

# Minutes of Budget Workshop & Board Meeting

## The Board of Trustees Kilgore College



A Budget Workshop and Board Meeting of the Board of Trustees of Kilgore College were held on July 24, 2023, beginning at 6:00 PM in the Board Room of the McLaurin Administration Building, 1201 S. Henderson Blvd., Kilgore, TX 75662, with the following members present:

Lon Ford, President  
Jon Rowe, Vice President  
Josh Edmonson, Secretary  
Janice Bagley  
David Castles (phone)  
Kelvin Darden  
Gina DeHoyos  
Jon Keller  
Travis Martin

### 1. CALL TO ORDER

#### A. Invocation and Pledge of Allegiance

Mr. Lon Ford called the meeting to order at 6:30 pm.

### 2. DISCUSSION AND FEEDBACK ON THE PROPOSED BUDGET FOR FISCAL YEAR 2024

A. Dr. Kays highlighted these areas of the proposed budget:

- Strategic Goals targeted for August 2024
  - Improve and expand service area ISD access
  - Expand markets and program offerings
  - Enhance human resource assets
  - Improve physical & virtual plan resource assets
- New State Funding Model for Community Colleges – HB8 and the Future
  - Multi-Tier Funding
  - Dual Credit Changes
  - Anticipate overall reduction in dual credit revenue of \$900,000 due to dual credit maximum tuition rates
  - Focus on improving outcomes to drive performance tier
- Key Highlights
  - Implementation of the Debt Management Plan
  - Limited use of reserves
  - 3% general pay increase in FY24 and FY25
  - Pay adjustment for part-time employees
  - One-time funding for expansion partnership opportunities, inventory program, and VanCliburn Auditorium drapes
  - Continued Capital investment throughout the college

**3. ACTION ITEM:** To consider adoption of Resolution R-2023-10 to hire RBC Capital Markets, LLC as Municipal Advisors. – *Appendix A*

**Presenter:** Mr. Jon Rowe

**Jon Rowe moved to adopt Resolution R-2023-10 authorizing hiring of RBC Capital Market, LLC as Municipal Advisors. This recommendation did come from the Committee and therefore did not require a second. The motion passed unanimously.**

**4. INFORMATION ITEM: New TASB Policies for Information Only:**

**Presenter:** Mr. Josh Edmonson; Secretary

A. BBBC (LEGAL) - Elections - Reporting Campaign Funds – *Appendix B*

B. CH (LEGAL) - Site Management – *Appendix C*

C. CU (LEGAL) – Research – *Appendix D*

D. DE (LEGAL) - Compensation and Benefits – *Appendix E*

E. DG (LEGAL) - Employee Rights and Privileges – *Appendix F*

F. DHB (LEGAL) - Child Abuse Neglect Reporting – *Appendix G*

G. EBB (LEGAL) - Alternate Methods of Instruction - Off Campus Instruction – *Appendix H*

H. EDAA (LEGAL) - Instructional Materials - Libraries and Laboratories – *Appendix I*

I. EFAB (LEGAL) - Instructional Programs and Courses - Career Technical/Workforce Courses – *Appendix J*

J. EFBC (LEGAL) - Degrees and Certificates - Degree Plans – *Appendix K*

K. EFCB (LEGAL) - Special Programs - Adult Education and Literacy – *Appendix L*

L. EFCC (LEGAL) - Special Programs - Elementary and Secondary Students – *Appendix M*

M. EFCE (LEGAL) - Special Programs - Community Education Programs – *Appendix N*

N. EFCF (LEGAL) - Special Programs - Driver Education – *Appendix O*

O. EJA (LEGAL) - Miscellaneous Instructional Policies - Other Instructional Initiatives – *Appendix P*

P. EJB (LEGAL) - Miscellaneous Instructional Policies - Religion in Instruction – *Appendix Q*

Q. GGC (LEGAL) - Relations with Governmental Agencies and Authorities - State Governmental Authorities – *Appendix R*

R. GGD (LEGAL) - Relations with Governmental Agencies and Authorities - Federal Governmental Authorities – *Appendix S*

S. GI (LEGAL) - Relations with Other Colleges and Universities – *Appendix T*

**5. EXECUTIVE SESSION**

**The Board of Trustees moved into Executive Session at 6:59PM.**

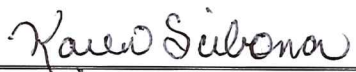
**The Executive Session ended at 9:06PM**

