panel and components of fire alarm system.

The Shared Space is depicted more fully on Exhibits A and B, attached hereto and incorporated fully herein by reference, as “Shared Maintenance Leased Property,” and on Exhibit C, attached hereto and incorporated fully herein by reference, as “Shared Facility” and “Shared Fire Alarm Panel 2nd Floor Electrical Room.”

### II.

With respect to the Shared Space, KC and CHRISTUS agree that the City has no obligation to maintain, repair or upkeep same. KC and CHRISTUS agree to the following as to maintenance, routine maintenance, upkeep, repair (collectively “Maintenance”) of the Shared Space:

- (1) Costs of Maintenance shall be split in half (50% each) between KC and CHRISTUS.
- (2) The party performing Maintenance hereunder shall use reputable, third-party vendor(s) who are not an affiliated business entity with either party and are



acceptable to both parties to do any Maintenance or Routine Maintenance, or repair work on or related to the Shared Space. The vendors listed on Exhibit D attached hereto have been approved by both parties. Notwithstanding the foregoing, if the vendors listed on Exhibit D do not have the expertise, availability, or personnel to timely do the necessary work, then experienced, third-party vendor(s) who are not an affiliated business entity with either party can be selected by the party doing maintenance without approval of the other party, provided the scope of work does not exceed \$5,000. Vendor(s) shall submit a separate itemized bill for all such work under this Agreement and both parties have a right to see/inspect and/or approve same. Notwithstanding the foregoing, to the extent it is reasonably expected to be more cost effective or efficient for any Routine Maintenance to be performed by a party hereunder or its affiliate, they may perform such work, but only the reasonable cost thereof that does not exceed the cost that would be charged by a third-party vendor may be passed through as Operating Expenses, and documentation regarding cost passed through and "reasonable cost" of a third-party vendor must be provided by the charging party.

- (3) CHRISTUS shall be responsible for initiating calls/having communications with contractors for all Routine Maintenance and Maintenance, and for paying the vendor/contractor for such Maintenance (the "Operating Expenses") and KC shall reimburse CHRISTUS for half of the Operating Expenses ("KC's Share of Expenses") in monthly installments pursuant to the terms of paragraph 8 below.
- (4) Before any Maintenance (other than Routine Maintenance) in an amount greater than \$5,000.00 per occurrence is performed, contractor hired, or money spent by CHRISTUS hereunder, CHRISTUS shall consult with KC and get consent from an authorized agent of KC (i) to proceed with same; (ii) of any estimate as to the costs of such Maintenance; and (iii) of the third party vendor performing such work (collectively, "KC Approval"). If KC fails to respond to a request from CHRISTUS for the KC Approval within three (3) KC business days, then it shall be deemed approved. Notwithstanding the foregoing, if an emergency exists, and prior approval and/or authorization is not reasonably possible, then the requirements of this paragraph 3 shall not apply, but CHRISTUS shall notify KC of the Maintenance and cost of same as soon as possible. "Routine Maintenance" is defined as maintenance activities carried out on a regular, usage or time-based basis, that is planned, anticipated and/or scheduled. Routine Maintenance is not reactive or unplanned in nature. Examples may include, but are not limited to, inspection, cleaning, adjusting machinery/parts, testing and the like.
- (5) The parties agree that they will utilize any applicable warranties in existence related to the Shared Space prior to expending any monies for Maintenance hereunder. To the extent necessary, the parties shall assign to each other any rights under such warranties as they relate to the Shared Space.
- (6) CHRISTUS shall initiate Maintenance calls as soon as reasonably possible and without delay after receiving KC Approval, if required above. If an emergency

exists and it is necessary for KC to initiate such Maintenance, and pay for same, CHRISTUS shall reimburse KC for half of such Operating Expenses within thirty (30) days of receipt of invoice and supporting documentation.

- (7) Each party shall be solely responsible for any and all costs required in connection with enhanced or additional maintenance standards triggered by such party's particular use of its premises, including any special requirements by healthcare regulatory agencies or any other enhanced or additional maintenance standards due to such party's licensing requirements ("Enhanced Costs"). Enhanced costs, if any, shall not be included in Operating Expenses and shall be the sole responsibility of the party whose use triggered such Enhanced Costs.
- (8) KC shall pay the Operating Expenses on a monthly basis, in an amount equivalent to KC's Share of Expenses in the following manner:
  - a. KC and CHRISTUS hereby jointly agree that the current estimated Operating Expenses are \$ 21,144.68 per year for the first twelve (12) months, as set forth on the budget attached hereto as Exhibit E. Not more than once every 12 months, CHRISTUS may seek to adjust the estimated Operating Expenses by providing KC with its updated calculation and documentation to support the need for an adjustment. KC shall have at least thirty (30) days to review the calculation and provide its input regarding same before the estimate goes into effect. All estimated Operating Expenses shall be subject to approval by KC, including any adjustments requested herein, but shall be deemed approved if KC does not respond with its comments within such thirty (30) day period. If KC timely disputes an adjustment to the estimated Operating Expenses proposed by CHRISTUS, then, until the parties reach agreement, KC's monthly payment will be 110% of the lesser of (i) the estimated Operating Expenses in effect during the prior twelve (12) month period, and (ii) the adjusted Operating Expenses proposed by CHRISTUS that are in dispute. KC shall pay to CHRISTUS, in advance, one-half of the estimated Operating Expenses (broken down by month) on the first of each month.
  - b. Within ninety (90) days after the end of each calendar year, or as soon thereafter as is reasonably practical, CHRISTUS shall supply KC the calculation of the actual Operating Expenses during the previous year (the "Expense Statement") as well as any supporting documentation. If actual Operating Expenses were less than estimated and if KC's actual payment for the same was in excess of KC's Share of Expenses, CHRISTUS shall refund to KC the excess amount paid by KC within thirty (30) days. If actual Operating Expenses were more than estimated and if KC's actual payment for the same was less than KC's Share of Expenses, CHRISTUS shall invoice KC for KC's underpayment and KC shall pay such invoice within thirty (30) days after receipt of both the invoice and documentation supporting the excess amount.
  - c. Either party who is owed money from the other party hereunder may, at its discretion, charge interest (at the rate of 5% per annum) and/or a fee of \$25.00



on any late payment due from the other party hereunder that is more than ten (10) days past due.

- d. KC shall have the right to audit, inspect and copy the books and records of CHRISTUS with respect to any Operating Expenses or other costs or items which are passed through to KC upon ten (10) days written notice by KC to CHRISTUS, provided KC delivers such notice within ninety (90) days after receipt of the Expense Statement for the year of the operating expense being audited.

### III.

With respect to utilities, if there are meters shared by KC and CHRISTUS or meters that are only for Shared Space, then KC and CHRISTUS shall split the costs of the utility bills in half (50% each). Payment of utilities for the Shared Space or shared meters (if any) shall be made directly to utility providers by both KC and CHRISTUS with each paying half of the cost. If any party fails to timely pay same and the other party pays the entire bill in full, it will be entitled to reimbursement of the other party's fifty percent (50%) of the bill within thirty (30) days of payment of same. Both parties are entitled to copies of all such invoices.

### IV.

The parties to this Agreement acknowledge that each party is exempt from ad valorem taxes. Each party shall be responsible for payment of any taxes assessed on such party's property including the Shared Space. If either party loses its tax-exempt status, it is solely responsible for any ad valorem taxes on its leased space, including the Shared Space. The parties shall cooperate with each other with respect to any tax exemption applications required for their respective premises or the Shared Space.

### V.

To the extent that any Shared Space or components/equipment within the Shared Space, or any portion of CHRISTUS leased space at the Hospital, is damaged due to the negligence, willful conduct, act or omission of KC, its employees, agents or invitees (collectively "KC" for purposes of this paragraph), then KC shall be liable for repairing such damage, and paying 100% of all costs incurred with the repairs of the same.

To the extent that any Shared Space or components/equipment within the Shared Space, or any portion of KC leased space at the Hospital, is damaged due to the negligence, willful conduct, act or omission of CHRISTUS, its employees, affiliates, related entities, agents or invitees (collectively "CHRISTUS" for purposes of this paragraph), then CHRISTUS shall be liable for repairing such damage, and paying 100% of all costs incurred with the repairs of the same.

**TO THE EXTENT ALLOWED BY APPLICABLE LAW, AND WITHOUT ANY WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY IN ANY RESPECT, EACH PARTY SHALL INDEMNIFY, DEFEND AND HOLD THE OTHER PARTY**

**HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES AND EXPENSES (INCLUDING REASONABLE ATTORNEYS' FEES) RELATING TO ACCIDENTS, INJURIES, LOSS, OR DAMAGE OF OR TO ANY PERSON OR PROPERTY ARISING FROM THE NEGLIGENT, INTENTIONAL OR WILLFUL ACTS OR OMISSIONS OF EACH PARTY, RESPECTIVELY, THEIR CONTRACTORS, EMPLOYEES, AGENTS OR OTHERS ACTING ON THEIR RESPECTIVE BEHALF.** This Section V is subject to the releases set forth in Section VIII below, to the extent the loss is covered by insurance.

## **VI.**

KC and CHRISTUS acknowledge that both shared and separate utilities and fire alarm components pass through the attic space between floors, through various wall chases, and to locations below basement level and outside the buildings. Thus, KC and CHRISTUS agree to provide access to each other's separately leased space as necessary to access, repair, maintain or otherwise view these utilities and/or fire alarm components. This includes, but is in no way limited to, access to the fire alarm panel located in the second floor electrical room of CHRISTUS's leased space. KC and CHRISTUS shall each get consent and prior authorization from the other prior to such access, with as much advance notice as possible and without disruption to each other's business or educational endeavors. However, if an emergency exists and prior approval and authorization is not reasonably possible, then access is granted in such emergency without advance approval and notice.

By signing below, the City consents to such access between its tenants, KC and CHRISTUS, as set forth herein.

## **VII.**

All notices and other communications given pursuant to this Agreement shall be in writing and shall be either (1) mailed by first class, United States Mail, postage prepaid, certified, with return receipt requested, hand delivered by a reputable independent courier service providing proof of delivery, or sent by a nationally recognized overnight courier service, to the parties hereto at the address(es) therefor specified for each below, or (2) sent by email transmission to the intended addressee at the email address therefor specified below, followed by a confirmatory notice sent in another manner permitted hereunder. All notices sent by U.S. Mail shall be effective on the third (3rd) business day following the deposit; all notices delivered by overnight courier service shall be effective on the first (1<sup>st</sup>) business day following deposit; and all other notices shall be effective upon delivery (even if such addressee refuses delivery thereof). The parties hereto may change their addresses by giving notice thereof to the other in advance in conformity with this provision.

All invoices and other notices to KC should be sent to:

Kilgore College  
Attention: Dr. Brenda Kays, President  
1100 Broadway  
Kilgore, Texas 75662

All notices to CHRISTUS should be sent to:

CHRISTUS Health  
919 Hidden Ridge  
Irving, Texas 75038  
Attention: Facilities Management  
Email: lance.mendiola@christushealth.org

With a copy to:  
CHRISTUS Health  
919 Hidden Ridge  
Irving, Texas 75038  
Attention: Law Department, Real Estate Counsel  
Email: greg.mcconnell@christushealth.org  
lisa.oberthier@christushealth.org

And:  
CHRISTUS Health  
919 Hidden Ridge  
Irving, Texas 75038  
Attention: CBRE Lease Administration  
Email: [CHRISTUSLeaseAdministration@CBRE.com](mailto:CHRISTUSLeaseAdministration@CBRE.com)

All monthly installments of Operating Expenses should be sent to:

Lockbox:  
PO Box 844884  
Dallas, TX 75284-4884

Overnight address:  
Bank of America Lockbox Services  
Lockbox 844884  
1950 N Stemmons Frwy, Suite 5010  
Dallas, TX 75207

ACH account: Information provided upon request

### **VIII.**

Both KC and CHRISTUS shall separately insure (or contractually require the City to insure) the physical plant shown as the “Shared Facility” on Exhibit C attached hereto (“Shared Facility”) from fire and casualty loss at all times that this Agreement is in effect. KC and CHRISTUS agree, with respect to any loss to the Shared Facility that is covered and paid by any such insurance, that the one carrying such insurance (or the one receiving insurance proceeds from the City) and receiving such funding releases the other from any and all claims with respect thereto. If the City insures the Shared Facility then both KC and CHRISTUS are entitled to see the relevant portion of the contractual agreement related to same. Both KC and CHRISTUS shall also have commercial

general liability insurance which covers all Shared Space at all times that this Agreement is in effect.

## **IX.**

Neither party is earning a fee for its services provided hereunder. Considering the foregoing, the parties acknowledge and agree that neither party makes and expressly disclaims any representation or warranty as to the Shared Space or the condition or maintenance thereof. If CHRISTUS fails to perform any of its Maintenance obligations hereunder, then KC may perform the Maintenance itself (after giving CHRISTUS thirty (30) days' notice and opportunity to cure, except in the event of an emergency), and bill CHRISTUS for CHRISTUS's one-half share of the applicable Operating Expenses incurred by KC as well as seek reimbursement from CHRISTUS for KC's Share of Expenses that were prepaid and unused for such Maintenance. Additionally, if CHRISTUS (i) abandons the use of its leased space and ceases performing Maintenance, or (ii) fails to perform any of its material Maintenance obligations under this Agreement after written notice from KC on three (3) or more occasions in any one (1) year period, then KC may either (i) elect to perform only those Maintenance responsibilities that CHRISTUS failed to perform pursuant to KC's self-help right in the prior sentence, or (ii) elect to take over control of all Maintenance responsibilities hereunder (and assume all of CHRISTUS's rights and responsibilities under this Agreement pertaining to the Maintenance) by sending written notice of such election to CHRISTUS, in which event KC and CHRISTUS will be deemed to have swapped roles with respect to their respective rights and obligations under this Agreement, and CHRISTUS will be required to reimburse KC for Maintenance expenses pursuant to the terms and conditions of this Agreement. Further, each party hereby releases the other from all claims for damage, loss, or injury to the releasing party or its property arising out of the performance of Maintenance by the released party, except for claims arising out of the indemnification provisions in Section V above. The release set forth in this Section IX only pertains to the performance of Maintenance hereunder and does not in any way relate to or release claims for any other reason, including but not limited to claims for indemnity in Section V herein.

## **X.**

The Effective Date of this Agreement shall be the Commencement Date of the separate Leases. If the Commencement Date is not the same date, then it shall be the latter Commencement Date of the parties' Leases. This Agreement shall continue in effect as long as both KC and CHRISTUS have current Leases. This Agreement shall terminate automatically if either party has its Lease with the City for the Hospital terminated for any reason. However, any monetary or other obligations hereunder that exists as of the date of termination of this Agreement shall survive its termination. Notwithstanding the foregoing, in the event that one party's (the "Terminated Party") Lease terminates (the "Terminated Lease"), but the other Lease continues, the City shall assume the Terminated Party's obligations under this Agreement. In such event, the City shall be permitted to assign this Agreement to a future tenant leasing the space of the Terminated Lease.

## **XI.**

Neither party shall store Hazardous Materials in any Shared Space; provided, however, any Hazardous Materials lawfully permitted and generally recognized as necessary and appropriate for

each parties' respective use of the premises may be stored and used so long as such storage and use is performed in compliance with all applicable laws. "Hazardous Materials" shall mean any petroleum products or hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601 et seq. Both parties agree to comply with all applicable laws, ordinances or regulations with respect to the Shared Space. The parties shall not permit any mechanics or other liens to be placed on the Shared Space.

## **XII.**

Neither party shall assign this Agreement without the written consent of the other party (which will not unreasonably be withheld, conditioned, or delayed). Notwithstanding anything herein to the contrary, the prior, written consent shall not be required with respect to a party's change in ownership, a transfer resulting from merger, consolidation, or sale or all or substantially of the party's assets, or a transfer to an entity controlling, controlled by or under common control with such party.

## **XIII.**

This Agreement shall be governed by Texas law and any lawsuit arising out of same shall be filed in Gregg County, Texas. The parties agree to mediation in Gregg County prior to filing any lawsuit or claim related to this Agreement.

**IN WITNESS WHEREOF**, the parties have signed and accepted this Agreement through their duly authorized representatives.

[SIGNATURES FOLLOW]

KC:

Kilgore College  
a public junior college district in  
the State of Texas

---

Signature of Authorized Representative

---

Printed Name of Authorized Representative

---

Title

---

Date

CHRISTUS:

CHRISTUS Good Shepherd Medical Center  
a Texas non-profit corporation

---

Signature of Authorized Representative

---

Printed Name of Authorized Representative

---

Title

---

Date

APPROVED AND AGREED WITH RESPECT TO VI. AND X. ONLY.

CITY:

City of Kilgore

---

Signature of Authorized Representative

---

Printed Name of Authorized Representative

---

Title

---

Date

## Appendix J

### Exhibit A

*See attached.*



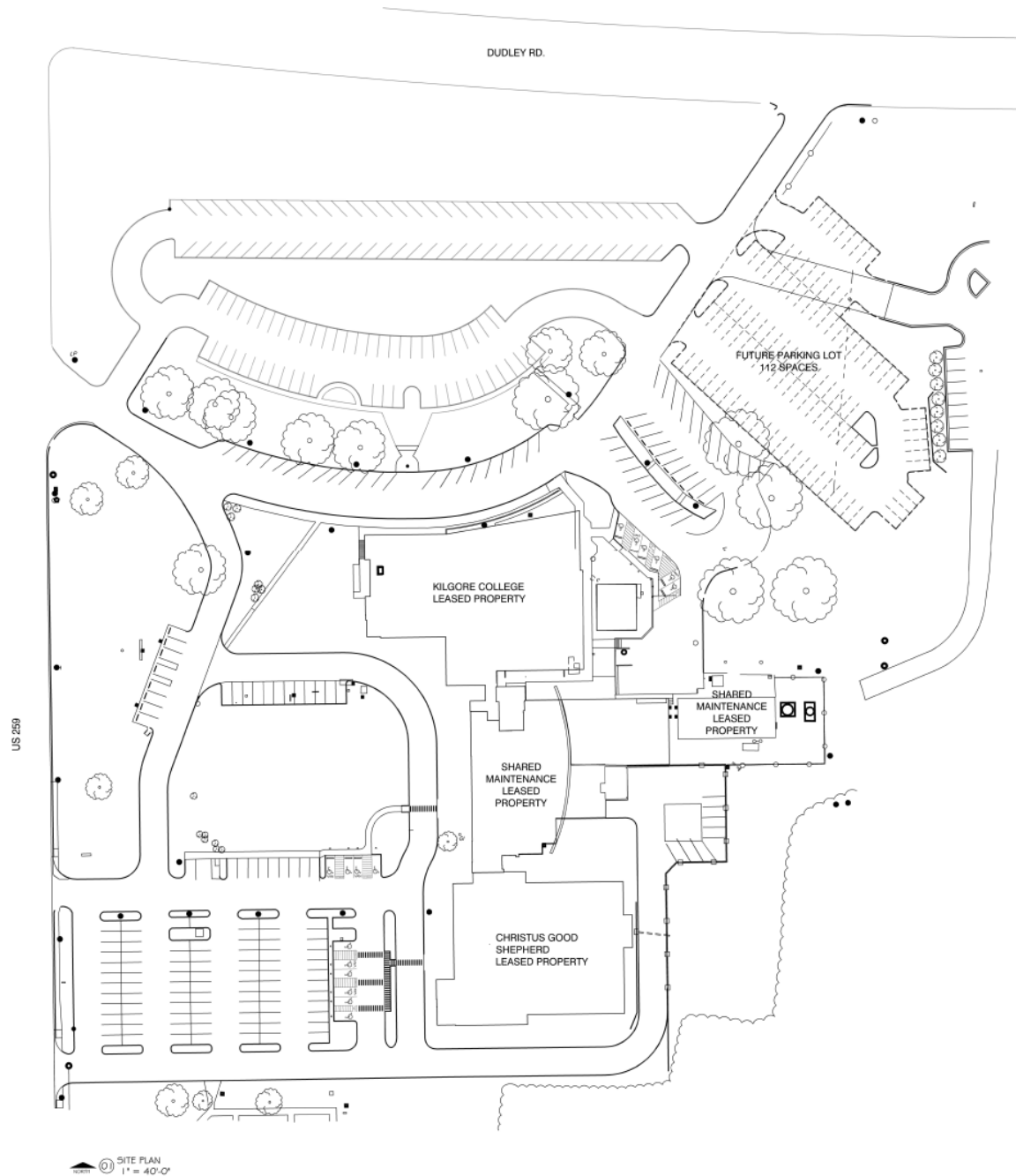


EXHIBIT 'A'

<b>HA HARRIS • CRAIG</b> ARCHITECTS INC.	
<b>PRELIMINARY</b> NOT FOR CONSTRUCTION <small>DESIGNED BY: KENT HARRIS, AIA DATE: 01-15-11-2021          NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION</small>	
<small>1530 E. GRANDE BLVD., TYLER, TX 75703          937.534.3333 WWW.HCAI.COM</small>	
<b>FA20-01 LAIRD HOSPITAL IMPROVEMENTS</b> ROY H. LAIRD REGIONAL MEDICAL HEALTH SCIENCES EDUCATION CENTER & CHRISTUS GOOD SHEPHERD-KILGORE CLINIC KILGORE TEXAS <small>PROJECT NO.: 2019-45 DATE: 08-11-2021          DRAWING: SHEET NUMBER</small>	
<small>REVISION</small>	

Exhibit B

*See attached.*

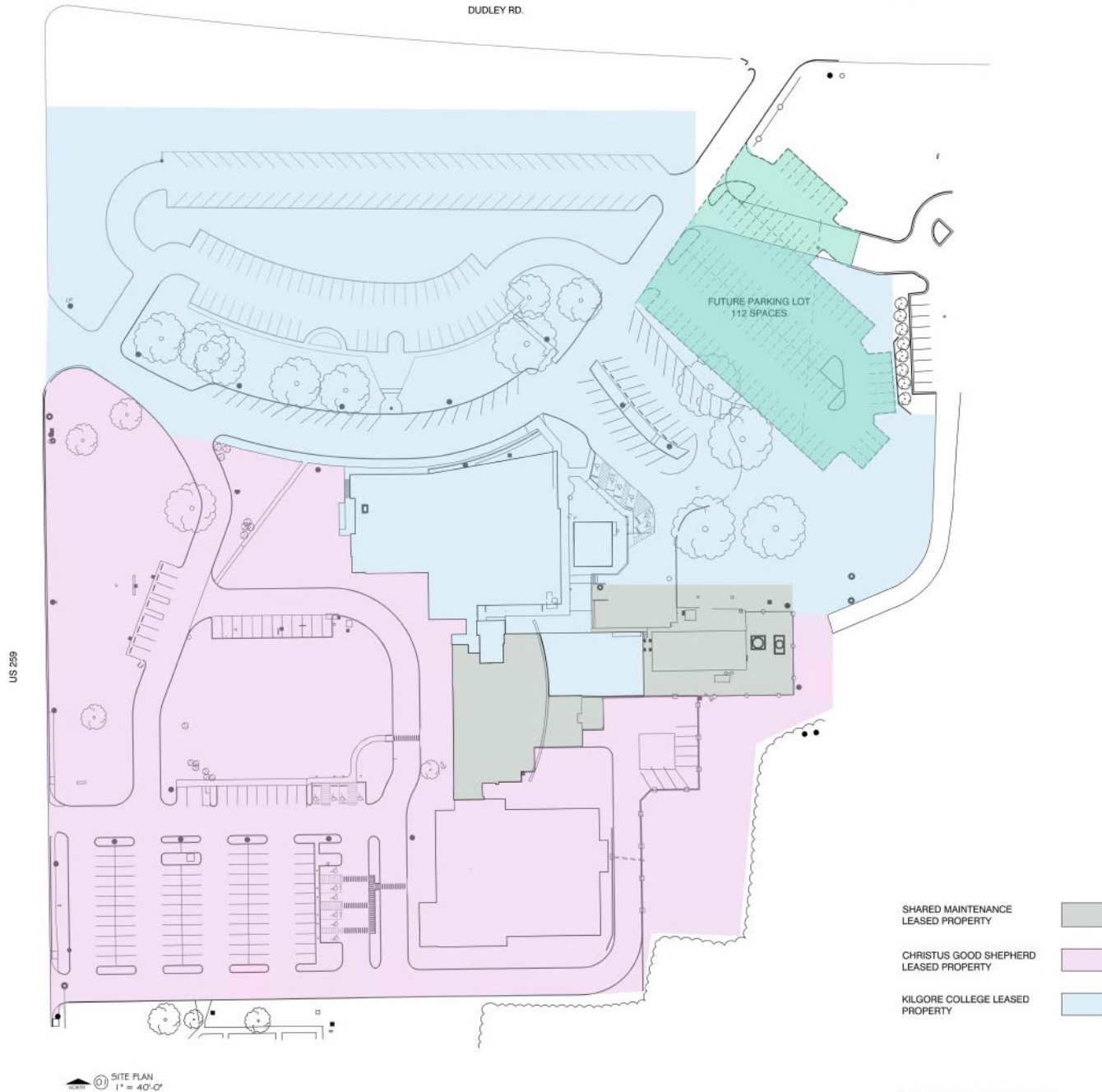
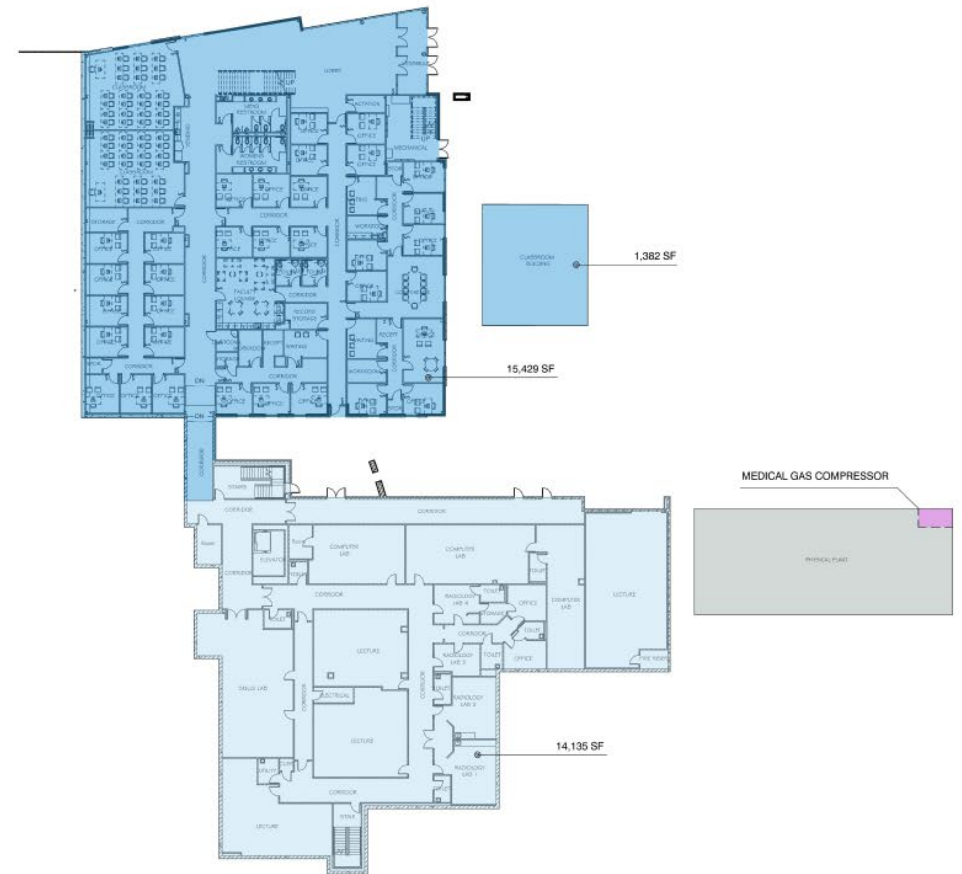
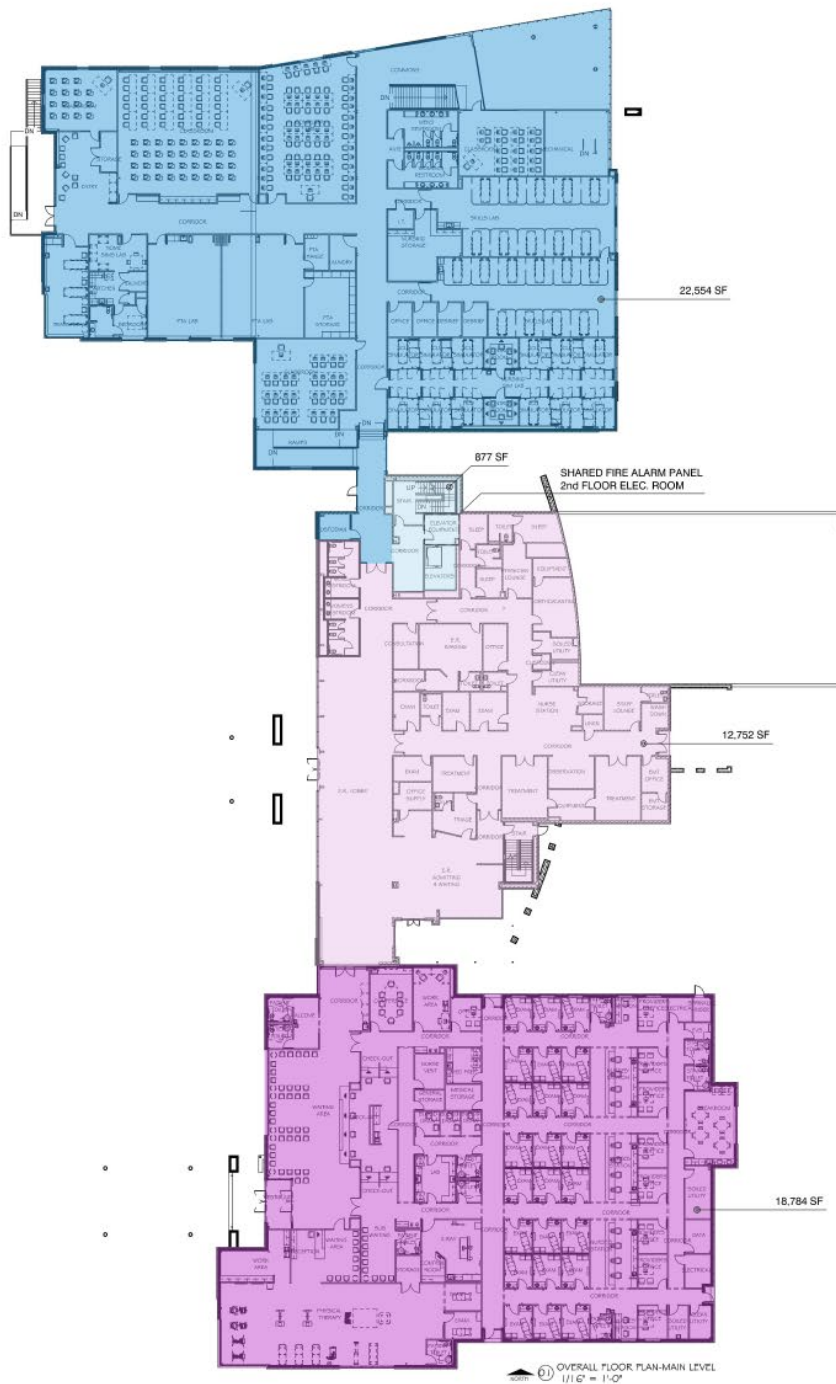


EXHIBIT 'B'

<p><b>PRELIMINARY</b> NOT FOR CONSTRUCTION</p> <p><small>DESIGNED BY: KENT HARRIS, AIA DATE: 05-18-2021 NOT FOR REGULATORY APPROVAL PERMITTING OR CONSTRUCTION</small></p>	
<p><small>1530 E. GRANDE BLVD., TYLER, TX 75703 936.634.8880 WWW.HCARCH.COM</small></p>	
<p><b>FA20-01 LAIRD HOSPITAL IMPROVEMENTS</b></p> <p>ROY H. LAIRD REGIONAL MEDICAL HEALTH SCIENCES EDUCATION CENTER &amp; CHRISTUS GOOD SHEPHERD-KILGORE CLINIC</p>	
<p>KILGORE TEXAS</p>	
PROJECT NO. 2019-40	DATE: 09-11-2021
DRAWING:	SHEET NUMBER:
<p>REVISION:</p>	

*See attached.*



Kilgore College LEASED FACILITY

New Kilgore College Space

Existing Kilgore College Space

CHRISTUS LEASED FACILITY

New CHRISTUS Space

Existing CHRISTUS Space

SHARED FACILITY

EXHIBIT 'C'

REVISION	DATE
1	03-31-2021
<b>REVISION SCHEDULE</b> <b>HARRIS-CRAIG ARCHITECTS INC.</b> <b>PRELIMINARY</b> <b>NOT FOR CONSTRUCTION</b> LANCE GELAWAY 03-31-2021 NOT FOR REGULATORY APPROVAL PERMITTING, OR CONSTRUCTION 1000 E. GRANDE BLVD., FFLER, TX 75703 817.534.0800 www.harris-craig.com	
<b>FA20-01 LAIRD HOSPITAL IMPROVEMENTS</b> <b>CHRISTUS GOOD SHEPHERD-KILGORE CLINIC</b> <b>KILGORE, TEXAS</b> PROJECT NO. 2019-008 DATE: 03-19-2021 DRAWING SHEET NO. REVISION:	



Exhibit D

Pre-Approved Vendors

- Storer Mechanical
- Wellborn Mechanical
- Mosby Mechanical
- Pither Plumbing
- Official Electric
- B & D Electrical
- All Electric
- American Fire Protection Group
- Koetter
- Fire Hawk
- Thyssen Krupp Elevator
- OTIS Elevator
- Schindler Elevator
- HGR Construction
- SCI Construction
- Kea Construction
- Weatherproofing Services

Exhibit E

## Estimated Operating Expense Budget

	Estimate/SF	
Property Management and Infrastructure	\$2.56	Labor, Overhead, Technology, Mgmt Fees
Repairs & Maintenance	\$3.00	Repairs, Preventative Maintenance (including third party contracted services), Supplies and Materials
Total	\$5.56	
Total Square Footage (3,803)	\$21,144.68	



Kilgore College  
December Financial Snapshot  
Fiscal Year 2023 (September 1, 2022 to August 31, 2023)  
Revenues and Expenses from Operations - Excludes Auxillary

	FY 2022 Actual	December 31, 2022	Over (Under) Budget	FY 2023 Budget	% of Annual Budget
<b>Credit Tuition</b>	<b>UNAUDITED</b>				
In-District Tuition	\$1,060,591	\$967,279	(\$432,721)	\$1,400,000	69%
Out of District Tuition	\$2,688,467	\$2,361,675	(\$848,325)	\$3,210,000	74%
Out of State Tuition (Texas Non-Resident)	\$343,912	\$265,009	(\$119,991)	\$385,000	69%
Early Admission/Dual Credit	\$1,674,288	\$1,646,374	(\$359,126)	\$2,005,500	82%
<b>Total Credit Tuition:</b>	<b>\$5,767,258</b>	<b>\$5,240,337</b>	<b>(\$1,760,163)</b>	<b>\$7,000,500</b>	<b>75%</b>
<b>Course and Special Fees</b>					
General Education Fee	\$2,779,940	\$2,458,156	(\$881,844)	\$3,340,000	74%
Out of District Fee	\$4,271,257	\$3,719,067	(\$1,385,933)	\$5,105,000	73%
Course Fees	\$2,085,788	\$1,560,161	\$360,161	\$1,200,000	130%
All Other Fees	\$117,654	\$659,639	(\$1,767,101)	\$2,426,740	27%
<b>Total Course and Special Fees:</b>	<b>\$9,254,640</b>	<b>\$8,397,023</b>	<b>(\$3,674,717)</b>	<b>\$12,071,740</b>	<b>70%</b>
<b>State Appropriations</b>					
State Appropriations - Formula Funding	\$9,654,902	\$4,151,606	(\$5,503,297)	\$9,654,903	43.00%
State Appropriations - Teacher Retirement System TRS/ORP	\$112,979	\$36,022	(\$53,978)	\$90,000	40%
<b>Total State Appropriations:</b>	<b>\$9,767,881</b>	<b>\$4,187,628</b>	<b>(\$5,557,275)</b>	<b>\$9,744,903</b>	<b>43%</b>
<b>District Ad-Valorem Property Taxes</b>					
Property Tax Revenues M&O	\$6,619,703	\$4,024,768	(\$2,473,291)	\$6,498,059	62%
Property Tax Revenues I&S		\$0		\$1,049,722	
Delinquent Tax Collections	\$189,702	\$45,577	(\$109,423)	\$155,000	29%
<b>Total Ad-Valorem Tax Collections:</b>	<b>\$6,809,405</b>	<b>\$4,070,345</b>	<b>(\$2,582,714)</b>	<b>\$7,702,781</b>	<b>53%</b>
<b>Other Revenue from Operations</b>					
Indirect Cost Recovery (from grants/contracts)	\$61,337	\$22,374	(\$20,126)	\$42,500	53%
Interest/Investment Income	\$201,663	\$343,406	\$118,406	\$225,000	153%
Continuing Education	\$2,528,982	\$1,055,768	(\$1,444,233)	\$2,500,000	42%
Other Revenue from Operations	\$815,383	\$267,065	\$8,015	\$259,050	103%
KC Plant Fund Reserves for Capital Improvements	\$0	\$0	(\$4,512,000)	\$4,512,000	0%
<b>Total Other Revenue from Operations:</b>	<b>\$3,607,365</b>	<b>\$1,688,613</b>	<b>(\$5,849,937)</b>	<b>\$7,538,550</b>	<b>22%</b>
<b>Total Revenues</b>	<b>\$35,206,548</b>	<b>\$23,583,946</b>	<b>(\$19,424,806)</b>	<b>\$44,058,474</b>	<b>54%</b>
<b>Operating Expenses</b>					
Salaries & Wages	\$17,772,218	\$6,155,344	\$14,607,207	\$20,762,551	30%
Employee Benefits	\$2,224,157	\$850,440	\$2,018,172	\$2,868,612	30%
Other Operating Expenses	\$13,529,387	\$4,491,238	\$8,751,579	\$13,242,817	34%
Debt Service - SECO Loans		\$262,475	\$787,247	\$1,049,722	25%
Capital Budget		\$353,270	\$4,679,518	\$5,032,788	7%
TASB Salary Study		\$0	\$850,000	\$850,000	0%
<b>Total Expenses</b>	<b>\$33,525,762</b>	<b>\$12,112,766</b>	<b>\$25,376,958</b>	<b>\$43,806,490</b>	<b>28%</b>
<b>Net Income/(Loss)</b>	<b>\$1,680,787</b>	<b>\$11,471,180</b>	<b>(\$5,952,152)</b>	<b>\$251,984</b>	



Kilgore College  
December Financial Snapshot  
Fiscal Year 2023 (September 1, 2022 to August 31, 2023)  
Revenues and Expenses from Auxiliary Enterprises (Grouped)