**6. ADJOURNMENT**

**The meeting was adjourned by Mr. Lon Ford at 9:07 PM.**

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

Respectfully submitted,

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

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

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

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Appendix D	Policy CU (LEGAL) - Research
Appendix E	Policy DE (LEGAL) - Compensation and Benefits
Appendix F	Policy DG (LEGAL) - Employee Rights and Privileges
Appendix G	Policy DHB (LEGAL) - Child Abuse Neglect Reporting
Appendix H	Policy EBB (LEGAL) - Alternate Methods of Instruction - Off Campus Instruction
Appendix I	Policy EDAA (LEGAL) - Instructional Materials - Libraries and Laboratories
Appendix J	Policy EFAB (LEGAL) - Instructional Programs and Courses - Career Technical/Workforce Courses
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Appendix R	Policy GGC (LEGAL) - Relations with Governmental Agencies and Authorities - State Governmental Authorities
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**RESOLUTION NO. R-2023-10**  
**A RESOLUTION OF THE KILGORE COLLEGE**  
**BOARD OF TRUSTEES**  
**AUTHORIZING HIRING OF MUNICIPAL ADVISORS**

**WHEREAS**, Kilgore College has a need for municipal advisory services in connection with the issuance of public securities or the administration of its affairs that pertain to the issuance of public securities as contemplated by Texas Government Code Section 1201.027 (the “obligations”); and

**WHEREAS**, the municipal advisory services cannot be adequately performed by the staff of the College as the issuance of obligations by the College requires specialized skills and experience and the services of a firm that is nationally recognized as financial advisors to properly advise and navigate through the issuance of the obligations, when issued; and

**WHEREAS**, the College staff has reached out to several municipal advisory firms and has identified RBC Capital Markets as the preferred firm that can meet the timeframes surrounding the Board adopted Debt Management Plan.


**NOW, THEREFORE**, Kilgore College authorizes the Vice President of Administrative Services and CFO to execute the Municipal Advisory Agreement with RBC Capital Markets.

**ORDERED, APPROVED, AND ADOPTED** on the 24 day of July 2023.

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

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

**ATTEST:**

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

## **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:**

July 24, 2023

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

July 24, 2023

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

Section:       B       LOCAL GOVERNANCE

Policy:         BBBC Elections – Reporting Campaign Funds

**Summary of *LEGAL* Policy:**

NOTE: BBBC 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. This policy was previously reviewed for compliance as policy BBA and was revised to BBBC with Update 45 on January 5, 2023.

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)*

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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:**

July 24, 2023

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

July 24, 2023

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

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CH Site Management

**Summary of *LEGAL* Policy:**

NOTE: CH 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. State statute requires that institutions of higher education establish a goal to reduce electric consumption by at least 5% each fiscal year. This goal is to be a part of larger energy and utility management plan submitted to SECO no later than October 31 of each year. Additionally, institutions are required to report annual energy usage levels to SECO no later than October 31 of each year. KC is in the process of developing a 2023-24 energy management plan and will be collecting actual energy consumption data for submittal no later than October 31.



## SITE MANAGEMENT

CH  
(LEGAL)**Reduction of Energy Consumption**

Each political subdivision or institution of higher education, including each college district, shall establish a goal to reduce the electric consumption by the entity by at least five percent each state fiscal year for seven years, beginning September 1, 2019.

Each political subdivision or institution of higher education shall implement all energy efficiency measures that meet the standards established for a contract for energy conservation measures under Local Government Code 302.004(b) in order to reduce electricity consumption by the existing facilities of the entity.