	FY 2022 Actual	December 31, 2022	Over (Under) Budget	FY 2023 Budget	% of Annual Budget
	<b>UNAUDITED</b>				
Student Housing Revenues	\$2,157,963	\$1,287,491	(\$1,152,665)	\$2,440,156	52.8%
Student Housing Expenses	\$1,602,431	\$594,632	\$1,091,173	\$1,685,805	35.3%
<b>Net Student Housing Activity</b>	<b>\$555,532</b>	<b>\$692,859</b>	<b>(\$61,492)</b>	<b>\$754,351</b>	
Bookstore Revenues	\$1,802,327	\$651,647	(\$1,924,853)	\$2,576,500	25.3%
Bookstore Expenses	\$1,677,844	\$928,553	\$1,129,849	\$2,058,402	45.1%
<b>Net Bookstore Activity</b>	<b>\$124,482</b>	<b>(\$276,906)</b>	<b>(\$795,004)</b>	<b>\$518,098</b>	
Rangerette Showcase Revenues	\$88,159	\$28,815	(\$59,085)	\$87,900	32.8%
Rangerette Showcase Expenses	\$50,608	\$21,526	\$28,327	\$49,853	43.2%
<b>Net Rangerette Showcase Activity</b>	<b>\$37,551</b>	<b>\$7,289</b>	<b>(\$30,758)</b>	<b>\$38,047</b>	
Parks Fitness Center Revenues	\$17,164	\$10,121	(\$205,279)	\$215,400	4.7%
Parks Fitness Center Expenses	\$113,513	\$77,679	\$137,033	\$214,712	36.2%
<b>Net Parks Fitness Center Activity</b>	<b>(\$96,349)</b>	<b>(\$67,558)</b>	<b>(\$68,246)</b>	<b>\$688</b>	
East Texas Oil Museum Revenues	\$172,837	\$41,200	(\$141,809)	\$183,009	22.5%
East Texas Oil Museum Expenses	\$162,324	\$51,526	\$119,169	\$170,695	30.2%
<b>Net East Texas Oil Museum Activity</b>	<b>\$10,513</b>	<b>(\$10,326)</b>	<b>(\$22,640)</b>	<b>\$12,314</b>	
Theater Revenues	\$1,750	\$9,000	(\$6,000)	\$15,000	60.0%
Theater Expenses	\$61,333	\$39,866	(\$24,841)	\$15,025	265.3%
<b>Net Theater Activity</b>	<b>(\$59,583)</b>	<b>(\$30,866)</b>	<b>(\$30,841)</b>	<b>(\$25)</b>	
Printshop Revenues	\$211,258	\$77,726	(\$347,274)	\$425,000	18.3%
Printshop Expenses	\$224,513	\$111,544	\$306,890	\$418,434	26.7%
<b>Net Printshop Activity</b>	<b>(\$13,255)</b>	<b>(\$33,817)</b>	<b>(\$40,383)</b>	<b>\$6,566</b>	
Athletics Revenues	\$76,450	\$57,605	\$12,561	\$45,044	127.9%
Athletics Expenses	\$1,596,591	\$799,668	\$827,399	\$1,627,067	49.1%
<b>Net Athletics Activity</b>	<b>(\$1,520,141)</b>	<b>(\$742,062)</b>	<b>\$839,961</b>	<b>(\$1,582,023)</b>	
<b>Total Net Auxiliary Services Activity:</b>	<b>(\$961,251)</b>	<b>(\$461,388)</b>	<b>(\$209,404)</b>	<b>(\$251,984)</b>	



Kilgore College  
December Capital Update  
Fiscal Year 2023 (September 1, 2022 to August 31, 2023)

Project	Posted Balance	Encumbrances	Budget	Total Cost	(Over) Under Budget	% Spent	% Unavailable	% Available
KCPD Squad Vehicle	-	-	46,000	-	46,000	0%	0%	100%
KCPD Radio	60,627	-	61,000	60,627	373	99%	99%	1%
KCPD Bodycam	-	29,400	30,000	29,400	600	0%	98%	2%
CDL Relocate & Trucks	6,100	18,300	1,700,000	24,400	1,675,600	0%	1%	99%
LV Reno Machining	11,983	-	150,000	11,983	138,017	8%	8%	92%
Rad Tech Table	-	-	40,000	-	40,000	0%	0%	100%
Pickle Ball Court (50/50)	-	-	150,000	-	150,000	0%	0%	100%
Fine Arts Roof	54,250	54,250	125,000	108,500	16,500	43%	87%	13%
Fine Arts HVAC	-	-	45,000	-	45,000	0%	0%	100%
Old Main Class Upgrades	7,675	231,063	250,000	238,738	11,262	3%	95%	5%
Print Shop HVAC/Siding	54,000	-	300,000	54,000	300,000	18%	18%	100%
ATC Chiller	-	-	175,000	-	175,000	0%	0%	100%
PE Complex Chiller	-	-	150,000	-	150,000	0%	0%	100%
Rangerette Gym Canopies	4,027	2,725	45,000	6,752	38,248	9%	15%	85%
ATC Roof	153,805	153,805	323,000	307,610	15,390	48%	95%	5%
Stark Hall Renovations	802	-	2,400,000	802	2,399,198	0%	0%	100%
Pedestrian Bridge	-	-	5,824,133	-	5,824,133	0%	0%	100%
<b>Total</b>	<b>\$ 353,270</b>	<b>\$ 489,543</b>	<b>\$ 11,814,133</b>	<b>\$ 842,813</b>	<b>\$ 11,025,320</b>			



TO: Board of Trustees  
Kilgore College

DATE: January 31, 2023


RE: Investment Reporting

The Statement of Cash and Investments as of November 30, 2022 along with the corresponding Schedule of Cash and Investments as of November 30, 2022 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, 2022

	August 31, 2022 Book Value	August 31, 2022 Market Value	Change	November 30, 2022 Book Value	November 30, 2022 Market Value
<b>Total Cash and Investments</b>					
Bank Deposits (Cash)	\$ 24,275,900	\$ 24,275,900	\$ (1,261,447)	\$ 23,014,453	\$ 23,014,453
Certificate of Deposits	7,657,338	7,657,338	61,723	7,719,061	7,719,061
TexPool	177,724	177,724	1,326	179,050	179,050
<b>TOTAL CASH AND INVESTMENTS</b>	<b><u>\$ 32,110,962</u></b>	<b><u>\$ 32,110,962</u></b>	<b><u>\$ (1,198,398)</u></b>	<b><u>\$ 30,912,563</u></b>	<b><u>\$ 30,912,563</u></b>

## 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, 2022 was \$ 22,612,850.82

Kilgore College  
Schedule of Cash and Investments  
November 30, 2022

FUND	Maturity Date	Rate	Operating	Restricted	Endowment	Plant Reserve	Bond Reserve	Agency	Accrued Interest	Totals
<b>BALANCE AS OF 08/31/2022</b>			\$ 27,037,722	\$ 508,415	\$ -	\$ 3,383,513	\$ 1,176,682	\$ -	\$ 4,630	\$ 32,110,962
<b>Bank Deposits (Cash)</b>		2.24%	\$ 22,134,393	\$ 360,247	\$ -	\$ 50,000	\$ 469,813	\$ -		\$ 23,014,453
Certificates of Deposit										
Operating Reserves CD (91 days) established 11/29/2012	2/16/23	3.13%	4,409,230						4,915	
Plant Fund Reserve CD (91 days) established 9/15/2010	3/1/23	3.13%	1,138,000			2,166,915			-	
<b>Total Certificates of Deposit</b>			5,547,230	-	-	2,166,915	-	-	4,915	7,719,061
TexPool			124,457			54,593				179,050
<b>Total Cash and Investments</b>			<u>\$ 27,806,080</u>	<u>\$ 360,247</u>	<u>\$ -</u>	<u>\$ 2,271,508</u>	<u>\$ 469,813</u>	<u>\$ -</u>	<u>\$ 4,915</u>	<u>\$ 30,912,563</u>

## **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.

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### **IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY**

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#### **Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

#### **Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

#### **Proposed LOCAL Policy for Adoption:**

Section:        B        LOCAL GOVERNANCE

Policy:        BBB    Board Members: Elections

#### **Summary of LOCAL Policy:**

The policy outlines the steps necessary for the election of the Kilgore College Board members. The election dates, number of members, district voting zones, terms and election schedule.

#### **Procedures:**

- The Kilgore College Board of Trustees consists of nine members. The general election of Board members shall take place on the May uniform election date in odd-numbered years. The members serve six-year terms and represent their local communities. There are three voting zones (North, Central and South) and one member from each zone is elected during each May election.
- The College shall post the date and location of the next Board member election on the college website ([www.Kilgore.edu](http://www.Kilgore.edu)).
- The board appoints the Board Recording Secretary as the Election Officer for the Kilgore College Board election.
- The responsibilities of the Election Officer include:
  - Preparing election documents for candidates
  - Receiving completed applications for office
  - Ordering the Election
  - Working in conjunction with city and county election officials to prepare and hold elections

- Posting election notices on the website and in the Kilgore College's Administration building following election and education codes.
- Cancelling election, if a candidate is unopposed.
- Following all post-election procedures including canvassing elections and delivering certificates to elected candidates.
- Working with the Board Secretary to give oath of office to newly elected candidates.
- Attending bi-annual Election Conference in Austin to keep up to date on changes and updates to Texas Election Law concerning Political Subdivisions, that pertain to public junior colleges.

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

<b>Table of Contents</b>	<b>Section I: Elections Generally ..... 2</b>
	General Election Dates..... 2
	Publication of Election Date and Location Online ..... 2
	Joint Elections Administrator..... 2
	Membership..... 2
	Terms ..... 3
	Methods of Election ..... 3
	Boundary Change Notice..... 6
	Notice of Voting Rights ..... 6
	Delivery or Submission of Election Documents..... 6
	<b>Section II: Conducting an Election ..... 7</b>
	Election Services ..... 7
	Election Order ..... 7
	Election Notice ..... 7
	Filing Information.....10
	Withdrawal ..... 11
	Death of Candidate.....12
	Election of Unopposed Candidate ..... 12
	Ballot ..... 13
	Election Judges and Clerks ..... 14
	Polling Places.....15
	Bilingual Materials ..... 18
	Voting Systems.....19
	Voting System Malfunction ..... 20
	Early Voting ..... 20
	Conducting Elections.....21
	<b>Section III: Post-Election Procedures.....21</b>
	Determination of Results ..... 21
	Canvass Returns.....21
	Certificate of Election.....22
	Certificate of Election for Unopposed Candidate ..... 22
	Officer's Statement ..... 22
	Oath of Office ..... 23

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

**Section I: Elections  
Generally**

General Election  
Dates

Each general or special election in this state, including each election of members of a college district board of trustees, shall be held on one of the following dates:

1. The first Saturday in May in an odd-numbered year.
2. The first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county.
3. The first Tuesday after the first Monday in November.

*Election Code 41.001*

The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2016, change the date on which it holds its general election for officers to the November uniform election date. *Election Code 41.0052(a)*

Publication of  
Election Date and  
Location Online

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 the date and location of the next election for officers of the political subdivision. [See also Election Notice, below] *Gov't Code 2051.201(a), (b)(3)*

Joint Elections  
Administrator

A political subdivision, including a college district, may seek to create the position of joint elections administrator under Election Code Chapter 31, Subchapter F. *Election Code 31.152*

Membership

The number of members or trustees of the governing board shall be either seven or nine, in accordance with the laws applicable to the junior college district on the effective date of the Education Code or on the date of the creation of a new district or a new board. *Education Code 130.082(d)*

*Weatherford  
College*

Notwithstanding any other law, in addition to the members of the board of trustees of the Weatherford Junior College District elected or appointed under other provisions of Education Code Chapter 130, Subchapter E, the commissioners court of each county in which a branch campus of the district is located and that imposed a branch campus maintenance tax under Education Code 130.253 on September 1, 2017, shall appoint one member to serve on the district's board of trustees.

Members of the board of trustees appointed under Education Code 130.0828 serve two-year terms and may be appointed to serve successive terms. The commissioners court shall appoint initial members to serve a term beginning December 1, 2017.



BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

A member of the board of trustees appointed under Section 130.0828 may participate in the decision-making of the board to the same extent as any other member of the board, including by voting on any budget that affects the entire district, except that a member of the board of trustees appointed under Section 130.0828:

1. May not participate in the decision-making of the board in matters related to the imposition of a tax or an issue that only affects a campus located in the junior college district;
2. Is not counted for purposes of determining whether a quorum of the board is present for the purpose of item 1; and
3. May not serve as an officer of the board of trustees.

*Education Code 130.0828(a)–(d)*

*Increase in  
Membership*

Any seven-member board may be increased to nine, and the two additional members shall be appointed by resolution or order of the board for terms of office as prescribed in Education Code 130.082(e). *Education Code 130.082(d)*

Trinity Valley  
Community  
College

In accordance with Education Code 130.08285, the governing board of the Trinity Valley Community College District may by resolution or order of the governing board increase the number of board members to 11. *Education Code 130.08285(a)*

Terms

The basic term of office of a member of the board shall be six years. *Education Code 130.082(e)*

Methods of Election

Election of board members shall be by at-large positions, except as otherwise provided. *Education Code 130.082(f), (h)*

*At-Large  
Positions*

One-third of the members of the board shall be elected at large in the college district at regular elections in accordance with Education Code 130.082(e)–(g), provided that with a seven-member board two members shall be elected in two consecutive even-numbered years and three members shall be elected in the following even-numbered year. *Education Code 130.082(e)–(g)*

*Single-Member  
Districts  
Generally*

Board Order

The board of trustees of a junior college district may order that all or a majority of the trustees of the district be elected from single-member trustee districts. The order must be entered not later than the 120th day before the day of the first election of trustees from single-member trustee districts. *Education Code 130.0822(a)–(b)*

Trustee Districts

If the board orders that trustees shall be elected from single-member trustee districts, the board shall divide the junior college district

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member districts, and shall number each trustee district.

The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population according to the last preceding federal census. Trustee districts must be drawn not later than the 90th day before the day of the first election of trustees from single-member districts.

The board may provide for trustees holding office on the date of the initial election of trustees from single-member districts to serve the remainder of their terms and to represent a trustee district for that term without having residency in that trustee district.

Unless the board has made provision for trustees to complete their term, as described above, residents of each trustee district are entitled to elect one trustee to the board. A candidate for trustee must be a resident of the trustee district the candidate seeks to represent. The trustee vacates the office if the trustee ceases to reside in the trustee district the trustee represents.

*Education Code 130.0822(d)–(h)*

Redistricting

Not later than the 90th day before the day of the first regular junior college trustee election at which trustees may officially recognize and act on the last preceding federal census, the board shall redistrict the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than ten percent. Redivision of the district shall be in the manner provided for the initial division of the district.

After each redistricting, all positions on the board shall be filled unless the board of trustees determines that trustees shall be elected from the new trustee districts as provided by Education Code 130.0826. The trustees then elected shall draw lots for staggered terms as provided by Education Code 130.082.

*Education Code 130.0822(j)–(k)*

The board of trustees of any junior college district that elects some or all of its members from single-member districts and in which the trustees serve staggered terms may provide for the trustees in office at the first election after the junior college district is redistricted to serve for the remainder of their terms in accordance with Education Code 130.0826.

If the board of trustees provides for the trustees in office to serve for the remainder of their terms in accordance with Section

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

130.0826, the trustee districts established by the redistricting plan shall be filled as the staggered terms of trustees in office expire. When the board of trustees adopts a redistricting plan, the board shall determine from which new trustee district the position of each trustee in office will be filled as it becomes vacant.

Section 130.0826 does not authorize a trustee of a junior college district to continue in office after a redistricting plan takes effect if the member no longer resides in the district from which the board member was elected.

*Education Code 130.0826*

Applicability

This method of election does not apply to a junior college district to which Education Code 130.081, 130.083, 130.0821, or 130.088 applies, or to a junior college district required by other law to elect trustees from single-member districts. This method of election does not apply to the election of trustees in any district in which the election of trustees is governed by a court order so long as that order remains in effect. *Education Code 130.0822(l)*

Single-Member  
Districts in  
Certain Counties

The members of the governing board of a countywide community college district that contains a city with a population of more than 384,500 residents shall be elected from single-member trustee districts in accordance with Education Code 130.0821. *Education Code 130.0821(a)*

*Election by  
Position*

The governing board of a junior college that elects a governing board of seven members, with four members elected from respective commissioner precincts and three members elected at large, may order that the board members elected at large be elected instead by position. The order must be entered not later than the 120th day before the first election of a trustee by position. The board may provide for trustees holding office on the date of the initial election of board members by position to serve the remainder of their terms and to represent a position for that term.

The board of trustees of a district with a population greater than one million may require that an application filed by a person desiring election to a numbered position on the board be accompanied by a filing fee not to exceed \$200 or, instead of the filing fee, a petition signed by a number of registered voters of the district not to exceed 200 as determined by the board.

*Education Code 130.044(g), .0823*

*Paris Junior  
College*

In accordance with Education Code 130.0829, the governing board of the Paris Junior College District may provide by resolution or order of the board for the election of nine board members, eight members elected from respective commissioner precincts and

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

evenly allocated among those precincts and one member elected at large. *Education Code 130.0829*

Boundary Change  
Notice

A political subdivision, including a college district, that changes its boundaries or the boundaries of districts used to elect members to the governing body of the political subdivision shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and
2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

*Election Code 42.0615*

Notice of Voting  
Rights

The secretary of state shall adopt rules providing for publicizing voters' rights as prescribed by Election Code 62.0115. The rules must require that a notice of those rights be publicized by being posted by an election officer in a prominent location at each polling place, on the internet website of the secretary of state, through material published by the secretary of state, or in another manner designed to give voters notice of their rights.

The secretary of state shall prescribe the form and content of the notice. A notice informing voters of the secretary of state's toll-free telephone number to allow a person to report an existing or potential abuse of voting rights and the purpose for the number shall be included in the notice of voters' rights.

*Election Code 31.0055, 62.0115*

Delivery or  
Submission of  
Election Documents

Unless otherwise provided by the Election Code, when the Election Code provides for delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under the Election Code, a delivery, submission, or filing with an employee of the authority at the authority's usual place for conducting official business constitutes filing with the authority. The authority to whom a delivery, submission, or filing is required by the Election Code to be made may accept the document or paper at a place other than the authority's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

*Election Code 1.007*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

**Section II:  
Conducting an  
Election**

Election Services

If requested to do so by a political subdivision, including a college district, the county elections administrator shall enter into a contract to furnish the election services requested, as set forth at Election Code Chapter 31, Subchapter D. A county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year. *Election Code 31.093(a), 41.001(d)*

Election Order

The governing body of a political subdivision, including a college district board of trustees, shall order the election. For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day.

Each election order must designate and state the location of the main early voting polling place and must state the date of the election; the offices or measures to be voted on; the date that early voting will begin if the early voting period is to begin later than the prescribed date; the dates and hours that early voting will be conducted; the dates and hours that early voting on Saturday and Sunday is ordered to be conducted; the early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different; and the early voting clerk's phone number, email address, and internet website, if the early voting clerk has an internet website. The authority ordering an election shall preserve the order, proclamation, or other document ordering the election, in an election involving a federal office, for at least 22 months after election day in accordance with federal law or, in an election not involving a federal office, for at least six months after election day.

*Election Code 3.004, .005(c), .006, .008, 66.058(a), 83.010, 85.004, .007*

*Failure to Order  
an Election*

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

Election Notice  
*Contents*

The notice of a general or special election must state:

1. The nature and date of the election;
2. The location of each polling place;
3. The hours the polls will be open;
4. The internet website of the authority conducting the election;
5. For early voting:
  - a. The designated location of the main early voting polling place, as determined under Election Code 85.002;

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

- b. The date that early voting will begin if under Education Code 85.001(d) the early voting period is to begin later than the prescribed date;
  - c. The regular dates and hours that early voting will be conducted;
  - d. The dates and hours that voting on Saturday and Sunday is ordered to be conducted; and
  - e. The early voting clerk's official mailing address.
- 6. The numbers of the positions to be filled;
  - 7. The candidates for each position; and
  - 8. Any other matters deemed necessary or advisable.

When the Election Code requires notice of a polling place location, the written notice must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place.

*Election Code 1.021, 4.004(a), 83.010, 85.004, .007; Education Code 130.082(f)*

Notice of  
Special Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

*Publication*

Notice of the election shall be given by publishing the notice at least once, not earlier than the 30th day or later than the tenth day before election day in a newspaper published in the territory that is covered by the election and is in the jurisdiction of the authority responsible for giving the notice or in a newspaper of general circulation in the territory if none is published in the jurisdiction of the authority responsible for giving the notice.

If notice of an election is given by publication, the authority responsible for giving the notice shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. The records shall be preserved by the authority to whom they are distributed for at least 22 months after election day.

*Election Code 4.003(a)(1), .005(a), 66.058(a); Education Code 130.082(f)*

*Posting*

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of the election given by the county or provided to the county by a political subdivision under Election Code 4.008(a), which must include the location of each polling place, on the county's internet website, if the county maintains a website. An authority responsible



BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

for giving notice of an election may post a copy of the notice on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. If a county does not maintain a website, the authority responsible for giving notice of the election shall post a copy of a notice of the election on the bulletin board used for posting notices of meetings of the governing body of the political subdivision that the authority serves. The notice must remain posted continuously through election day. The notice must include the location of each polling place. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the authority responsible for giving the election notice after the last posting is made. *Election Code 4.003(b), .005(b)*

*Early Voting*

Any notice required under Election Code 85.007 must also be posted on the internet website of the authority ordering the election, if the authority maintains a website. *Election Code 85.007(d)(1)*

*Notice to the  
County Clerk and  
Voter Registrar*

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

*Notice to Election  
Judge*

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the authority responsible for giving notice of the election shall deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

*Election Code 4.007*

*Failure to Give  
Notice of Election*

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

<i>Filing Information</i> <i>Notice to</i> <i>Candidates</i>	The authority with whom an application for a place on the ballot must be filed shall post notice of the dates of the filing period in a public place in a building in which the authority has an office not later than the 30th day before the first day on which a candidate may file the application. An authority shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004. <i>Election Code 141.040</i>
<i>Publication of</i> <i>Filing Information</i> <i>Online</i>	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 the requirements and deadline for filing for candidacy of each elected office of the political subdivision, which shall be continuously posted for at least one year before the election day for the office. <i>Gov't Code 2051.201(a), (b)(4)</i>
<i>General Election</i>	An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline. Any resident, qualified elector of a junior college district may have his or her name placed as a candidate on the official ballot for any position to be filled at each regular election by filing a written application, signed by the candidate, with the secretary of the board not later than 5:00 p.m. of the 78th day before election day, if the election is to be held on a uniform election date. <i>Education Code 130.082(g); Election Code 144.005</i>
<i>Special Election</i>	<p>An application for a place on a special election ballot may not be filed before the election is ordered.</p> <p>An application must be filed not later than:</p> <ol style="list-style-type: none"><li>1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or</li><li>2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.</li></ol> <p><i>Election Code 201.054(a), (d)</i></p>
<i>Exception</i>	For a special election to be held on the date of the general election for state and county officers (the November uniform election date of even-numbered years), the filing deadline is 6:00 p.m. of the 75th day before election day. <i>Election Code 201.054(f)</i>
<i>Write-In</i> <i>Candidacy</i>	In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candi-

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

dacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day, if the election is to be held on a uniform election date.

A declaration of write-in candidacy for a special election must be filed not later than the filing deadline prescribed by Election Code 201.054.

A write-in candidate may not withdraw from the election after the 71st day before election day.

*Education Code 130.0825(a)–(b); Election Code 146.054, 201.054(g)*

*Application*

The application must state the number of the position for which the person is a candidate or the name of the incumbent member of the board holding the position for which the person desires to run. The application shall include all statutorily required information, including that found at Election Code 141.031 and 141.039, such as an oath and a statement that the candidate is aware of the nepotism law. [See BBBB] The candidate shall be eligible to run for only one position at each election. *Education Code 130.082(g); Election Code 31.0021, 141.031, .039*

*Withdrawal*

To withdraw from an election, a candidate whose name is to appear on the ballot must request that the candidate's name be omitted from the ballot in accordance with Election Code 145.001. *Election Code 145.001(a)*

*Deadline*

A candidate may not withdraw from an election after 5:00 p.m. of the fifth day after the deadline for filing the candidate's application for a place on the ballot. *Election Code 145.092(a)*

*Exceptions*

A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 62nd day before election day may not withdraw from the election after 5:00 p.m. of the 57th day before election day.

A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5:00 p.m. of the 78th day before election day may not withdraw from the election after 5:00 p.m. of the 71st day before election day.

A candidate in a runoff election may not withdraw from the election after 5:00 p.m. of the third day after the date of the final canvass for the main election.

*Election Code 145.092(b), (d), (f)*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

Late Request      If a candidate files a withdrawal request after the deadline prescribed by Election Code 145.092, and the candidate complies with each requirement under Election Code 145.001 except that the candidate's filing to withdraw is untimely, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot if at the time the candidate files the withdrawal request:

1. The ballots have not been prepared; and
2. If using a voting system to which Election Code Chapter 129 applies, public notice of the test of logic and accuracy has not been published.

*Election Code 145.098(a)*

Death of Candidate      If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name as described above, the filing deadline for an application for a place on the ballot for the office sought by the candidate is extended until the fifth day after the filing deadline.

*Election Code 145.098(b)*

Election of  
Unopposed  
Candidate      The board may declare each unopposed candidate elected if each candidate for an office that is to appear on the ballot is unopposed.

For purposes of determining whether all offices on a ballot are unopposed, a special election of a political subdivision, including a college district, is considered to be a separate election with a separate ballot from:

1. A general election for officers of the political subdivision held at the same time as the special election; or
2. Another special election of the political subdivision held at the same time as the special election.

*Election Code 2.051(a)*

*Single-Member  
Districts*      In the case of an election in which any members of the political subdivision's governing body are elected from territorial units such as single-member districts, the unopposed candidate procedures apply to the election in a particular territorial unit if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot. *Election Code 2.051(b)*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Procedure for  
Canceling  
Election*

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted.

The certification shall be delivered to the governing body of the political subdivision as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

*Election Code 2.052(a)–(b)*

Exception

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092, above, if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots for the election have not been prepared; and
3. The conditions for certification under Election Code 2.052(a) are otherwise met.

The certification shall be delivered to the governing body of the political subdivision as soon as possible.

*Election Code 2.052(c)–(d)*

Declaration of  
Election

On receipt of the certification, the governing body of the political subdivision by order or ordinance shall declare each unopposed candidate elected to the office. If the board makes such a declaration, the election is not held.

If no election is to be held on election day by the political subdivision, a copy of the order shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at the separate election held at the same time as an election that would have been held if the candidates were not declared elected under this section shall include the offices and names of the candidates declared elected under this section listed separately after the measures or contested races in the separate election, under the heading “Unopposed Candidates Declared Elected.” The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

*Election Code 2.053(a)–(c)*

Ballot

The ballot shall be printed in the form required by law. *Election Code 52.061–.064, .069, .093–.094*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Ballot Position* The location on the ballot of the names of the candidates for each position shall be chosen by lot by the board. The candidate shall be eligible to run for only one position in each election. *Education Code 130.082(g)*

*Propositions* Except as otherwise provided by law, the authority ordering the election shall prescribe the wording of a proposition that is to appear on the ballot. A proposition shall be printed on the ballot in the form of a single statement and may appear on the ballot only once.

If an election of officers is contingent on the adoption of a proposition appearing on the same ballot, the proposition shall appear on the ballot before the listing of offices. Otherwise, in an election in which an office and a measure are to be voted on, each proposition stating a measure shall appear on the ballot after the listing of offices.

Except as otherwise provided by law, the authority ordering an election in which more than one measure is to be voted on shall determine the order in which the propositions are to appear on the ballot.

Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:

1. Except as provided by item 2, for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and
2. For each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

Each proposition on the ballot must identify the name of the authority ordering the election on the measure.

*Election Code 52.072(a)–(d), .095(a)–(c)*

Election Judges and  
Clerks

The board shall appoint election judges and set the maximum number of election clerks. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code Chapter 32*

The nepotism prohibitions [see DBE] do not apply to appointment of an election clerk under Election Code 32.031 who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election. *Gov't Code 573.061(8)*



BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

Polling Places

The governing body of each political subdivision authorized to hold elections, other than a county, shall designate the location of the polling place for each of its election precincts. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034*

*Use of County  
Election  
Precincts*

The county election precincts are the election precincts for the following elections:

1. The general election for state and county officers;
2. A special election ordered by the governor;
3. A primary election;
4. A countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Election Code 42.062(2); and
5. As provided by Election Code 42.0621, any other election held by a political subdivision, including college districts, on a uniform election date.

*Election Code 42.002(a)*

In an election held on the November uniform election date, the political subdivisions to which Election Code 42.002(a)(5) applies shall use the regular county election precincts. If a political subdivision holds an election on a uniform election date and is required to use the regular county election precincts, the political subdivision shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the political subdivision. *Election Code 42.0621(a), 43.004(b)*

*Polling Place for  
Early Voting*

The following provision applies to an election held by a political subdivision, other than a county, on the November uniform election date in which the political subdivision:

1. Is not holding a joint election with a county in accordance with Election Code Chapter 271; and
2. Has not executed a contract with a county elections officer under which the political subdivision and the county share early voting polling places for the election.

The political subdivision shall designate as an early voting polling place for the election an eligible county polling place located in the political subdivision and may not designate as an early voting polling place a location other than an eligible county polling place un-

less each eligible county polling place located in the political subdivision is designated as an early voting polling place by the political subdivision.

A shared polling place established under this section that is designated as a main early voting polling place by any political subdivision must be open for voting for all political subdivisions the polling place serves for at least the days and hours required of a main early voting polling place under Election Code 85.002 for the political subdivision making the designation.

“Eligible county polling place” means an early voting polling place established by a county.

*Election Code 85.010*

Temporary  
Branch

*County  
Population  
100,000 or  
More*

The following provision applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, the provision applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

*Election Code 85.064*

*County  
Population  
Less Than  
100,000*

The following provisions apply only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, the provisions apply if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section,

early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

*Election Code 85.065*

*Posting Signs  
Prohibited*

An election officer commits an offense if the officer knowingly posts at a polling place, including the area within 100 feet of an outside door through which a voter may enter the building in which the polling place is located, a sign, card, poster, or other similar material that is not authorized or required by law; or is in a form or contains information that is not authorized or required by law.

A person other than an election officer commits an offense if the person posts a sign, card, poster, or similar material at a polling place, including the 100-foot area described above.

*Election Code 62.013(a)–(b)*

*Electioneering*

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

“Electioneering” includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

“Voting period” means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

“Early voting period” is described at Election Code 85.001.

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

*Election Code 61.003, 85.036*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Use of Certain  
Devices  
Prohibited*

A person may not use a wireless communication device within 100 feet of a voting station. A person may not use any mechanical or electronic means of recording images or sound within 100 feet of a voting station. *Election Code 61.014(a)–(b)*

Exception

The prohibitions do not apply to:

1. An election officer in conducting the officer's official duties;
2. The use of election equipment necessary for the conduct of the election; or
3. A person who is employed at the location in which a polling place is located while the person is acting in the course of the person's employment.

*Election Code 61.014(d)*

Bilingual Materials  
*Spanish*

Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions.

An election precinct may be exempted from the bilingual requirement if official census information or other information indicates that persons of Spanish origin or descent comprise less than five percent of the precinct's inhabitants. To exempt an election precinct from the bilingual requirement, the presiding officer of the governing body of the political subdivision responsible for the expenses of an election, with the approval of the governing body, must file with the authority responsible for procuring the election supplies for the political subdivision's elections the documentation described at Election Code 272.003. An exemption is effective on the 30th day after the date the certification and other required materials are filed. A precinct exempted under this section remains exempt until the precinct becomes subject to Election Code 272.002 as a result of a subsequent federal decennial census; or the effective date of a change in the precinct's boundary.

*Election Code 272.002, .003(a)–(c), (e)*

*Other Languages*

If the director of the census determines under 42 U.S.C. 1973aa-1a that a political subdivision must provide election materials in a language other than English or Spanish, the political subdivision shall provide election materials in that language in the same manner in which the political subdivision would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011(a); 52 U.S.C. 10503*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

Voting Systems	A voting system shall be selected and utilized in accordance with Election Code Title 8. <i>Election Code Title 8</i>
<i>Voting System Standards</i>	<p>For a voting system or voting system equipment to be approved for use in elections, the voting system in which the equipment is designed to be used must comply with the standards prescribed by Election Code Chapter 122, Subchapter A and be manufactured, stored, and held in the United States and sold by a company whose headquarters are located in the United States and parent company's headquarters, if applicable, are located in the United States.</p> <p>A voting system or voting system equipment is considered to be manufactured in the United States if final assembly of the voting system or voting system equipment occurs in the United States and all firmware and software are installed and tested in the United States.</p> <p><i>Election Code 122.032</i></p>
<i>Voting Machines and Punch-Card Ballots</i>	A voting system may not be used in an election if the system uses mechanical voting machines or a punch-card ballot or similar form of tabulating card. <i>Election Code 122.001(d)</i>
<i>Voters with Disabilities</i> Accessible Voting Stations	Each polling place must provide at least one voting station that complies with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794) and its subsequent amendments, Title II of the federal Americans with Disabilities Act (42 U.S.C. 12131 et seq.) and its subsequent amendments and the requirements for accessibility under 42 U.S.C. 15481(a)(3) and its subsequent amendments, and provides a practical and effective means for voters with physical disabilities to cast a secret ballot. <i>Election Code 61.012(a)</i>
Electronic Voting System Exceptions	<p>Upon providing the notice detailed in Election Code 61.013(d), for an election other than an election of a political subdivision that is held jointly with another election in which a federal office appears on the ballot, a political subdivision, including a college district, is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the political subdivision is located in a county:</p> <ol style="list-style-type: none"><li>1. With a population of less than 2,000;</li><li>2. With a population of 2,000 or more but less than 5,000, and the political subdivision provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day;</li><li>3. With a population of 5,000 or more but less than 10,000, and the political subdivision provides at least one voting station</li></ol>

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance;

4. With a population of 10,000 or more but less than 20,000, and the political subdivision:
  - a. Makes a showing in the manner provided by Election Code 61.103(c) that compliance with Section 61.012(a)(1)(C) constitutes an undue burden on the political subdivision;
  - b. Provides at least one voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) on election day and during the period for early voting by personal appearance; and
  - c. Provides a mobile voting station that meets the requirements for accessibility under 42 U.S.C. 15481(a)(3) that during the period for early voting by personal appearance is deployed at least once at each polling place used for early voting by personal appearance.

*Election Code 61.013(a)*

*Multiple  
Counties*

For purposes of Election Code 61.013, a political subdivision located in more than one county may choose:

1. To be considered located in the county that contains the greatest number of registered voters of the political subdivision; or
2. For each portion of the political subdivision located in a different county, to be considered a separate political subdivision.

*Election Code 61.013(e)*

Multiple Voting  
Systems  
Permitted

A political subdivision may use more than one type of voting system in a single polling place in order to provide a person with physical disabilities with a method of casting a secret ballot. [See GA] 1 TAC 81.55

Voting System  
Malfunction

If no private vendor supports the political subdivision's voting system, the political subdivision must give notice to the secretary of state within 24 hours of a malfunction of the political subdivision's voting system software or equipment in an election. The notice may be verbal or in writing. 1 TAC 81.64(a)

Early Voting

A board shall provide for early voting in board elections by personal appearance at an early voting polling place and by mail in accordance with Election Code Title 7. *Election Code 81.001*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

Conducting  
Elections

Elections shall be conducted in accordance with Election Code Title 6. *Election Code Title 6*

**Section III: Post-Election Procedures**

Determination of  
Results

A candidate receiving a majority of the votes cast for all candidates for a board member position shall be declared elected. *Education Code 130.082(g); Atty. Gen. Op. CM-1101 (1972)*

*Majority*

*Runoff Elections*

If no candidate receives such a majority, then the two candidates receiving the highest number of votes shall run against each other for the position. The runoff election for all positions shall be held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed. The runoff election shall be conducted in accordance with Election Code Chapter 2, Subchapter B. *Education Code 130.082(g); Election Code 2.021, .025(a)*

*Write-In Voting*

Election Code Chapter 146, Subchapter B applies to write-in voting in an election for members of the governing body except to the extent of a conflict with this section. In a general or special election for members of the governing body of a junior college district, a write-in vote may not be counted for a person unless the person has filed a declaration of write-in candidacy with the secretary of the board of trustees in the manner provided for write-in candidates in the general election for state and county officers. *Education Code 130.0825(a), (c)*

Canvass Returns

Except as provided by Election Code 67.003(c), each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;
2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or
3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Two members of the authority constitute a quorum for purposes of canvassing an election.

The presiding officer of the canvassing authority shall note the completion of the canvass in the minutes or in the recording required by Government Code 551.021.

*Election Code 67.003(b), .004(a), (g)*



BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

*Early Voting  
Canvass—  
November  
Election*

For an election held on the date of the general election for state and county officers (November of even-numbered years), the time for the canvass of early voting results may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Certificate of  
Election

After the completion of a canvass, the presiding officer of the local canvassing authority shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by that authority's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition.

The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. The recount petition does not affect a candidate who has received a certificate of election and qualified for an office before the submission of a recount petition.

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

*Election Code 67.016(a), (c), (e), 212.0331(a)–(c)*

Certificate of  
Election for  
Unopposed  
Candidate

A certificate of election shall be issued to each unopposed candidate in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)*

Officer's Statement

All elected or appointed officers, before taking the oath or affirmation of office and entering upon the duties of office, shall subscribe to the required officer's statement. All other officers shall retain the signed statement with the official records of the office. [See BBB(EXHIBIT)] *Tex. Const. Art. XVI, Sec. 1(b)–(c)*

BOARD MEMBERS  
ELECTIONS

BBB  
(LEGAL)

Oath of Office

All elected and appointed officers, before they enter upon the duties of their offices, shall take the oath or affirmation of office. [See BBB(EXHIBIT)]

An oath made in this state may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A notary public.
4. A justice of the peace or clerk of a justice court.
5. An associate judge, magistrate, master, referee, or criminal law hearing officer.
6. The secretary of state or a former secretary of state.
7. The speaker of the house of representatives or a former speaker of the house of representatives.
8. The lieutenant governor or a former lieutenant governor.
9. The governor or a former governor.
10. A legislator or retired legislator.
11. The secretary of the senate or the chief clerk of the house of representatives.
12. The attorney general or a former attorney general.
13. A county treasurer.

*Tex. Const. Art. XVI, Sec. 1(a); Education Code 130.082(d); Gov't Code 602.002*

BOARD MEMBERS  
ELECTIONS

BBB  
(LOCAL)

<b>Election Date</b>	The general election of Board members shall be on the May uniform election date in an odd-numbered year.						
<b>Membership</b>	The Board shall consist of nine members.						
<b>Method of Election</b>	<p>Election of Board members shall be at large within each voting zone. The three voting zones are the:</p> <ul style="list-style-type: none"><li>• South Zone, which encompasses:<ul style="list-style-type: none"><li>• Leverett’s Chapel ISD;</li><li>• West Rusk ISD; and</li><li>• Overton ISD.</li></ul></li><li>• North Zone, which encompasses:<ul style="list-style-type: none"><li>• Gladewater ISD;</li><li>• White Oak ISD; and</li><li>• Sabine ISD.</li></ul></li><li>• Central Zone, which encompasses Kilgore ISD.</li></ul> <p>Places 1, 4, and 7 are in the South Zone. Places 2, 5, and 8 are in the North Zone. Places 3, 6, and 9 are in the Central Zone.</p>						
<b>Terms and Election Schedule</b>	<p>Board members shall be elected for six-year terms, with elections conducted biennially, as follows:</p> <table><tr><td>Places 4, 5, and 6</td><td>The election for places 4, 5, and 6 shall be held in 2023, 2029, 2035, and in six-year intervals thereafter.</td></tr><tr><td>Places 7, 8, and 9</td><td>The election for places 7, 8, and 9 shall be held in 2025, 2031, 2037, and in six-year intervals thereafter.</td></tr><tr><td>Places 1, 2, and 3</td><td>The election for places 1, 2, and 3 shall be held in 2027, 2033, 2039, and in six-year intervals thereafter.</td></tr></table>	Places 4, 5, and 6	The election for places 4, 5, and 6 shall be held in 2023, 2029, 2035, and in six-year intervals thereafter.	Places 7, 8, and 9	The election for places 7, 8, and 9 shall be held in 2025, 2031, 2037, and in six-year intervals thereafter.	Places 1, 2, and 3	The election for places 1, 2, and 3 shall be held in 2027, 2033, 2039, and in six-year intervals thereafter.
Places 4, 5, and 6	The election for places 4, 5, and 6 shall be held in 2023, 2029, 2035, and in six-year intervals thereafter.						
Places 7, 8, and 9	The election for places 7, 8, and 9 shall be held in 2025, 2031, 2037, and in six-year intervals thereafter.						
Places 1, 2, and 3	The election for places 1, 2, and 3 shall be held in 2027, 2033, 2039, and in six-year intervals thereafter.						