A political subdivision or institution of higher education annually shall report to the State Energy Conservation Office (SECO), on forms provided by that office, regarding the entity's goal, the entity's efforts to meet the goal, and progress the entity has made. SECO shall provide assistance and information to the entity to help the entity meet established goals.

A political subdivision or institution of higher education that does not attain the established goals must include in the report justification that the entity has already implemented all available cost-effective measures. An entity that submits a report indicating that the entity has reviewed its available options, has determined that no additional measures are cost-effective, and has already implemented all available cost-effective measures is exempt from the annual reporting requirement if a subsequent report would indicate no change in status. An entity may be required to provide notice that it is exempt to SECO.

*Health and Safety Code 388.005(b)–(e)*

## Exception

This section does not apply to a state agency or an institution of higher education that SECO determines, before September 1, 2007, adopted a plan for conserving energy under which the agency or institution established a percentage goal for reducing the consumption of electricity. The exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year to the governor, the Legislative Budget Board, and SECO. *Health and Safety Code 388.005(f)*

**Energy or Water Conservation Measures**

The governing board of an institution of higher education, including a college district, may enter into an energy savings performance contract in accordance with this section. "Energy savings performance contract" means a contract with a provider for energy or water conservation or usage measures in which the estimated energy savings, utility cost savings, increase in billable revenues, or increase in meter accuracy resulting from the measures is subject to

guarantee to offset the cost of the energy or water conservation or usage measures over a specified period. The term does not include the design or new construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project. The term includes a contract related to the pilot program described by Local Government Code 302.001(9-a) and a contract for the installation or implementation of the following in new or existing facilities, including all causally connected work:

1. Insulation of a building structure and systems within the building.
2. Storm windows or doors, caulking or weather stripping, multi-glazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door system modifications that reduce energy consumption.
3. Automatic energy control systems, including computer software and technical data licenses.
4. Heating, ventilating, or air-conditioning system modifications or replacements that reduce energy or water consumption.
5. Lighting fixtures that increase energy efficiency.
6. Energy recovery systems.
7. Electric systems improvements.
8. Water-conserving fixtures, appliances, and equipment or the substitution of non-water-using fixtures, appliances, and equipment.
9. Water-conserving landscape irrigation equipment.
10. Landscaping measures that reduce watering demands and capture and hold applied water and rainfall, including:
  - a. Landscape contouring, including the use of berms, swales, and terraces; and
  - b. The use of soil amendments that increase the water-holding capacity of the soil, including compost.
11. Rainwater harvesting equipment and equipment to make use of water collected as part of a storm-water system installed for water quality control.

12. Equipment for recycling or reuse of water originating on the premises or from other sources, including treated municipal effluent.
13. Equipment needed to capture water from nonconventional, alternate sources, including air-conditioning condensate or graywater, for nonpotable uses.
14. Metering or related equipment or systems that improve the accuracy of billable-revenue-generation systems.
15. Alternative fuel programs resulting in energy cost savings and reduced emissions for local government vehicles, including fleet vehicles.
16. Programs resulting in utility cost savings.
17. Other energy or water conservation-related improvements or equipment, including improvements or equipment related to renewable energy or nonconventional water sources or water reuse.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. Notwithstanding the list above, an energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

The contracting and delivery procedures for construction projects described at Government Code Chapter 2269 do not apply to energy savings performance contracts.

*Education Code 51.927(a)–(d), (k); Local Gov't Code 302.001(4)*

Performance Bond

Before entering into an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond in accordance with Government Code Chapter 2253. The board may also require a separate bond to cover the value of the guaranteed savings on the contract. *Education Code 51.927(e)*

Contract Term

The board may enter into an energy savings performance contract for a period of more than one year only if the board finds that the

amount the institution would spend on the energy or water conservation measures will not exceed the amount to be saved in energy, water, wastewater, and operating costs over 20 years from the date of installation. *Education Code 51.927(f)*

Financing

An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing;
2. With the proceeds of bonds; or
3. Under the contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures, and the board is not required to pay for such costs solely out of the savings realized by the college district under an energy savings performance contract.

*Education Code 51.927(g)–(g-1)*

Cost Savings

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the institution of higher education under the contract. If the term of the contract exceeds one year, the institution's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures, as determined by the board, divided by the number of years in the contract term beginning after the final date of installation. The board shall consider all costs of the energy or water conservation measures, including costs of design, engineering, installation, maintenance, repairs, and debt service. *Education Code 51.927(f), (h)*

Contract  
Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004. Notice of the request for qualifications shall be given in the manner provided by Government Code 2156.002.

The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

*Education Code 51.927(g-1), (i)*

*Guidelines*

The Coordinating Board, in consultation with SECO with regard to energy conservation measures, shall establish guidelines and an approval process for awarding energy savings performance contracts. The guidelines must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. A contract is not required to be reviewed or approved by SECO. Occupations Code 1001.053 and 1001.047 apply to work performed under the contract.

The guidelines must require the Coordinating Board to review any reports submitted to the Coordinating Board that measure and verify cost savings to an institution of higher education under an energy savings performance contract; and based on the reports, provide an analysis, on a periodic basis, of the cost savings under the energy savings performance contract to the governing board of the institution of higher education and the Legislative Budget Board until the governing board of the institution of higher education determines that the analysis is no longer required to accurately measure cost savings.

*Education Code 51.927(i), (l)*

**Energy Usage Report**

A governmental entity, including a college district, shall record in an electronic repository the governmental entity's metered amount of electricity, water, or natural gas consumed for which it is responsible to pay and the aggregate costs for those utility services. The governmental entity shall report the recorded information on a publicly accessible internet website with an interface designed for ease of navigation if available, or at another publicly accessible location.  
*Gov't Code 2265.001*

**Light Bulbs**

An institution of higher education, including a college district, shall purchase for use in each type of light fixture in an educational or housing facility the commercially available model of light bulb that:

1. Is compatible with the light fixture;
2. Uses the fewest watts for the necessary luminous flux or light output; and
3. Is the most cost-effective, considering the factors described above.

"Housing facility" means a single- or multi-family residence used exclusively for housing or boarding, or housing and boarding students, faculty, or staff members of an institution of higher learning. The term includes infirmary and student union building, but does not include a housing or boarding facility for the use of a fraternity, sorority, or private club.

*Education Code 51.9271, 53.02(7)*

**Recycling Program**

An institution of higher education, including a college district, shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the entity's operations;
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials;
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled; and
4. Establish educational and incentive programs to encourage maximum employee participation.

"Recyclable material" means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

*Health and Safety Code 361.425(a), (d); 30 TAC 328.201-.202*

Exception

A governmental entity, including a college district, may exclude one or more recyclable materials from its program if the Texas Commission on Environmental Quality (TCEQ) finds that a recycling program for a recyclable material is not available through its solid waste provider or the inclusion of a recyclable material would create a hardship.

A governmental entity may request additional consideration from TCEQ if compliance with this section would create a hardship.

"Hardship" means a circumstance that causes unreasonable burden on the college district.

*Health and Safety Code 361.425(d); 30 TAC 328.201, .204(b)-(c)*

**Certificate of Mold Remediation**

If a property owner, including a college district, sells property, the property owner shall provide to the buyer a copy of each certificate of mold remediation issued for the property during the five years preceding the date the property owner sells the property. *Occupations Code 1958.154(b); 16 TAC 78.150(e)*

**Pools**

Generally

An owner, manager, operator, or other attendant, including a college district, in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play shall comply with relevant pool safety standards necessary to prevent drowning adopted by the executive commissioner of the Health and Human Services Commission. *Health and Safety Code 341.0645; 25 TAC 265.181-.211*

A person, including a college district, may use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date. *Health and Safety Code 341.0645(f)*

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. 8003. "Public pool and spa" means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