BOARD MEMBERS  
ELECTIONS

BBB  
(EXHIBIT)

### Officer's Statement

I, \_\_\_\_\_, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

*Tex. Const. Art. XVI, Sec. 1(b)*

### Oath of Office

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of board trustee for the \_\_\_\_\_ Junior/Community College District of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

*Tex. Const. Art. XVI, Sec. 1(a)*

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**Note:** For other election information, including election forms, calendars, and other election resources, see the [Secretary of State Elections Division website](#).<sup>1</sup>

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<sup>1</sup> Secretary of State Elections Division: <https://www.sos.texas.gov/elections/laws/local-laws.shtml>

## **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.

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### **IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY**

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#### **Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

#### **Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

#### **Proposed LOCAL Policy for Adoption:**

Section: B LOCAL GOVERNANCE

Policy: BBD Board Members: Orientation and Training

#### **Summary of LOCAL Policy:**

This policy outlines the training requirements including content, timeframe, and method of training for all newly elected or appointed Board of Trustees, the annual and continued training for current board members and the reports required.

#### **Procedures:**

- The Board Recording Secretary will inform each newly elected or appointed board member of the training required by the Coordinating board and the necessary timeframe for completion. The training may be completed in a seminar in Austin or virtually through the THECB website. As the board member completes each training module, he/she will inform the Recording Secretary.
- Each newly elected or appointed Board member receives a four-hour orientation conducted jointly by the College President and Board Secretary.
- During the final Board meeting of each calendar year, the Board Recording Secretary submits a report reflecting whether each board member has completed all necessary training requirements.
- Each Board member is required to complete a certified cybersecurity annual training program and will submit verification of completion to the Board Recording Secretary.
- The College President will work with the Board to implement continued training for the board according to board member needs and interests.
- The College president assigns the responsibility of Public Information Officer to a KC employee and verifies he/she has the required training and fulfills the responsibilities of that position.

BOARD MEMBERS  
ORIENTATION AND TRAINING

BBD  
(LEGAL)

**Training**

The Coordinating Board by rule shall establish a training program for members of the governing boards of institutions of higher education. Each member of a governing board of an institution of higher education, including a college district, shall attend, during the member's first year of service as a member of a governing board of an institution of higher education, at least one training program. A member of a governing board who is required to attend a training program may attend additional training programs under this section.

The training program must include a seminar held annually in Austin to be conducted by the staff of the Coordinating Board. The staff of the Coordinating Board may obtain assistance from representatives of the office of the attorney general, the office of the comptroller of public accounts, the office of the state auditor, and the Texas Ethics Commission, and from other training personnel the Coordinating Board deems necessary.

The Coordinating Board is responsible for documenting governing board members' completion of the requirements provided by Education Code 61.084.

*Education Code 61.084(a)–(b), (h); 19 TAC 1.9(a), (g)*

**Training Content**

The content of the instruction at the training program shall focus on the official role and duties of the board members and shall provide training in the areas of budgeting, policy development, ethics, and governance.

Topics covered by the training program must include:

1. Auditing procedures and recent audits of institutions of higher education;
2. The enabling legislation that creates institutions of higher education;
3. The role of the governing board at institutions of higher education and the relationship between the governing board and the institution's administration, faculty and staff, and students, including limitations on the authority of the governing board;
4. The mission statements of institutions of higher education;
5. Disciplinary and investigative authority of the governing board;
6. The requirements of the open meetings law, Government Code Chapter 551, and the open records law, Government Code Chapter 552;

BOARD MEMBERS  
ORIENTATION AND TRAINING

BBD  
(LEGAL)

7. The requirements of conflict of interest laws and other laws relating to public officials;
8. Any applicable ethics policies adopted by institutions of higher education or the Texas Ethics Commission;
9. The requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) or any other federal or state law relating to the privacy of student information; and
10. Any other topic relating to higher education the board considers important.

*Education Code 61.084(d)*

In addition to the content of the instruction at a training program required under Education Code 61.084(d), above, topics covered by the training program for board members must include information about best practices in campus financial management, financial ratio analysis, and case studies using financial indicators. *Education Code 61.084(e)*

Training  
Alternatives

*Electronic Option*

The Coordinating Board shall provide an equivalent training program by electronic means in the event a member of a governing board is unable to attend the required training program. Completion of the training program by electronic means is deemed to satisfy the training requirements. *Education Code 61.084(g)*

*Hardship  
Exception*

The Coordinating Board by rule may prescribe an alternative training program for members of governing boards for whom attendance at a seminar held in Austin would be a hardship. The alternative training program need not be in the form of a seminar but must include substantially the same information included in the seminar held in Austin. *Education Code 61.084(b); 19 TAC 1.9(b)*

Fee

A registration fee shall be paid by training program participants in an amount adequate to cover the costs incurred by the Coordinating Board and any other state agencies the Coordinating Board enlists in providing the program. Such amount shall be determined prior to each seminar. A participant shall pay from private funds the required fee and the participant's costs of travel, including transportation, lodging, and meals. Neither the required fee nor a participant's travel costs shall be reimbursed from appropriated funds, other than grants and donations of private funds available for that purpose. *Education Code 61.084(c); 19 TAC 1.9(c)*

Reporting

The minutes of the last regular meeting held by a governing board of a public junior college district during a calendar year must reflect whether each member of the governing board has completed any



training required to be completed by the member under Education Code 61.1084 as of the meeting date. *Education Code 61.084(f)*

**Open Meetings Act  
Training**

Each elected or appointed public official who is a member of a governmental body subject to Government Code Chapter 551 shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and its members under Chapter 551 not later than the 90th day after the date the member takes the oath of office.

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

The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training. A governmental body shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of a governmental body to complete the required training does not affect the validity of an action taken by the governmental body.

*Gov't Code 551.005(a)–(c), (f)*

**Public Information  
Act Training**

This section applies to an elected or appointed public official who is a member of a multimember governmental body. Each public official shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body with which the official serves and its officers and employees under Government Code Chapter 552 not later than the 90th day after the date the public official takes the oath of office.

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

A public official may designate a public information coordinator to satisfy the training requirement for the public official if the public information coordinator is primarily responsible for administering the responsibilities of the public official or governmental body under Chapter 552. [See GCB regarding public information coordinator training]

The office of the attorney general or other entity providing the training shall provide a certificate of course completion to persons who complete the training. A governmental body shall maintain and make available for public inspection the record of its public officials'

or, if applicable, the public information coordinator's completion of the training.

*Gov't Code 552.012(a)–(e)*

**Cybersecurity  
Training**

At least once each year, each elected or appointed officer of a state agency, including a college district, shall complete a cybersecurity training program certified under Government Code 2054.519. [See also DK] *Gov't Code 2054.5191(a), (c)*

Exception

The requirements do not apply to officials who have been granted military leave. *Gov't Code 2054.5191(f)*

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**Note:** For more information on cybersecurity training, including a list of certified cybersecurity training programs and compliance reporting requirements, see DIR's website at [Certified Cybersecurity Training Programs](https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154).<sup>1</sup>

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<sup>1</sup> Certified Cybersecurity Training Programs: <https://dir.texas.gov/View-About-DIR/Information-Security/Pages/Content.aspx?id=154>

**BOARD MEMBERS  
ORIENTATION AND TRAINING**

**BBD  
(LOCAL)**

**Orientation**

The Board and the College President shall provide an orientation for new Board members within the calendar year of their election to assist them in understanding the Board's function, policies, and procedures. Assistance given in the orientation of new Board members may include the following, as appropriate or available:

1. Selected materials on the responsibilities of being a contributing member of the Board.
2. Material pertinent to meetings and an explanation of its use.
3. Invitations to meet with the College President and other administrative personnel designated by the College President to discuss services the administration performs for the Board.
4. Access to a copy of the Board's policies and administrative regulations and other documents and information currently in use by other Board members.
5. Information regarding appropriate meetings and workshops.
6. A formal orientation on legal and budgetary oversight responsibilities of the Board.
7. Other information and activities as the Board or the College President deems useful in fulfilling the role of Board member.

**Annual Training Plan**

The College President shall work with the Board to develop and implement an annual plan to address the training needs of Board members.

**Cybersecurity  
Training**

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

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

**Public Information  
Coordinator**

The College President or designee shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012.

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY**

---

**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed LOCAL Policy for Adoption:**

Section: B LOCAL GOVERNANCE

Policy: BBE Board Members: Authority

**Summary of LOCAL Policy:**

This policy outlines the authority of individual board members versus the authority of the corporate body. The policy further outlines board members' access to college information, fiduciary responsibility and protections.

**Procedures:**

As prescribed by SACSCOC:

- The KC Board sets policy for the organization and leaves the implementation of policy to the college administration.
- The KC Board is in adherence with the Open Meetings Act and official Board action is only taken at a full Board meeting when a quorum is present.
- Individual Board members recognize that they do not have authority over the College, its property, or its employees unless they are acting in the capacity as the Board President or with the express authorization of the entire Board.
- The KC Board President requests that he be apprised of requests for information.
- All KC Board members understand that the information they receive is covered during an open meeting or is subject to the Public Information Act and that the information should be considered as confidential and protected as such.
- If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member should refer them to the College President/Board President as appropriate.

BOARD MEMBERS  
AUTHORITY

BBE  
(LEGAL)

**Board Authority**

Because the board is a body corporate, members can perform no valid act except as a body at meetings properly convened and conducted. *Toyah ISD v. Pecos-Barstow Indep. Sch. Dist.*, 466 S.W.2d 377 (Tex. App.—San Antonio, 1971, no writ); *Buchele v. Woods*, 528 S.W.2d 95 (Tex. App. —Tyler, 1975, no writ)

**Access to  
Information**

An individual board member has an inherent right of access to records maintained by the college district when the board member requests the records in his or her official capacity. *Atty. Gen. Op. JM-119 (1983)*

When there are competing confidentiality or security concerns, it may be proper for a board to establish reasonable procedures to preserve confidentiality, but the college district may not absolutely prohibit an individual board member from viewing records involving college district business that are otherwise properly available to the board as a governmental body. *Atty. Gen. Op. GA-138 (2004)*

**Access to Student  
Records**

An educational agency or institution may disclose personally identifiable information from an education record of a student without the written consent of the student required by 34 C.F.R. 99.30 if the disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests. [See FJ] 34 C.F.R. 99.30, .31(a)

**Destruction of and  
Tampering with  
Records**

An officer, including a board member, or employee of a local government commits a criminal offense if the officer or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C or rules under it by destroying or alienating a local government record in contravention of Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an affirmative defense to prosecution for possession under paragraph 6 that the possession occurred in the actual discharge of official duties as a public servant. It is a defense to prosecution under paragraph 1, 2, or 5 that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

*Penal Code 37.10(a), (e)–(f)*

A person commits an offense if the person willfully destroys, mutilates, removes without permission as provided by Government Code Chapter 552 (Public Information Act), or alters public information. *Gov't Code 552.351(a)*

Distribution of  
Confidential  
Information

A person commits an offense if the person distributes information considered confidential under the terms of Chapter 552. *Gov't Code 552.352(a)*

**Fiduciary**

Each member of a governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management. *Education Code 51.352(e)*

**Protections for  
Acting on a  
Legislative Measure**

To protect the independence of state and local officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a school district or other political subdivision of this state, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

1. An action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
2. Proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
3. The effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
4. A breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a

waiver or consent from any person, regarding the officer's actions relating to a legislative measure; or the substance, effects, or potential effects of a legislative measure.

*Gov't Code 572.059*



BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

**Board Authority**

The Board has final authority to determine and interpret the policies that govern the College District and, within the limits imposed by other legal authorities, has complete and full control of the College District.

**Transacting  
Business**

Official Board action shall be taken only in meetings that comply with the Open Meetings Act. When a proposal is presented to the Board, the Board shall hold a discussion and reach a decision. The affirmative vote of a majority of all Board members shall be required to transact business. [See BD] Although there may be dissenting votes, which are a matter of public record, each action of the Board supported by the majority is binding on the whole Board.

**Individual Authority  
for Committing the  
Board**

Board members as individuals shall not exercise authority over the College District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BCAB]

**Individual Access to  
Information**

An individual Board member, acting in the member's official capacity, shall have the right to seek information pertaining to College District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Act. [See GCA]

Limitations

If a Board member is not acting in the member's official capacity, the Board member has no greater right to College District records than a member of the public.

An individual member shall not have access to confidential student records unless the member is acting in the member's official capacity and has a legitimate educational interest in the records in accordance with policies FJ(LEGAL) and (LOCAL).

Requests for  
Records

Individual members shall seek access to records or request copies of records from the College President or other designated custodian of records. When a custodian of records other than the College President provides access to records or copies of records to individual Board members, the provider shall inform the College President of the records provided.

A Board member who is denied access to a record under this policy may ask the Board to determine whether the record should be provided or may file a request under the Public Information Act. [See GCA]

BOARD MEMBERS  
AUTHORITY

BBE  
(LOCAL)

Requests for  
Reports

No individual Board member shall direct or require College District employees to prepare reports derived from an analysis of information in existing College District records or to create a new record compiled from information in existing College District records.

Directives to the College President or other College District staff regarding the preparation of reports that will, in the opinion of the College President, require excessive staff time or expense shall be authorized by action of the Board.

Confidentiality

At the time Board members are provided access to confidential records or to reports compiled from such records, the College President or other College District employee shall advise them of their responsibility to comply with confidentiality requirements and the College District's information security controls.

**Referring  
Complaints**

If employees, students, or citizens bring a concern or complaint to an individual Board member, the Board member shall refer them to the College President or designee, who shall proceed according to appropriate Board policy. [See DGBA, FLD, and GB]

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.

**Staff Authority**

Except as authorized by these policies, no employee or agent shall have the authority to bind the College District contractually.

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY**

---

**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed LOCAL Policy for Adoption:**

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CHF Weapons

**Summary of LOCAL Policy:** The policy documents weapons that are prohibited on KC property.

**Procedures:** No procedures required, as the policy is only for documentation purposes.

SITE MANAGEMENT  
WEAPONS

CHF  
(LEGAL)

**Definitions**

Campus

"Campus" means all land and buildings owned or leased by an institution of higher education. *Gov't Code 411.2031(a)(1), .2032*

Firearm

A "firearm" is any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. *Penal Code 46.01(3)*

Location-Restricted  
Knife

A "location-restricted knife" is a knife with a blade over five and one-half inches. *Penal Code 46.01(6)*

Club

A "club" is an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes, but is not limited to, a blackjack, nightstick, mace, and tomahawk. *Penal Code 46.01(1)*

Prohibited Weapons

"Prohibited weapons" include:

1. Any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the U.S. Department of Justice:
  - a. An explosive weapon (any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror, and includes a device designed, made, or adapted for delivery or shooting an explosive weapon). *Penal Code 46.01(2)*
  - b. A machine gun (any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger). *Penal Code 46.01(9)*
  - c. A short-barrel firearm (rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches). *Penal Code 46.01(10)*
2. Armor-piercing ammunition (handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used primarily in pistols and revolvers). *Penal Code 46.01(12)*

3. A chemical dispensing device (a device, other than a small chemical dispenser sold commercially for personal protection, that is designed, made, or adapted for the purpose of dispensing a substance capable of causing an adverse psychological or physiological effect on a human being). *Penal Code 46.01(14)*
4. A zip gun (a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance). *Penal Code 46.01(16)*
5. A tire deflation device (a device, including a caltrop or spike strip, that, when driven over, impedes or stops the movement of a wheeled vehicle by puncturing one or more of the vehicle's tires; it does not include a traffic control device that is designed to puncture one or more of a vehicle's tires when driven over in a specific direction, and has a clearly visible sign posted in close proximity to the traffic control device that prohibits entry or warns motor vehicle operators of the traffic control device). *Penal Code 46.01(17)*
6. An improvised explosive device (a completed and operational bomb designed to cause serious bodily injury, death, or substantial property damage that is fabricated in an improvised manner using nonmilitary components. The term does not include unassembled components that can be legally purchased and possessed without a license, permit, or other governmental approval or an exploding target that is used for firearms practice, sold in kit form, and contains the components of a binary explosive). *Penal Code 46.01(19)*

*Penal Code 46.05(a)*

Premises

"Premises" means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4); Gov't Code 411.2031(a)(3)*

**General Provisions**

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, or prohibited weapon on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, unless:

1. Pursuant to written regulations or written authorization of the institution; or
2. The person possesses or goes with a concealed handgun that the person is licensed to carry under Government Code Chapter 411, Subchapter H, and no other weapon to which this section applies, on the premises of an institution of higher education or private or independent institution of higher education, on any grounds or building on which an activity sponsored by the institution is being conducted, or in a passenger transportation vehicle of the institution.

*Penal Code 46.03(a)(1)*

Polling Place

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, or prohibited weapon on the premises of a polling place on the day of an election or while early voting is in progress.

*Penal Code 46.03(a)(2)*

Persons Under 21  
or Who Committed  
Certain Felonies  
*Handgun*

A person commits an offense if the person:

1. Intentionally, knowingly, or recklessly carries on or about his or her person a handgun;
2. At the time of the offense:
  - a. Is younger than 21 years of age; or
  - b. Has been convicted of an offense under Penal Code 22.01(a)(1), 22.05, 22.07, or 42.01(a)(7) or (8) committed in the five-year period preceding the date the instant offense was committed; and
3. Is not on the person's own premises or premises under the person's control or inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control.

*Penal Code 46.02(a)*

*Location-  
Restricted Knife*

A person commits an offense if the person intentionally, knowingly, or recklessly carries on or about his or her person a location-restricted knife, is younger than 18 years of age at the time of the offense, and is not:

1. On the person's own premises or premises under the person's control;
2. Inside of or directly en route to a motor vehicle or watercraft that is owned by the person or under the person's control; or

SITE MANAGEMENT  
WEAPONS

CHF  
(LEGAL)

3. Under the direct supervision of a parent or legal guardian of the person.

*Penal Code 46.02(a-4)*

Sporting or  
Interscholastic  
Events

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon on the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event.

The prohibition does not apply if the actor carries a handgun on a premises where a collegiate sporting event is taking place, holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H, and was not given effective notice under Penal Code 30.06 or 30.07 of this Code, as applicable.

*Penal Code 46.03(a)(8), .15(q)*

Board Meetings

A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Government Code Chapter 551 and if the entity provided notice as required by that Chapter [see BD]. *Penal Code 46.03(a)(14)*

Exceptions

Penal Code 46.02 and 46.03 do not apply to the officers and officials listed in Penal Code 46.15(a), including:

1. Peace officers and neither Section 46.02 or Section 46.03 prohibits a peace officer from carrying a weapon in this state, including in an establishment in this state serving the public, regardless of whether the peace officer is engaged in the actual discharge of the officer's duties while carrying the weapon;
2. An honorably retired peace officer, qualified retired law enforcement officer, federal criminal investigator, or former reserve law enforcement officer who holds a certificate of proficiency issued under Occupations Code 1701.357 and is carrying a photo identification that is issued by a federal, state, or local law enforcement agency, as applicable, and that verifies that the officer is:
  - a. An honorably retired peace officer;
  - b. A qualified retired law enforcement officer;



- c. A federal criminal investigator; or
  - d. A former reserve law enforcement officer who has served in that capacity not less than a total of 15 years with one or more state or local law enforcement agencies;
- 3. The attorney general or a United States attorney, district attorney, criminal district attorney, county attorney, or municipal attorney who is licensed to carry a handgun;
  - 4. An assistant United States attorney, assistant attorney general, assistant district attorney, assistant criminal district attorney, or assistant county attorney who is licensed to carry a handgun; and
  - 5. A person who is volunteer emergency services personnel, as defined by Penal Code 46.01(18), if the person is carrying a handgun under the authority of Government Code Chapter 411, Subchapter H and engaged in providing emergency services.

Penal Code 46.02 and 46.03(a)(14) (board meetings) do not apply to the persons listed in Penal Code 46.15(b), including a person who:

- 1. Is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Government Code 437.001;
- 2. Is traveling;
- 3. Is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, motor vehicle, or watercraft, if the weapon is a type commonly used in the activity;
- 4. Holds a security officer commission issued by the Texas Private Security Board, if the person is engaged in the performance of the person's duties as an officer commissioned under Occupations Code Chapter 1702 or is traveling to or from the person's place of assignment and is wearing the officer's uniform and carrying the officer's weapon in plain view;
- 5. Is carrying a license issued under Government Code Chapter 411, Subchapter H, to carry a handgun and a handgun in a concealed manner or in a holster; or

6. Is a student in a law enforcement class engaging in an activity required as part of the class, if the weapon is a type commonly used in the activity and the person is on the immediate premises where the activity is conducted or en route between those premises and the person's residence and is carrying the weapon unloaded.

Penal Code 46.02 and 46.03(a)(1) and (a)(2) do not apply to a person who carries a handgun if:

1. The person carries the handgun on the premises, as defined by the statute providing the applicable offense, of a location operating as an emergency shelter during a state of disaster declared under Government Code 418.014 or a local state of disaster declared under Government Code 418.108;
2. The owner, controller, or operator of the premises or a person acting with the apparent authority of the owner, controller, or operator, authorized the carrying of the handgun;
3. The person carrying the handgun complies with any rules and regulations of the owner, controller, or operator of the premises that govern the carrying of a handgun on the premises; and
4. The person is not prohibited by state or federal law from possessing a firearm.

Penal Code 46.02 and 46.03 do not apply to a first responder, as defined by Penal Code 46.01, who:

1. Was carrying a handgun in a concealed manner or in a shoulder or belt holster;
2. Holds an unexpired certificate of completion under Government Code 411.184 at the time of engaging in the applicable conduct;
3. Was engaged in the actual discharge of the first responder's duties while carrying the handgun; and
4. Was employed or supervised by a municipality or county to which Local Government Code Chapter 179 applies.

*Penal Code 46.01(20), .15(a)–(b), (l)–(m)*

*Establishment*

An establishment serving the public may not prohibit or otherwise restrict a peace officer or special investigator from carrying on the establishment's premises a weapon that the peace officer or special investigator is otherwise authorized to carry, regardless of whether the peace officer or special investigator is engaged in the

actual discharge of the officer's or investigator's duties while carrying the weapon.

"Establishment serving the public" means:

1. A hotel, motel, or other place of lodging;
2. A restaurant or other place where food is offered for sale to the public;
3. A retail business or other commercial establishment or an office building to which the general public is invited;
4. A sports venue; and
5. Any other place of public accommodation, amusement, convenience, or resort to which the general public or any classification of persons from the general public is regularly, normally, or customarily invited.

"Sports venue" means an arena, coliseum, stadium, or other type of area or facility that is primarily used or is planned for primary use for one or more professional or amateur sports or athletics events and for which a fee is charged or is planned to be charged for admission to the sports or athletics events, other than occasional civic, charitable, or promotional events.

*Code of Criminal Procedure Art. 2.1305*

Notice

*General*

A person may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property";
2. Includes the language described by item 1 in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and
4. Is displayed in a conspicuous manner clearly visible to the public.

It is a defense to prosecution under Penal Code 46.03 that the actor:

SITE MANAGEMENT  
WEAPONS

CHF  
(LEGAL)

1. Carries a handgun on a premises or other property on which the carrying of a weapon is prohibited under that section;
2. Personally received from the owner of the property, or from another person with apparent authority to act for the owner, notice that carrying a firearm or other weapon on the premises or other property, as applicable, was prohibited; and
3. Promptly departed from the premises or other property.

The defense does not apply if:

1. A sign described by Penal Code 46.15(o) was posted prominently at each entrance to the premises or other property, as applicable; or
2. At the time of the offense, the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.

*Penal Code 46.03(m)–(o)*

*Criminal  
Trespass*

A person may provide notice that firearms are prohibited on the property by posting a sign at each entrance to the property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 30.05, Penal Code (criminal trespass), a person may not enter this property with a firearm";
2. Includes the language described by item 1 in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and
4. Is displayed in a conspicuous manner clearly visible to the public.

It is a defense to prosecution under this section that:

1. The basis on which entry on the property or land or in the building was forbidden is that entry with a handgun was forbidden; and
2. The person was carrying a license issued under Government Code Chapter 411, Subchapter H, to carry a handgun and a handgun in a concealed manner or in a holster.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200 if the person enters the property, land, or building with a firearm or other weapon and the sole basis

on which entry on the property or land or in the building was forbidden is that entry with a firearm or other weapon was forbidden, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, land, or building with the firearm or other weapon, the actor:

1. Personally received from the owner of the property or another person with apparent authority to act for the owner notice that entry with a firearm or other weapon was forbidden, as given through:
  - a. Oral or written communication by the owner or someone with apparent authority to act for the owner; or
  - b. If the actor is unable to reasonably understand the notice described by item 1, other personal notice that is reasonable under the circumstances; and
2. Subsequently failed to depart.

*Penal Code 30.05(b)(2), (c), (d-3), (f)* [See also Penal Code 30.06 and 30.07, below]

Wrongful Exclusion  
of Handgun License  
Holder

A state agency or a political subdivision of the state, including a college district, may not take any action, including an action consisting of the provision of notice by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Penal Code Chapter 411, Subchapter H is prohibited from entering or remaining on a premise or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Penal Code 411.209(a)*

A state agency or a political subdivision of the state that violates Penal Code 411.209(a) is liable for a civil penalty of:

1. Not less than \$1,000 and not more than \$1,500 for the first violation; and
2. Not less than \$10,000 and not more than \$10,500 for the second or a subsequent violation.

Each day of a continuing violation of Penal Code 411.209(a) constitutes a separate violation.

*Penal Code 411.209(b)–(c)*

**Firearms and  
Ammunition in  
Private Vehicles**

An institution of higher education, including a college district, in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Penal

Code 30.06 or 30.07, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H and lawfully possesses the firearm or ammunition:

1. On a street or driveway located on the campus of the institution; or
2. In a parking lot, parking garage, or other parking area located on the campus of the institution.

*Gov't Code 411.2032*

Carry by Employees  
in Personal  
Vehicles

A public or private employer, including a college district, may not prohibit an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition from transporting or storing a firearm or ammunition the employee is authorized by law to possess in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the college district provides for employees. *Labor Code 52.061*

Labor Code 52.061 does not apply to a vehicle owned or leased by a public or private employer and used by an employee in the course and scope of the employee's employment, unless the employee is required to transport or store a firearm in the official discharge of the employee's duties. *Labor Code 52.062(a)*

Section 52.061 does not authorize a person who holds a license to carry a concealed handgun under Government Code Chapter 411, Subchapter H, who otherwise lawfully possesses a firearm, or who lawfully possesses ammunition to possess a firearm or ammunition on any property where the possession of a firearm or ammunition is prohibited by state or federal law. Section 52.061 does not prohibit an employer from prohibiting an employee who holds a license to carry a handgun under Government Code Chapter 411, Subchapter H, or who otherwise lawfully possesses a firearm, from possessing a firearm the employee is otherwise authorized by law to possess on the premises of the employer's business. *Labor Code 52.062(a)–(b)*

*Immunity*

Except in cases of gross negligence, a public or private employer, or the employer's principal, officer, director, employee, or agent, is not liable in a civil action for personal injury, death, property damage, or any other damages resulting from or arising out of an occurrence involving a firearm or ammunition that the employer is required to allow on the employer's property under this section.

The presence of a firearm or ammunition on an employer's property under the authority of this section does not by itself constitute a failure by the employer to provide a safe workplace.

For purposes of Labor Code 52.063, a public or private employer, or the employer's principal, officer, director, employee, or agent, does not have a duty:

1. To patrol, inspect, or secure any parking lot, parking garage, or other parking area the employer provides for employees or any privately owned motor vehicle located in a parking lot, parking garage, or other parking area; or
2. To investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a firearm or ammunition or the transportation and storage of a firearm or ammunition.

*Labor Code 52.063*

**Concealed Carry**

A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state. *Gov't Code 411.2031(b)*

**Regulation of Carry**

After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.

An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety.

*Gov't Code 411.2031(d)-(d-1)*

SITE MANAGEMENT  
WEAPONS

CHF  
(LEGAL)

Except as provided by Government Code 411.2031(d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution. *Gov't Code 411.2031(c)*

The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Government Code 411.2031(d-2). *Gov't Code 411.2031(d-1)*

Board Review	Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Government Code 411.2031(d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the established provisions. If amended, the provisions are considered to be those of the institution as established under Government Code 411.2031(d-1). <i>Gov't Code 411.2031(d-2)</i>
Notice Carry Prohibited	The institution must give effective notice under Penal Code 30.06 with respect to any portion of a premises on which license holders may not carry. <i>Gov't Code 411.2031(d-1)</i>
Distribution of Regulations	An institution of higher education shall widely distribute the rules, regulations, or other provisions above to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's internet website. <i>Gov't Code 411.2031(d-3)</i>
Report to Legislature	<p>Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:</p> <ol style="list-style-type: none"><li>1. Describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and</li><li>2. Explains the reasons the institution has established those provisions.</li></ol> <p><i>Gov't Code 411.2031(d-4)</i></p>
Concealed Carry in Violation of Regulations	Notwithstanding Penal Code 46.03(a) or Penal Code 46.02(a-5), a license holder commits an offense if the license holder intentionally carries a concealed handgun on a portion of a premises located on the campus of an institution of higher education in this state on which the carrying of a concealed handgun is prohibited by rules, regulations, or other provisions established under Government



Code 411.2031(d-1) provided the institution gives effective notice under Penal Code 30.06 with respect to that portion.

This provision does not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

*Penal Code 46.03(a-4), .15(j)*

As Trespass

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

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

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”; or
2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.06(b) and subsequently failed to depart.

*Penal Code 30.06(a)–(b), (c)(3), (d)*

*Premise  
Exception*

It is an exception to the application of Penal Code 30.06 that the property on which the license holder carries a handgun is owned or leased by a governmental entity, including a college district, and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Government Code 46.03. *Penal Code 30.06(e)*

### Open Carry

A person commits an offense if the person carries a handgun and intentionally displays the handgun in plain view of another person in a public place. It is an exception to the application of this prohibition that the handgun was partially or wholly visible but was carried in a holster. It is an exception to the application of this prohibition to a license holder that the handgun was partially or wholly visible but was in a holster, and the handgun and the license holder were in a motor vehicle.

This provision does not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

*Penal Code 46.02(a-5), .15(j)*

At an Institution of  
Higher Education

Notwithstanding Penal Code 46.02(a-5), a license holder commits an offense if the license holder carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the license holder's person under the authority of Government Code Chapter 411, Subchapter H, and intentionally or knowingly displays the handgun in plain view of another person:

1. On the premises of an institution of higher education, including a college district; or
2. On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of an institution of higher education.

This provision does not apply to an individual who carries a handgun as a participant in a historical reenactment performed in accordance with the rules of the Texas Alcoholic Beverage Commission.

*Penal Code 46.03(a-2), .15(j)*

As Trespass

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

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

"Written communication" means:

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code

SITE MANAGEMENT  
WEAPONS

CHF  
(LEGAL)

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that:
  - a. Includes the language described above in item 1 in both English and Spanish;
  - b. Appears in contrasting colors with block letters at least one inch in height; and
  - c. Is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under this section is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given the notice by oral communication described by Penal Code 30.07(b) and subsequently failed to depart.

*Penal Code 30.07(a)–(b), (c)(3), (d)*

*Premise  
Exception*

It is an exception to the application of Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03. *Penal Code 30.07(e)*

SITE MANAGEMENT  
WEAPONS

CHF  
(LOCAL)

**Firearms**

The College District prohibits the use, possession, or display of a firearm on College District property or at a College District-sponsored or -related activity in violation of law and College District regulations.

**Other Weapons and  
Devices Prohibited**

The College District prohibits the use, possession, or display of any location-restricted knives, clubs, knuckles, firearm silencers, or prohibited weapons, as defined by law, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the College President or designee.

Additionally, the following weapons are prohibited on College District property or at any College District-sponsored or -related activity:

1. Fireworks of any kind;
2. Incendiary devices;
3. Instruments designed to expel a projectile with the use of pressurized air, like a BB gun;
4. Razors;
5. Chains; or
6. Martial arts throwing stars.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.

**Violations**

Employees and students found to be in violation of this policy shall be subject to disciplinary action. [See DH, FM, and FMA]

## **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**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed LOCAL Policy for Adoption:**

Section: F STUDENTS

Policy: FL Students Rights and Responsibilities

**Summary of LOCAL Policy:** The College President or designee (Vice President of Student Services) shall develop student handbooks with information on rights, responsibilities, services, resources, extracurricular activities, and other information required by policy or that students need to be successful during the academic year.

**Procedures:**

- The Vice President of Student Services is responsible for ensuring that the Student Handbook is updated every year and that any changes after publication are communicated to students.
- The Student Handbook is a part of the College Catalog to ensure less duplication of information that may lead to inconsistencies and is updated each year at the same time that the catalog is updated.

STUDENT RIGHTS AND RESPONSIBILITIES

FL  
(LEGAL)

**Sex Offender  
Registration**

Not later than the seventh day after the date on which the person begins to attend school, a person required to register under Code of Criminal Procedure 62.152 or any other provision of Code of Criminal Procedure Chapter 62, who is a student at a public institution of higher education, including a college district, shall report that fact to:

1. The authority for campus security for the institution; or
2. If an authority for campus security for the institution does not exist and the person is otherwise required by Chapter 62, Code of Criminal Procedure, to register at the authority the local law enforcement authority of:
  - a. The municipality in which the institution is located; or
  - b. The county in which the institution is located, if the institution is not located in a municipality.

The person described above shall provide the authority for campus security or the local law enforcement authority all information the person is required to provide under Code of Criminal Procedure 62.051(c). The person shall notify the authority for campus security or the local law enforcement authority not later than the seventh day after the date of termination of the person's status as a student at the institution.

The authority for campus security or the local law enforcement authority shall promptly forward to the administrative office of the institution any information received from the person and any information received from the Texas Department of Public Safety under Code of Criminal Procedure 62.005.

This section does not impose the requirements of public notification or notification to public or private primary or secondary schools on an authority for campus security; or a local law enforcement authority, if those requirements relate to a person about whom the authority is not otherwise required by Code of Criminal Procedure Chapter 62 to make notifications.

[See also GCA]

*Code of Criminal Procedure 62.153*

## STUDENT RIGHTS AND RESPONSIBILITIES

FL  
(LOCAL)

<b>Student Handbook</b>	The College President or designee shall develop student handbooks with information on rights, responsibilities, services, resources, extracurricular activities, and other information required by policy or that students need to be successful during the academic year. The College President or designee shall ensure that no student handbook information is in conflict with policy. In case of conflict between a Board policy and provisions of student handbooks, policy shall prevail.
Board Action	Student handbooks are subject to Board review but shall not be adopted by the Board.
Distribution	Student handbooks shall be made available on the College District's website at the beginning of the academic year; a hard copy shall be provided upon request. Amendments to the handbook shall be communicated promptly to students.

## **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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       A       BASIC DISTRICT FOUNDATIONS

Policy:        AB     College District Name and Definitions

#### **Summary of *LEGAL* Policy:**

NOTE: AB is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the official name of the college is Kilgore College.

The documentation used to verify that Kilgore College is the official name of the College is as follows:

- SACSCOC records (attached) indicate the College was called Kilgore Junior College from 1935-1969 at which time the name was changed to Kilgore College.
- Also attached are records of reporting from the Coordinating Board (THECB) in 1986 listing Kilgore College as the official name of the college. Per Education code 130.0051 and 130.005 *the name of any junior college district name existing on September 1, 1997, shall remain the same until and unless it is changed under this chapter, and any change in the name of a junior college district made before that date is validated and is deemed to have been properly made.*



## COLLEGE DISTRICT NAME AND DEFINITIONS

AB  
(LEGAL)

The official name of a junior college district shall be the “\_\_\_\_\_ Junior College District” unless the board of trustees of the district elects to call the district a community college district, in which event the official name of the junior college district shall be the “\_\_\_\_\_ Community College District.” The board shall designate an appropriate and locally pertinent descriptive word or words to be filled in the appropriate blank (and may change such designation when deemed advisable) by resolution or order; provided that no two districts shall have the same or substantially similar names. A college district may change its name under Education Code 130.005 or 130.0051.

All resolutions or orders designating or changing names shall be filed immediately with the Coordinating Board and the first name filed shall have priority, and the district shall be advised of any previous filing of any identical or substantially similar name.

*Education Code 130.082(c)***Change of Name**

The governing board of any public community or junior college district may by a duly adopted resolution change the name of the district by substituting the word “community” for the word “junior” in the name, or by eliminating the word “community” or “junior” from the name, unless the change would cause the district to have the same name as an existing district. A copy of the resolution duly certified by the secretary of the governing board shall be filed with the Coordinating Board. The name change shall become effective upon the filing of the resolution with the Coordinating Board and thereafter all references to the district shall be by use of the new name. *Education Code 130.005(b), .0051; 19 TAC 9.30*



[Back to Results](#)

## Kilgore College

As of 1/27/2023  
Former Name: Kilgore Junior College (1939 - 1969)

The information on this page describes the accreditation relationship between this institution and the Southern Association of Colleges and Schools Commission on Colleges. General information about the Commission and the accreditation process is provided at the end of this document. In addition, links to definitions are provided for many of the terms used.

### General Information

+ <b>CEO Name</b> Dr. Brenda S. Kays	+ <b>Approved to Offer</b> Associate's Degree
+ <b>Address</b> 1100 Broadway Boulevard Kilgore, TX 75662	+ <a href="#">View Available Programs</a>
+ <b>Country</b> United States	+ <a href="#">View Student Achievement Data</a>
+ <b>Institutional Phone</b> (903) 984-8291	

### Accreditation Information

+ <b>Status</b> Accredited	+ <b>Next Reaffirmation</b> 2029
+ <b>Public Sanctions</b>	+ <b>Next Fifth-Year Review</b> 2024
+ <b>Candidacy Date</b>	+ <b>Degree Level</b> I
+ <b>Accreditation Granted</b> 01/01/1939	+ <b>Control</b> Public
+ <b>Reaffirmation</b> 2019	
+ <b>Distance Education Approval Date</b> 07/12/2007	

### SACSCOC Staff Member

Denise Young  
(404) 492-5386   [Email](#)

### In-Progress Reviews

2024 Fifth-Year Interim Report

### Off-campus Instructional Sites (Additional Locations)

#### Types

- **Approved >=50%:** Site is approved to offer any portion of a program. Additional programs may be offered with no further site notification or approval. Only sites offering 50% or more of a program require approval.
- **Approved Branch >=50%:** Site is approved as a branch campus to offer any portion of a program. Additional programs may be offered with no further site notification or approval.
- **Approved Cert >=50%:** Site is approved to offer any portion of a certificate program only. Additional certificate programs, or up to 50% of non-certificate programs, may be offered with no further site notification or approval.
- **Notified 25-49%:** Less than 50% of a program may be offered at the site. Less than 50% of additional programs may be offered with no further site notification.
- Sites offering less than 25% of a program do not require notification or approval.

## Institution Search

### Institution Name

### State

### Highest Degree Offered

### Next Reaffirmation Year

## Institutions

- [Institutions](#)
- [Accreditation Actions and Disclosures Statements](#)
- [Third Party Comments](#)

### Resources

- [Common Names versus Official Names Guide](#)
- [Name Change Cross Reference List](#)
- [Accredited and Candidate List](#)

*September 1986*

A P P E N D I C E S

## APPENDICES

### A. U.S. Office of Education (FICE) Institutional Code Numbers for Texas Institutions

Public Senior Colleges and Universities .....	A1
Independent Senior Colleges and Universities .....	A3
Public Community Colleges .....	A5
Independent Junior Colleges .....	A8
Medical, Dental, Nursing and Allied Health Units .....	A9

### B. Texas County, State and Foreign Country Codes

Texas County Code Numbers .....	B1
State Code Numbers .....	B4
Foreign Country Code Numbers .....	B5

### C. Classification of Instructional Program Codes .....

Numeric Order .....	C2
Alphabetic Order .....	C67

### D. Administrative Unit Codes .....

### E. Small Class Justification Codes .....

### F. Faculty Appointment Codes .....

### G. Tuition Exemption/Waiver Codes .....

APPENDIX

A

U.S. OFFICE OF EDUCATION (FICE)  
INSTITUTIONAL CODE NUMBERS  
FOR TEXAS

TEXAS PUBLIC SENIOR COLLEGES AND UNIVERSITIES

FICE CODE

003541	-	Angelo State University
011161	-	Corpus Christi State University
003565	-	East Texas State University
029269	-	East Texas State University at Texarkana
003581	-	Lamar University
(000018)	-	Lamar University at Orange
(000023)	-	Lamar University at Port Arthur
009651	-	Laredo State University
003592	-	Midwestern State University
003594	-	North Texas State University
003599	-	Pan American University
(000019)	-	Pan American University at Brownsville
003630	-	Prairie View A&M University
003606	-	Sam Houston State University
003615	-	Southwest Texas State University
003624	-	Stephen F. Austin State University
003625	-	Sul Ross State University
(000020)	-	Sul Ross State University-Uvalde Study Center
003631	-	Tarleton State University
003639	-	Texas A&I University
029098	-	University System of South Texas
003629	-	Texas A&M University System
010366	-	Texas A&M University
010298	-	Texas A&M University at Galveston

## Texas Public Senior Colleges and Universities (continued)

FICE CODE

003642	-	Texas Southern University
000110	-	Texas State University System
003644	-	Texas Tech University
003646	-	Texas Woman's University
003655	-	The University of Texas System
003656	-	The University of Texas at Arlington
003658	-	The University of Texas at Austin
009741	-	The University of Texas at Dallas
003661	-	The University of Texas at El Paso
009930	-	The University of Texas of the Permian Basin
010115	-	The University of Texas at San Antonio
011163	-	The University of Texas at Tyler
011721	-	University of Houston System
011711	-	University of Houston-Clear Lake
012826	-	University of Houston-Downtown
003652	-	University of Houston-University Park
013231	-	University of Houston-Victoria
003665	-	West Texas State University

Parentheses indicate temporary identification code numbers assigned by Coordinating Board Staff.

TEXAS INDEPENDENT SENIOR COLLEGES AND UNIVERSITIESFICE CODE

003537	-	Abilene Christian University
004999	-	Amber University
011854	-	American Technological University
003543	-	Austin College
006967	-	Baylor University
003548	-	Bishop College
003557	-	Concordia Lutheran College
003560	-	Dallas Baptist University
003564	-	East Texas Baptist University
003571	-	Hardin-Simmons University
003576	-	Houston Baptist University
003575	-	Howard Payne University
003577	-	Huston-Tillotson College
003578	-	Incarnate Word College
003637	-	Jarvis Christian College
003584	-	LeTourneau College
003586	-	Lubbock Christian College
003591	-	McMurry College
003598	-	Our Lady of the Lake University at San Antonio
003602	-	Paul Quinn College
003621	-	St. Edward's University
003623	-	St. Mary's University
003610	-	Schreiner College
003613	-	Southern Methodist University



## Texas Independent Senior Colleges and Universities (continued)

FICE CODE

003619	-	Southwestern Adventist College
003618	-	Southwestern Christian College
003620	-	Southwestern University
003636	-	Texas Christian University
003638	-	Texas College
003641	-	Texas Lutheran College
003645	-	Texas Wesleyan College
003647	-	Trinity University
003651	-	University of Dallas
003588	-	University of Mary Hardin-Baylor
003654	-	University of St. Thomas
003663	-	Wayland Baptist University
003669	-	Wiley College
003604	-	William Marsh Rice University

TEXAS PUBLIC COMMUNITY COLLEGESFICE CODE

003539	-	Alvin Community College
003540	-	Amarillo College
006661	-	Angelina College
012015	-	Austin Community College
003546	-	Bee County College
003549	-	Blinn College
007857	-	Brazosport College
004003	-	Central Texas College
003553	-	Cisco Junior College
003554	-	Clarendon College
007096	-	College of the Mainland
(000049)	-	Collin County Community College District
003558	-	Cooke County College
029150	-	Brookhaven College
029065	-	Cedar Valley College
008510	-	Eastfield College
004453	-	El Centro College
008503	-	Mountain View College
029066	-	North Lake College
008504	-	Richland College
003563	-	Del Mar College
010387	-	El Paso County Community College District
003568	-	Frank Phillips College
006662	-	Galveston College

## Texas Public Community Colleges (continued)

FICE CODE

003570	-	Grayson County College
003573	-	Hill College
010633	-	Houston Community College
003574	-	Howard College at Big Spring
(000574)	-	Southwest Collegiate Institute for the Deaf
003580	-	Kilgore College
003582	-	Laredo Junior College
003583	-	Lee College
003590	-	McLennan Community College
009797	-	Midland College
003593	-	Navarro College
011145	-	North Harris County College
(000048)	-	Northeast Texas Community College
003596	-	Odessa College
003600	-	Panola Junior College
003601	-	Paris Junior College
003603	-	Ranger Junior College
(000607)	-	Palo Alto College
003608	-	St. Philip's College
009163	-	San Antonio College
003609	-	San Jacinto College-Central Campus
012713	-	San Jacinto College-North Campus
(000090)	-	San Jacinto College-South Campus
003611	-	South Plains College

## Texas Public Community Colleges (continued)

FICE CODE

003614	-	Southwest Texas Junior College
008899	-	Tarrant County Junior College District-Northeast Campus
010964	-	Tarrant County Junior College District-Northwest Campus
008900	-	Tarrant County Junior College District-South Campus
003627	-	Temple Junior College
003628	-	Texarkana College
003643	-	Texas Southmost College
003572	-	Trinity Valley Community College
003648	-	Tyler Junior College
010060	-	Vernon Regional Junior College
003662	-	Victoria College
003664	-	Weatherford College
009549	-	Western Texas College
003668	-	Wharton County Junior College
009642	-	Texas State Technical Institute-Waco
003634	-	Texas State Technical Institute-Waco
009225	-	Texas State Technical Institute-Harlingen
009933	-	Texas State Technical Institute-Amarillo
009932	-	Texas State Technical Institute-Sweetwater

Parentheses indicate temporary identification code numbers assigned by Coordinating Board staff.

50.0903.70 03	MUSIC (PERF, COMP, THEORY)	SEE 50.0901.00 03
50.0904.00 03	MUSIC THEORY & COMPOSITION	
50.0904.20 03	MUSIC THEORY	
50.0904.30 03	MUSIC COMPOSITION	
50.0999.10 03	MUSIC BUSINESS	

NOTE:

This code list, effective beginning Fall, 1986, reflects national revisions by the Center for Statistics (CS) and refinements of the Texas CIP Codes issued by the Coordinating Board in September, 1983.

SEE . . . (new or continuing number) = code number being phased out during  
1986-87 academic year

C = modified descriptor

\* = new code number

## **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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        B                      LOCAL GOVERNANCE

Policy:        BBBA                      Elections: Reporting Campaign Funds

**Summary of *LEGAL* Policy:**

NOTE: BBBA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and Administration will serve as a resource to the Board.

ELECTIONS  
REPORTING CAMPAIGN FUNDSBBBA  
(LEGAL)

Candidates for membership on the board of trustees shall file the designation of a campaign treasurer and all required financial statements with the secretary of the board in accordance with applicable law and directives from the Texas Ethics Commission.

*Election Code Title 15*

**Termination of  
Campaign Treasurer  
Appointment**

In accordance with Election Code 252.0131, the governing body of a political subdivision, including a college district board of trustees, by ordinance or order may adopt a process by which the secretary of the political subdivision may terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the secretary.

A candidate or political committee is inactive if the candidate or committee:

1. Has never filed or has ceased to file reports under Election Code Chapter 254;
2. In the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the authority who is seeking to terminate the candidate's campaign treasurer appointment; and
3. Has not filed a final report under Election Code 254.065 or 254.125, or a dissolution report under Election Code 254.126 or 254.159.

Before the secretary of a political subdivision may terminate a campaign treasurer appointment, the governing body of the political subdivision must consider the proposed termination in a regularly scheduled open meeting.

The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the governing body votes to terminate the appointment. Following that meeting, the secretary of the political subdivision shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

*Election Code 252.0131(a)–(b), (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 *LEGAL* POLICY

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: BB BOARD MEMBERS

Policy: BBFA Ethics: Conflict of Interest Disclosures

**Summary of *LEGAL* Policy:**

NOTE: BBFA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and administration will serve as a resource to the Board in the event there is a need to disclose a conflict of interest. Board members are encouraged to review this legal policy for understanding and compliance.

### NOTES:

- Attached is a *Required Conflict of Interest Disclosures Chart* (Exhibit 1) which identifies the circumstances that each form/exhibit listed should be used, when the forms should be signed, and how long the college must retain the signed form.
- Attached are two *Conflict of Interest Disclosure statements/affidavits* that may be used for compliance with disclosure requirements by Board members as their individual circumstances warrant. These will be provided to each Board member for review annually. They are:
  - *Affidavit Disclosing Substantial Interest in a Business Entity or Real Property* (Exhibit 2A)
  - *Affidavit Disclosing Interest in Property* (Exhibit 2B)
- Each time a contract is in the process of being prepared for bid and vote, or real property is being purchased or sold, all members of the Board of Trustees and KC Administration, as well as any KC employees involved in the decision-making process, should review the attached chart (Exhibit 1), complete any necessary disclosure forms, and abstain



from voting if required. This policy provides specific details and Section 19 of the Board of Trustees Orientation Handbook contains further explanation of degrees of consanguinity and affinity.

- Each June all KC Trustees complete (and have notarized) *Local Government Officer Conflicts Disclosure Statement - Form CIS* (Exhibit 3). This form is posted on the college website.
- *Conflict of Interest Questionnaire - Form CIQ* (Exhibit 4) is attached and is to be completed by any Vendor that has an employment or other business relationship with Kilgore College or a family member of the government officer that exceeds \$2500 during the 12-month period preceding the date that the officer becomes aware a contract has been executed.

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

<b>Substantial Interest Affidavit and Abstention under Local Government Code Chapter 171</b>	<p>If a local public official, such as a member of a college district board of trustees, has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:</p> <ol style="list-style-type: none"><li>1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or</li><li>2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.</li></ol> <p>The affidavit must be filed with the official record keeper of the governmental entity.</p> <p><i>Local Gov't Code 171.004</i></p>
<p>Definitions</p> <p><i>"Substantial Interest"</i></p>	<p>A person has a substantial interest in a business entity if:</p> <ol style="list-style-type: none"><li>1. The person owns:<ol style="list-style-type: none"><li>a. Ten percent or more of the voting stock or shares of the business entity, or</li><li>b. Either ten percent or more or \$15,000 or more of the fair market value of the business entity; or</li></ol></li><li>2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.</li></ol> <p>A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.</p> <p>A local public official is considered to have a substantial interest if a person related to the official in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], has a substantial interest as defined above.</p> <p><i>Local Gov't Code 171.002</i></p>
<p><i>"Local Public Official"</i></p>	<p>"Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or</p>

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

	<p>other local governmental entity, including a college district, who exercises responsibilities beyond those that are advisory in nature. <i>Local Gov't Code 171.001(1)</i></p>
"Business Entity"	<p>"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. <i>Local Gov't Code 171.001(2)</i></p>
Majority Conflict	<p>A public entity, such as a city, school district, or state institution of higher education, whose purpose is not to produce financial benefits for private persons is not a business entity. <i>Atty. Gen. Op. GA-826 (2010), GA-31 (2003), DM-267 (1993), JM-852 (1988)</i></p> <p>If a local public official is required to file and does file an affidavit, the official is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the governmental entity of which the official is a member is composed of persons who are likewise required to file and do file affidavits of similar interests on the same official action. <i>Local Gov't Code 171.004(c)</i></p>
Separate Vote on Budget	<p>The governing body of a governmental entity shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the governing body has a substantial interest. The affected member may not participate in that separate vote. The member may vote on a final budget if the member has complied with Local Government Code Chapter 171, described herein, and the matter in which the member is concerned has been resolved. <i>Local Gov't Code 171.005</i></p>
Violations	<p>A local public official commits an offense if the official knowingly:</p> <ol style="list-style-type: none"><li>1. Violates Local Government Code 171.004, above;</li><li>2. Acts as surety for a business entity that has work, business, or a contract with the governmental entity; or</li><li>3. Acts as surety on any official bond required of an officer of the governmental entity.</li></ol> <p><i>Local Gov't Code 171.003(a)</i></p>
Voidable Actions	<p>The finding by a court of a violation under Chapter 171 does not render an action of the governmental body voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed the governing body without the vote of the person who violated the chapter. <i>Local Gov't Code 171.006</i></p>

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

Substantial Interest  
Declaration and  
Abstention under  
Education Code  
51.923

An institution of higher education, including a college district, is not prohibited from entering into a contract or other transaction with a business entity in which a member of the governing board of the institution of higher education has an interest if the interest is not a substantial interest or, if the interest is a substantial interest, the board member discloses that interest in a meeting held in compliance with Government Code Chapter 551 and refrains from voting on the contract or transaction requiring board approval. Any such contract or transaction requiring board approval must be approved by an affirmative majority of the board members voting on the contract or transaction.

A nonprofit corporation is not disqualified from entering into a contract or other transaction with an institution of higher education even though one or more members of the governing board of the institution of higher education also serves as a member, director, officer, or employee of the nonprofit corporation.

A violation of this section does not render an action of the governing board voidable unless the contract or transaction that was the subject of the action would not have been approved by the governing board without the vote of the member who violated this section.

*Education Code 51.923(b), (d), (f)*

Definitions

*"Substantial  
Interest"*

For purposes of this section, a member of a governing board has a substantial interest in a business entity if:

1. The member owns one percent or more of the voting stock or shares of the business entity or owns either one percent or more or \$15,000 or more of the fair market value of the business entity;
2. Funds received by the member from the business entity exceed one percent of the member's gross income for the previous year;
3. The member is an officer of the business entity or a member of the governing board of the business entity; or
4. An individual related to the member in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 has an interest in the business entity as described by item 1, 2, or 3.

*Education Code 51.923(e)*

*"Business Entity"*

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, part-

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

nership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust. *Education Code 51.923(a)(1)*

**Conflicts Disclosure  
Statement**

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the local governmental entity or the local governmental entity is considering entering into a contract with the vendor; and the person:

1. Has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that a contract between the local governmental entity and vendor has been executed or the local governmental entity is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that a contract between the local governmental entity and vendor has been executed; or the local governmental entity is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

A local government officer is not required to file a conflicts disclosure statement if the local governmental entity or vendor described is an administrative agency created under Government Code 791.013.

A local government officer shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement.

The Texas Ethics Commission shall adopt the conflicts disclosure statement for local government officers for use under this section.

*Local Gov't Code 176.002(a), .003(a)–(b), (e)*

Violations	A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of the penalty that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after the date the officer received notice from the local governmental entity of the alleged violation. <i>Local Gov't Code 176.013(a), (f)</i>
Definitions “Local Government Officer”	“Local government officer” means a member of the governing body of a local governmental entity, including a college district; a director, superintendent, administrator, president, or other person designated as the executive officer of the local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. <i>Local Gov't Code 176.001(4)</i>
“Agent”	“Agent” means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. <i>Local Gov't Code 176.001(1)</i>
“Family Member”	“Family member” means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov't Code 176.001(2)</i>
“Family Relationship”	“Family relationship” means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE(EXHIBIT)] <i>Local Gov't Code 176.001(3)</i>
“Vendor”	“Vendor” means a person who enters or seeks to enter into a contract with a local governmental entity. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. <i>Local Gov't Code 176.001(7)</i>
“Records Administrator”	“Records administrator” means the director, county clerk, municipal secretary, superintendent, or other person responsible for maintaining the records of the local governmental entity or another person designated by the local governmental entity to maintain statements

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

and questionnaires filed under Local Government Code Chapter 176 and perform related functions. [See CIA] *Local Gov't Code 176.001(5)*

*"Gift"*

"Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

*"Investment Income"*

"Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business:
  - a. Checking or savings account;
  - b. Share draft or share account; or
  - c. Other similar account;
2. A personal or business investment; or
3. A personal or business loan.

*Local Gov't Code 176.001(2-d)*

Internet Posting  
Requirement

A local governmental entity that maintains an Internet website shall provide access to the statements and questionnaires required to be filed under Chapter 176 on that website. *Local Gov't Code 176.009*

**Affidavit Disclosing  
Interest in Property**

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation. The affidavit must:

1. State the name of the public servant;
2. State the public servant's office, public title, or job designation;
3. Fully describe the property;
4. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
5. State the date when the person acquired an interest in the property;
6. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(LEGAL)

contains the information required by Section 553.002, Government Code” [see BBFA(EXHIBIT)]; and

7. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

*Gov’t Code 553.002*

Violations

A person commits an offense if the person violates Government Code 553.002, above and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Section 553.002 by not filing the affidavit required by that section is presumed to have the intent to commit an offense. *Gov’t Code 553.003(a)–(b)*

Definition of “Public  
Servant”

“Public servant” means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office; or
2. An officer of government.

*Gov’t Code 553.001(2)*





### Required Conflict of Interest Disclosures Chart<sup>1</sup>

Type of Disclosure	Who Should Disclose	Required Form	Where & When to Disclose	Abstention	Maintained by College
<b>Substantial interest in a business entity</b> - Tex. Loc. Gov't Code § 171.002(a)-(b)	Trustees, as required by law. College President or Chancellor and others as required by TASB Policy DBD(LOCAL).	TASB Policy BBFA(EXHIBIT A)	File completed form with college's official record keeper before a decision or vote involving the business or real property.	The official must abstain from participating if action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public. Tex. Loc. Gov't Code § 171.004(a)(1)	Maintain in college records until five years after the official leaves office.
<b>Substantial interest in real property</b> - Tex. Loc. Gov't Code § 171.002(b)	Trustees, as required by law. College President or Chancellor and others as required by TASB Policy DBD(LOCAL).	TASB Policy BBFA(EXHIBIT A)	File completed form with college's official record keeper before a decision or vote involving the business or real property.	The official must abstain from participating if it is reasonably foreseeable that action on the matter will have a special economic effect on the property value distinguishable from its effect on the public. Tex. Loc. Gov't Code § 171.004(a)(2)	Maintain in college records until five years after the official leaves office.

<sup>1</sup> An electronic version of this document is available on [TASB College eLaw](https://tasb.org/Services/Community-College-Services/Resources/TASB-College-eLaw/documents/required-conflicts-of-interest-disclosure-chart.pdf) at [tasb.org/Services/Community-College-Services/Resources/TASB-College-eLaw/documents/required-conflicts-of-interest-disclosure-chart.pdf](https://tasb.org/Services/Community-College-Services/Resources/TASB-College-eLaw/documents/required-conflicts-of-interest-disclosure-chart.pdf).

Type of Disclosure	Who Should Disclose	Required Form	Where & When to Disclose	Abstention	Maintained by College
<b>Interest in real property to be acquired by college</b> - Tex. Gov't Code § 553.002	Trustees, as required by law.  College President or Chancellor and others as required by TASB Policy DBD(LOCAL).	TASB Policy BBFA(EXHIBIT B)	File completed form with county clerk in county where trustee resides and each county where property is located within 10 days before acquisition.	N/A	Maintain in college records until five years after the official leaves office.
<b>Substantial interest in a business entity</b> - Tex. Educ. Code § 51.923	Trustees as required by law.	N/A	Trustee must disclose their interest in a meeting held in compliance with the Texas Open Meetings Act.	Trustee must refrain from voting on the contract or transaction requiring board approval. Tex. Educ. Code § 51.923	N/A
<b>Family relationship<sup>2</sup></b> - Tex. Loc. Gov't Code § 176.003	Trustees, College President or Chancellor, and other local government officers as required by law.	<a href="#">Form CIS</a>	File completed form with college's records administrator within seven business days of knowledge of relationship.	N/A	Post on college's website and retain with college records.
<b>Income over \$2,500 from vendor<sup>3</sup></b> - Tex. Loc. Gov't Code § 176.003	Trustees, College President or Chancellor, and other local government officers as required by law.	<a href="#">Form CIS</a>	File completed form with college's records administrator within seven business days of knowledge of relationship.	N/A	Post on college's website and retain with college records.
<b>Gifts over \$100 from vendor</b> - Tex. Loc. Gov't Code § 176.003	Trustees, College President or Chancellor, and other local government officers as required by law.	<a href="#">Form CIS</a>	File completed form with college's records administrator within seven business days of knowledge of relationship.	N/A	Post on college's website and retain with college records.

<sup>2</sup> *Family relationship* as defined by the Texas Local Government Code means a relationship within the third degree of consanguinity or the second degree by affinity. Tex. Loc. Gov't. Code §176.001(2-a).

<sup>3</sup> A *vendor* as defined by the Texas Local Government Code means a person, including an agent, who enters or seeks to enter into a contract with a local government entity. Tex. Loc. Gov't Code § 176.001(7).

Type of Disclosure	Who Should Disclose	Required Form	Where & When to Disclose	Abstention	Maintained by College
Vendor that has given income or gifts to a trustee, president, or officer, or family relationship as described above - Tex. Loc. Gov't Code § 176.006.	College Vendors	<a href="#">Form CIQ</a>	File completed form with district's records administrator within seven business days of knowledge of relationship.	N/A	Post on college's website and retain with college records.

*This document provides a general overview of required disclosures and should not be construed as legal advice. For a more complete explanation, see TASB Policies BBFA(LEGAL), CFE(LEGAL), and DBD(LEGAL). If you have questions about these or other legal issues, college representatives may contact TASB Community College Services at 800.580.1488 or [colleges@tasb.org](mailto:colleges@tasb.org).*

For more information on community college law topics, visit TASB College eLaw online at [colleges.tasb.org/elaw](https://colleges.tasb.org/elaw).

*This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.*

## Table of Contents

[Exhibit A—Affidavit Disclosing Substantial Interest in a Business Entity or Real Property](#)

[Exhibit B—Affidavit Disclosing Interest in Property](#)

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**Note:** See the following pages for forms that may be used for compliance with disclosure requirements as defined in Local Government Code 171.002 and Government Code, Chapter 553, Subchapter A.

**Additional disclosure:** The [conflicts disclosure statement \(PDF\)](#)<sup>1</sup> required of members of the board, the chief executive officer, and, as applicable, by other college district employees by Local Government Code 176.003–.004 is available on the Texas Ethics Commission website.

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## Exhibit A—Affidavit Disclosing Substantial Interest in a Business Entity or Real Property

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (*name*), as a local public official of the  
\_\_\_\_\_ College District, make this affidavit and on my oath state the  
following:

I, or a person(s) related to me in the first degree, have a substantial interest as defined in Local Government Code 171.002 in:

- ☐ a business entity, as defined in Local Government Code 171.001, that would experience a special economic effect distinguishable from its effect on the public by a vote or decision of the board.
- or
- ☐ real property for which it is reasonably foreseeable that the board's action or my action will have a special economic effect on the value of the property distinguishable from its effect on the public.

The business entity or real property is:

\_\_\_\_\_.

(*name/address of business or description of property*)

\_\_\_\_\_ (*"I" or name of relative and relationship*) (have)(has) a substantial interest in this business entity or real property as follows: (*check all that apply*)

- ☐ Ownership of ten percent or more of the voting stock or shares of the business entity.
- ☐ Ownership of ten percent or more of the fair market value of the business entity.
- ☐ Ownership of \$15,000 or more of the fair market value of the business entity.
- ☐ Funds received from the business entity exceed ten percent of \_\_\_\_\_ (*my, her, his*) gross income for the previous year.
- ☐ Real property is involved and \_\_\_\_\_ (*I, she, he*) (have)(has) an equitable or legal ownership with a fair market value of at least \$2,500.

The statements in this affidavit are based on my personal knowledge and are true and correct.

Upon the filing of this affidavit with the board's official record keeper, I affirm that I shall abstain from participation in any decision involving this business entity or real property, unless permitted according to Local Government Code 171.004(c).

Signature of official: \_\_\_\_\_

ETHICS  
CONFLICT OF INTEREST DISCLOSURES

BBFA  
(EXHIBIT)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_ (*month*),  
\_\_\_\_\_ (*year*).

\_\_\_\_\_, Notary Public, State of Texas

ETHICS  
CONFLICT OF INTEREST DISCLOSURESBBFA  
(EXHIBIT)**Exhibit B—Affidavit Disclosing Interest in Property**

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ (*name of affiant*), (*check one of the following:*)☐ as an officer of, or☐ as a board candidate for,\_\_\_\_\_ College District make this affidavit and on  
my oath state the following:

I have a legal or equitable interest in property to be acquired with public funds, either by purchase or condemnation. The property is fully described as follows:

\_\_\_\_\_.

The nature, type, and amount of interest, including percentage of ownership, I have in the property is:

\_\_\_\_\_.

I acquired my interest in the property on \_\_\_\_\_ (*date*).

The information stated in this affidavit is personally known by me to be correct and contains the information required by Government Code 553.002.

Signature of affiant: \_\_\_\_\_

Office or public title: \_\_\_\_\_

Date: \_\_\_\_\_

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**Note:** This affidavit must be filed with the county clerk(s) of the county or counties in which the property is located and of the county in which the public servant or candidate resides within ten days before the date on which the property is to be acquired by purchase or condemnation.

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<sup>1</sup> Conflicts disclosure statement (PDF): <https://www.ethics.state.tx.us/data/forms/conflict/CIS.pdf>

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

## OFFICE USE ONLY

Date Received

**1** Name of vendor who has a business relationship with local governmental entity.

**2** ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3** Name of local government officer about whom the information is being disclosed.

\_\_\_\_\_  
Name of Officer

**4** Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

**5** Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

**6** ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date



## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

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

**Local Government Code § 176.003(a)(2)(A) and (B):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed;  
or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

- (a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

# LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

## FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

### OFFICE USE ONLY

Date Received

**1 Name of Local Government Officer**

**2 Office Held**

**3 Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code**

**4 Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.**

**5 List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100 during the 12-month period described by Section 176.003(a)(2)(B).**

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

Date Gift Accepted \_\_\_\_\_ Description of Gift \_\_\_\_\_

(attach additional forms as necessary)

**6 SIGNATURE**

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

\_\_\_\_\_  
Signature of Local Government Officer

**Please complete either option below:**

**(1) Affidavit**

NOTARY STAMP / SEAL

Sworn to and subscribed before me by \_\_\_\_\_ this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath

**OR**

**(2) Unsworn Declaration**

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(street) (city) (state) (zip code) (country)

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(month) (year)

\_\_\_\_\_  
Signature of Local Government Officer (Declarant)

## LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

### INSTRUCTIONS FOR COMPLETING THIS FORM

*The following numbers correspond to the numbered boxes on the other side.*

- 1. Name of Local Government Officer.** Enter the name of the local government officer filing this statement.
- 2. Office Held.** Enter the name of the office held by the local government officer filing this statement.
- 3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code.** Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.** Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.
- 5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds \$100.** List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed \$100 in value.
- 6. Signature.** Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

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**Local Government Code § 176.001(2-a):** "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

**Local Government Code § 176.003(a)(2)(A):**

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

- (2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

## **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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       B       LOCAL GOVERNANCE

Policy:       BCAD Board Officers and Officials: Duties and Requirements of Secretary

**Summary of *LEGAL* Policy:**

NOTE: BCAD is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and administration will serve as a resource and aide to the Board secretary as requested in the performance of his/her service to the Board.

BOARD OFFICERS AND OFFICIALS  
DUTIES AND REQUIREMENTS OF SECRETARY

BCAD  
(LEGAL)

The secretary of the board shall be the official custodian of the minutes, books, records, and seal of said board, and shall perform such other duties and functions as are prescribed by the board.  
*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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        B        LOCAL GOVERNANCE

Policy:        BCB    Board Internal Organization: Board Committees

#### **Summary of *LEGAL* Policy:**

NOTE: BCB is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as all KC Board committees serve in a purely advisory function and insure that all public business or public policy is brought before the full Board for consideration and action. The College employs BoardBook to assist the Board with the documents and materials necessary for making informed decisions. Materials are provided in advance of the Board meeting, typically one week prior, in order to allow time for Board members to prepare.

BOARD INTERNAL ORGANIZATION  
BOARD COMMITTEES

BCB  
(LEGAL)

A committee that includes one or more members of the college district board of trustees and has supervision or control over public business or public policy is subject to the Open Meetings Act (OMA), Government Code Chapter 551, when it meets to discuss that public business or policy.

A committee that includes less than a quorum of board members is not subject to the OMA if it serves a purely advisory function, with no power to supervise or control public business. However, should the committee actually function as something more than a merely advisory body with the result that it in fact supervises or controls public business or policy, it must comply with the OMA to avoid depriving the public of access to the board's actual decision-making process.

*Atty. Gen. Ops. JM-1072 (1989), JM-331 (1985), H-3 (1973); see also Atty. Gen. Op. LO-97-058 (1997) [See BD(LEGAL)]*

## **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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       B       LOCAL GOVERNANCE

Policy:         BDA   Board Meetings: Closed Meetings

#### **Summary of *LEGAL* Policy:**

NOTE: BDA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and Administration acts as a resource to the Board in the determination of whether or not the contents of items under Board deliberation are permitted by law to occur in a closed session or must occur in an open session. KC's attorney is always consulted if a question exists.



BOARD MEETINGS  
CLOSED MEETINGS

BDA  
(LEGAL)

**Exceptions for  
Closed Meetings**

Attorney  
Consultation

A governmental body, including a college district board of trustees, may not conduct a private consultation with its attorney except when the governmental body seeks the advice of its attorney about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Government Code Chapter 551. [See BD for permissible methods of communication for attorney consultations] *Gov't Code 551.071*

Real Property

A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. *Gov't Code 551.072*

Prospective Gift

A governmental body may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person. *Gov't Code 551.073*

Public Officer or  
Employee Matters

Chapter 551 does not require a governmental body to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee. This exception does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing. *Gov't Code 551.074*

The closed meeting exception for personnel matters does not apply when the governmental body discusses an independent contractor who is not a college district employee, such as an engineering, architectural, or consultant firm, or when the governmental body discusses a class or group of employees, not a particular employee. *Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)*

Employee-  
Employee  
Complaints

A school board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against an employee of the school district by another employee and the complaint or charge directly results in the need for a hearing. The exception does not apply if an open hearing is requested in writing by the employee against whom the complaint or charge is brought. *Gov't Code 551.082; 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 Open Meetings Act (OMA)]*

BOARD MEETINGS  
CLOSED MEETINGS

BDA  
(LEGAL)

Student Discipline	<p>A school board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school child. The exception does not apply if an open hearing is requested in writing by a parent or guardian of the child. <i>Gov't Code 551.082; Att'y Gen. Op. JM-340 (1985) [a college district board of trustees is considered a school district board of trustees for purposes of the OMA]</i></p>
Personally Identifiable Student Information	<p>A school board is not required to conduct an open meeting to deliberate a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation.</p> <p>Directory information about a public school student is considered to be personally identifiable information about the student for this purpose only if a parent or guardian of the student, or the student if the student has attained 18 years of age, has informed the school board that the directory information should not be released without prior consent. "Directory information" has the meaning assigned by the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g. [See FJ]</p> <p>This exception does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age.</p> <p><i>Gov't Code 551.0821; 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]</i></p>
Medical or Psychiatric Records	<p>A governmental body that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate:</p> <ol style="list-style-type: none"><li>1. The medical records or psychiatric records of an individual applicant for a benefit from the plan; or</li><li>2. A matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan.</li></ol> <p><i>Gov't Code 551.0785</i></p>
Security	<p>Chapter 551 does not require a governmental body to conduct an open meeting to deliberate:</p> <ol style="list-style-type: none"><li>1. The deployment, or specific occasions for implementation, of security personnel or devices; or</li><li>2. A security audit.</li></ol> <p><i>Gov't Code 551.076</i></p>

BOARD MEETINGS  
CLOSED MEETINGS

BDA  
(LEGAL)

Chapter 551 does not require a governmental body to conduct an open meeting to deliberate:

1. Security assessments or deployments relating to information resources technology;
2. Network security information as described by Government Code 2059.055(b); or
3. The deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

*Gov't Code 551.089*

Test Item

A governmental body is not required to conduct an open meeting to deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity. *Gov't Code 551.088*

Emergency  
Management

A governmental body is not required to conduct an open meeting to deliberate information that is confidential under Government Code 418.175–418.182, relating to Homeland Security. The governmental body must make a tape recording of the proceedings of a closed meeting to deliberate the information. *Gov't Code 418.183(f)*

**Procedures for  
Closed Meetings**

If a closed meeting is allowed, the governmental body may not conduct the closed meeting unless a quorum of the governmental body first convenes in an open meeting for which notice has been given as provided by Government Code Chapter 551 [see BD] and during which the presiding officer publicly announces that a closed meeting will be held and identifies the section or sections of Chapter 551 under which the closed meeting is held. *Gov't Code 551.101*

**Vote or Final Action**

A final action, decision, or vote on a matter deliberated in a closed meeting under Government Code Chapter 551 may only be made in an open meeting that is held in compliance with the notice provisions of Chapter 551. [See BD] *Gov't Code 551.102*

**Certified Agenda or  
Recording**

A governmental body shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation permitted under Government Code 551.071. [See Attorney Consultation, above]

The presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. The certified agenda must include: a statement of the subject matter of each deliberation, a

BOARD MEETINGS  
CLOSED MEETINGS

BDA  
(LEGAL)

record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time.

A recording of the proceedings must include announcements by the presiding officer at the beginning and the end of the meeting indicating the date and time.

*Gov't Code 551.103*

Closed meetings may not be recorded by an individual trustee against the wishes of a majority of the governmental body. *Zamora v. Edgewood ISD*, 592 S.W.2d 649 (Tex. App.—San Antonio 1979, writ ref'd n.r.e.)

Preservation

A governmental body shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If an action involving the meeting is brought within that period, the governmental body shall preserve the certified agenda or recording while the action is pending. *Gov't Code 551.104(a)*

Public Access

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3). *Gov't Code 551.104(c)*

**Prohibitions**

Closed Meeting  
Without Certified  
Agenda or  
Recording

A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a recording of the closed meeting is not being made. *Gov't Code 551.145(a)*

Disclosure of  
Certified Agenda or  
Recording

An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public under this Government Code Chapter 551 commits an offense and is liable to a person injured or damaged by the disclosure. *Gov't Code 551.146(a)*

Involvement in  
Illegal Closed  
Meeting

A member of a governmental body commits an offense if a closed meeting is not permitted under Chapter 551 and the member knowingly:

1. Calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;
2. Closes or aids in closing the meeting to the public, if it is a regular meeting; or
3. Participates in the closed meeting, whether it is a regular, special, or called meeting.

*Gov't Code 551.144(a)*

It is an affirmative defense to prosecution under Government Code 551.144(a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of Chapter 551 contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body. *Gov't Code 551.144(c)*

**KILGORE COLLEGE TASB POLICY CONVERSION**

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

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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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**  
January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**  
February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       B       LOCAL GOVERNANCE  
Policy:        BF       Chief Executive Officer

**Summary of *LEGAL* Policy:**

NOTE: BF is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC’s Human Resources office will serve as a resource and aide to the Board to insure compliance during a CEO search process.

CHIEF EXECUTIVE OFFICER

BF  
(LEGAL)

<b>Names of Applicants</b>	The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from disclosure under the requirements of Government Code 552.021. [See GCA] <i>Gov't Code 552.123</i>
Exception	The governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person. <i>Gov't Code 552.123</i>
<b>Executive Search Committees</b>	The board shall announce the name, background, and qualifications of any individual it selects and employs by use of an executive search committee. An "executive search committee" is a committee formed by an act of the board with the primary purpose of evaluating and assessing candidates and nominees for the position of chief executive officer of the college district. <i>Education Code 51.913</i>

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        B        LOCAL GOVERNANCE

Policy:        BFB    Chief Executive Officer - Contract

#### **Summary of *LEGAL* Policy:**

NOTE: BFB is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is currently in compliance with this policy.

Note: When the KC Board of Trustees voted to award the current CEO a 5-year rolling contract, it was determined through consultation with the College's attorney that such action was allowable if the entirety of the CEO's compensation was paid with local funds. This practice has remained in effect since August 13, 2018.



CHIEF EXECUTIVE OFFICER  
CONTRACT

BFB  
(LEGAL)

**Property Interest**

A contract of employment with the college district creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract. Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colls. v. Roth, 408 U.S. 564 (1972)

**Administrator  
Contracts**

The governing board of an institution of higher education, including a college district, may enter into an employment contract with an administrator who is to be paid in whole or in part from appropriated funds only if, before the date the contract is executed, the governing board determines that the contract is in the best interest of the institution.

A contract entered into by the governing board under this section may not:

1. Provide for employment for more than three years;
2. Allow for severance or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at a market interest rate agreed upon in the contract;
3. Allow for development leave that is inconsistent with Education Code 51.105; or
4. Award tenure in any way that varies from the institution's general policy on the award of tenure.

The institution of higher education may not pay a salary to a person who is reassigned from an administrative position to a faculty or other position at the institution that exceeds the salary of other persons with similar qualifications performing similar duties.

*Education Code 51.948(a)–(c)*

“Administrator” means a person who has significant administrative duties relating to the operation of the institution, including the operation of a department, college, program, or other subdivision of the institution. *Education Code 51.948(g)(1)*

2. ACTION ITEM: To consider contract terms of the College President

**Karol Pruett made the motion to approve an extended contract for the College President through the year 2023. This will be a rolling 5-year contract. Scott Andrews seconded the motion. The motion passed unanimously.**

- C. Student Success Committee – Cecelia Sanders, Chair
  1. INFORMATION ITEM: Safety and Security Audit 2018  
Presenter: Dr. Mike Jenkins

**Dr. Jenkins stated the following:**

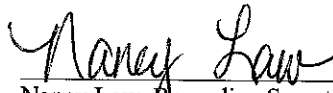
- Every three years Kilgore College is required to conduct a full safety and security audit.
- Results are submitted to the Texas School Safety Center at Texas State University.
- They then prepare a state-wide report for the Governor's office.
- A team of 5 including, Dr. Mike Jenkins, Chief Cariker, Tony Johnson, Jeff Williams, and Ashley Mason conducted an analysis of all KC facilities looking at issues such as environmental design, policies, security, emergency management, IT security, facilities, business continuity, communications, and residential student facilities.
- The final reports show that Kilgore College is a safe institution.