**Human Trafficking Signs at Cosmetology Facilities**

A person, including a college district, who operates a cosmetology facility or other entity described by 1 Administrative Code 54.80 shall post at the entity a sign as prescribed by 1 Administrative Code Chapter 54, Subchapter C, or, if applicable, similar signs or notices as prescribed by other state law. "Cosmetology facility" means a person who holds a license to operate a facility or school under Occupations Code Chapter 1602. [See CJ]

A sign required to be posted under Government Code 402.0351 must at a minimum:

1. Contain information regarding services and assistance to victims of human trafficking;
2. Be in both English and Spanish; and
3. Include:
  - a. A toll-free telephone number and internet website for accessing human trafficking resources;
  - b. The contact information for reporting suspicious activity to the Department of Public Safety; and

- c. The key indicators that a person is a victim of human trafficking.

A sign required under 1 Administrative Code Chapter 54, Subchapter C, must be clearly legible and posted in a conspicuous place that is either near the public entrance or in clear view of the public and employees and near the location similar notices are currently posted.

*Gov't Code 402.0351(a)(1), (a-1), (b)-(d); 1 TAC 54.80*

**Display of National Motto**

An institution of higher education, including a college district, must display in a conspicuous place in each building of the institution a durable poster or framed copy of the U.S. national motto, "In God We Trust," if the poster or framed copy meets the requirements below and is donated for display at the institution or purchased from private donations and made available to the institution.

A poster or framed copy of the national motto:

1. Must contain a representation of the U.S. flag centered under the national motto and a representation of the state flag; and
2. May not depict any words, images, or other information other than the representations listed in item 1.

An institution of higher education may accept and use private donations for the purposes of this section.

*Education Code 1.004*



## **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:**

July 24, 2023

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

July 24, 2023

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

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CU Research

**Summary of *LEGAL* Policy:**

NOTE: CU 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 follows procedures represented in policy CU.

**Disclosure of Sponsors**

In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of an institution of higher education, including a college district, who conducted or participated in conducting the research shall conspicuously disclose the identity of each sponsor of the research. *Education Code 51.954(a)*

## Definitions

*“Public Communication”*

“Public communication” means oral or written communication intended for public consumption or distribution, including:

1. Testimony in a public administrative, legislative, regulatory, or judicial proceeding;
2. Printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or
3. Posting of information on a website or similar internet host for information.

*Education Code 51.954(b)(2)*

*“Sponsor”*

“Sponsor” means an entity that contracts for or provides money or materials for research. *Education Code 51.954(b)(3)*

*“Sponsored Research”*

“Sponsored research” means research:

1. That is conducted under a contract with, or that is conducted under a grant awarded by and pursuant to a written agreement with, an individual or entity other than the institution conducting the research; and
2. In which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

*Education Code 51.954(b)(4)*

**Restriction on State Agency Contracts**

A state agency that expends appropriated funds may not enter into a research contract with an institution of higher education, including a college district, if that contract contains a provision precluding public disclosure of any final data generated or produced in the course of executing the contract unless the agency reasonably determines that the premature disclosure of such data would adversely affect public safety, the protection of intellectual property rights of the institution of higher education, publication rights in professional scientific publications, or valuable confidential information of the institution of higher education or a third party. This prohibition does not apply to a research contract between an institution of higher education and the Cancer Prevention and Research Institute of Texas. *Education Code 51.955(b)–(c)*

**Research Involving  
Human Subjects –  
Institutional Review  
Board Common Rule**

The Common Rule applies to all research involving human subjects conducted, supported, or otherwise subject to regulation by any federal department or agency which takes appropriate administrative action to make the policy applicable to such research. This includes research conducted by federal civilian employees or military personnel, except that each department or agency head may adopt such procedural modifications as may be appropriate from an administrative standpoint. It also includes research conducted, supported, or otherwise subject to regulation by the federal government outside the United States. Institutions that are engaged in research described in this paragraph and institutional review boards (IRBs) reviewing research that is subject to the Common Rule must comply with the Common Rule.