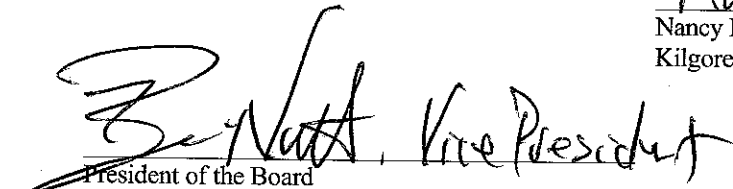
## **VII. ADJOURNMENT**

**The meeting was adjourned at 7:59pm by Larry Woodfin.**

*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 551.071-551.089 of the Open Meetings Act..*

Respectfully submitted,

  
\_\_\_\_\_  
Nancy Law, Recording Secretary  
Kilgore College Board of Trustees

  
\_\_\_\_\_  
Ben Natt, Vice President  
President of the Board

  
\_\_\_\_\_  
Karol Pruett  
Secretary of the Board

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

---

**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        B        LOCAL GOVERNANCE

Policy:        BFC    Chief Executive Officer: Termination of Employment

**Summary of *LEGAL* Policy:**

NOTE: BFC is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration. Administration advises that should the Board have need to exercise the contents of this policy that the Board President work directly with the College attorney.

CHIEF EXECUTIVE OFFICER  
TERMINATION OF EMPLOYMENTBFC  
(LEGAL)**Dismissal**

The chief executive officer may be dismissed for good cause before the completion of the term fixed in the contract.

## Notice

Before the chief executive officer is dismissed, the chief executive officer shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

## Hearing

If, upon written notification, the chief executive officer desires to be heard and contest the proposed action of the board, the chief executive officer shall give the board written notice. The hearing shall be set on a date that affords the chief executive officer reasonable time to prepare an adequate defense.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985); Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970); Bexar Cty. Sheriff's Civ. Serv. v. Davis, 802 S.W.2d 659 (Tex. 1990)

The board may conduct the hearing in open session or in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public. *Gov't Code 551.074*

At the hearing before the board, the chief executive officer may employ counsel. The chief executive officer also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the board shall determine the existence of the good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. Ferguson v. Thomas, 430 F.2d 852 (5th Cir. 1970)

## Suspension

The chief executive officer may be suspended with pay pending the outcome of the dismissal hearing. Moore v. Knowles, 482 F.2d 1069 (5th Cir. 1973)

**Nonrenewal**

The board of trustees may decide by vote or inaction not to offer the chief executive officer further employment with the college district beyond the term of the contract for any reason or no reason. Perry v. Sindermann, 408 U.S. 593 (1972); Board of Regents of State Colls. v. Roth, 408 U.S. 564 (1972)

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CGA

SAFETY PROGRAM INSPECTIONS

**Summary of *LEGAL* Policy:**

NOTE: CGA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the requirements of the Texas Asbestos Health Protection Act and related notice and record keeping mandates.

SAFETY PROGRAM  
INSPECTIONS

CGA  
(LEGAL)

**Asbestos-Related  
Activity**

Prior to engaging in an “asbestos-related activity,” a college district shall comply with the requirements of the Texas Asbestos Health Protection Act, Occupations Code Chapter 1954. *Atty. Gen. Op. JM-1114 (1989)*

“Asbestos-related activity” means the removal, encapsulation, or enclosure of asbestos; the performance of an asbestos survey; the development of an asbestos management plan or response action; the collection or analysis of an asbestos sample; or the performance of another activity for which a license is required under the Texas Asbestos Health Protection Act. *Occupations Code 1954.002(4), .101; 25 TAC 296.1*

Unless a person is licensed by the Department of State Health Services (DSHS) under Occupations Code Chapter 1954, the person may not engage in an asbestos-related activity listed at Occupations Code 1954.101. *Occupations Code 1954.101(a); 25 TAC 296.1(e), .41*

Notice

A person engaged in removing asbestos from or encapsulating or enclosing asbestos in a public building shall notify the department in writing at least ten working days before the date the person begins the removal, encapsulation, or enclosure project according to applicable laws. A person may give the required notice orally if the removal, encapsulation, or enclosure project is of an emergency nature. *Occupations Code 1954.252, .101; 25 TAC 296.251*

Records

A license holder shall keep an appropriate record of each asbestos-related activity the license holder performs in a public building. The license holder shall make the records available to DSHS at any reasonable time. The license holder shall keep the records for at least 30 years, or as long as required by federal law or regulation. *Occupations Code 1954.251; 25 TAC 296.211(d), .291*

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

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**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C                      BUSINESS AND SUPPORT SERVICES

Policy: CHB                      SITE MANAGEMENT MAINTENANCE

**Summary of *LEGAL* Policy:**

NOTE: CHB is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with Health and Safety Code requirements and maintains college facilities in a sanitary manner.

SITE MANAGEMENT  
MAINTENANCECHB  
(LEGAL)**Buildings**

A school building must be located on grounds that are well-drained and maintained in a sanitary condition. A school building must be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, hand-washing facilities, a heating system, and lighting facilities that conform to established standards of good public health engineering practices. *Health and Safety Code 341.065(a)–(b)*

**Lunchrooms**

A public school lunchroom must comply with the state food and drug rules. *Health and Safety Code 341.065(c)*

**Custodial Services**

A public school building and its appurtenances shall be maintained in a sanitary manner. A building custodian or janitor employed full-time shall know the fundamentals of safety and school sanitation. *Health and Safety Code 341.065(d)–(e)*



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**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CHC

SITE MANAGEMENT TRAFFIC AND PARKING CONTROLS

**Summary of *LEGAL* Policy:**

NOTE: CHC is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. The parking and traffic rules and regulations implemented by KCPD are in compliance with this policy.

SITE MANAGEMENT  
TRAFFIC AND PARKING CONTROLSCHC  
(LEGAL)

The governing board of each state institution of higher education, including public junior colleges, may promulgate rules and regulations for the safety and welfare of students, employees, and property, and other rules and regulations it may deem necessary to carry out the provisions of Education Code Chapter 51, Subchapter E and the governance of the institution, providing for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

1. Limiting the rate of speed;
2. Assigning parking spaces and designating parking areas and their use and assessing a charge for parking;
3. Prohibiting parking as it deems necessary;
4. Removing vehicles parked in violation of institutional rules and regulations or law at the expense of the violator; and
5. Instituting a system of registration for vehicle identification, including a reasonable charge.

*Education Code 51.202(a)***Parking, Blocking, or  
Impeding Traffic**

It shall be unlawful for any person to park a vehicle on any property under the control and jurisdiction of a state institution of higher education of this state, including a college district, except in the manner designated by the institution and in the spaces marked and designated by the governing board, or to block or impede traffic through any driveway of that property. All laws regulating traffic on highways and streets shall apply to the operation of vehicles within the property of the institution, except as may be modified in Education Code Chapter 51, Subchapter E. *Education Code 51.205*

**Vehicle Identification  
Insignia**

Each public institution of higher education, including each college district, may provide for the issuance and use of suitable vehicle identification insignia. The institution may bar or suspend the permit of any vehicle from driving or parking on any institutional property for the violation of any rule or regulation promulgated by the board as well as for any violation of Education Code Chapter 51, Subchapter E. Reinstatement of the privileges may be permitted and a reasonable fee assessed. *Education Code 51.207(a)*

If the public institution of higher education campus is located in whole or part in an area in which a motor vehicle registered in the area is required to undergo a vehicle emissions inspection under Transportation Code Chapter 548, Subchapter F, the institution may not issue a permit to a student enrolled at the institution to park or drive a motor vehicle that is not registered in this state on

institutional property unless the institution has provided written notice to the student concerning requirements for vehicle emissions inspections pursuant to Transportation Code Chapter 548, Subchapter F. *Education Code 51.207(b)*

If the public institution of higher education campus is not covered by Education Code 51.207(b), the institution may not issue a permit to a student of the institution for driving or parking a motor vehicle on institutional property unless the institution provides written notice to the student that failure to register the vehicle in this state may violate state law if the owner of the vehicle resides in this state.

Each institution of higher education that maintains a campus police force shall adopt procedures for enforcing State of Texas vehicle inspection laws for vehicles parking or driving on the campus of the institution.

*Education Code 51.207(d)–(e)*

**Parking Privileges of  
Disabled Veterans**

This section applies to a vehicle that:

1. Displays special license plates issued under Transportation Code 504.202(b-1) and is being operated by or for the transportation of the person to whom the plates were issued; or
2. Displays license plates issued by another state of the United States that indicate on the face of the license plates that the owner or operator of the vehicle is a disabled veteran of the U.S. armed forces.

A qualifying vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities on the property of an institution of higher education, including a college district, regardless of whether a permit is generally required for the use of the space or area. An institution of higher education may require the vehicle to display a parking permit issued by the institution specifically for the purpose of implementing this section but may not charge a fee for the permit. This section does not entitle a person to park a qualifying vehicle in a parking space or area that has not been designated specifically for persons with physical disabilities on the property of the institution if the vehicle has not been granted or assigned a parking permit required by the institution.

This section does not apply to a parking space or area located in:

1. A controlled access parking facility if at least 50 percent of the number of parking spaces or areas designated specifically for

SITE MANAGEMENT  
TRAFFIC AND PARKING CONTROLS

CHC  
(LEGAL)

persons with physical disabilities on the property of the institution of higher education are located outside a controlled access parking facility;

2. An area temporarily designated for special event parking; or
3. An area where parking is temporarily prohibited for health or safety concerns.

*Trans. Code 681.008(a)–(a-2)*

**Parking and Traffic  
Tickets**

In connection with traffic and parking violations, only the officers authorized to enforce the provisions of Education Code Chapter 51, Subchapter E have the authority to issue and use traffic tickets and summons of the type used by the Texas Highway Patrol, with any changes that are necessitated by reason of Subchapter E. On the issuance of any parking or traffic ticket or summons, the same procedures shall be followed as prevail in connection with the use of parking and traffic violation tickets by the cities of this state and the Texas Highway Patrol. Nothing in Subchapter E restricts the application and use of regular arrest warrants. *Education Code 51.206*

**Booting**

A local authority, including a college district, may regulate, in areas in which the entity regulates parking or traffic, booting activities, including:

1. Operation of booting companies and operators that operate on a parking facility;
2. Any permit and sign requirements in connection with the booting of a vehicle; and
3. Fees that may be charged in connection with the booting of a vehicle.

Regulations adopted under this section must:

1. Incorporate the requirements of Occupations Code 2308.257 and 2308.258;
2. Include procedures for vehicle owners and operators to file a complaint with the local authority regarding a booting company or operator; and
3. Provide for the imposition of a penalty on a booting company or operator for a violation of Section 2308.258.

*Occupations Code 2308.2085*

**Exception**

This section shall not apply to a person who, while exercising a statutory or contractual lien right with regard to a vehicle installs or

SITE MANAGEMENT  
TRAFFIC AND PARKING CONTROLS

CHC  
(LEGAL)

removes a boot or controls, installs, or directs the installation and removal of one or more boots; or a commercial office building owner or manager who installs or removes a boot in the building's parking facility. *Occupations Code 2308.004*

**Speed Limits on  
Roads by a Campus**

The governing body of an institution of higher education, including a college district board of trustees, may request that the governing body of a municipality or commissioners court of the county in which the institution is located or the Texas Transportation Commission hold a public hearing at least once each calendar year to consider prima facie speed limits on an eligible highway or road.

On request of the governing body of a school or institution of higher education following a public hearing held under this section, the commissioners court, municipal governing body, or Texas Transportation Commission, as applicable, shall conduct an engineering and traffic investigation for the highway or road that is the subject of the request. Following each public hearing held under this section, the governing body of a school or institution of higher education may make only one request for an engineering and traffic investigation.

*Trans. Code 545.357*

**Transportation  
Network Companies**  
Regulations

The regulation of transportation network companies, drivers logged in to a digital network, and vehicles used to provide digitally prearranged rides is an exclusive power and function of this state and may not be regulated by a municipality or other local entity, including by:

1. Imposing a tax;
2. Requiring an additional license or permit;
3. Setting rates;
4. Imposing operational or entry requirements; or
5. Imposing other requirements.

This section does not affect the ability of a local authority, including a college district to:

1. Take an action described by Transportation Code 542.202 or otherwise authorized by Transportation Code Title 7, Subtitle C that allows the local authority to adopt traffic rules in the jurisdiction of the authority if the rules are applied to transportation network company vehicles and drivers in the same manner as non-transportation network company vehicles and drivers; or

SITE MANAGEMENT  
TRAFFIC AND PARKING CONTROLS

CHC  
(LEGAL)

2. Enforce a provision of Transportation Code Title 7, Subtitle C or any other state law relating to the operation of traffic on public roads.

*Gov't Code 2402.003(a), (e)*

Special Events

A municipality or other local entity may contract with a transportation network company operating in the municipality's or entity's jurisdiction for the coordination of large events occurring in the municipality's or entity's jurisdiction. The agreement:

1. May not exclude a transportation network company holding a permit under Government Code Chapter 2402 from providing services at the event; and
2. Must have comparable terms for each company providing services at the event.

*Gov't Code 2402.115*

**Automated Vehicles  
and Driving Systems**

A political subdivision of this state, including a college district, or a state agency may not impose a franchise or other regulation related to the operation of an automated motor vehicle or automated driving system.

"Automated driving system" means hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of performing, without any intervention or supervision by a human operator:

1. All aspects of the entire dynamic driving task, as defined by Transportation Code 545.451(3) for the vehicle on a sustained basis; and
2. Any fallback maneuvers necessary to respond to a failure of the system.

"Automated motor vehicle" means a motor vehicle on which an automated driving system is installed.

*Trans. Code 545.451(1)–(2), .452(b)*

**Personal Delivery  
and Mobile Carrying  
Devices**

The operation of a personal delivery or mobile carrying device in a pedestrian area or on the side or shoulder of a highway is governed exclusively by Transportation Code Chapter 552A, Subchapter A and any applicable regulations adopted by a local authority that are not inconsistent with Subchapter A.

A local authority may regulate the operation of a personal delivery or mobile carrying device on a highway or in a pedestrian area in a manner not inconsistent with Transportation Code Chapter 552A, Subchapter A. This section does not affect the authority of a local

SITE MANAGEMENT  
TRAFFIC AND PARKING CONTROLS

CHC  
(LEGAL)

authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery or mobile carrying device.

*Trans. Code 552A.0002(a), .0009*

Definitions

"Mobile carrying device" means a device that transports cargo while remaining within 25 feet of a human operator and is equipped with technology that allows the operator to actively monitor the device.

"Personal delivery device" means a device that is manufactured primarily for transporting cargo in a pedestrian area or on the side or shoulder of a highway and is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a human.

*Trans. Code 552A.0001(3), (5)*

**Photographic Traffic  
Signal Enforcement  
System**

Notwithstanding any other law, a local authority may not implement or operate a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority.

Notwithstanding any other law, a local authority may not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

*Trans. Code 707.020(a), .021*

Definitions

"Photographic traffic signal enforcement system" means a system that consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic-control signal and is capable of producing at least two recorded images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.

"Traffic-control signal" means a manual, electric, or mechanical device that alternately directs traffic to stop and to proceed.

*Trans. Code 541.304(3), 707.001(3), (5)*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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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 *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CJA

TRANSPORTATION MANAGEMENT MAINTENANCE OF  
VEHICLES

**Summary of *LEGAL* Policy:**

NOTE: CJA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. All registered vehicles owned and operated by the College are inspected prior to registration.



TRANSPORTATION MANAGEMENT  
MAINTENANCE OF VEHICLESCJA  
(LEGAL)

A person commits an offense that is a misdemeanor if the person operates or moves or, as an owner, knowingly permits another to operate or move, a vehicle that:

1. Is unsafe so as to endanger a person;
2. Is not equipped in a manner that complies with the vehicle equipment standards and requirements established by Transportation Code Chapter 547; or
3. Is equipped in a manner prohibited by Chapter 547.

*Transp. Code 547.004(a)*

**Inspections**

A motor vehicle, trailer, semitrailer, pole trailer, or mobile home, registered in this state, must have the items listed in Transportation Code 548.051 inspected at an inspection station or by an inspector. *Transp. Code 548.051(a)*

College District  
Inspection Station

The Texas Department of Public Safety may certify a vehicle maintenance facility owned and operated by a political subdivision or agency of this state as an inspection station. An inspection station certified under this section is subject to the requirements of Transportation Code Chapter 548 applicable to another inspection station, except as otherwise provided by Chapter 548. The facility may inspect only a vehicle owned by the political subdivision or state agency. *Transp. Code 548.004*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CLA

FACILITIES PLANNING FACILITIES STANDARDS

**Summary of *LEGAL* Policy:**

NOTE: CLA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance by ensuring that any new construction and/or substantial renovation meets requisite building codes, ADA requirements, and lighting specifications.

**Prohibitions on  
Regulation of  
Building Products,  
Materials, or  
Methods**

Notwithstanding any other law and except as provided by Government Code 3000.002(c), a governmental entity, including a college district, may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

1. Prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or
2. Establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with the above provisions.

*Gov't Code 3000.002(a)–(c)*

**Accessibility for  
Individuals with  
Disabilities**

Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity, including a 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. Each facility or part of a facility which is altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities. *28 C.F.R. 35.151(a)–(b), 34 C.F.R. 104.23(b)*

Except as otherwise provided in 28 C.F.R. 35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of a public entity or be subjected to discrimination by any public entity. *29 U.S.C. 794, 42 U.S.C. 12132; 28 C.F.R. 35.149, 34 C.F.R. 104.21*

A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

This paragraph does not:

1. Necessarily require a public entity to make each of its existing facilities or every part of a facility accessible to and usable by individuals with disabilities;
2. Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
3. Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with 28 C.F.R. 35.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

*28 C.F.R. 35.150(a); 34 C.F.R. 104.22(a)*

A recipient may comply with the requirements of 28 C.F.R. 35.150 and, if applicable, 34 C.F.R. 104.22(a) through such means as:

1. Redesign or acquisition of equipment.
2. Reassignment of classes or other services to accessible buildings.
3. Assignment of aides to qualified individuals with disabilities.
4. Home visits.
5. Delivery of services at alternate accessible sites.
6. Alteration of existing facilities.

7. Construction of new facilities.
8. Any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities.

A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with 28 C.F.R. 35.150, and if applicable, 34 C.F.R. 104.22(a). A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of 28 C.F.R. 35.151. In choosing among available methods for meeting these requirements, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

*28 C.F.R. 35.150(b); 34 C.F.R. 104.22(b)*

#### Review of Plans

All plans and specifications for construction of or for the substantial renovation or modification of a building or facility must be submitted to the Department of Licensing and Regulation for review and approval if the building or facility is subject to Government Code Chapter 469 and if the estimated construction cost is at least \$50,000. *Gov't Code 469.101*

The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the required plans and specifications. The owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the department. On application to a local governmental entity for a building construction permit, the owner shall submit to the entity proof that the plans and specifications have been submitted to the department under Government Code Chapter 469.

Approved plans and specifications to which any substantial modification is made shall be resubmitted to the department for review and approval.

The owner of a building or facility described by Government Code 496.101 is responsible for having the building or facility inspected for compliance with the standards and specifications adopted by the Commission of Licensing and Regulation not later than the first anniversary of the date that construction or substantial renovation, or modification of the building or facility is completed. The inspection must be performed by the department, an entity with which the

commission contracts under Government Code 469.055, or a person who holds a certificate of registration to perform inspections under Government Code Chapter 469, Subchapter E.

*Gov't Code 469.102(a), (c), .103, .105*

**Outdoor Lighting  
Fixtures**

An outdoor lighting fixture that is designed, installed, or replaced on or after September 1, 1999, may be installed, replaced, maintained, or operated using state funds only if:

1. The new or replacement outdoor lighting fixture is a cutoff luminaire if the rated output of the outdoor lighting fixture is greater than 1,800 lumens;
2. The minimum illuminance adequate for the intended purpose is used with consideration given to nationally recognized standards;
3. For lighting of a designated highway of the state highway system, the Texas Department of Transportation determines that the purpose of the outdoor lighting fixture cannot be achieved by the installation of reflective road markers, lines, warning or informational signs, or other effective passive methods; and
4. Full consideration has been given to energy conservation, reducing glare, minimizing light pollution, and preserving the natural night environment. "Energy conservation" means reducing energy costs and resources used and includes using a light with lower wattage or a timer switch.

*Health and Safety Code 425.002(a)–(b)*

**Exceptions**

The standards for state-funded outdoor lighting fixtures do not apply if:

1. A federal law, rule, or regulation preempts state law;
2. The outdoor lighting fixture is used on a temporary basis because emergency personnel require additional illumination for emergency procedures;
3. The outdoor lighting fixture is used on a temporary basis for nighttime work;
4. Special events or situations require additional illumination;
5. The outdoor lighting fixture is used solely to enhance the aesthetic beauty of an object; or
6. A compelling safety interest exists that cannot be addressed by another method.

Special events or situations that may require additional illumination include sporting events and illumination of monuments, historic structures, or flags. Illumination for special events or situations must be installed to shield the outdoor lighting fixtures from direct view and to minimize upward lighting and light pollution.

*Health and Safety Code 425.002(c)–(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.

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CMC

Facilities Construction: Construction Manager-Agent

**Summary of *LEGAL* Policy:**

NOTE: CMC is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the institution has not used this method of facility construction or renovation.



FACILITIES CONSTRUCTION  
CONSTRUCTION MANAGER-AGENTCMC  
(LEGAL)

A “construction manager-agent” is a sole proprietorship, partnership, corporation, or other legal entity that serves as the agent for the governmental entity, including a college district, by providing consultation or administrative services during the design and construction phase and managing multiple contracts with various construction prime contractors for construction, rehabilitation, alteration, or repair of a facility. A governmental entity may retain a construction manager-agent for assistance in the construction, rehabilitation, alteration, or repair of a facility only as provided by Government Code Chapter 2269, Subchapter E. The contract between the governmental entity and the construction manager-agent may require the construction manager-agent to provide administrative personnel, equipment necessary to perform duties under this policy, on-site management, and other services specified in the contract. *Gov’t Code 2269.201–.202*

A construction manager-agent may not:

1. Self-perform any aspect of the construction, rehabilitation, alteration, or repair of the facility.
2. Be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of the facility.
3. Provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of the facility.

*Gov’t Code 2269.203*

A construction manager-agent represents the governmental entity in a fiduciary capacity. *Gov’t Code 2269.204*

The governmental entity may use the construction manager-agent method for the construction, rehabilitation, alteration, or repair of a facility. In using this method, the governmental entity 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

FACILITIES CONSTRUCTION  
CONSTRUCTION MANAGER-AGENT

CMC  
(LEGAL)

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, .201(c)*

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

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**Architect / Engineer**

On or before the selection of a construction manager-agent, the governmental entity shall select or designate an architect or engineer in accordance with Occupations Code Chapters 1051 or 1001, as applicable, to prepare the construction documents for the project. [See CM]

The governmental entity's architect or engineer may not serve, alone or in combination with another person, as the construction manager-agent unless the architect or engineer is hired to serve as the construction manager-agent under a separate or concurrent selection process conducted in accordance with this policy. This restriction does not prohibit the governmental entity's architect or engineer from providing customary construction-phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

To the extent that the construction manager-agent's services are defined as part of the practice of architecture or engineering under Occupations Code Chapter 1051 or 1001 those services must be conducted by a person licensed under the applicable chapter.

*Gov't Code 2269.205*

**Selection of  
Construction  
Manager-Agent**

A governmental entity shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner that an architect or engineer is selected under Government Code 2254.004. *Gov't Code 2269.207* [See CM]

**Insurance**

The construction manager-agent shall maintain professional liability or errors and omissions insurance in the amount of at least \$1 million for each occurrence. *Gov't Code 2269.208*

**Selection of  
Contractors**

A governmental entity using the construction manager-agent method shall procure, in accordance with applicable law and in any manner authorized by Government Code Chapter 2269, a general contractor or trade contractors who will serve as the prime contractor for their specific portion of the work and provide performance and payment bonds to the governmental entity in accordance with applicable laws. *Gov't Code 2269.206*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CMD

Facilities Construction: Construction Manager At-Risk

**Summary of *LEGAL* Policy:**

NOTE: CMD is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the institution has not used this method of facility construction or renovation within the last several years.

FACILITIES CONSTRUCTION  
CONSTRUCTION MANAGER-AT-RISKCMD  
(LEGAL)

"Construction manager-at-risk method" is a delivery method by which a governmental entity, including a college district, contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at a contracted price as a general contractor and provides consultation to the governmental entity regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price.

*Gov't Code 2269.251(a)–(b)*

A governmental entity may use the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility. In using this method, the entity 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 entity.

*Education Code 44.031(g); Gov't Code 2269.052, .055, .056(a), (c), .058, .251(c)*

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

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**Architect / Engineer**

On or before the selection of a construction manager-at-risk, the governmental entity shall select or designate an architect or engineer to prepare the construction documents for the project. [See CM]

The governmental entity's architect or engineer for a project, or an entity related to the governmental entity's architect or engineer,

may not serve, alone or in combination with another, as the construction manager-at-risk. This restriction does not prohibit the governmental entity's architect or engineer from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

An entity is related to the governmental entity's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the governmental entity's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the governmental entity.

*Gov't Code 2269.252*

#### **Selection Process**

The governmental entity shall select the construction manager-at-risk in either a one-step or two-step process.

The governmental entity shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process that includes:

1. A statement as to whether the selection process is a one-step or two-step process;
2. General information on the project site, project scope, schedule, selection criteria, and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist the governmental entity in its selection of a construction manager-at-risk.

The governmental entity shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, the governmental entity may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the governmental entity may not request fees or prices in step one. In step two, the governmental entity may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and its price for fulfilling the general conditions.

*Gov't Code 2269.253(a)–(e)*

FACILITIES CONSTRUCTION  
CONSTRUCTION MANAGER-AT-RISK

CMD  
(LEGAL)

**Opening and  
Evaluating  
Proposals**

At each step, the governmental entity shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the governmental entity shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, the governmental entity shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. *Gov't Code 2269.253(f)–(g)*

**Selection**

The governmental entity shall select the offeror that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation. The governmental entity shall first attempt to negotiate a contract with the selected offeror. If the governmental entity is unable to negotiate a satisfactory contract with the selected offeror, the governmental entity shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. *Gov't Code 2269.254(a)–(c)*

**Notice of Rankings**

Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the proposal rankings public. *Gov't Code 2269.254(d)*

**Trade Contractors /  
Subcontractors**

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The governmental entity determines that the construction manager-at-risk's bid or proposal provides the best value for the governmental entity.

*Gov't Code 2269.255*

**Bids or Proposals**

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or governmental entity. All bids or proposals shall be made available to the governmental entity on request and to the public after the later of the award of the contract

FACILITIES CONSTRUCTION  
CONSTRUCTION MANAGER-AT-RISK

CMD  
(LEGAL)

or the seventh day after the date of final selection of bids or proposals.

If the construction manager-at-risk reviews, evaluates, and recommends to the governmental entity a bid or proposal from a trade contractor or subcontractor, but the governmental entity requires another bid or proposal to be accepted, the governmental entity shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the governmental entity's requirement that another bid or proposal be accepted.

If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements.

*Gov't Code 2269.256–.257*

**Payment and  
Performance Bond  
Amounts**

If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the construction budget, as specified in the request for proposals or qualifications. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. *Gov't Code 2269.258* [See CM for more information on payment and performance bonds]

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CME FACILITIES CONSTRUCTION DESIGN BUILD

**Summary of *LEGAL* Policy:**

NOTE: CME is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the institution follows the five prescribed steps when using the design-build method for construction or renovation projects. The prescribed steps include selecting a contracting method, giving public notice of the project, publishing contract selection criteria, making evaluations public, and providing for inspection, verification and testing.



FACILITIES CONSTRUCTION  
DESIGN-BUILD

CME  
(LEGAL)

“Design-build” is a project delivery method by which a governmental entity, including a college district, contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility. *Gov’t Code 2269.301*

This policy applies only to a facility that is a building or an associated structure, including an electric utility structure. This policy does not apply to:

1. A highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

*Gov’t Code 2269.302*

A governmental entity may use the design-build method for the construction, rehabilitation, alteration, or repair of a building or associated structure. In using that method, the governmental entity shall enter into a single contract with a design-build firm for the design and construction of the building or associated structure in accordance 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, .303*

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

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FACILITIES CONSTRUCTION  
DESIGN-BUILD

CME  
(LEGAL)

<b>Design-Build Firm</b>	A design-build firm must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor. <i>Gov't Code 2269.304</i>
<b>Architect / Engineer</b>	The governmental entity shall select or designate an architect or engineer independent of the design-build firm to act as the governmental entity's representative for the duration of the project. <i>Gov't Code 2269.305</i> [See CM]
<b>Request for Qualifications</b>	<p>The governmental entity shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals for the project.</p> <p>The governmental entity may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a request for qualifications.</p> <p><i>Gov't Code 2269.306(a), (d)</i></p>
<b>Design Criteria Package</b>	<p>The governmental entity shall also prepare the design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, those services shall be provided in accordance with the applicable law.</p> <p>The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the governmental entity's request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the college district considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement.</p> <p><i>Gov't Code 2269.306(b)–(c)</i></p>
<b>Evaluation Qualification</b>	For each design-build firm that responded to the request for qualifications, the governmental entity shall evaluate the firm's experi-

ence, technical competence, capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted. Each firm must certify to the governmental entity that each architect or engineer that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Government Code 2254.004. The governmental entity shall qualify a maximum of five responders to submit proposals that contain additional information and, if the governmental entity chooses, to interview for final selection. *Gov't Code 2269.307(a)–(c)*

*Proposals*

The governmental entity shall evaluate the additional information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of any interview. The governmental entity may request additional information regarding demonstrated competence and qualifications, considerations of the safety and long-term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, or costing methodology.

“Costing methodology” means an offeror’s policies on subcontractor markup, definition of general conditions, range of cost for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties. The term does not include a guaranteed maximum price or bid for overall design or construction.

The college district shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications.

*Gov't Code 2269.307(d)–(f)*

**Selection**

The governmental entity shall select the design-build firm that submits the proposal offering the best value for the governmental entity on the basis of the published selection criteria and on its ranking evaluations.

The governmental entity shall first attempt to negotiate a contract with the selected firm. If the governmental entity is unable to negotiate a satisfactory contract with the selected firm, the governmental entity shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

*Gov't Code 2269.308(a)–(c)*

FACILITIES CONSTRUCTION  
DESIGN-BUILD

CME  
(LEGAL)

<b>Notice of Rankings</b>	Not later than the seventh day after the date the contract is awarded, the governmental entity shall make the proposal rankings public. <i>Gov't Code 2269.308(d)</i>
<b>Design</b>	After selection of the design-build firm, that firm's architects or engineers shall submit all design elements for review and determination of scope compliance to the governmental entity or the governmental entity's architect or engineer before or concurrently with construction. <i>Gov't Code 2269.309</i>
<b>Final Construction Documents</b>	The design-build firm shall supply a set of construction documents for the completed project to the governmental entity at the conclusion of construction. The documents must note any changes made during construction. <i>Gov't Code 2269.310</i>
<b>Payment or Performance Bond</b>	A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract. <i>Gov't Code 2269.311(a)</i> [See CM for more information on payment and performance bonds]
Amount	If a fixed contract amount or guaranteed maximum price has not been determined at the time the design-build contract is awarded, the penal sums of the performance and payment bonds delivered to the governmental entity must each be in an amount equal to the construction budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the tenth day after the date the design-build firm executes the contract, unless the design-build firm furnishes a bid bond or other financial security acceptable to the governmental entity to ensure that the design-build firm will furnish the required performance and payment bonds before construction begins. <i>Gov't Code 2269.311(b)–(c)</i>

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: C

BUSINESS AND SUPPORT SERVICES

Policy: CMF

Facilities Construction: Job Order Contracts

**Summary of *LEGAL* Policy:**

NOTE: CMF is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the institution has not used this method of facility construction or renovation.

FACILITIES CONSTRUCTION  
JOB ORDER CONTRACTS

CMF  
(LEGAL)

“Job order contracting” is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. *Gov’t Code 2269.401*

This policy applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This policy does not apply to:

1. A highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

*Gov’t Code 2269.402*

If a governmental entity, including a college district, uses the job order contracts method as described in this policy, it must comply with the 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*

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

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A governmental entity may award job order contracts for maintenance, repair, alteration, renovation, remediation, or minor con-

FACILITIES CONSTRUCTION  
JOB ORDER CONTRACTS

CMF  
(LEGAL)

struction of a facility if the work is of a recurring nature but the delivery times are indefinite and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks. The governmental entity shall establish the maximum aggregate contract price when it advertises the proposal. The governing body of a governmental entity shall approve each job, task, or purchase order that exceeds \$500,000. *Gov't Code 2269.403*

**Establishing Unit Prices**

The governmental entity may establish contractual unit prices for a job order contract by:

1. Specifying one or more published construction unit price books and the applicable divisions or line items; or
2. Providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

*Gov't Code 2269.404*

**Advertising and Opening Proposals**

A governmental entity may use the competitive sealed proposal method under Government Code Chapter 2269, Subchapter D for job order contracts. [See CMB] The governmental entity shall advertise for, receive, and publicly open sealed proposals for job order contracts. The governmental entity may require offerors to submit information in addition to rates, including experience, past performance, and proposed personnel and methodology. *Gov't Code 2269.405*

**Architect or Engineer**

If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, the governmental entity shall select or designate an architect or engineer to prepare the construction documents for the project.

This requirement does not apply to a job order contract or an order issued under the contract for industrialized housing, industrialized buildings, or relocatable educational facilities subject to and approved under Occupations Code Chapter 1202 if the contractor employs the services of an architect or engineer who approves the documents for the project.

*Gov't Code 2269.408 [See CM]*

**Awarding Contracts**

The governmental entity may award job order contracts to one or more job order contractors in connection with each solicitation of proposals.

FACILITIES CONSTRUCTION  
JOB ORDER CONTRACTS

CMF  
(LEGAL)

An order for a job or project under a job order contract must be signed by the governmental entity's representative and the contractor. The order may be:

1. A fixed-price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or
2. A unit price order based on the quantities and line items delivered.

*Gov't Code 2269.406-.410*

**Contract Term**

The base term for a job order contract may not exceed two years. The governmental entity may renew the contract annually for not more than three additional years. *Gov't Code 2269.409*

**Use of Contract**

A job order contract may be used to accomplish work only for the governmental entity that awards the contract unless:

1. The solicitation for the job order contract and the contract specifically provide for use by other persons; or
2. The governmental entity enters into an interlocal agreement that provides otherwise.

*Gov't Code 2269.407*

**Bonds**

The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order. *Gov't Code 2269.411* [See CM for more information on payment and performance bonds]



## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       D       PERSONNEL

Policy:         DCC   Employment Practices – At-Will Employment

**Summary of *LEGAL* Policy:**

NOTE: DCC is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. Kilgore College is in compliance with all employment-at-will statutes under Texas law.

EMPLOYMENT PRACTICES  
AT-WILL EMPLOYMENT

DCC  
(LEGAL)

The employment-at-will doctrine is the law of Texas, under which an employer has no duty to an employee regarding continuation of employment. Jones v. Legal Copy Inc., 846 S.W.2d 922 (Tex. App.—Houston [1st Dist.] 1993, no writ)

The employment-at-will doctrine places no duties on an employer regarding an employee's continued employment and thus bars contract and tort claims based on the decision to discharge an employee. Sabine Pilot Serv., Inc. v. Hauck, 687 S.W.2d 733 (Tex. 1985)

In Texas, at-will employment is presumed unless shown otherwise. Gonzales v. Galveston Indep. Sch. Dist., 865 F. Supp. 1241 (S.D. Tex. 1994)

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       D       PERSONNEL

Policy:        DEB    Compensation and Benefits – Fringe Benefits

**Summary of *LEGAL* Policy:**

NOTE: DEB is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. Kilgore College is in compliance with all fringe benefits and reporting requirements statutes under Texas law.

COMPENSATION AND BENEFITS  
FRINGE BENEFITS

DEB  
(LEGAL)

**Duty Weapon,  
Badge, and Uniform**

On the death of a peace officer employed by a political subdivision of the state or institution of higher education, including a college district, the employing governmental entity shall provide, at no cost, the deceased person's duty weapon, if any, and badge to the individual's designated beneficiary, or estate if the individual did not designate a beneficiary. A governmental entity that employs the peace officer shall provide the individual a form on which the individual may designate the individual's beneficiaries for purposes of this section. If a peace officer or other employee described by Government Code 615.103 dies and is to be buried in the individual's uniform, the employing governmental entity shall provide the uniform at no cost. *Gov't Code 615.003, .102-.103*

**Survivor Benefits**

Notice to the  
Employees  
Retirement System

Not later than the 30th day after the date of the death of an individual listed under Government Code 615.003, including an individual elected, appointed, or employed as a peace officer by a college district or other political subdivision of the state, that occurs in the performance of duties in the individual's position as described by Government Code 615.003 or as a result of an action that occurs while the individual is performing those duties, the individual's employing entity shall furnish to the board of trustees of the Employees Retirement System of Texas (ERS) proof of the death in the form and with additional evidence and information required by the board. The employing entity shall furnish the required evidence and information regardless of whether the employing entity believes the individual's death satisfies the eligibility requirements established under Government Code 615.021(a)(1). *Gov't Code 615.003, .041*

State Payment of  
Assistance

A survivor of an individual listed under Government Code 615.003, including an individual elected, appointed, or employed as a peace officer by a college district or other political subdivision of the state, is eligible for the payment of assistance from the state, as described by Government Code 615.022, if the listed individual died as a result of a personal injury sustained in the line of duty in the individual's position; and the survivor is the surviving spouse of the listed individual; a surviving child of the listed individual, if there is no surviving spouse; or a surviving parent of the listed individual, if there is no surviving spouse or child. *Gov't Code 615.003, .021(a), .022*

Continuation of  
Health Insurance

A survivor of an individual listed under Government Code 615.071, including an individual elected, appointed, or employed as a peace officer by a college district or other political subdivision of the state, is entitled to purchase or continue to purchase health insurance coverage under Government Code Chapter 615, Subchapter D if the listed individual died as a result of a personal injury sustained in the line of duty in the individual's position; and the survivor is the

COMPENSATION AND BENEFITS  
FRINGE BENEFITS

DEB  
(LEGAL)

surviving spouse of the listed individual, as described by Government Code 615.073; or a dependent of the listed individual, as described by Government Code 615.073. *Gov't Code 615.003, .071-.074*

*Notice*

An employing entity shall provide written notice to an eligible survivor of the survivor's rights under Government Code Chapter 615, Subchapter D not later than the tenth day after the date of the decedent's death. Not later than the 150th day after the decedent's death, the employing entity shall send a subsequent written notice by certified mail to any eligible survivor who has not already elected to purchase or continue to purchase coverage on or before that date.

If an eligible survivor is a minor child, the employing entity shall also, at the same time, provide the notice to the child's parent or guardian, unless, after reasonable effort, the parent or guardian cannot be located.

*Gov't Code 615.075*

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:       D       PERSONNEL

Policy:         DGA   Employee Rights and Privileges – Freedom of Association

**Summary of *LEGAL* Policy:**

NOTE: DGA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. Kilgore College does not have a formalized policy regarding Labor Organizations, however, KC is in compliance with these regulations in practice and will ensure compliance into the future with Legal Policy DGA.

EMPLOYEE RIGHTS AND PRIVILEGES  
FREEDOM OF ASSOCIATION

DGA  
(LEGAL)

<b>Rights</b>	A state employee, including a college district employee, has the rights of freedom of association and political participation guaranteed by the state and federal constitutions except as provided by Government Code 556.004. <i>Gov't Code 556.003</i>
<b>Labor Organizations</b>	An individual may not be denied public employment, including employment by the college district, because of the individual's membership or nonmembership in a labor organization. <i>Gov't Code 617.004</i>  "Labor organization" means any organization in which employees participate and that exists in whole or in part to deal with one or more employers concerning grievances, labor disputes, wages, hours of employment, or working conditions. <i>Gov't Code 617.001</i>
Collective Bargaining Prohibited	An official of the state or of a political subdivision of the state, including a college district, may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees. An official of the state or of a political subdivision of the state may not recognize a labor organization as the bargaining agent for a group of employees. <i>Gov't Code 617.002(a), (c)</i>
Strikes Prohibited	Public employees may not strike or engage in an organized work stoppage against the state or a political subdivision of the state. The right of an individual to cease work may not be abridged if the individual is not acting in concert with others in an organized work stoppage. <i>Gov't Code 617.003(a), (c)</i>
<i>Penalties</i>	A public employee who violates Government Code 617.003(a) forfeits all civil service rights, reemployment rights, and any other rights, benefits, or privileges the employee enjoys as a result of public employment or former public employment. <i>Gov't Code 617.003(b)</i>

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: E INSTRUCTION

Policy: EFCA Students with Disabilities

#### **Summary of *LEGAL* Policy:**

NOTE: EFCA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with the policy's intent that no qualified student shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, counseling, or any other extracurricular or other postsecondary education aid, benefits, or services.



SPECIAL PROGRAMS  
STUDENTS WITH DISABILITIES

EFCA  
(LEGAL)

No qualified student shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, counseling, or any other extracurricular or other postsecondary education aid, benefits, or services to which the federal Rehabilitation Act and 34 C.F.R. Part 104, Subpart E applies. *34 C.F.R. 104.43(a)–(b)*

**Application of 34  
C.F.R. Part 104,  
Subpart E**

Title 34 C.F.R. Part 104, Subpart E applies to postsecondary education programs or activities, including postsecondary vocational education programs or activities, that receive federal financial assistance and to recipients that operate, or that receive federal financial assistance for the operation of, such programs or activities. *34 C.F.R. 104.41*

**Related Programs**

A recipient to which Subpart E applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, an education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified persons with disabilities. *34 C.F.R. 104.43(b)*

**Academic  
Adjustments**

Generally

A recipient to which Subpart E applies shall make modifications to its academic requirements that are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with disabilities. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by the student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. *34 C.F.R. 104.44(a)*

A recipient to which Subpart E applies may not impose upon students with disabilities other rules, such as the prohibition of tape recorders in classrooms, that have the effect of limiting the participation of students with disabilities in the institution's education program or activity. *34 C.F.R. 104.44(b)*

Course  
Examinations

In its course examinations or other procedures for evaluating students' academic achievement, a postsecondary education program or activity to which Subpart E applies shall provide such methods for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure

that the results of the evaluation represents the students' achievement in the course, rather than reflecting the students' impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure). *34 C.F.R. 104.44(c)*

**Auxiliary Aids**

A recipient to which Subpart E applies shall take such steps as are necessary to ensure that no student with disabilities is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature. *34 C.F.R. 104.44(d)*

**Accommodations to  
Core Curriculum**

An institution of higher education may, on a case-by-case basis, approve an accommodation of a specific core curriculum foundational area requirement for a student with a medically documented learning disability, including but not limited to dyslexia, dysgraphia, or Asperger's Syndrome.

Accommodation shall not include a waiver or exemption of any core curriculum requirement.

An institution may approve for core curriculum applicability a course the institution offers but that is not approved as part of the core curriculum, if the institution demonstrates that the course has been approved to fulfill the same specific foundational component area requirement at five or more other Texas public colleges or universities. The Texas Common Course Numbering System course number may be used as evidence of the suitability of the course under 19 Administrative Code 4.28(k).

*19 TAC 4.28(k)*

**Counseling,  
Guidance, and  
Placement Services**

A recipient to which Subpart E applies shall provide personal academic or vocational counseling, guidance, or placement services to its students without discrimination on the basis of disability. The institution shall ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are students without disabilities and with similar interests and ability. This requirement does not preclude an institution from providing factual information about licensing and certification requirements that may present obstacles to persons with disabilities in their pursuit of particular careers. *34 C.F.R. 104.47(b)*

**Students with  
Dyslexia**

Unless otherwise provided by law, an institution of higher education, including a college district, may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student. *Education Code 51.9701*

**Students with  
Intellectual and  
Developmental  
Disabilities**

"Intellectual and Developmental Disability" (IDD) is defined as a neurodevelopmental disorder that must meet the following criteria:

1. Deficits in intellectual functions, such as reasoning, problem solving, planning, abstract thinking, judgement, academic learning, and learning from experience.
2. Deficits in adaptive functioning that result in failure to meet developmental and sociocultural standards for personal independence and social responsibility. Without ongoing support, the adaptive deficits limit functioning in one or more activities of daily life, such as communication, social participation, and independent living, across multiple environments, such as home, school, work, and community.
3. Items 1 and 2 of this subsection may occur after the developmental period, such as in the case of a traumatic brain injury.
4. Students with IDD may include those diagnosed with an Autism Spectrum Disorder.

"Postsecondary transitional program or postsecondary program for students with IDD" is defined as a degree, certificate, or non-degree program for students with IDD that is offered by an institution of higher education. These programs are designed to support students with IDD who want to continue academic, career, and independent living instruction following completion of secondary education.

The Coordinating Board may collect, as part of its ongoing regular data collection process, information about students with IDD for the purpose of analyzing factors affecting the college participation and outcomes of persons with IDD at public institutions of higher education. Institutions may only report students who have been identified through self-identification and/or documented receipt of special services. Students who do not self-identify will not be reflected in the data.

Institutions may, but are not required to, collect consent forms regarding reporting of the data outlined below from students who have self-identified with an IDD. In the case where a student has an appointed legal guardian, the guardian will act on behalf of the student for the purposes of this rule.

All public institutions of higher education shall provide to the Coordinating Board data as specified in 19 Administrative Code 4.11(e) regarding the enrollment of individuals with IDD in their undergraduate, graduate, and technical continuing education programs. Data about these students' participation in postsecondary transitional programs or postsecondary programs for students with IDD will also be collected, but student-level data will not be collected for students enrolled in these programs unless they are also enrolled in credit-bearing college-level coursework or technical continuing education. Institutions of higher education and the Coordinating Board shall follow all federal privacy requirements under the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) when collecting and reporting the data.

Access to the identifiers in the Coordinating Board Management (CBM) Student Report, which indicate if an enrolled student has an IDD, will not be made available to the Education Research Centers as part of regular data requests unless this information is specified and approved by the advisory board established under Education Code 1.006 as relating to the research study proposed.

*19 TAC 4.11*

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**Note:** For related provisions regarding students with disabilities, see FB(Admissions), FEA(Financial Aid and Scholarships), and FG(Student Housing).

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## **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 *LEGAL* POLICY**

---

**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        F        STUDENTS

Policy:        FF        Student Welfare

**Summary of *LEGAL* Policy:**

NOTE: FF is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance. The Coordinator of Counseling and Accommodations is the designated foster care liaison who has been assigned responsibility to ensure that KC remains in compliance with this policy.

STUDENT WELFARE

FF  
(LEGAL)

**Liaison for Students  
Who Are or Were in  
Foster Care**

Each institution of higher education, including each college district, shall designate at least one employee of the institution to act as a liaison officer for current and incoming students at the institution who are or were formerly in the conservatorship of the Department of Family and Protective Services (DFPS). The liaison officer shall provide to the students information regarding support services and other resources available to the students at the institution and any other relevant information to assist the students. *Education Code 51.9356(a)–(b), (d)*

Identifying Qualified  
Students

To the extent allowed by state or federal law, the institution shall identify those students from information provided to the institution in admission or financial aid applications or other available resources. Each semester or other academic term, an institution of higher education shall provide to the institution's liaison officer the names of and information regarding the students. *Education Code 51.9356(b)–(c)*

Dissemination of  
Information

Each institution of higher education shall publicize, including through the institution's internet website, social media, electronic mail, or other means of communication used by the institution:

1. The name of and contact information for the institution's liaison officer; and
2. Information regarding support services and other resources available at the institution to the students.

*Education Code 51.9356(f)*

Liaison Training

The liaison officer may participate in any training that enables the officer to carry out the officer's duties and coordinate with liaison officers at other educational institutions. *Education Code 51.9356(e)*

**Support Services  
Liaison**

Each institution of higher education, including each college district, shall designate at least one employee of the institution to act as a liaison officer for current or incoming students at the institution. An institution of higher education may designate the same employee to act as liaison officer as the employee designated under Education Code 51.9356 to act as liaison officer for current and incoming students at the institution who were formerly in the conservatorship of DFPS. *Education Code 51.9358(b)–(c)*

Dissemination of  
Information

The liaison officer shall provide to the students comprehensive information regarding support services and other resources available to the students, including:

1. Resources to access medical and behavioral health coverage and services and public benefit programs, including programs

STUDENT WELFARE

FF  
(LEGAL)

related to food security, affordable housing, and housing subsidies;

2. Public benefit program case management assistance and counseling;
3. Parenting and child-care resources;
4. Employment assistance;
5. Financial counseling and tax preparation assistance;
6. Transportation assistance;
7. Student academic success strategies; and
8. Any other resources developed by the institution to assist the students.

*Education Code 51.9358(b)*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: F STUDENTS

Policy: FG Student Housing

#### **Summary of *LEGAL* Policy:**

NOTE: FG is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance and this policy documents requirements related to the following subjects:

- Temporary Housing Assistance for Certain Students
- Discrimination on the Basis of Sex
- Criminal Background Check
- Restrictions on Registered Sex Offenders
- Residential Advisor Overdose Awareness and Response Training
- Missing Student Notification Policies and Procedures
- Fire Safety



## STUDENT HOUSING

FG  
(LEGAL)**Residential  
Tenancies**

Residential tenancies are subject to Property Code Chapter 92.  
*Property Code Chapter 92*

**Temporary Housing  
Assistance for  
Certain Students**

To be eligible to receive housing assistance from an institution of higher education, including a college district, a student must:

1. Have been under the conservatorship of the Department of Family and Protective Services or its predecessor in function on the day preceding:
  - a. The student's 18th birthday; or
  - b. The date the student's disabilities of minority are removed by a court under Family Code Chapter 31.
2. Be enrolled full-time at the institution during the academic term immediately preceding the period for which the student requests the housing assistance;
3. Be registered or otherwise have taken the actions required by the institution to permit the student to enroll full-time at the institution during the academic term immediately following the period for which the student requests the housing assistance; and
4. Lack other reasonable temporary housing alternatives between the academic terms described above, as determined by the institution.

On the student's request, each institution of higher education shall assist an eligible student in locating temporary housing for any period beginning on the last day of an academic term and ending on the first day of the immediately following academic term, according to the institution's academic calendar.

For each eligible student who also demonstrates financial need, the institution may:

1. Provide a stipend to cover any reasonable costs of the temporary housing that are not covered by other financial aid immediately available to the student for that purpose; or
2. Provide temporary housing directly to the student for the applicable period.

The receipt of a stipend does not prohibit the student from receiving additional stipends in one or more subsequent periods, based on the student's demonstrated financial need.

An institution of higher education may use any available revenue, including legislative appropriations, and may solicit and accept

STUDENT HOUSING

FG  
(LEGAL)

gifts, grants, and donations for the purposes of this section. The institution shall use any gifts, grants, and donations received for the purposes of this section before using other revenue.

*Education Code 51.978*

**Discrimination on  
the Basis of Sex**

A recipient of federal financial assistance, including a college district, shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided by 34 C.F.R. 106.32 (including housing provided only to married students). 34 C.F.R. 106.32(a)

**Students with  
Disabilities**

A recipient of federal financial assistance, including a college district, that provides housing to its students without disabilities shall provide comparable, convenient, and accessible housing to its students with disabilities at the same cost as to other students. 34 C.F.R. 104.45(a)

**Criminal Background  
Check**

An institution of higher education, including a college district, is entitled to obtain from the Texas Department of Public Safety criminal history record information maintained by the department that relates to a student, or to an applicant for admission as a student, who applies to reside in on-campus housing at the institution.

Criminal history record information obtained by an institution of higher education under this section may be used by the chief of police of the institution or by the institution's housing office only for the purpose of evaluating current students or applicants for enrollment who apply to reside in on-campus housing at the institution. The institution shall notify a student who is the subject of the criminal history record information of any use of the information to deny the student the opportunity to reside in on-campus housing at the institution.

Criminal history record information received by an institution of higher education under this section may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

As soon as practicable after the beginning of the academic period for which the person's housing application was submitted, all criminal history record information obtained about a person under this section, including any copy of the content of that information held by the institution, shall be destroyed by the chief of police of the institution of higher education or by the institution's housing office, as applicable.

*Gov't Code 411.0945*

**Restrictions on  
Registered Sex  
Offenders**

A person subject to registration under Code of Criminal Procedure Chapter 62 may not reside on the campus of a public or private institution of higher education, including a community college, unless:

1. The person is assigned a numeric risk level of one based on an assessment conducted using the sex offender screening tool developed or selected under Code of Criminal Procedure 62.007; and
2. The institution approves the person to reside on the institution's campus.

*Code of Criminal Procedure 62.064*

**Residential Advisor  
Overdose  
Awareness and  
Response Training**

A public or private institution of higher education, including a college district, that imposes any mandatory training requirements on residential advisors must ensure that overdose awareness and appropriate response training is included with that training.

Definitions

"Residential advisor" means a student who is employed by a public or private institution of higher education to serve in an advisory capacity for students living in a residential facility.

"Residential facility" means a residence used exclusively for housing or boarding students or faculty of a public or private institution of higher education.

*Education Code 51.9362*

**Missing Student  
Notification Policies  
and Procedures**

An institution, including a college district, that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must:

1. Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;
2. Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;
3. Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the

student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;

4. Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;
5. Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and
6. Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include:

1. If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;
2. If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and
3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

*20 U.S.C. 1092(j); 34 C.F.R. 668.46(h)*

## **Fire Safety**

### **Annual Report**

An institution that maintains any on-campus student housing facility must prepare an annual fire safety report that contains, at a minimum, the following information:

1. The fire statistics described below.
2. A description of each on-campus student housing facility fire safety system.

STUDENT HOUSING

FG  
(LEGAL)

3. The number of fire drills held during the previous calendar year.
4. The institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility.
5. The institution's procedures for student housing evacuation in the case of a fire.
6. The policies regarding fire safety education and training programs provided to the students and employees. In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.
7. For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred.
8. Plans for future improvements in fire safety, if determined necessary by the institution.

*34 C.F.R. 668.49(b)*

Fire Statistics

An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning:

1. The number of fires and the cause of each fire;
2. The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
3. The number of deaths related to a fire; and
4. The value of property damage caused by a fire.

An institution is required to submit a copy of the fire statistics to the U.S. Secretary of Education on an annual basis.

*34 C.F.R. 668.49(c)*

Fire Log

An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire.

An institution must make an entry or an addition to an entry to the log within two business days, as defined under 34 C.F.R. 668.46(a), of the receipt of the information.

STUDENT HOUSING

FG  
(LEGAL)

An institution must make the fire log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

An institution must make an annual report to the campus community on the fires recorded in the fire log. This requirement may be satisfied by the annual fire safety report described above.

*34 C.F.R. 668.49(d)*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section:        F        STUDENTS

Policy:        FLBA   Student Dress

**Summary of *LEGAL* Policy:**

NOTE: FLBA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance. The regulation that documents the length or style of a college student's hair is irrelevant to any legitimate institutional administrative interests.

STUDENT CONDUCT  
STUDENT DRESS

FLBA  
(LEGAL)

**Dress and Grooming**

The college campus marks the appropriate boundary where the public institution can no longer assert that the regulation of student grooming is reasonably related to the fostering or encouragement of education.

In the absence of a showing that unusual conditions exist, the regulation of the length or style of a college student's hair is irrelevant to any legitimate institutional administrative interests.

*Lansdale v. Tyler Junior College, 470 F.2d 659 (5th Cir. 1972) (en banc)*



## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: F STUDENTS

Policy: FLBD Tobacco Use

#### **Summary of *LEGAL* Policy:**

NOTE: FLBD is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance with this policy that documents definitions of tobacco products and prohibitions on possession and use by those under 21 years of age.

STUDENT CONDUCT  
TOBACCO USE

FLBD  
(LEGAL)

**Definitions**

Cigarette

"Cigarette" means a roll for smoking that is made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco and that is not a cigar. *Health and Safety Code 161.081(1); Tax Code 154.001*

E-cigarette

"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this provision. The term "e-cigarette" does not include a prescription medical device unrelated to the cessation of smoking. The term "e-cigarette" includes:

1. A device described by this definition regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
2. A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

*Health and Safety Code 161.081(1-a)*

Tobacco Product

"Tobacco product" means:

1. A cigar;
2. Smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;
3. Chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;
4. Snuff or other preparations of pulverized tobacco; or
5. An article or product that is made of tobacco or a tobacco substitute and that is not a cigarette.

*Health and Safety Code 161.081(5); Tax Code 155.001*

**Possession and Use  
Prohibited**

Unless subject to an exception under law, an individual who is younger than 21 years of age commits an offense if the individual:

1. Possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
2. Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain

STUDENT CONDUCT  
TOBACCO USE

FLBD  
(LEGAL)

possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

*Health and Safety Code 161.252*

**Regulation  
Prohibited**

A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by Health and Safety Code Chapter 161, Subchapter H. *Health and Safety Code 161.089*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: G

COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GC

Public Information Program

**Summary of *LEGAL* Policy:**

NOTE: GC is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. KC is in compliance as the institution posts the required institutional contact information on the College's website.

PUBLIC INFORMATION PROGRAM

GC  
(LEGAL)

**Publication of  
College District's  
Contact Information**

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 the political subdivision's contact information, including a mailing address, telephone number, and email address. *Gov't Code 2051.201(a)–(b)(1); Tax Code 26.18*

## **KILGORE COLLEGE TASB POLICY CONVERSION**

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### **IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY**

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**Kilgore College Board Policy and Personnel Committee Meeting Date:**

January 30, 2023

**Kilgore College Board of Trustees Meeting Date:**

February 27, 2023

**Proposed *LEGAL* Policy for *INFORMATION ONLY*:**

Section: G

COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GCA

Public Information Program: Access to Information

**Summary of *LEGAL* Policy:**

NOTE: GCA is a LEGAL policy only. It does not require Board approval. Trustees are being provided with this document for information purposes only.

This LEGAL policy was reviewed by Administration to ascertain compliance. The referenced policy is an exhaustive list of items generally considered public information, information that is considered confidential, and information that is excepted from public disclosure. KC is in compliance with appropriately disclosing public information.

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

<b>Table of Contents</b>	<b>Section I: Public Information Generally..... 3</b>
	Definitions ..... 3
	Availability of Public Information ..... 4
	Information That Must Be Disclosed Unless Confidential Under Law ..... 4
	<b>Section II: Information that is Confidential..... 7</b>
	Certified Agenda or Recording of a Closed Meeting ..... 7
	Personal Information ..... 7
	Student Records..... 9
	Protected Health Information .....10
	Credit Card, Debit Card, Charge Card, and Access Device Numbers.....10
	Confidential Investment Information ..... 11
	Email Addresses.....12
	Participant in Address Confidentiality Program .....13
	Crime Victim Information .....13
	Library Records .....14
	Certain Products, Devices, and Processes .....15
	Research.....15
	Research and Development Facility .....16
	Compliance Investigations.....16
	Computer Network Security.....17
	Security System Specifications, Operations, and Locations.....18
	Emergency Alert System .....18
	Sensitive Crime Scene Image .....18
	Military Discharge Records.....18
	Retirement System Information .....18
	Election Judge or Clerk Information.....18
	<b>Section III: Information Excepted from Public Disclosure .....19</b>
	Confidential Information.....19
	Personnel File .....19
	Substantial Threat of Physical Harm.....19
	Litigation.....19
	Competition or Bidding .....20

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

Location or Price of Property .....	20
Drafts and Working Papers.....	20
Legal Matters.....	20
Law Enforcement Information .....	21
Private Correspondence and Communications.....	21
Contracting Information .....	21
Agency Memoranda .....	23
Audit Working Paper.....	23
Contact Information .....	23
Photographs of Peace Officers .....	24
Test Items.....	24
Rare Books and Original Manuscripts .....	24
Documents Held for Historical Research .....	24
Chief Executive Officer Applicants .....	24
Motor Vehicle Record Information.....	25
Commercial Book or Publication.....	25
Social Security Numbers .....	26
Donor Information.....	26
Safety and Security Audit.....	26



PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

**Section I: Public  
Information  
Generally**

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

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

*Gov't Code 552.001*

**Definitions**

*Public  
Information*

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

1. By a governmental body, including a college district board of trustees;
2. For a governmental body and the governmental body:
  - a. Owns the information;
  - b. Has a right of access to the information; or
  - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body.

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

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

*Gov't Code 552.002(a)–(a-2)*

*Official Business*

"Official business" means any matter over which a governmental body has any authority, administrative duties, or advisory duties.  
*Gov't Code 552.003(2-a)*

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

Availability of Public  
Information

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

Information That  
Must Be Disclosed  
Unless Confidential  
Under Law

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

1. A completed report, audit, evaluation, or investigation made of, for, or by the governmental body, except by provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body.
4. The name of each official and the final record of voting on all proceedings of the board.
5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a governmental body, on completion of the estimate.
6. The name, place of business, and the name of the municipality to which local sales and use taxes are credited, if any, for the named person, of a person reporting or paying sales and use taxes under Tax Code Chapter 151.
7. A description of an agency's central and field organizations, including the established places at which the public may obtain information, submit information or requests, and obtain decisions; the employees from whom the public may obtain information, submit information or requests, or obtain decisions; and the methods by which the public may obtain information, submit information or requests, or obtain decisions.
8. A statement of the general course and method by which an agency's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.
9. A rule of procedure, description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

10. A substantive rule of general applicability adopted or issued by an agency as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by an agency.
11. Each amendment, revision, or repeal of information described in items 7–10.
12. Final opinions, including concurring and dissenting opinions, and orders issued in the adjudication of cases.
13. A policy statement or interpretation that has been adopted or issued by an agency.
14. Administrative staff manuals and instructions to staff that affect a member of the public.
15. Information regarded as open to the public under an agency's policies.
16. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.
17. Information that is also contained in a public court record.
18. A settlement agreement to which a governmental body is a party.

*Gov't Code 552.022*

*Contracts for  
Lobbying  
Services*

Information related to contracts for lobbying services required to be displayed on a political subdivision's internet website under Government Code 2254.030 is public information subject to disclosure under the PIA. *Gov't Code 2254.030(c)*

*Contracting  
Information*

Contracting information is public and must be released unless excepted from disclosure under the PIA.

"Contracting information" means the following information maintained by a governmental body or sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a governmental body;
2. Solicitation or bid documents relating to a contract with a governmental body;
3. Communications sent between a governmental body and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

4. Documents, including bid tabulations, showing the criteria by which a governmental body evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable an explanation of why the vendor or contractor was selected; and
5. Communications and other information sent between a governmental body and a vendor or contractor related to the performance of a final contract with the governmental body or work performed on behalf of the governmental body.

*Gov't Code 552.0222(a), .003(1-a)* [See CM for construction contract evaluation document disclosures]

*Investment  
Information*

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

*Expenditures for  
a Security  
System*

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

*Security  
Cameras in  
Private Offices*

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

*Body-Worn  
Cameras*

Information recorded by a body-worn camera that is or could be used as evidence in a criminal prosecution is subject to disclosure under the PIA. Information recorded by a body-worn camera and held by a law enforcement agency under Occupations Code Chapter 1701, Subchapter N is not subject to disclosure under the PIA. A recording is confidential and excepted from the requirements of Government Code, Chapter 552 if the recording:

1. Was not required to be made under this subchapter or another law or under a policy adopted by the appropriate law enforcement agency; and
2. Does not relate to a law enforcement purpose.

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

*Occupations Code 1701.661(c)–(d), (f), (h)*

Permitted  
Viewing

A permitted viewing of a recording under Occupations Code 1701.660(a-1) is not considered to be a release of public information for purposes of the PIA. *Occupations Code 1701.660(a-1)*

*Communications  
with Voting  
Systems Vendors*

A written letter, email, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor is not confidential, is public information for purposes of the PIA, and is not subject to an exception to disclosure provided by the PIA other than Government Code Sections 552.110 and 552.1101. *Election Code 121.004(a)*

Exception

A written letter, email, or other communication between a public official and a voting systems vendor is excepted from disclosure under Government Code Chapter 552 if the communication discloses information, data, or records relating to the security of elections critical infrastructure. *Election Code 121.004(b)*

**Section II:  
Information that is  
Confidential**

The certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued under Government Code 551.104(b)(3). *Gov't Code 551.104(c)*

Certified Agenda or  
Recording of a  
Closed Meeting

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Personal  
Information

*Employees and  
Officials*

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

Each employee and official and each former employee and official shall state that person's choice to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which the employee begins employment with the governmental body, the official is elected or appointed, or the former employee or official ends service with the governmental body. If the employee or official or former employee or official chooses

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

not to allow public access to the information the information is protected under Government Code Chapter 552, Subchapter C and the governmental body may redact the information from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. If an employee or official or a former employee or official fails to state the person's choice within the 14-day period, the information is subject to public access.

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

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

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

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

*Gov't Code 552.024; Att'y Gen. ORD-530 (1989)*

*Elected Public  
Officers and  
Peace Officers /  
Security Officers*

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

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

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

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

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

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

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

*Gov't Code 552.1175* [For officer information excepted under Government Code 552.117, see Section III: Information Excepted from Public Disclosure]

*Disaster Fund  
Recovery  
Recipients*

Information maintained by a governmental body is confidential and may not be disclosed to the public under the PIA if it relates to:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

*Gov't Code 552.160*

Student Records

Information is confidential and excepted from the requirements of the PIA if it is a student record at an educational institution funded wholly or partly by state revenue. The record shall be made available on the request of the educational institution personnel, the student involved, or the student's parent, guardian, or spouse or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

The PIA does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g. This section does not prohibit the disclosure or provision of information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. [See FL]

*Gov't Code 552.114(b)–(c), .026*

*Redaction*

An educational institution may redact information covered under Government Code 552.114(b) from information disclosed under the PIA without requesting a decision from the attorney general. *Gov't Code 552.114(d)*

*Exception*

If an applicant for admission to an educational institution described by Section 552.114(b), above, or a parent or legal guardian of a minor applicant to an educational institution described by Section 552.114(b), above, requests information in the record of the applicant, the educational institution shall disclose any information that is related to the applicant's application for admission and was provided to the educational institution by the applicant. *Gov't Code 552.114(e)*

*Student Record*

"Student record" means:

1. Information that constitutes education records as that term is defined by the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g(a)(4)); or
2. Information in a record of an applicant for admission to an educational institution, including a transfer applicant.

*Gov't Code 552.114(a)*

*Protected Health Information*

Protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the PIA. *Gov't Code 552.002*

*Out-of-State Health-Care Information*

Information obtained by a governmental body that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state health-care provider pays for is confidential and excepted from the requirements of the PIA. *Gov't Code 552.162*

*Credit Card, Debit Card, Charge Card, and Access Device Numbers*

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



PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

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

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

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

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

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

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

*Gov't Code 552.136*

Confidential  
Investment  
Information

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

Unless the information has been publicly released, pre-investment and post-investment diligence information, including reviews and analyses, prepared or maintained by a governmental body or a private investment fund is confidential and excepted from the requirements of the PIA, except to the extent it is subject to disclosure under the following provision.

All information regarding a governmental body's direct purchase, holding, or disposal of restricted securities that is not listed in Section 552.0225(b)(2)–(9), (11), or (13)–(16) is confidential and excepted from the requirements of the PIA. This provision does not

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

apply to a governmental body's purchase, holding, or disposal of restricted securities for the purpose of reinvestment nor does it apply to a private investment fund's investment in restricted securities. This provision applies to information regarding a direct purchase, holding, or disposal of restricted securities by the Texas growth fund, created under Texas Constitution Article XVI, Section 70 that is not listed in Government Code 552.0225(b).

*Gov't Code 552.143(a)–(c)*

Email Addresses

*Confidential*

An email address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential and not subject to disclosure under the PIA. Confidential information described by this section that relates to a member of the public may be disclosed if the member of the public affirmatively consents to its release. *Gov't Code 552.137(a)–(b)*

Exceptions

This section does not apply to an email address:

1. Provided to a governmental body by a person who has a contractual relationship with the governmental body or by the contractor's agent;
2. Provided to a governmental body by a vendor who seeks to contract with the governmental body or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the governmental body in the course of negotiating the terms of a contract or potential contract;
4. Provided to the governmental body on a letterhead, coversheet, printed document, or other document made available to the public; or
5. Provided to a governmental body for the purpose of providing public comment on or receiving notices related to an application for a license or receiving orders or decisions from a governmental body. "License" includes the whole or part of a state agency permit, certificate, approval, registration, or similar form of permission required by law.

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

*Gov't Code 552.137(c)–(d), 2001.003(2)*

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

Participant in Address Confidentiality Program	Information relating to a participant in the Address Confidentiality Program to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the PIA. <i>Code of Criminal Procedure 58.060</i>
Crime Victim Information <i>Pseudonym Form</i>	A completed and returned pseudonym form as provided by Code of Criminal Procedure Chapter 58 is confidential and may not be disclosed to any person except as provided by Chapter 58. <i>Code of Criminal Procedure Chapter 58</i>
<i>Certain Identifying Information</i>	<p>Information is confidential and excepted from the requirements of the PIA if the information identifies an individual as:</p> <ol style="list-style-type: none"><li>1. A victim of:<ol style="list-style-type: none"><li>a. An offense under Penal Code 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25; or</li><li>b. An offense that is part of the same criminal episode, as defined by Penal Code 3.01 as an offense described by item a; or</li></ol></li><li>2. A victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed.</li></ol> <p><i>Gov't Code 552.1315(a)</i></p>
Exception	<p>Information under this provision may be disclosed:</p> <ol style="list-style-type: none"><li>1. To any victim identified by the information, or to the parent or guardian of a victim described by item 2, above, who is identified by the information;</li><li>2. To a law enforcement agency for investigative purposes; or</li><li>3. In accordance with a court order requiring the disclosure.</li></ol> <p><i>Gov't Code 552.1315(b)</i></p>
<i>Employees Who Are Victims of Certain Crimes</i>	An employee of a governmental body who is also a victim under Code of Criminal Procedure Chapter 56B, regardless of whether the employee has filed an application for compensation under that chapter, may elect whether to allow public access to information held by the attorney general's office or governmental body that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the governmental body, be signed by the employee, and be filed with the governmental body

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

before the third anniversary of the latest to occur of one of the following:

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

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

*Gov't Code 552.132(d)–(e)*

*Victim Impact  
Statement*

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

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

“Crime victim” means a person who is a victim as defined by Code of Criminal Procedure 56B.003.

“Victim impact statement” means a victim impact statement under Code of Criminal Procedure Chapter 56A, Subchapter D.

*Gov't Code 552.1325*

*Child Victim  
Information*

A public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim, as described by Code of Criminal Procedure 58.101, 58.155, or 58.201, younger than 17 years of age or of a victim, as described by Code of Criminal Procedure 58.251, younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. *Code of Criminal Procedure 58.105, .155, .205, .255*

Library Records

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

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

1. Because the library or library system determines that disclosure is reasonably necessary for the operation of the library or library system and the record is not confidential under other state or federal law;
2. Under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a district court that disclosure of the record is necessary to protect the public safety or the record is evidence of an offense or constitutes evidence that a particular person committed an offense.

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

*Gov't Code 552.124*

Certain Products,  
Devices, and  
Processes

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

1. All information relating to a product, device, or process, the application or use of such a product, device, or process, and all technological and scientific information (including computer programs) developed in whole or in part at a state institution of higher education, including a college district, regardless of whether patentable or capable of being registered under copyright or trademark laws, that have a potential for being sold, traded, or licensed for a fee.
2. Any information relating to a product, device, or process, the application or use of such product, device, or process, and any technological and scientific information (including computer programs) that is the proprietary information of a person, partnership, corporation, or federal agency that has been disclosed to an institution of higher education solely for the purposes of a written research contract or grant that contains a provision prohibiting the institution of higher education from disclosing such proprietary information to third persons or parties.

*Education Code 51.914(a)*

Research

Information maintained by or for an institution of higher education that would reveal the institution's plans or negotiations for commercialization or a proposed research agreement, contract, or grant, or that consists of unpublished research or data that may be commercialized, is not subject to the PIA, unless the information has been

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

published, is patented, or is otherwise subject to an executed license, sponsored research agreement, or research contract or grant. *Education Code 51.914(b)*

Research and  
Development  
Facility

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

Compliance  
Investigations

The following are confidential:

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

Information is excepted from disclosure under the PIA if it is collected or produced in a compliance program investigation and releasing the information would interfere with an ongoing compliance investigation.

*Education Code 51.971(c), (e)*

*Exceptions*

Education Code 51.971(c) does not apply to information related to an individual who consents to disclosure of the information.

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

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

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

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

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

*Education Code 51.971(d), (f)–(g)*

Computer Network  
Security

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

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, system interface, or software of a governmental body or of a contractor of a governmental body is vulnerable to unauthorized access or harm, including an assessment of the extent to which the governmental body's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a governmental body; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log.

Item 4 does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053.

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

*Gov't Code 552.139*

PUBLIC INFORMATION PROGRAM  
ACCESS TO INFORMATION

GCA  
(LEGAL)

Security System Specifications, Operations, and Locations	Except as provided by Government Code 418.182(b) and (c), information, including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential. <i>Gov't Code 418.182(a)</i>
Emergency Alert System	The personal identifying information obtained from an individual for the purpose of the emergency alert system of a college district, including an email address or telephone number, is confidential and not subject to disclosure under the PIA. [See CGC] <i>Education Code 51.218(e)</i>
Sensitive Crime Scene Image	A sensitive crime scene image, as defined by Government Code 552.1085(a)(6), in the custody of a governmental body, including a college district, is confidential and excepted from the requirements of Government Code 552.021, and a governmental body may not permit a person to view or copy the image except as provided by Government Code 552.1085. <i>Gov't Code 552.1085(c)</i>
Military Discharge Records	A military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 75 years following the date it is recorded with or otherwise comes into the possession of the governmental body in accordance with Government Code Section 552.140 or in accordance with a court order. A governmental body that obtains information from the record shall limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained. <i>Gov't Code 552.140</i>
Retirement System Information	Records of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from a retirement system under a retirement plan or program administered by the retirement system that are in the custody of another governmental agency acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure. <i>Gov't Code 552.0038</i>
Election Judge or Clerk Information	An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of the PIA. <i>Election Code 32.076(a)</i>
<i>Exception</i>	<p>An email address or phone number described by Election Code 32.076(a), above, shall be made available on request to:</p> <ol style="list-style-type: none"><li>1. Any entity eligible to submit lists of election judges or clerks for that election; or</li></ol>



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2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

*Election Code 32.076(b)*

**Section III:  
Information  
Excepted from  
Public Disclosure**

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

Except for social security numbers as provided by Government Code 552.147, the confidentiality provisions of Government Code Chapter 552, or other law, information that is not confidential, but is excepted from required disclosure under the PIA, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the governmental body. This paragraph does not limit the authority of a governmental body to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Confidential  
Information

Information is excepted from the requirements of the PIA if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Personnel File

Information is excepted from the requirements of the PIA if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of an employee of a governmental body is to be made available to that employee or the employee's designated representative as public information is made available under the PIA. *Gov't Code 552.102*

Substantial Threat  
of Physical Harm

Information in the custody of a governmental body that relates to an employee or officer of the governmental body is excepted from the requirements of the PIA if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Litigation

Information is excepted from the requirements of the PIA if it is information relating to litigation of a civil or criminal nature to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or political subdivision, as a consequence of the person's office or employment, is or may be a party. The state or a political subdivision is considered to be a party to litigation of a criminal nature until the applicable statute of limitations has expired or until the defendant has exhausted all appellate and postconviction remedies in state and federal court. Information

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relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under the PIA only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. *Gov't Code 552.103*

Competition or  
Bidding

Information is excepted from the requirements of the PIA if a governmental body demonstrates that release of the information would harm its interest by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Except as provided below, the requirement of Government Code 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under the PIA unless expressly confidential under law does not apply to information that is excepted from required disclosure under this provision. *Gov't Code 552.104(a)–(b)*

*Exception for  
Entertainment  
Events*

The exception to disclosure for information related to competition or bidding under Government Code 552.104(b) does not apply to information described by Government Code 552.022 relating to the receipt or expenditure of public or other funds by a governmental body for a parade, concert, or other entertainment event paid for in whole or part with public funds. A person, including a governmental body, may not include a provision in a contract related to an event described by this provision that prohibits or would otherwise prevent the disclosure of information described by this subsection. A contract provision that violates this provision is void.

*Gov't Code 552.104(c)*

Location or Price of  
Property

Information is excepted from the requirements of the PIA if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

Drafts and Working  
Papers

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

Legal Matters

Information is excepted from the requirements of the PIA if it is information the attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct

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ACCESS TO INFORMATION

GCA  
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or a court by order has prohibited disclosure of the information.  
*Gov't Code 552.107*

Law Enforcement  
Information

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

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

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

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

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

*Gov't Code 552.108*

Private  
Correspondence  
and  
Communications

Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from the requirements of the PIA. *Gov't Code 552.109*

Contracting  
Information

Information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a).

*Trade Secrets*

*Gov't Code 552.110(b)*

*Proprietary  
Information*

Information submitted to a governmental body by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor that the information relates to demonstrates based on specific factual evidence that the information is proprietary information under Government Code 552.1101. *Gov't Code 552.1101*

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*Commercial or  
Financial  
Information*

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

*Exception*

The exceptions to disclosure provided by Government Code 552.110 and 552.1101 do not apply to the following types of contracting information:

1. A contract described by Government Code 2261.253(a), excluding any information that was properly redacted under Section 2261.253(e);
2. A contract described by Government Code 322.020(c), excluding any information that was properly redacted under Section 322.020(d);
3. The following contract or offer terms or their functional equivalent:
  - a. Any term describing the overall or total price the governmental body will or could potentially pay, including overall or total value, maximum liability, and final price;
  - b. A description of the items or services to be delivered with the total price for each if a total price is identified for the item or service in the contract;
  - c. The delivery and service deadlines;
  - d. The remedies for breach of contract;
  - e. The identity of all parties to the contract;
  - f. The identity of all subcontractors in a contract;
  - g. The affiliate overall or total pricing for a vendor, contractor, potential vendor, or potential contractor;
  - h. The execution dates;
  - i. The effective dates; and
  - j. The contract duration terms, including any extension options; or
4. Information indicating whether a vendor, contractor, potential vendor, or potential contractor performed its duties under a contract, including information regarding a breach of contract, a contract variance or exception, a remedial action, an amendment to a contract, any assessed or paid liquidated

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ACCESS TO INFORMATION

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damages, a key measures report, a progress report, and a final payment checklist.

*Gov't Code 552.0222(6)*

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

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

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

*Gov't Code 552.116*

Contact Information     Information is excepted from the requirements of the PIA if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following persons, or that reveals whether the person has family members:

1. A current or former official or employee of a governmental body, except as otherwise provided by Government Code 552.024.
2. A current or honorably retired peace officer as defined by Code of Criminal Procedure 2.12, regardless of whether the officer complies with Government Code 552.024 or 552.1175, as applicable.
3. A commissioned security officer as defined by Occupations Code 1702.002, regardless of whether the officer complies with Sections 552.024 or 552.1175, as applicable.
4. An elected public officer, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable.
5. Other officials listed under Government Code 552.117.