*6 C.F.R. Part 46 (Department of Homeland Security); 7 C.F.R. Part 1c (Department of Agriculture); 10 C.F.R. Part 745 (Department of Energy); 14 C.F.R. Part 1230 (NASA); 15 C.F.R. Part 27 (Department of Commerce); 20 C.F.R. Part 431 (Social Security Administration); 22 C.F.R. Part 225 (Agency for International Development); 24 C.F.R. Part 60 (Department of Housing and Urban Development); 29 C.F.R. Part 21 (Department of Labor); 32 C.F.R. Part 219 (Department of Defense); 34 C.F.R. Part 97 (Department of Education); 38 C.F.R. Part 16 (Department of Veterans Affairs); 40 C.F.R. Part 26 (Environmental Protection Agency); 45 C.F.R. Part 46 (Department of Health and Human Services); 45 C.F.R. Part 690 (National Science Foundation); 49 C.F.R. Part 11 (Department of Transportation)*

Exceptions

Unless otherwise required by department or agency heads, research activities in which the only involvement of human subjects will be in one or more of the categories below are exempt from the requirements of the Common Rule, except that such activities must comply with the requirements of this section and as specified in each category.

*6 C.F.R. 46.104(a); 7 C.F.R. 1c.104(a); 10 C.F.R. 745.104(a); 14 C.F.R. 1230.104(a); 15 C.F.R. 27.104(a); 20 C.F.R. 431.104(a); 22 C.F.R. 225.104(a); 24 C.F.R. 60.104(a); 29 C.F.R. 21.104(a); 32 C.F.R. 219.104(a); 34 C.F.R. 97.104(a); 38 C.F.R. 16.104(a); 40 C.F.R. 26.104(a); 45 C.F.R. 46.104(a), 690.104(a); 49 C.F.R. 11.104(a)*

*Research That  
Does Not  
Adversely Impact  
Education*

Research, conducted in established or commonly accepted educational settings, that specifically involves normal educational practices that are not likely to adversely impact students' opportunity to learn required educational content or the assessment of educators who provide instruction is exempt. This includes most research on regular and special education instructional strategies, or research

on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Research  
Involving Tests,  
Surveys,  
Interviews, or  
Observation of  
Public Behavior*

Research that only includes interactions involving educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures, or observation of public behavior (including visual or auditory recording) is exempt if at least one of the following criteria is met:

1. The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects;
2. Any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or
3. The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination that, when appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Benign  
Behavioral  
Interventions*

Research involving benign behavioral interventions in conjunction with the collection of information from an adult subject through verbal or written responses (including data entry) or audiovisual recording is exempt if the subject prospectively agrees to the intervention and information collection and at least one of the following criteria is met:

1. The information obtained is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained, directly or through identifiers linked to the subjects;
2. Any disclosure of the human subjects' responses outside the research would not reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, educational advancement, or reputation; or
3. The information obtained is recorded by the investigator in such a manner that the identity of the human subjects can readily be ascertained, directly or through identifiers linked to the subjects, and an IRB conducts a limited IRB review to make the determination that, when appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

For the purpose of this provision, benign behavioral interventions are brief in duration, harmless, painless, not physically invasive, not likely to have a significant adverse lasting impact on the subjects, and the investigator has no reason to think the subjects will find the interventions offensive or embarrassing. Provided all such criteria are met, examples of such benign behavioral interventions would include having the subjects play an online game, having them solve puzzles under various noise conditions, or having them decide how to allocate a nominal amount of received cash between themselves and someone else.