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*Gov't Code 552.117* [For officer information that is confidential under Government Code 552.1175, see Section II: Information that is Confidential]

Photographs of  
Peace Officers

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

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

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

*Gov't Code 552.119*

Test Items

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

Rare Books and  
Original  
Manuscripts

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

Documents Held for  
Historical Research

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

Chief Executive  
Officer Applicants

The name of an applicant for the position of chief executive officer of an institution of higher education, and other information that would tend to identify the applicant, is excepted from the requirements of the PIA except that the governing board of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the

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ACCESS TO INFORMATION

GCA  
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meeting at which final action or a vote is to be taken on the employment of the person. *Gov't Code 552.123*

Motor Vehicle  
Record Information

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

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

Information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act).

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

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

*Gov't Code 552.130*

Commercial Book  
or Publication

A governmental body is not required under the PIA to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as a resource material, such as a library book, a governmental body is not required to make a copy of the information in response to a request for public

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ACCESS TO INFORMATION

GCA  
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information. A governmental body shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the governmental body.  
*Gov't Code 552.027*

Social Security  
Numbers

The social security number of a living person is excepted from the requirements of the PIA, but is not confidential under Government Code 552.147 and this section does not make the social security number of a living person confidential under the PIA or other law. A governmental body may redact the social security number of a living person from any information the governmental body discloses under the PIA without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a)–(b)*

Donor Information

The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent that the money or property be transferred to an institution of higher education is excepted from the requirements of the PIA. This provision does not except from required disclosure other information relating to the described gifts, grants, and donations, including the amount or value of an individual gift, grant, or donation. *Gov't Code 552.1235*

Safety and Security  
Audit

Any document or information collected, developed, or produced during a safety and security audit conducted under Education Code 37.108(b) is not subject to disclosure under the PIA [see CG].

*Multihazard  
Emergency  
Operations Plan  
Exception*

A document relating to a public junior college district's multihazard emergency operations plan [see CGC] is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including the Texas Department of State Health Services, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management under Education Code 37.108(a);
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;



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ACCESS TO INFORMATION

GCA  
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5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. Verify that the district has completed a safety and security audit under Education Code 37.108(b) and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the district's board of trustees; and
7. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months.

*Education Code 37.108(c-1)–(c-2)*

*Cybersecurity  
Information*

A cyber threat indicator or defensive measure shared by or with a state, tribal, or local government under 6 U.S.C. 1503 shall be deemed voluntarily shared information and exempt from disclosure under any state or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records. 6 U.S.C. 1503(d)(4)(B)

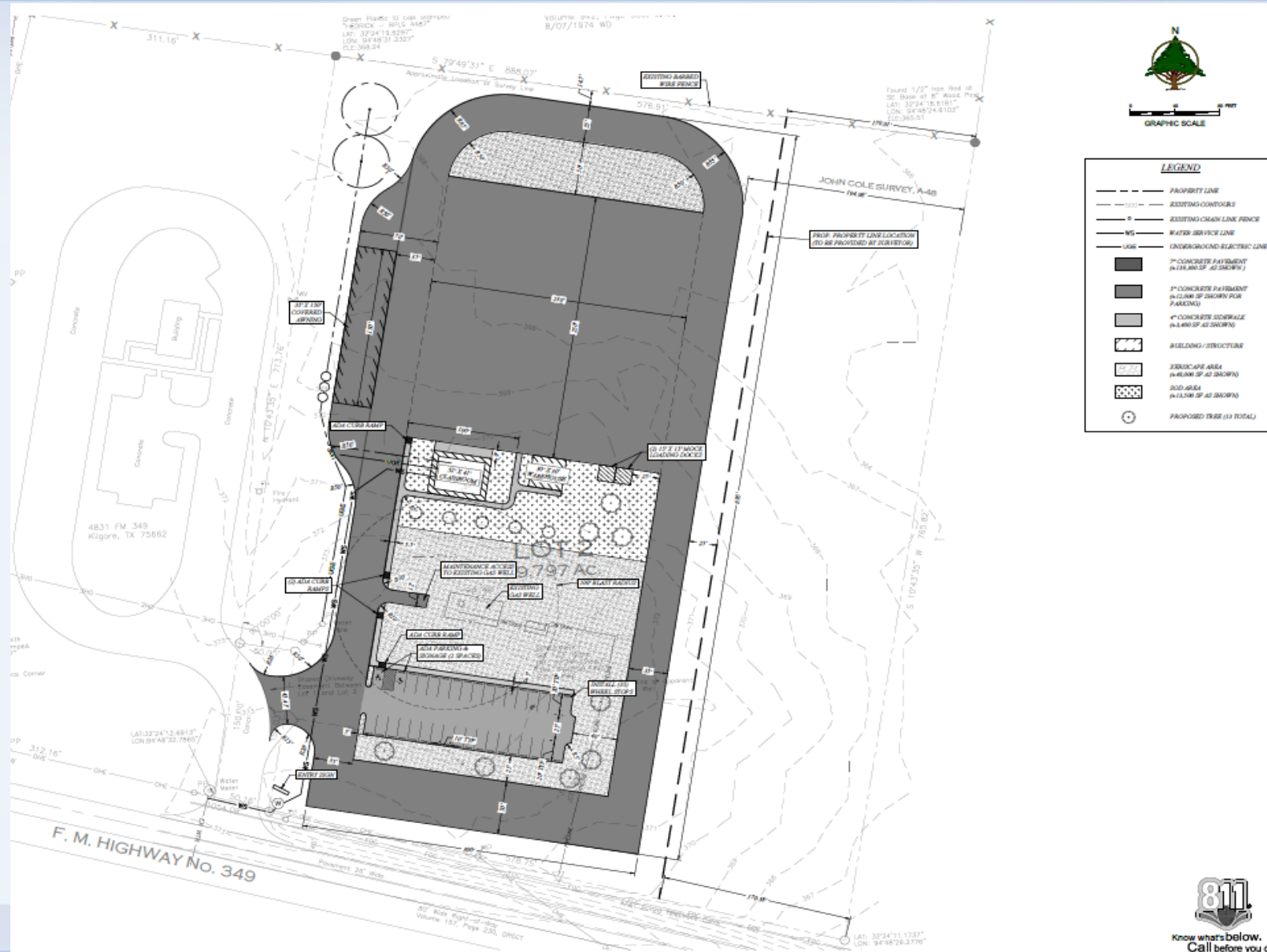
A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Deemed voluntarily shared information and exempt from disclosure under federal public information law and any state or local provision of law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal public information law and any state or local provision of law requiring disclosure of information or records.

6 U.S.C. 1504(d)(3) [See CS]

# Kilgore College Transportation Institute

Recommendation to utilize the  
Design-Build Method of Contractor Procurement





# Design-Build Criteria

- Select the contracting method
- Give public notice of the project
- Publish contract selection criteria
- Make evaluations public after contract award
- Provide for inspection, verification, and testing

2022



# **Annual Security & Fire Safety Report**

**KILGORE COLLEGE**

*Kilgore & Longview*

*Statistics for 2019-2021 / Published September 2022*

# ***KILGORE COLLEGE MISSION STATEMENT***

**Kilgore College provides a learner-centered environment that focuses on student access, success and completion via collaborative partnerships.**

- Kilgore College promotes **access** through its open-door admission, distance learning opportunities, dual credit courses, developmental education, continuing education, and comprehensive financial aid programs.
- Kilgore College promotes **success** through high quality innovative instruction and holistic student support services and activities.
- Kilgore College promotes **completion** by providing a foundation for students to flourish either through university transfer or entry into the workforce as highly skilled and technologically advanced employees.
- Kilgore College leads and promotes **partnerships** through outreach to area schools and universities, small business/entrepreneurial expansion, adult education and literacy, responsiveness to economic development needs, and promotion of social and cultural advancement.

*The mission statement of Kilgore College is consistent with the Texas Education Code 130.0011, which states that the mission of public junior colleges shall be two-year institutions primarily serving their local taxing districts and service areas in Texas and offering vocational, technical, and academic courses for certification or associate degrees, as well as continuing education, remedial and compensatory education consistent with open-admissions policies.*

The Kilgore College main campus is located in Kilgore, Texas with a second campus located in Longview, Texas. KC has maintained a reputation for being a safe campus for its community members, but no campus is crime-free; therefore, all members of the KC community should take reasonable precautions. KC is committed to working with all members of the community to make its campuses safe and secure. The College has developed a series of policies and procedures to assist in these efforts.

The following information has been prepared to increase your awareness of the current programs that exist to assist you in providing for your safety and well-being. Portions are also provided in compliance with federal law, specifically the Clery Act and the Higher Education Opportunity Act. KC has been fortunate in experiencing few serious crimes, but such incidents could occur, and all crimes are serious to the victim. Students, faculty, and staff are responsible for adopting measures to protect themselves and their property.

## **The Kilgore College Police Department**

The major responsibility for the safety and well-being of students, faculty and staff members at Kilgore College rests with the Campus Police Department. The department recognizes that it has a wider mission than that of other law enforcement agencies, adding significantly to its responsibilities.

Department personnel are sensitive to the unique nature of the college community, a diverse group of students, faculty and staff. This situation calls for a safe and orderly environment so that all members of the community can fulfill their individual missions.

The Kilgore College Police Department (KCPD) is a State-Certified police agency. The officers at Kilgore College are certified peace officers under art. 2.12 of the Code of Criminal Procedure and are commissioned by the Board of Trustees of Kilgore College under section 51.203, subchapter E, Chapter 51 of the Education Code. They provide protection 24 hours-a-day, every day of the year. Their authority extends to the Kilgore College-Longview campus and any property owned or leased by Kilgore College. KCPD officers carry all the powers, privileges, and immunities granted any other law enforcement official in the State of Texas. The officers are empowered to write citations, make arrests, and investigate all criminal incidents on campus.

As a service to the students, staff and visitors, campus police will assist with minor vehicle problems such as jump-starting low batteries and accidental lock outs.

## **Working Relationships with Other Law Enforcement Agencies**

The KCPD cooperates with other law enforcement agencies at the local, county, state and federal level. This includes communications and the coordination of special events. The KCPD is part of the City of Kilgore Police Department communications system which provides for immediate mutual assistance in Kilgore. Additionally, the KCPD has direct communications with the City of Longview Police Department to maintain an immediate response capability at the KC-Longview campus.

## **Training**

All KCPD officers have met the minimum training standards as established by the Texas Commission on Law Enforcement Standards and Education and are required to obtain a minimum of 40 hours continuing education/training every two years.

## **Reporting Procedures**

### **General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to KCPD in a timely manner. This publication focuses on KCPD because it patrols the majority of the Kilgore Campus and the KC-Longview Campus. However, the respective local law enforcement agencies should be contacted when incidents, emergencies, or crimes occur off of the campus in either location.



To report a crime, an emergency, or a non-emergency security or public safety-related matter, on the Kilgore Campus, call KCPD at extension 8650 or, from outside the KC phone system, 903-983-8650. This number will be answered 24 hours a day 365 days a year.

To report a crime, an emergency, or a non-emergency security or public safety related matter, on the KC-Longview Campus, an individual should call KCPD at extension 2011 or, from outside the KC phone system, 903-236-2011. This number will be answered anytime this campus is open.

Callers should dial 911 for all emergencies involving any in progress crime, crimes involving imminent bodily injury, serious threat to life, or death. 911 System: In Kilgore, the 911 center is located at the Kilgore Police Department; in Longview, it is located at the Longview Police Department. When a 911 call is placed using a cell phone, the call will be routed to the 911 call center in the appropriate jurisdiction and will not be simultaneously routed to the KCPD office.

### **Notification to the KC Community about Reported Crimes**

In an effort to provide timely notice to the KC community, and in the event of a serious incident which may pose an ongoing threat to members of the KC community, a campus-wide alert is sent via a RAVE Alert, a text messaging system that is sent to all members of the campus community who have subscribed to the service. These alerts are generally written by the Vice President of Student Services who will authorize these messages via the PIO. These messages may also be sent out by the Chief of Police.

Updates to any of the KC community about a particular case resulting in a campus-wide alert may be distributed by a blast e-mail to all students and staff or may be posted on the campus web site.

In the event of criminal activity taking place on campus, Crime Alert posters may also be posted by the KCPD in campus buildings when deemed necessary.

When crime alerts are posted in campus buildings, they are printed on orange paper and posted in the lobby/entrance area of the affected building(s) for seven days.

Crime Alerts are usually distributed for the following Uniformed Crime Reporting Program (UCR)/ National Incident Based Reporting System (NIBRS) classifications: arson, criminal homicide, and robbery. Cases of aggravated assault and sex offense are considered on a case by case basis, depending on the facts of the case and the information known by KCPD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other KC community members and a Crime Alert would not be distributed.

The KC Police Chief or his designee reviews all reports to determine if there is an ongoing threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be posted for other crime classifications, as deemed necessary.

A daily crime log is available for review at the KCPD office at Kilgore main campus.

### **Statistical Disclosure of Reported Incidents**

Incidents reported to the KCPD that fall into one of the required reporting classifications will be disclosed as a statistic in this annual report published by the KCPD.

### **Reporting Methods Available on Campus**

KCPD can be contacted from on-campus telephones by dialing extension 8650 for the Kilgore campus or 903-983-8650 from non-campus phones. KCPD Longview can be contacted from campus phones by dialing extension 2011 or 903-236-2011 from non-campus phones. The KCPD website – [www.kilgore.edu/kcpd](http://www.kilgore.edu/kcpd) - has an online reporting tool that allows the public to make reports anonymously. (See email address on referenced site.)

### **Reporting a Crime to the local police agencies**

*Following are contact numbers for local law enforcement agencies in the KC campus areas:*

Kilgore Police Department: 903-983-1559

Longview Police Department: 903-237-1199 Gregg

County Sheriff's Dept.: 903-236-8400 Rusk

County Sheriff's Dept.: 903-657-3581 Texas

Department of Public Safety: 903-236-4844

Gladewater Police Department: 903-845-2166

Gilmer Police Department: 903-843-5545

Henderson Police Department: 903-657-3512

### **Off-Campus Crime**

Local law enforcement agencies currently notify the KCPD about criminal activity which occurs off campus and involving KC students; however, there are no official policies in place requiring that local law enforcement agencies do so. Students in these cases are subject to arrest by the local law enforcement agencies, and these cases may be forwarded to the office of the Vice President of Student Services for judicial review.

### **Access to Campus Facilities at the Kilgore Campus**

#### **Academic Buildings and Administration**

Access to College buildings and facilities is available to students, employees, guests of employees, and visitors during normal business hours, Monday through Friday. Access on Saturdays will also be available at designated campuses during regularly scheduled office hours and special events.

Each semester, employees involved with student organizations should submit a list of students authorized to enter a college building after normal business hours, on weekends, or during holidays. This building entry request should be forwarded to the KCPD each semester and will be used to allow or deny access to buildings.

Employees entering or leaving after normal business hours should notify the KCPD; this notification will assist the department in maintaining a secure environment.

### **Residence Halls**

Access to housing facilities is monitored by college housing personnel until visitation hours end. Access by residents to their housing facilities after hours can be obtained only by contacting housing personnel or the KCPD for entry. Identification will be required before entry is allowed. All visitors and guests entering residence halls must check in when entering a hall and check out when leaving by contacting the housing employee on duty at that hall. There will be no after-hour entry allowed for non-registered guests.

### **Maintenance of Campus Facilities**

Facilities and landscaping are maintained in a manner that minimizes hazards on our campuses. The KCPD regularly patrols both campuses and reports malfunctioning lights and other unsafe physical conditions to the college's maintenance contractor for maintenance and/or repair. All members of the KC community are encouraged to report any equipment problems to the KCPD or the maintenance contractor.

### **Crime Statistics**

***The information below provides context for the crime statistics reported as part of compliance with the Clery Act.***

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the KC community obtained from the following sources: the KC Police Department (KCPD), the Kilgore Police Department (KPD), the Longview Police Department, and non-police officials (as defined below). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported.

A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law), and to the Vice President of Student Services.

KCPD submits the annual crime statistics published in this document to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. (CSSA Survey)

KCPD provides notification to every enrolled student and current employee on an annual basis. The notification includes a brief summary of the contents of the publication. The notification also includes the address for the KCPD website where the publication can be found online

<https://www.kilgore.edu/about/police-department-kcpd> and information about how to request a hard copy of the document.

### **Specific Information about Classifying Crime Statistics**

The statistics in this document are published in accordance with the standards and guidelines used by the *FBI Uniform Crime Reporting Handbook* and the relevant federal law (the Clery Act).

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/ Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics.

The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people referred to the office of the Vice President of Student Services for disciplinary action for violations of those specific laws. Being “found responsible” for a violation includes a referral that results in a student being charged by Student Services and a record of the action being kept on file.

The statistics in the Hate Crime charts are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Simple Assault, Intimidation, and any other crime that involves bodily injury that is not already included in the required reporting categories. If a hate crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, Simple Assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim’s race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

### **Specific Information about the Crime Statistics Reported by KC**

Statistics for “Residential Facilities” are also counted in the “On-Campus” crime category. The law requires institutions to break out the number of “On-Campus” crimes that occur in residential facilities.

Crime statistics for the categories of larceny and simple assault are not required by law, but are still provided in the interest of informing the community about the most frequent crimes that occur at KC.

Statistics under the heading of “Disciplinary Action” include those individuals referred to the Office of Student Services for disciplinary action. The numbers include incidents that are reported via KCPD incident reports and reports provided directly to Student Services from other members of the KC community. Referrals include the number of people referred for disciplinary action and found responsible for violating those specific student conduct rules. Being “found responsible” is defined above.

## **KILGORE CAMPUS INFORMATION**

## KILGORE CAMPUS – CRIMINAL OFFENSES

<b>Criminal Offenses - On campus</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	1	1	0
i. Burglary	6	4	3
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - On-Campus Student Housing Facilities</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	1	0	0
i. Burglary	6	2	3
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - Public Property</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - Non-Campus Property</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0

## KILGORE CAMPUS – WEAPON, DRUG, & ALCOHOL OFFENSES

<b>Arrests - On campus</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	7	5	0
c. Liquor law violations	3	1	0
<b>Arrests - On-Campus Student Housing Facilities</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	1	5	0
c. Liquor law violations	3	1	0
<b>Arrests - Public Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Arrests - Non-Campus Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - On Campus</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	2	0	1
b. Drug abuse violations	7	5	0
c. Liquor law violations	7	2	0
<b>Disciplinary Actions - On-Campus Student Housing Facilities</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	2	0	1
b. Drug abuse violations	7	5	0
c. Liquor law violations	7	2	0
<b>Disciplinary Actions - Public Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - Non-Campus Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0



## KILGORE CAMPUS – HATE CRIMES

Hate Crimes - On Campus									
<b>2019</b>									
<i><b>Criminal Offense</b></i>	<i><b>Total</b></i>	<i><b>Race</b></i>	<i><b>Religion</b></i>	<i><b>Sexual Orientation</b></i>	<i><b>Gender</b></i>	<i><b>Gender Identity</b></i>	<i><b>Disability</b></i>	<i><b>Ethnicity</b></i>	<i><b>National Origin</b></i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2020</b>									
<i><b>Criminal Offense</b></i>	<i><b>Total</b></i>	<i><b>Race</b></i>	<i><b>Religion</b></i>	<i><b>Sexual Orientation</b></i>	<i><b>Gender</b></i>	<i><b>Gender Identity</b></i>	<i><b>Disability</b></i>	<i><b>Ethnicity</b></i>	<i><b>National Origin</b></i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2021</b>									
<i><b>Criminal Offense</b></i>	<i><b>Total</b></i>	<i><b>Race</b></i>	<i><b>Religion</b></i>	<i><b>Sexual Orientation</b></i>	<i><b>Gender</b></i>	<i><b>Gender Identity</b></i>	<i><b>Disability</b></i>	<i><b>Ethnicity</b></i>	<i><b>National Origin</b></i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0

k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>Hate Crimes - On Campus Student Housing Facilities</b>									
<b>2019</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2020</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2021</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0

i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0

n. Intimidation	0	0	0	0	0	0	0	0	0
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Hate Crimes - Public Property									
2019									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2020									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2021									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0

g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

Hate Crimes - Non-Campus Property									
2019									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2020									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2021									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0

e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

## KILGORE CAMPUS – VIOLENCE AGAINST WOMEN ACT OFFENSES

VAWA Offenses - On Campus			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	1	0	0
c. Stalking	0	0	0
VAWA Offenses - On-Campus Student Housing Facilities			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
VAWA Offenses - Public Property			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
VAWA Offenses - Non-Campus Property			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

## **LONGVIEW CAMPUS INFORMATION**

## LONGVIEW CAMPUS – CRIMINAL OFFENSES

<b>Criminal Offenses - On campus</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - On-Campus Student Housing Facilities</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - Public Property</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0
<b>Criminal Offenses - Non-Campus Property</b>			
<b><i>Criminal Offense</i></b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Murder/Non-negligent manslaughter	0	0	0
b. Negligent manslaughter	0	0	0
c. Rape	0	0	0
d. Fondling	0	0	0
e. Incest	0	0	0
f. Statutory rape	0	0	0
g. Robbery	0	0	0
h. Aggravated assault	0	0	0
i. Burglary	0	0	0
j. Motor vehicle theft	0	0	0
k. Arson	0	0	0



## LONGVIEW CAMPUS – WEAPON, DRUG, & ALCOHOL OFFENSES

<b>Arrests - On campus</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Arrests - On-Campus Student Housing Facilities</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Arrests - Public Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Arrests - Non-Campus Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - On Campus</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - On-Campus Student Housing Facilities</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - Public Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0
<b>Disciplinary Actions - Non-Campus Property</b>			
<b>Law Violation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
a. Weapons: carrying, possessing, etc.	0	0	0
b. Drug abuse violations	0	0	0
c. Liquor law violations	0	0	0

## LONGVIEW CAMPUS – HATE CRIMES

Hate Crimes - On Campus									
<b>2019</b>									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2020</b>									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2021</b>									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0

k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

Hate Crimes - On Campus Student Housing Facilities									
2019									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2020									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
2021									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0

j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

#### Hate Crimes - Public Property

2019									
<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>

a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

#### 2020

<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

#### 2021

<i>Criminal Offense</i>	<i>Total</i>	<i>Race</i>	<i>Religion</i>	<i>Sexual Orientation</i>	<i>Gender</i>	<i>Gender Identity</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>National Origin</i>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0

i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>Hate Crimes - Non-Campus Property</b>									
<b>2019</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2020</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0
h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0
<b>2021</b>									
<b><i>Criminal Offense</i></b>	<b><i>Total</i></b>	<b><i>Race</i></b>	<b><i>Religion</i></b>	<b><i>Sexual Orientation</i></b>	<b><i>Gender</i></b>	<b><i>Gender Identity</i></b>	<b><i>Disability</i></b>	<b><i>Ethnicity</i></b>	<b><i>National Origin</i></b>
a. Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
b. Negligent Manslaughter	0	0	0	0	0	0	0	0	0
c. Rape	0	0	0	0	0	0	0	0	0
d. Fondling	0	0	0	0	0	0	0	0	0
e. Incest	0	0	0	0	0	0	0	0	0
f. Statutory rape	0	0	0	0	0	0	0	0	0
g. Robbery	0	0	0	0	0	0	0	0	0

h. Aggravated Assault	0	0	0	0	0	0	0	0	0
i. Burglary	0	0	0	0	0	0	0	0	0
j. Motor vehicle theft	0	0	0	0	0	0	0	0	0
k. Arson	0	0	0	0	0	0	0	0	0
l. Simple assault	0	0	0	0	0	0	0	0	0
m. Larceny-theft	0	0	0	0	0	0	0	0	0
n. Intimidation	0	0	0	0	0	0	0	0	0

## LONGVIEW CAMPUS – VIOLENCE AGAINST WOMEN ACT OFFENSES

VAWA Offenses - On Campus			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
VAWA Offenses - On-Campus Student Housing Facilities			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
VAWA Offenses - Public Property			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0
VAWA Offenses - Non-Campus Property			
<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

## **Emergency Response**

The KC Emergency Operations Plan is available online:

<http://www.kilgore.edu/about/institutional-information/emergency-management-plan>

The basic emergency procedures outlined in this manual are to enhance the protection of lives and property through effective use of college and campus community resources. Whenever an emergency affecting the campus reaches proportions that cannot be handled by routine measure, the president or the Incident Command Team may declare a state of emergency, and these contingency guidelines may be implemented. There are two general types of emergencies that may result in the implementation of this plan: (1) large scale disorder, and (2) large scale natural or man-made disaster. Since an emergency may be sudden and without warning, these procedures are designed to be flexible in order to accommodate contingencies of various types and magnitudes.

The Chief of Police or his/her designee serves as the Emergency Management Coordinator during any major emergency or disaster. The following definitions of an emergency are provided as guidelines to assist in determining the appropriate response. In such situations, the Emergency Management Coordinator or designee will inform the president of the college regarding the status of a given situation. Definitions of emergencies are as follow:

**MINOR EMERGENCY:** Any incident, potential or actual, which will not seriously affect the overall functional capacity of the college. Individuals should report these immediately to the Campus Police Department and the Police Officer on duty.

**MAJOR EMERGENCY:** Any incident, potential or actual, which affects an entire building or buildings, and which will disrupt the overall operations of the college. Outside emergency services may be required, as well as major efforts from campus support services. Major policy considerations and decisions will usually be required from the college administration during times of crisis. Individuals should report all major emergencies immediately to the Campus Police Department.

**DISASTER:** Any event or occurrence that has taken place and has seriously impaired or halted the operations of the college. In some cases, mass personnel casualties and severe property damage may be sustained. A coordinated effort of all campus-wide resources is required to effectively control the situation. Outside emergency services will be essential. In all cases of disaster, an Emergency Control Center will be activated, and the appropriate support and operational plans will be executed.

In addition, any incident that has the potential to generate external media attention concerning campus resources and/or the instrumentality of the college should be promptly reported to the Chief of Police, the Vice President of Student Services, and the KC Public Information Officer.

- **Notification to the KC Community about an Immediate Threat**

In the event of a serious incident which may pose an imminent or ongoing threat to members of the KC community, a campus-wide alert is sent via a RAVE Alert, a text messaging system that is sent to all members of the campus community who have subscribed to the service. Additionally, an alert may



be posted on the KC Facebook site to ensure the information is accessible to non-campus community members.

- **Emergency Evacuation Procedures**

An evacuation drill is conducted each semester in each of the residence halls. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility. The purpose of the drills is to prepare building occupants for an organized evacuation in case of fire or another emergency. Drills are monitored by the College's Incident Command Team, KCPD, and members of the Campus Life department to evaluate egress and behavioral patterns. Reports are prepared by participating departments to identify deficient equipment or other issues.

- **Shelter-in-Place Procedures – What it means to “Shelter-in-Place”**

If an incident occurs and the surrounding buildings or areas become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose individuals to that danger. Thus, to “Shelter-in-Place” means to take shelter in the building that one is in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside again.

- **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building is not damaged, individuals should stay inside an interior room until they are told it is safe to come out. If the building is damaged, individuals should take personal belongings (purse, wallet, Ranger Card, etc.) and follow the evacuation procedures for their building (close the door, proceed to the nearest exit, and use the stairs instead of elevators). Once they have evacuated, they should seek shelter at the nearest KC building quickly. If police, fire, or other emergency responders are on scene, they should follow their directions.

- **How People Will Know to “Shelter-in-Place”**

A shelter in place notification may come from several sources, including KCPD, housing staff members, other KC employees, the state or federal government, Kilgore or Longview PD, or other authorities utilizing the KC emergency communication tools.

- **How to “Shelter-in-Place”**

No matter where an individual is, the basic steps of shelter in place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency supplies and a telephone to be used in case of emergency.
2. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on scene.
3. Locate a room to shelter inside of. It should be an interior room, above ground level, and without windows or a limited number of windows. If there is a large group of

people inside a particular building, several rooms may be necessary.

4. Shut and lock all windows and close exterior doors.
5. Turn off air conditioners, heaters, and fans. Close vents to the ventilation systems if you are able.
6. Make a list of people with you and ask someone to call the list in to KCPD so they know where you are sheltering.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Annual Fire Safety Report**

If a fire occurs in a KC building, community members should immediately dial 911 and notify KCPD. To report fires at the Kilgore campus, call 8650 or 903-983-8650, and Longview at 2011 or 903- 236-2011.

The KCPD will then initiate a response with the appropriate fire department. If members of the campus community discover evidence that a fire has occurred and has been extinguished but is not sure whether KCPD has been notified, they should notify KCPD so they can investigate the incident.

The fire alarms alert community members of potential hazards and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. They should use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshal can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety of all involved!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the buildings. If individuals are caught on an elevator, they should push the emergency phone button. The emergency phones in elevators typically ring to the KCPD.

KCPD publishes this fire safety report as part of its annual Clery Act Compliance document, via this document, which contains information with respect to the fire safety practices and standards for KC. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire.

- **Fire Protection Equipment/Systems**

The majority of the campus buildings are equipped with fire detection and/or suppression systems. Reference the following pages in regards to fire safety amenities for the detection system and notification systems in the KC residential facilities.

- **Health and Safety Inspections**

Fire safety and detection systems are monitored by the safety officer for Kilgore College. Additionally, the buildings on campus meet the requirements of local codes and are periodically inspected by the offices of the Fire Marshal.

Residential facilities on campus are also inspected on an ongoing basis by the KC Campus Life. Inspections are conducted a minimum of five times per calendar year, twice during the fall and spring semesters and once during the summer. These health and safety inspections are designed primarily to find and eliminate safety violations.

Students living in residential facilities are apprised of the safety rules during housing orientation and are required to read the housing rules which include health and safety rules and regulations. The inspections include but are not limited to a visual inspection of electrical systems, smoke detection and carbon monoxide detection systems, fire extinguishers, and other life safety systems.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Prohibited items will be immediately confiscated.

- **Fire Safety Tips and Policies**

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. RESIDENTS SHALL NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.
- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of KC Campus Life rules.
- Almost 75% of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any KC building.
- To enhance fire safety in residence halls, the possession and/or use of appliances that contain heating elements (examples include space heaters, hot plates, etc.) and/or any open flame such as candles are NOT PERMITTED in any KC building.
- To further educate residents on fire safety, biennial mandatory housing meetings are held that include information and education on fire safety, review of fire safety related policies and fire safety related prohibitions, building evacuation and other critical topics. These meetings are conducted at the beginning of the Fall and Spring semesters.
- Fire drills are conducted in each residence hall at least once during the Fall and Spring semesters. Students are required to participate and follow necessary administrative directives.

## Fire Safety Amenities in KC Residential Facilities

Kilgore College Residential Facilities	Fire Alarm Monitoring Done On-Site	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans and Placards	Number of Evacuation (Fire) Drills Per Calendar Year
Stark	X			X	X	X	2
Quads	X			X	X	X	2
Nolen	X			X	X	X	2
Davis	X		X	X	X	X	2

Fire Statistics - Summary												
	2019				2020				2021			
FACILITY	FIRES	INJURIES	DEATHS	DETAILS	FIRES	INJURIES	DEATHS	DETAILS	FIRES	INJURIES	DEATHS	DETAILS
Davis	0	0	0		1	0	0	C	0	0	0	
Nolan	0	0	0		0	0	0		0	0	0	
Stark	1	0	0	A	0	0	0		0	0	0	
Quads	0	0	0		2	0	0	B	0	0	0	
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>		<b>3</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	

(A) Washing machine overheated and began to smoke, but no fire was present.

(B) Two incidents of popcorn smoking in microwave on different dates, no fire present.

(C) Macaroni and cheese smoking in microwave, no fire present.

## **Education of Members of the College Community**

Campus security and safety measures are provided during online new student orientation session by the KCPD. Additionally, residential housing orientations are held at the beginning of each semester where the same issues are discussed as well as fire safety.

During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at KC; fire safety information; AND information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus. In addition, KCPD will organize and set up crime prevention and education presentations when requested to do so. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees.

## **Victim Assistance Services**

If a member of the KC community becomes a victim of a crime, the KCPD will make the student or employee aware of services that are available as identified further in this document. In addition to outside sources, such as victim services and the Crime Victim's Compensation Act, KC has counselors who can provide support to members of the KC community.

## **Responsibilities of the College Community**

Members of the College community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to KCPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call KCPD or local law enforcement for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, calculators, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Do not leave valuables in your car, especially if they can be easily noticed
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

## **Notification of Missing Students**

If a member of the KC community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify KCPD at 903- 983-8650. KCPD will generate a missing person report and initiate an investigation.

After investigating the missing person report, should KCPD determine that the student is missing and has been missing for more than 24 hours, KC will notify the Kilgore Police Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, KC will notify the student's parent or legal guardian immediately after, but not more than 24 hours after, KCPD has determined the student is missing.

In addition to registering an emergency contact, students living in residential housing have the option to identify, confidentially, an individual to be contacted by KC in the event that the student is determined to have been missing for more than 24 hours. If a student has identified such an individual, KC will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through KC Campus Life. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate.

## **Alcohol/Intoxicating Substances and Drug Policies**

Absolutely no alcoholic beverages or other intoxicating substances are allowed on the Kilgore College campus, except for events where alcohol may be served with Presidential approval and no students are allowed. Students found drinking or in possession of alcoholic beverages or other intoxicating substances will be reported to Campus Police immediately and will face disciplinary action from the college, as well as any penalties issued in accordance with Texas State Law. ***Texas Alcoholic Beverage Codes 106.4 and 106.5 prohibit consumption or possession of alcohol by a minor.*** Penalties for violation of either of these codes on the Kilgore College Campus could result in arrest and an appearance in Municipal Court with a fine.

It is the responsibility of the college to maintain an environment which is conducive to teaching and learning and to personal and professional growth. Since irresponsible use of alcohol, intoxicating substances, and drugs is detrimental to the maintenance of an educational environment, it is the intent of the college and its Board of Trustees to establish practices and procedures which discourage using alcohol, intoxicating substances, and/or drugs which ensure compliance with local, state and federal laws by all individuals on college property or facilities or property under control or jurisdiction of the college. Administrative officials shall develop and implement in accordance with Board Policy, administrative guidelines and local, state and federal law (with education as the means of prevention), an on-going alcohol/drug awareness and prevention program for students and employees of Kilgore College. Information on KC's Drug and Alcohol Abuse Prevention Program can be found at <https://www.kilgore.edu/current-students/drug-and-alcohol-information>.

- **Drug Policy**

Use of controlled substances without a valid prescription is prohibited. Students are expected to abide by the rules and regulations of Kilgore College and Federal and State Laws regarding the use, sale and distribution of alcohol and controlled substances.

- **Illicit Drugs and Alcohol Abuse**

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (P.L. 101-226), Kilgore College endeavors to provide an environment for students that is free from illicit drugs and the abuse of alcohol or other intoxicating substances. Accordingly, the college provides information through the college Nurse's Office.

State and federal laws also apply to the unlawful possession, use or distribution of alcohol, inhalants or illegal drugs. The fines can range from not less than \$25.00 to imprisonment for life and a fine of up to \$250,000.

The health risks of using illegal drugs or inhalants may cause a person to become chemically and psychologically dependent, may alter the mechanisms of his/her body, and may cause a person to lose contact with reality and ultimately, death.

**Resources:**

**On-Campus:** KC Counseling services can provide short term counseling to members of the KC community. Counseling services may be reached by calling extension 8203 from a campus phone or (903) 983-8203 from a non-campus phone.

**Off- Campus:**

East Texas Council on Alcoholism and Drug Abuse- Longview- 903-753-7663

<http://www.etcada.com/>

## **Firearms and Weapons Policies**

Students may not possess handguns of any type on college property, including college residence halls unless they possess a valid handgun license. Licensees must abide by the college's concealed carry policy and all applicable state laws. Licensees must observe all handgun exclusion zones. The college's concealed carry policy can be found at

<https://www.kilgore.edu/about/police-department-kcpd/campus-carry-sb-11-info>

Students may not possess dangerous, prohibited or illegal weapons on college property. This includes, but is not limited to unlicensed handguns, other firearms (rifles, shotguns, flare guns, etc.), pellet/BB/air guns, stun guns, sling shots, arrows, bows, axes, machetes, nun-chucks, throwing stars, rifles, handguns, and knives. Hazardous chemicals and/or flammable liquids are also prohibited.

The sale, use, or possession of fireworks or explosives is also prohibited. Any firearms, explosives or weapons found in a student's possession will be confiscated by the college police. It is unlawful to interfere with the normal activities, the normal occupancy, or normal use of any building or portion of the college campus by exhibiting or using or threatening to exhibit or use a firearm or weapon. Possession of weapons or explosives may lead to disciplinary action, including suspension. Moreover, a person who violates this section is guilty of a felony and upon conviction is punishable by a fine or imprisonment in the state penitentiary or both.



## **Emergency Medical Response Procedures**

Students, faculty, staff, and guests should report any emergency medical situations immediately, by dialing 911 and to KCPD. For the Kilgore campus this is done by calling 8650 from a campus phone or 903-983-8650 from a non-campus phone. For the Longview campus this is done by calling 2011 from a campus phone or 903-236-2011 from a non-campus phone or by calling 911.

KCPD officers will respond to the scene of the emergency and will coordinate the response from emergency medical services.

All non-campus medical emergencies should be reported by calling 911.

## **Sex Offenses**

### **Campus Security Authorities (CSA)**

Faculty, staff and students are encouraged to report any criminal offenses within the campus environment directly to Campus Police. However, as an option, you may also report criminal offenses to any KC Campus Security Authority.

A Campus Security Authority (CSA) is a Clery specific term that encompasses the following groups of individuals and organizations associated with an institution whose functions involve relationships with students such as:

- security and law enforcement officers,
- academic advisors,
- student activities personnel,
- deans (or other senior student administrative personnel),
- athletic coaches,
- residence hall staff,
- overseers and advisors to student clubs and organizations, and
- staff involved in student discipline and campus judicial proceedings.

An easy way to contact a CSA is by searching the Kilgore College employee directory online at <https://www.kilgore.edu/faculty/directory>.

*Professional and pastoral counselors are exempt from the reporting requirement while working within the scope of a license or certification. Although exempt from the reporting requirements of the Clery Act, they are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics, especially if the incident may pose an ongoing threat to the campus community.*

CSAs have an important role in complying with the law. CSA crime reports are used by the college to: fulfill its responsibility to annually disclose Clery crime statistics, and to issue timely warnings for Clery crimes that pose a serious or continuing threat to the campus community.

If a reporting party needs assistance, a CSA will explain how to get help, and let a victim know that

help is available even if he or she does not want an investigation conducted. The decision to act on this option is the victim's. In the midst of an emergency situation, such as physical assault, however, a CSA will contact campus police or call 911, as appropriate.

If someone tells a CSA about a crime or incident that may be a crime, the CSA must record the information on the online Crime Statistic Report Form/Anonymous Report and submit the report to the Kilgore College Police Department in a timely manner. The online form can be found at <https://www.kilgore.edu/node/9207>

CONTACTS FOR REPORTING		
TITLE	PHONE NUMBER	LOCATION
Title IX Coordinator	903-988-7590	Student Support Bldg 123
Director of Public Safety/Chief of Police	903-983-8657	KCPD Bldg 01
Vice President, Student Services	903-983-8651	Devall Student Center 165
Vice President, Instruction	903-983-8207	McLaurin Administration Bldg
Director of Human Resources	903-983-8102	McLaurin Administration Bldg
General Academic or Mental Health Counselor	903-983-8285	Devall Student Center 244

### Other Considerations

The Vice President of Student Services (or designee) can assist victims with issues including, but not limited to: class schedule changes, withdrawal procedures, or campus housing relocations, if desired and available.

### Sexual Assaults

KC's Student Rights, Responsibilities and Code of Conduct Policy at

<https://www.kilgore.edu/about/human-resources/policy-and-procedures#stu-rights-policy2>

prohibits sexually violent acts, termed "Sexual Misconduct", which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal relationship violence, sex/gender-based stalking and sexual harassment. While KC utilizes different standards and definitions than the State of Texas Code, sexual misconduct often overlaps with crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence.

While most victims of sexual assault are women, some men are also victims. Male victims at KC receive the same services as women. Emotional support, counseling about options, information about resources related to legal issues and medical treatment are available to assist all those recovering from sexual assault.

## **Legal Definitions**

Rape is generally defined as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of a disability or alcohol or other drugs.

Under Texas law, rape is no longer utilized as a term, and the term sexual assault is used in its place. The term sexual assault is generally defined as any non-consensual, unwanted sexual contact against another person involving penetration:

- where the victim is prevented from resisting due to alcohol or drugs.
- where the assailant uses physical force or the threat of force to overpower and control the victim.
- where the victim fears that she or he or another will be injured if the victim does not submit.
- where the victim is at the time unconscious of the nature of the act, and this is known to the assailant.
- where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.
- where the act is accomplished by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another person.
- where the assailant uses duress, such as a direct or implied threat of hardship or retribution, to coerce the victim.
- where the assailant uses force, fear or threats to accomplish sexual intercourse against the will of the spouse. This provision of the law is known as the “spousal rape law.”

The complete Texas rape and sexual assault offense definitions are in the Texas Penal Code, Section 22.11. Sexual Assault.

## **Procedures for Filing Sex Offense Crimes**

### ***Complaints***

Complaints may be filed online at <https://www.kilgore.edu/about/institutional-information/title-ix> or by contacting one of the following:

1. Campus Police Officers
2. Director of Human Resources
3. Vice President of Student Services
4. Counseling Services
5. Title IX Coordinator

### ***Complaints filed against faculty and staff (including student employees)***

A complaint filed against a staff member shall be directed to their supervisor and the Director of Human Resources or the Title IX Coordinator.

The Title IX Coordinator will determine the most appropriate means for addressing the report. Options available include informal resolution or appoint an investigator to determine whether or not the alleged assault occurred. The appropriate Vice President shall either dismiss the complaint or institute appropriate disciplinary procedures. Disciplinary procedures shall follow institutional policy.

### ***Complaints against a student***

A complaint against a student shall be directed to the Vice President of Student Services who shall either dismiss the complaint or initiate disciplinary proceedings pursuant to the Code of Student Conduct.

Complaints and disciplinary actions, unless otherwise provided, are considered confidential and are subject to the provisions of the Family Educational Rights and Privacy Act. (Public Law 93-389).

In the event that sexual misconduct, gender-based violence or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, KC takes the matter very seriously. The College employs interim protection measures such as interim suspension and/or no-contact orders in any case where a student's behavior represents a risk of violence, threat, pattern or predation. If a student is accused of sexual misconduct, other gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, they are subject to administrative action by the college. A student wishing to officially report such an incident may do so by contacting the KC Police Department at 903-983-8650, the Title IX Coordinator at 903-988-7590 or a Counseling Specialist at 903-983-8203. Anyone with knowledge about sexual misconduct or gender-based violence or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence is encouraged to report it immediately. Upon the request of a student victim of an alleged sex offense, the Vice President of Student Services (or designee) can assist victims with issues including, but not limited to: class schedule changes, withdrawal procedures, or campus housing relocations, if desired and available.

If you are the victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

- Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact KC Police at 903-983-8650, if you are on campus, or call 911, if you are off campus.
- Consider securing immediate professional support (e.g.: counseling, victim advocacy, medical services, etc.) to assist you in the crisis. KC Counseling services can provide short term crisis intervention counseling to members of the KC community. Counseling services may be reached by calling extension 8203 from a campus phone or 903-983-8203 from a non-campus phone. The East Texas Crisis Center (903-595-5591 or 800-333-0358) can provide longer-term assistance.

- If you are on campus during regular business hours, you may go to Counseling Services in the Devall Center, Room 246 for support and guidance.
- For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The exam is performed by a Sexual Assault Nurse Examiner (SANE). For the KC area, SANE exams are performed at Good Shepherd Medical Center located at 700 East Marshall Avenue, Longview, Texas 903-315-1800. The hospital will arrange for a specific medical examination at no charge. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Individuals who have been the victim of a sexual assault and suffered some type of injury should be transported to the hospital by ambulance to ensure the medical safety of the victim. KCPD officers will transport victims to the hospital if there are no physical injuries.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet, to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo. Record the names of any witnesses and their contact information. This information may be helpful to the proof of a crime, to obtain an order of protection or to offer proof of a campus policy violation. Try to memorize details (physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so. If you obtain external orders of protection (e.g. restraining orders, injunctions, protection from abuse), please notify KC's Police Department (903-983-8650) or the campus Title IX Coordinator. At KC, the Title IX Coordinator (903-988-7590) is located in the KC Student Support Building.
- Even after the immediate crisis has passed, consider seeking support from KC Counseling Services and/or the East Texas Crisis Center 903-595-5591 or 800-333-0358.
- Contact Campus Police if you need assistance with College-related concerns, such as no-contact orders or other protective measures. The Police Department will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The College is able to offer reasonable academic accommodations, changes to living arrangements, transportation accommodations, escorts, no contact orders, counseling services access and other resources as needed by a victim.

- Many individuals experience sexual assault and never tell anyone about it at the time of the incident. If you were victimized weeks or years ago, assistance is still available to you. Talking with someone now may help you cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

### **Sexual Harassment:**

KC's Anti-Harassment & Complaint Policy can be found at <https://www.kilgore.edu/about/human-resources/policy-and-procedures#anti-harassment>.

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of the College that sexual harassment is prohibited. All members of the College community, especially officers, faculty and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. "Sexual harassment" is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (a) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;
- (b) submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member or staff member should be brought to the immediate attention of one of the following: The Director of Human Resources, Title IX Coordinator, Vice President of Instruction, or the Vice President of Student Services.

Any complaints or inquiries regarding sexual harassment of a student by another student should be brought to the immediate attention of the Vice President of Student Services or the Title IX Coordinator. The College will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the Vice President of Student Services or the Title IX Coordinator, the student may inquire or complain to any Department Chair or any officer of the College at the level of Dean or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, the College will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the College for serious or repeated violations.

### **Other Sexual Offenses**

Besides rape, other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another).

KC's policy and definitions of sex offenses are located here:

<https://www.kilgore.edu/about/human-resources/policy-and-procedures#anti-harassment>

KC Police information is located here:

<http://www.kilgore.edu/kcpd>

For offenses including sexual misconduct or other gender-based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct and stalking, sanctions range from warnings through expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion or termination of employment. <https://www.kilgore.edu/about/human-resources/policy-and-procedures#anti-harassment>

### *Family Violence*

The Texas Family Code defines Family Violence as an act by a member of a family or household against another member that is intended to result in physical harm, bodily injury, assault, or a threat that reasonably places the member in fear of imminent physical harm. Senate Bill 68 of the 77th Legislature amended the Family Code to include "Dating Violence". The "Dating Relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

### **Victim Resources**

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination the campus Title IX Coordinator and/or Director of Human Resources is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the College will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations, changes in housing for the victim or the responding student, visa and immigration assistance, changes in working situations and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, they will be connected with a counselor on- or off-campus, as well as an on-or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the College provides them in hope of offering help and support without condition or qualification. A summary of rights, options, supports and procedures, in the form of this document, is provided to all victims, whether they are a student, employee, guest or visitor.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair and impartial process to be initiated, commencing with an investigation which may lead to the imposition of sanctions, based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes of the College can be found online here: <https://www.kilgore.edu/about/human-resources/policy-and-procedures#anti-harassment>

The Coordinator is ultimately responsible to assure in all cases that the behavior is ended, the College acts to reasonably prevent its recurrence and the effects on the victim and the community are remedied. The Coordinator is also responsible to assure that training is conducted annually for all

advocates, investigators, hearing officers, panelists and appeals officers that encompasses a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process to protect the safety of victims and to promote accountability for those who commit offenses.

The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation are maintained in accordance with Texas law and the federal FERPA statute. Any public release of information to comply with the open crime logs or timely warning provisions of the Clery Act will not release the names of victims or information that could easily lead to a victim's identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person or advisor of their choice throughout the process, including any meeting, conference, hearing or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any) and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the College's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be informed in writing in a timely manner and will be notified when the results of the resolution process become final.

### **Sexual Assault Prevention**

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, the College utilizes a range of campaigns, strategies and initiatives to provide awareness, education, risk reduction and prevention programming.

It is the policy of the College to offer programming to prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention and discuss institutional policies on sexual misconduct as well as the State of Texas' definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.



Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of emails, guest speakers and events.

KC's Human Resources Department informs all employees of the policy on sexual assault which covers information relating to sexual harassment, Title IX, and other EEO Training. This training must be completed within the first fifteen working days of employment at KC.

Student Services is responsible for educating students on KC's sexual assault policy, including precautions they can take to avoid becoming the victim of a crime, the influence of drugs and alcohol on such crimes, what to do if a crime occurs, how to preserve evidence and how to report the crime, the penalties for committing such a crime and the disciplinary process involved in investigating such crimes. This education is provided through a combination of presentations in new student orientation, workshops, student activities, and other programs throughout the year.

### **Registered Sex Offender Information**

The "Campus Sex Crimes Prevention Act" is a federal law enacted on October 28, 2000, that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, employed, or volunteering on campus.

This Act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

The Texas Department of Public Safety (DPS) is the official Texas internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on sex offenders required by law to register. Information regarding registered sex offenders is available by accessing the Texas Department of Public Safety Sex Offender website at: TXDPS Sex Offender Registry ( <https://publicsite.dps.texas.gov/SexOffenderRegistry> .)

In addition to the above notice to the State of Texas, all sex offenders are required to deliver written notice of their status as a sex offender to the College's Police Department no later than three (3) business days prior to their enrollment in, employment with, volunteering at or residence in the College. Such notification may be disseminated by the College to, and for the safety and well-being of, the College community, and may be considered by the College for enrollment and discipline purposes.

### **Protecting Minors on Campus**

Texas state law requires anyone who suspects child abuse or neglect to report those suspicions to the Texas Department of Family and Protective Services (DFPS) or to a local law enforcement agency, including the KC Police Department. Any person who has reason to believe that a child's physical or mental health and welfare has been adversely affected by abuse or neglect by another person must immediately report the suspected abuse or neglect. This obligation applies to all members of the

college community, including faculty, administrators, staff, and students.

In addition, there are special reporting obligations for certain employees defined “professionals.” Professionals including, “teachers, nurses, doctors, day care employees and employees of a clinic or health care facility that provides reproductive services” have a specific duty to make a report no later than 48 hours after suspecting that a child has been or may be abused or neglected or a victim of indecency with a child. A “child” is a person under 18 years of age.

Neither Texas law nor any college policy allows individuals to delegate the duty to report child abuse or neglect. While employees are encouraged to report incidents of abuse or suspected abuse to a supervisor or responsible college official, their first obligation is to protect the child by reporting to law enforcement or DFPS. Any person who knowingly fails to report suspected child abuse or neglect commits a Class A misdemeanor which is punishable by up to 1 year in jail and/or a fine of up to \$4000. For more information or to make a report of suspected child abuse or neglect, contact:

- KC Police at 903-983-8650,
- a local law enforcement agency, and/or
- Texas Department of Family and Protective Services at its toll-free, 24-hour Family Violence hotline at 800-252-5400.

- **Reporting to the KC Police Department**

This report can be done immediately by following the procedures addressed previously in this document. The reasons for reporting to KCPD are as follows:

1. take action which may prevent further victimization, including issuing a crime alert to warn the campus community of an impending threat to their safety;
2. apprehend the assailant;
3. seek justice for the wrong that has been done to you; and
4. have the incident recorded for purposes of reporting statistics about incidents that occurred on campus.

If you choose to report the incident, a KCPD officer will take a statement from you regarding what happened. The officer will ask you to describe the assailant(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. You may have a support person with you during the interview. NOTE: Reporting an incident is a separate step from choosing to prosecute. When you file a report, you are NOT obligated to continue with legal proceedings or College disciplinary action. Remember: you can choose whether or not to participate in proceedings at any point.

- **College Disciplinary Action**

If you have been sexually assaulted by another student or group of students and are considering College action, you are encouraged to discuss the matter with the VP of Student Services. This will allow you a chance to review the procedures should you decide to file a formal complaint through the College’s disciplinary/judicial system. This discussion does not obligate you to pursue official action. Charges may either be filed directly by you or by KC on the basis of your written statement.

Such a charge will be handled in accordance with the procedures relating to violations of the *KC Code of Student Conduct* regulations. Individuals could be subject to disciplinary action pending review by KC. Those students found responsible for violating the *Code* in this way could be suspended or expelled.

Pursuant to KC disciplinary procedures, both the accuser and the accused are entitled to have an advisor or support person present during the hearing. Students who allege sexual assault by another student may request a change in their academic and living situations on campus after the alleged incident takes place if such changes are reasonably available. Finally, in accordance with federal regulations, both the accuser and the accused will be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.

- **Criminal Investigation and Charges**

If you want to press criminal charges, the KCPD will conduct a criminal investigation and file charges if the incident occurred on KC property. If the incident occurred off of KC property, KCPD will notify the appropriate law enforcement agency to conduct the investigation or the complainant may contact them directly.

If it is possible for the assailant to be apprehended, the suspect will be taken by police to jail and he or she will be arraigned by a magistrate. You do not need to be present for this proceeding. The assailant may be jailed or released on bail depending on the circumstances of the crime. One of the usual conditions of bail is that the suspect may not make any attempt to contact you. If you are contacted by the suspect or feel threatened in any way, you should immediately call KCPD or the local police. Under some circumstances bail may be revoked and additional charges may be filed if necessary.

# ***RESOURCES***

## **KC Police Department**

On-campus emergency (24 hours Kilgore –Main campus) 8650 or 903-983-8650  
Longview Campus (During business hours) 2011 or 903-236-2011

## **Medical Treatment**

### **On-campus**

KC Nurse- 8632 or 903-983-8632  
Ambulance- KCPD as above and/or 911

### **Off-Campus**

Ambulance 911

## **Police and Legal Information**

Kilgore Police Department: 903-983-1559  
Longview Police Department: 903-237-1199  
Gregg County Sheriffs Dept.: 903-236-8400  
Rusk County Sheriffs Dept.: 903-657-3581  
Texas Department of Public Safety: 903-236-4844  
Gladewater Police Department: 903-845-2166  
Gilmer Police Department: 903-843-5545  
Henderson Police Department: 903-657-3512

## **Emotional Support**

KC Counseling Center 8203 or 903-983-8203  
Women's Center of East Texas Henderson 903-657-7363  
Women's Center of East Texas Longview 903-295-7846

## **Student Services Offices**

Vice President of Student Services 8651 or 903-983-8651  
Campus Life 8191 or 903-983-8191

***For Information and Referral Services in the East Texas Area *Call 211****

<http://uwsmithcounty.org/2-1-1-east-texas/>

# APPENDIX

## **Sex Offenses Definitions**

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

### **SEX OFFENSES—FORCIBLE**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- **Forcible Rape**

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

- **Forcible Sodomy**

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object**

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### **SEX OFFENSES—NON-FORCIBLE**

Unlawful, non-forcible sexual intercourse.

- **Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **As Per the Uniform Crime Reporting Handbook**

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

## **Offense Definitions relating to Hate/Bias Related Crime Statistics as per the UCR Hate Crime Reporting Guidelines**

***Simple Assault:*** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, sever laceration or loss of consciousness.

***Intimidation:*** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **Geography definitions from the Clery Act**

***On-Campus-Defined as:*** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

***Non-Campus Building or Property-Defined as:*** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

***Public Property-Defined as:*** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The KC crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

AW12-1

Prescribed by Secretary of State

Section 2.051 – 2.053, Texas Election Code

2/14

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR  
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)  
CERTIFICACIÓN DE CANDIDATOS ÚNICOS  
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

**To: Presiding Officer of Governing Body**

**Al: Presidente de la entidad gobernante**

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 6, 2023

*Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 6 de mayo de 2023*

**List offices and names of candidates:**

***Lista de cargos y nombres de los candidatos:***

**Office(s) Cargo(s)**


**Candidate(s) Candidato(s)**

Kilgore College Board of Trustees  
Central Zone, Voting Unit 3, Place 6

Lon E. Ford

Kilgore College Board of Trustees  
North Zone, Voting Unit 2, Place 5

Gina Griffin DeHoyos

  
**Signature (Firma)**

Karen R. Scibona

**Printed name (Nombre en letra de molde)**

Kilgore College Election Officer

**Title (Puesto)**

2/27/2023

**Date of signing (Fecha de firma)**

**(Seal) (sello)**

See reverse side for instructions  
*(Instrucciones en el reverso)*



### Instructions for certification of unopposed candidates:

The authority responsible for preparing the ballot must certify the unopposed status to the authority responsible for ordering the election. This document is filed with the presiding officer of the political subdivision. The governing body must meet, accept this certification, and issue an order or ordinance declaring the election cancelled and the unopposed candidates elected. To complete the cancellation process, a copy of the order or ordinance canceling the election must be posted on Election Day at each polling place that would have been used in the election. See sample Order of Cancellation and outlines for additional instructions.

#### An election\* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot\* within that election;\*and
- 3) Each candidate whose name is to appear on the ballot\* is unopposed, with some exceptions;  
This means:
  - In an all at-large election\* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.\*
  - In an election\* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

**Note:** A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

### Instrucciones para la certificación de una elección con candidatos únicos:

*La autoridad a cargo de preparar la boleta de votación debe certificar los candidatos únicos sin oposición a la autoridad encargada de ordenar la elección. Este documento se debe presentar al presidente de la subdivisión política. La entidad gobernante debe reunirse, aceptar esta certificación y emitir una orden o una ordenanza en la que declara la cancelación de la elección y la elección de los candidatos únicos sin oposición. Para completar el proceso de cancelación, se debe exhibir el Día de la Elección una copia de la orden u ordenanza de cancelación de la elección en todos los sitios de votación que se hubieran utilizado en la elección. Vea el ejemplo Orden de Cancelación y el resumen para más instrucciones.*

#### Una elección\* puede ser cancelada si:

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta\* de votación dentro de esa elección\**  
*y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta\* de votación no tienen oposición, con unas excepciones;*  
*Esto significa:*
  - *En una elección\* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección\*.*
  - *En una elección\* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

**Nota:** Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.

**ORDER OF CANCELLATION**  
**ORDEN DE CANCELACIÓN**

The Kilgore College Board of Trustees hereby cancels the election scheduled to be held on May 6, 2023 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

*El Kilgore College Board of Trustees por la presente cancela la elección que, de lo contrario, se hubiera celebrado el 6 de mayo de 2023 de conformidad, con la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:*

**Candidate (Candidato)**

**Office Sought (Cargo al que presenta candidatura)**

Lon E. Ford

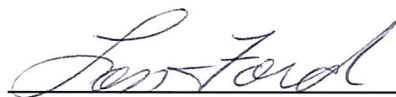
Kilgore College Board of Trustees; Central Zone, Unit #3, Place 6

Gina Griffin DeHoyos

Kilgore College Board of Trustees; North Zone, Unit #2, Place 5

**A copy of this order will be posted on Election Day at each polling place that would have been used in the election.**

*El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.*



**President (Presidente)**



**Secretary (Secretario)**

**2/27/2023**

**Date of adoption (Fecha de adopción)**

**(seal) (sello)**

### Instructions for Order of Cancellation:

To cancel an election, the governing body must first receive and accept the Certification of Unopposed Candidates form (or the authority may create its own form) from the authority responsible for preparing the ballot. The cancellation order/ordinance must be adopted in an open meeting. The candidates are not required to be present. Certificates of election should be prepared for each unopposed candidate; however, the certificates of election should not be issued until after Election Day, as follows. Section 2.053 provides that the certificate of election shall be issued “in the same manner and at the same time” as for a candidate elected at an election. Therefore, the candidates, who have been declared “elected” at the meeting ordering the cancellation, must wait until after the official election day (even though no election is held) and no earlier than the prescribed canvassing period (even though no canvass is held) to be sworn in and assume their duties. Candidates may complete the Statement of Elected Officer prior to Election Day. The Statement should be kept locally; it does not need to be sent to the Secretary of State’s Office. Copies of this order/ordinance must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

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#### An election\* may be cancelled if:

- 1) The election is one in which a declaration of write-in candidacy is required; and
- 2) No opposed at-large race is on the ballot\* within that election;\*and
- 3) Each candidate whose name is to appear on the ballot\* is unopposed, with some exceptions;

This means:

- In an all at-large election\* (with no single-member districts), if there is one or more opposed at-large races, then all the races go on the ballot within that election.\*
- In an election\* in which any members of the governing body are elected from single-member districts, an election in a particular district may be cancelled if the candidate is unopposed and the election otherwise meets the above requirements (i.e., there is no at-large opposed race on the ballot).

**Note:** A general election (for full terms) or a special election (to fill a vacancy in an unexpired term) is considered a *separate election* with a *separate ballot* for purposes of these tests, even if held on the same election date. See our online Cancellation guide for details.

### Instrucciones para el ejemplo de orden de cancelación:

*Para cancelar una elección, la entidad gobernante primero debe recibir y aceptar, de la autoridad responsable para preparar la boleta, el formulario de Certificación para Candidatos Sin Oposición (o la autoridad puede crear su propio formulario) de la autoridad responsable para preparar la boleta. La orden/ordenanza de cancelación debe ser adoptada en una reunión abierta. No se requiere que los candidatos estén presentes. Se debe preparar un certificado de elección para cada candidato sin oposición; sin embargo, los certificados de elección no se deben emitir hasta el Día de las Elecciones, así como se detalla a continuación. La sección 2.053 indica que el certificado de elección será publicado “en la misma manera y al mismo tiempo” para un candidato elegido en una elección. Por lo tanto, los candidatos que hayan sido declarados “elegido” en la reunión de la cancelación, deben esperar hasta después del día oficial de elecciones (aunque no se hayan llevado una elección) y no antes del período prescrito de la campaña política (aunque no se lleve a cabo la campaña política) a ser jurados y asumir sus deberes. Los candidatos pueden llenar la Declaración de Funcionario Elegido antes del Día de las Elecciones. Este documento se debe mantener en los archivos locales. No es necesario enviarlo a la Oficina del Secretario de Estado. El Día de las Elecciones se debe exhibir una copia de esta orden/ordenanza en todos los sitios de votación que se hubieran utilizado en la elección si no hubiera sido cancelada.*

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*Una elección\* puede ser cancelada si:*

- 1) *la elección es una en la que se requiere una declaración de candidatos por escrito en la boleta de votación; y,*
- 2) *no hay oposición para la carrera por acumulación en la boleta\* de votación dentro de esa elección\* y*
- 3) *Todos los candidatos cuyos nombres deben aparecer en la boleta\* de votación no tienen oposición, con unas excepciones;*

*Esto significa:*

- *En una elección\* por acumulación (sin ningún distrito con miembro único), si se encuentra una o más de una carrera por acumulación con oposición, entonces todas las carreras estarán en la boleta dentro de esa elección\*.*
- *En una elección\* en la que cualquiera de los miembros de la entidad gobernante se eligen de distritos con un solo miembro, se puede cancelar una elección en un distrito específico si hay oposición para el candidato y la elección cumple con los requisitos que anteceden (ej. no hay oposición para la carrera por acumulación en la boleta).*

*Nota: Una elección general (con términos completos) o una elección especial (para llenar una vacante de un término no vencido) es considerada como una elección distinta con una boleta distinta con los propósitos de estas pruebas, aunque se lleven a cabo en la misma fecha electoral. Vea nuestra guía de cancelación en línea para más detalles.*



**MAY 6, 2023**  
**Joint Election**  
**Contract for Election Services**

**Kilgore College**

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# May 6, 2023 Joint Election

## Table of Contents

I.....	Duties and Services of Contracting Officer
II.....	Duties and Services of Participating Political Subdivisions
III.....	Cost of Election
IV.....	General Provisions

## Exhibits

Exhibit A.....	Early Voting Schedule and Locations
Exhibit B.....	Election Day Polling Locations
Exhibit C.....	Cost of Services



**THE STATE OF TEXAS**  
**RUSK COUNTY**

**CONTRACT FOR**  
**ELECTION SERVICES**

§

**Kilgore College**

**BY THE TERMS OF THIS CONTRACT** made and entered into by and between the Kilgore ISD hereinafter referred to as "Participating Political Subdivisions" and SHANNON BROWN, Elections Administrator of Rusk County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the May 6, 2023 Uniform Election.

**THIS AGREEMENT** is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

**I. DUTIES AND SERVICES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange training and compensation of all election judges, alternate judges, clerks, and the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notifying each Election Day and early voting election judge and alternate judge of his or her appointment. The presiding election judge of each polling place will use his/her discretion to determine when additional workers are required.

b. Election judges, alternate judges, and clerks shall all attend the Contracting Officer's training course(s). (Date and location to be determined)

c. Election judges shall be responsible for picking up election supplies from and returning supplies to the Contracting Officer.

d. The Contracting Officer shall compensate each election judge and election worker. Compensation will be based on what the county pays and has been approved in Commissioner's Court unless arranged otherwise. Early Voting presiding officer, early voting clerks, election day judges and alternate judges, election day clerks and ballot



board officer shall receive \$10.03 per hour. All other required and additional expenses by law shall be paid. (i.e.: FICA, Medicaid, etc.)

- B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and all election supplies.
  - a. The Contracting Officer shall prepare, program, and test the electronic voting equipment required for early voting and Election Day.
  - b. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election.
  - c. The Contracting Officer shall secure all tables required to hold an election.
  - d. The Contracting Officer shall provide all lists of registered voters for use on Election Day and for the early voting period as mandated by law. Electronic pollbooks shall be used to qualify voters for the early voting period and on Election Day.
  - e. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
- C. The Contracting Officer, Shannon Brown, shall be appointed the Early Voting Clerk by the "Participating Political Subdivisions."
  - a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person.
  - b. Dates and locations for Early Voting by personal appearance for the "Participating Political Subdivisions" are attached in Exhibit "A" and incorporated by reference into this contract.





- c. All applications for an Early Voting mail ballot shall be received and processed by the Rusk County Elections Administration Office.
    - 1. Application for mail ballots erroneously mailed to the "Participating Political Subdivisions" shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.
    - 2. Absentee Application (Regular or Federal Postcard) for ballot by mail shall be mailed to:  
Rusk County Elections - PO Box 668, Henderson, Texas 75653  
Or faxed to (903)-657-0319  
Or email a scanned copy of signed application to electionadmin@ruskcountytexas.gov  
*(If faxed or emailed: mail original within 4 days)*  
Application for ballot by mail must be received no later than close of business on Tuesday, April 25, 2023
    - 3. All Federal Post Card Applicants (FPCA) and Annual Mail Ballot Applicants will be sent a mail ballot with required notices.
  - d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed in the same manner as presiding election judges (Section 87.002b).
- D. The Contracting Officer shall arrange for the use of all Election Day polling places. The Election Day polling locations are attached in Exhibit "B" and incorporated by reference into this contract.
- E. The Contracting Officer shall be responsible for establishing and overseeing the tabulation of the early voting and Election Day voted ballots by the Central Counting Station Personnel. Ballots shall be tabulated in accordance with Section 127.001 of the Texas Election Code and of this agreement.



- a. The Contracting Officer shall prepare, test, and run the county's tabulation system in accordance with statutory requirements and policies. The tabulation system shall be used on Election Night at the Elections Office.
- b. The Public Logic and Accuracy Test (L &A) of the electronic voting system shall be conducted. Contracting Officer will publish required notice in local newspaper (Henderson Daily News) of time and place as required by the election code.
- c. Election night reports will be available to the "Participating Political Subdivisions" at 7 P.M. on election night on the Rusk County website ([www.co.rusk.tx.us](http://www.co.rusk.tx.us)). Any provisional ballots shall be tabulated after election night in accordance with law.
- d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted for election day, provisional ballots, and any overseas ballots that will be tallied after the final deadline to count ballots. This report shall be sent to the "Participating Political Subdivisions" for their canvass.
- e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
- f. The Contracting Officer shall conduct a partial manual count as prescribed by Section 127.201 of the Texas Election Code.

## **II. DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISIONS.**

The "Participating Political Subdivisions" shall assume the following responsibilities:

- A. The "Participating Political Subdivisions" shall prepare the election orders, resolutions, notices, official canvass, and other pertinent documents for adoption by the appropriate office or body. The "Participating Political Subdivisions" shall handle the candidate filing process and packets that are required by law. The "Participating Political Subdivisions" assume the responsibility of posting required notices and likewise promoting the schedules for Early Voting and Election Day.



- B. The "Participating Political Subdivisions" shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible, if any changes have occurred since the last election the county has held for your entity.
- C. The "Participating Political Subdivisions" shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format (e.g. Word.doc)
  - a. The "Participating Political Subdivisions" shall deliver to the Contracting Officer after ordering the election, any proposition wording in English and Spanish. Candidate names shall be given after the drawing. **Required information shall be received no later than Tuesday February 28, 2023**
  - b. The "Participating Political Subdivisions" shall comply with all deadlines set by the office of the Secretary of State and the vendor responsible for ballot printing and programming.
  - c. The "Participating Political Subdivisions" shall approve the ballot format prior to printing.
- D. The "Participating Political Subdivisions" shall post the publication of the "Election Order" and "Election Notice" by the proper methods with the proper media in accordance with the Texas Election Code.
- E. The "Participating Political Subdivisions" shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual recount this election may require, or for a required runoff election consistent with charges and rates shown on Exhibit "C" for required services.



- F. The "Participating Political Subdivisions" shall submit this signed contract and pay the Contracting Officer a deposit of 75% of the estimated cost to run the said election prior to the start of early voting. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code.

The deposit and signed contract shall be delivered within the mandatory time frame to:

**Rusk County Elections  
Attn. Shannon Brown  
PO Box 668  
Henderson, Texas 75653**

Made payable to: "Rusk County Elections" with the note "for election services" included with check documentation.

- G. The "Participating Political Subdivisions" shall pay any additional cost and/or remaining final cost of conducting said election or any required runoff elections pursuant to the Texas Election Code, Section 31.100, within 30 days from the date final billing is received.

### **III. COST OF SERVICES.      See Exhibit "C"**

- A. All actual shared cost incurred in the conduct of the election will be divided by the "Participating Political Subdivisions" contracting with the Contracting Officer to hold the said election. If one of the "Participating Political Subdivisions" cancels their election, the full cost of the election will be the responsibility of the remaining "Participating Political Subdivisions".
- B. If a Runoff Election is required, additional cost shall be billed to the "Participating Political Subdivisions".



#### IV. GENERAL PROVISIONS.

- A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the May 6, 2023 Uniform Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- B. The "Participating Political Subdivision" hereby agrees to indemnify and hold harmless the Contracting Officer; including all officers, officials, and employees from and against any loss, including claims, demands, and causes of action and which loss, claim, demand, or cause of action resulted from the performance or non-performance of the "Participating Political Subdivision" pursuant to the terms of this agreement.
- C. If a "Participating Political Subdivision" cancels their election pursuant to the Texas Election Code, the Contracting Officer shall be notified in writing as soon as "Participating Political Subdivision" has approved it in council meeting. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 6, 2023 Uniform Election.



WITNESS BY MY HAND THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

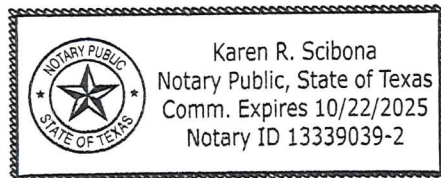
\_\_\_\_\_  
Shannon Brown  
Elections Administrator  
Rusk County, Texas

WITNESS BY MY HAND THIS THE 27 DAY OF FEB 2023

By: *Lon Ford*  
Signature

LON FORD, KILGORE COLLEGE; PRESIDENT  
Printed Name and Title BOARD OF TRUSTEES

Political Subdivision Name: KILGORE COLLEGE  
Printed



*Karen R. Scibona*  
*2/27/2023*  
*Karen R. Scibona*  
*NOTARY*



Exhibit "A"

## May 6, 2023 Uniform Election

### Early Voting Locations

Rusk County Elections Office  
204 N. Main Street  
Henderson, TX 75652

Chandler St. Church of Christ  
2700 Chandler St.  
Kilgore, TX

Mon. April 24th – May 2nd	8:00 A.M. – 5:00 P.M.
Sat. April 29 <sup>th</sup> & Sun. April 30 <sup>th</sup>	Closed

Lunes 24 de abril – 2 de mayo	8:00 A.M. – 5:00 P.M.
Sábado 29 de abril y domingo 30 de abril	Cerrado



Exhibit "B"

## **May 6, 2023 Uniform Election**

### **Election Day Polling Locations**

CHANDLER ST. CHURCH OF CHRIST

2700 Chandler St., Kilgore, TX

**NOTE: All locations will be open from 7:00 A.M. - 7:00 P.M.**





Exhibit "C"

## May 6, 2023 Uniform Election

### Estimate Sheet

**NOTE:** A cost estimate shall be provided only after all entities participating in the election are identified.

Estimated Cost for May 6, 2023 Joint Election  
(Estimated Cost Before Cancellations)

Item	Estimated Invoiced Cost of Election
Election Day Locations	1
Early Voting Locations	2
Election Set Up	
ES&S Election Setup Estimate	\$1,157.60
ES&S Activation Cards (750 @ \$0.10)	\$75.00
Henderson Daily News - Public Notice of Testing	\$97.50
Verizon Wifi for Early Voting and Election Day Pollbooks	\$250.00
Election Day Voting Location Rental	\$300.00
Equipment Rental	
N/A	
Training	
N/A	
Absentee Mail Ballots	
Mail Ballot Kits	\$135.00
Poll Workers	
EV 3 workers @ 8.5 hrs @ 10.03 hr x 7 days + return fee 25.00	\$1,815.25
ED 4 workers @ 14 hrs @ 10.03 hr + 25.00 return fee	\$586.68
Estimated Total Cost of Election Expenses	\$4,417.03
10% Administrative Fee	\$441.70
Estimated Grand Total	\$4,858.73
Number of Political Subdivisions Participating	2
Estimated Cost to Political Subdivision	\$2,429.36
75% Due Prior to the start of Early Voting	\$1,822.02
Remaining / Final Cost due within 30 days of final billing.	\$607.34

**ORDER OF GENERAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS**  
**ORDEN DE ELECCIÓN GENERAL PARA OTRAS SUBDIVISIONES POLÍTICAS**

An election is hereby ordered to be held on 05 / 06 /2023 for the purpose of voting on:  
 (date)

(Por la presente se ordena celebrar una elección el 05 / 06 /2023 con el propósito de votar sobre.)  
 (fecha)

List Offices/Propositions/Measures on the ballot (Enúmere los puestos/proposiciones/medidas oficiales en la boleta)

Kilgore College Board of Trustees; South Zone, Voting Unit #1, Place 4
South Zone (Leverett's Chapel ISD, Overton ISD, West Rusk Consolidated ISD)
Consejo de Administración de Kilgore College: Zona Sur, Unidad de Votación #1, Lugar 4

Early voting by personal appearance will be conducted each weekday at:  
 (La votación adelantada en persona se llevará a cabo de lunes a viernes en:)

The Main Early Voting Location (sitio principal de votación adelantada)

Location (sitio)	Hours (horas)
Rusk County Election Office, 204 N Main, Henderson	April 24-May 2; 8:00AM-5:00PM (closed April 29/30)

Branch Early Voting Locations (sucursal sitios de votación adelantada)

Location (sitio)	Hours (horas)
Chandler Street Church of Christ;	April 24 - May 2; 8:00AM-5:00PM
2700 Chandler St., Kilgore, TX 75662	(closed April 29/30)
(Iglesia de Cristo de Chandler Street	24 de abril - 2 de mayo; 8:00 a. m. a 5:00 p. m.
2700 Chandler St., Kilgore, TX 75662)	(29/30 de abril cerrado)

Early voting by personal appearance will be conducted each weekend at:  
 (La votación adelantada en persona se llevará a cabo en el fin de semana en:)

The Main Early Voting Location (sitio principal de votación adelantada)

Location (sitio)	Hours (horas)

Branch Early Voting Locations (sucursal sitios de votación adelantada)

Location (sitio)	Hours (horas)

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:)

Shannon Brown

Name of Early Voting Clerk  
(Nombre del Secretario/a de la Votación Adelantada)

204 N. Main St.

Address (Dirección)

Henderson

75652

City (Ciudad)

Zip Code (Código Postal)

903-657-0321

Telephone Number (Número de teléfono)

elections@ruskcountytexas.gov

Email Address (Dirección de Correo Electrónico)

<https://www.co.rusk.tx.us/page/rusk.elections>

Early Voting Clerk's Website (Sitio web del Secretario/a de Votación Adelantada)

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on:  
(Las solicitudes para boletas que se votarán adelantada por correo deberán recibirse no más tardar de las horas de negocio el:)

4 / 25 / 2023  
(date)(fecha)

Federal Post Card Applications (FPCAs) must be received no later than the close of business on:  
(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:)

4 / 25 / 2023  
(date)(fecha)

Issued this 27 day of February, 20 23.  
(day) (month) (year)

(Emitida este día 27 de febrero, 20 23.)  
(día) (mes) (año)

Signature of Presiding Officer (Firma del Dirigente que Preside)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
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Signature of Board Member  
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Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

Signature of Board Member  
(Firma del Director)

**Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.**

*Nota de Instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.*

## NOTICE OF GENERAL ELECTION FOR OTHER POLITICAL SUBDIVISIONS

To the registered voters of the County of Rusk County, Texas:

(A los votantes registrados del Condado de Condado de Rusk, Texas)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m.,

May / 6 / 2023 for voting in a general election to elect

Kilgore College Board of Trustees: South Zone, Voting Unit #1, Place 4

(Notifíquese por la presente, que los sitios de votación citadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el mayo / 6 / 2023 para votar en la elección general para elegir

Consejo de Administración de Kilgore College: Zona Sur, Unidad de Votación #1, Lugar 4

**On Election Day, voters must vote in the precinct where registered to vote, unless the countywide polling place program is being used in the election.**

*(El Día de Elección, los votantes deberán votar en el precinto donde están inscritos para votar, a menos que el programa de sitios de votación del condado se está utilizando en la elección.)*

[illegible]

**During early voting, a voter may vote at any of the locations listed below:**

*(Durante Votación Adelantada, los votantes podrán votar en cualquiera de los sitios de votación nombradas abajo.)*

Location of Main Early Voting Polling Place Include Name of Building and Address (Sitio principal de votación adelantada) (Incluir Nombre del Edificio y Dirección)	Days and Hours of Operation Días y Horas Hábiles
Rusk County Election Office, 204 N Main St, Henderso	April 24 - May 2; 8:00AM-5:00PM (April 29/30 Closed)

[illegible]

Applications for ballot by mail shall be mailed to:  
(Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:)

Shannon Brown

Name of Early Voting Clerk  
(Nombre del Secretario/a de la Votación Adelantada)

204 N. Main Street  
Address (Dirección)

Henderson 75652  
City (Ciudad) Zip Code (Código Postal)

903-657-0321  
Telephone Number (Número de teléfono)

elections@ruskcountytexas.gov  
Email Address (Dirección de Correo Electrónico)

<https://www.co.rusk.tx.us/page/rusk.elections>  
Early Voting Clerk's Website (Sitio web del Secretario/a de Votación Adelantada)

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on:  
(Las solicitudes para boletas que se votarán adelantada por correo deberán recibirse no más tardar de las horas de negocio el:)

4 / 25 / 2023  
(date)(fecha)

Federal Post Card Applications (FPCAs) must be received no later than the close of business on:  
(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:)

4 / 25 / 2023  
(date)(fecha)

Issued this 27 day of February, 20 23.  
(day) (month) (year)

(Emitada este día 27 de Febrero, 20 23.)  
(día) (mes) (año)

  
Signature of Presiding Officer (Firma del Dirigente que Preside)