If the research involves deceiving the subjects regarding the nature or purposes of the research, this exemption is not applicable unless the subject authorizes the deception through a prospective agreement to participate in research in circumstances in which the subject is informed that he or she will be unaware of or misled regarding the nature or purposes of the research.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Secondary  
Research for  
Which Consent is  
not Required*

Secondary research for which consent is not required: Secondary research uses of identifiable private information or identifiable biospecimens is exempt if at least one of the following criteria is met:

1. The identifiable private information or identifiable biospecimens are publicly available;
2. Information, which may include information about biospecimens, is recorded by the investigator in such a manner that the identity of the human subjects cannot readily be ascertained directly or through identifiers linked to the subjects, the investigator does not contact the subjects, and the investigator will not re-identify subjects;
3. The research involves only information collection and analysis involving the investigator's use of identifiable health information when that use is regulated under 45 C.F.R. Parts 160 and 164, Subparts A and E, for the purposes of "health-care operations" or "research" as those terms are defined at 45 C.F.R. 164.501 or for "public health activities and purposes" as described under 45 C.F.R. 164.512(b); or
4. The research is conducted by, or on behalf of, a federal department or agency using government-generated or government-collected information obtained for nonresearch activities, if the research generates identifiable private information that is or will be maintained on information technology that is subject to and in compliance with Section 208(b) of the E-Government Act of 2002, 44 U.S.C. 3501 note, if all of the identifiable private information collected, used, or generated as part of the activity will be maintained in systems of records subject to the Privacy Act of 1974, 5 U.S.C. 552a, and, if applicable, the information used in the research was collected subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Public Benefit or  
Service  
Programs*

Research and demonstration projects which are conducted or supported by a federal department or agency, or otherwise subject to the approval of department or agency heads (or the approval of the heads of bureaus or other subordinate agencies that have been delegated authority to conduct the research and demonstration projects), and that are designed to study, evaluate, improve, or otherwise examine public benefit or service programs, including procedures for obtaining benefits or services under those programs, possible changes in or alternatives to those programs or procedures, or possible changes in methods or levels of payment for

benefits or services under those programs are exempt. Such projects include, but are not limited to, internal studies by federal employees, and studies under contracts or consulting arrangements, cooperative agreements, or grants. Exempt projects also include waivers of otherwise mandatory requirements using authorities such as Sections 1615 and 1615A of the Social Security Act, as amended. Each federal department or agency conducting or supporting the research and demonstration projects must establish, on a publicly accessible federal website or in such other manner as the department or agency head may determine, a list of the research and demonstration projects that the federal department or agency conducts or supports under this provision. The research or demonstration project must be published on this list prior to commencing the research involving human subjects.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Taste and Food  
Quality Studies*

Taste and food quality evaluation and consumer acceptance studies are exempt if wholesome foods without additives are consumed or if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminants at or below the level found to be safe, by the U.S. Food and Drug Administration or approved by the U.S. Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Storage or  
Maintenance for  
Secondary  
Research for  
Which Consent is  
Required*

Storage or maintenance for secondary research for which broad consent is required: Storage or maintenance of identifiable private information or identifiable biospecimens for potential secondary research use is exempt if an IRB conducts a limited IRB review and makes the following determinations:

1. Broad consent for storage, maintenance, and secondary research use of identifiable private information or identifiable biospecimens is obtained in accordance with the requirements of the Common Rule;

2. Broad consent is appropriately documented or waiver of documentation is appropriate, in accordance with the Common Rule; and
3. If there is a change made for research purposes in the way the identifiable private information or identifiable biospecimens are stored or maintained, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data.

6 C.F.R. 46.104(d); 7 C.F.R. 1c.104(d); 10 C.F.R. 745.104(d); 14 C.F.R. 1230.104(d); 15 C.F.R. 27.104(d); 20 C.F.R. 431.104(d); 22 C.F.R. 225.104(d); 24 C.F.R. 60.104(d); 29 C.F.R. 21.104(d); 32 C.F.R. 219.104(d); 34 C.F.R. 97.104(d); 38 C.F.R. 16.104(d); 40 C.F.R. 26.104(d); 45 C.F.R. 46.104(d), 690.104(d); 49 C.F.R. 11.104(d)

*Secondary  
Research for  
Which Broad  
Consent is  
Required*

Secondary research for which broad consent is required: Research involving the use of identifiable private information or identifiable biospecimens for secondary research use, if the following criteria are met:

1. Broad consent for the storage, maintenance, and secondary research use of the identifiable private information or identifiable biospecimens was obtained in accordance with the Common Rule;
2. Documentation of informed consent or waiver of documentation of consent was obtained in accordance with the Common Rule;
3. An IRB conducts a limited IRB review and makes the determination that, when appropriate, there are adequate provisions to protect the privacy of subjects and to maintain the confidentiality of data and makes the determination that the research to be conducted is within the scope of the broad consent referenced at Storage or Maintenance for Secondary Research for Which Consent is Required, above; and
4. The investigator does not include returning individual research results to subjects as part of the study plan. This provision does not prevent an investigator from abiding by any legal requirements to return individual research results.

6 C.F.R. 46.104(a), (d); 7 C.F.R. 1c.104(a), (d); 10 C.F.R. 745.104(a), (d); 14 C.F.R. 1230.104(a), (d); 15 C.F.R. 27.104(a), (d); 20 C.F.R. 431.104(a), (d); 22 C.F.R. 225.104(a), (d); 24 C.F.R. 60.104(a), (d); 29 C.F.R. 21.104(a), (d); 32 C.F.R. 219.104(a), (d); 34 C.F.R. 97.104(a), (d); 38 C.F.R. 16.104(a), (d); 40 C.F.R. 26.104(a), (d); 45 C.F.R. 46.104(a), (d), 690.104(a), (d); 49 C.F.R. 11.104(a), (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:**

July 24, 2023

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

July 24, 2023

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

Section:       D       PERSONNEL

Policy:         DE       Compensation and Benefits

**Summary of *LEGAL* Policy:**

NOTE: DE 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. Legal Policy DE outlines the expectation of KC to offer salary and benefits to the average provided by similar institutions. Further "DE" policies explain the College policies and procedures in relation to Compensation and Benefits.

## COMPENSATION AND BENEFITS

DE  
(LEGAL)

The governing board of each institution of higher education, including each college district, shall establish faculty compensation policies that, to the greatest extent possible, provide the faculty with an average salary and benefits at least equal to the average of that provided by similar institutions nationwide having a similar role and mission.

The Coordinating Board shall include information relating to national average salary and benefits and shall correlate that information to Texas schools having similar roles and missions, in the master plan for higher education and in the appropriate reports to the legislature.

*Education Code 51.908*

## KILGORE COLLEGE TASB POLICY CONVERSION

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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:**

July 24, 2023

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

July 24, 2023

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

Section: D PERSONNEL

Policy: DG Employee Rights and Privileges

**Summary of *LEGAL* Policy:**

NOTE: DG 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 abiding by all legal requirements as identified as Employee Rights and Privileges. An Administrative Rule has been created to specifically outline the rights and responsibilities of Nursing Mothers.

**Procedures:**

**Administrative Rules:**

1. Employee Right to Express Breast Milk  
Outlines Kilgore College's commitment to nursing mothers and the right to express breast milk during working hours.

## EMPLOYEE RIGHTS AND PRIVILEGES

DG  
(LEGAL)**Whistleblower  
Protection**

A state or local governmental entity, including a college district, may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

A report is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

*Gov't Code 554.002*

A supervisor who in violation of Government Code Chapter 554 suspends or terminates the employment of a public employee or takes an adverse personnel action against the employee is liable for a civil penalty not to exceed \$15,000. *Gov't Code 554.008*

## Definitions

“Public employee” means an employee or appointed officer other than an independent contractor who is paid to perform services for a state or local governmental entity. *Gov't Code 554.001(4)*

“Law” means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A “good faith belief that a violation of the law occurred” means that:

1. The employee believed that the conduct reported was a violation of law; and
2. The employee’s belief was reasonable in light of the employee’s training and experience.

*Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)*

A “good faith belief that an entity is an appropriate law enforcement authority” means:

1. The employee believed the governmental entity was authorized to:
  - a. Regulate under or enforce the law alleged to be violated in the report, or
  - b. Investigate or prosecute a violation of criminal law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

*Tex. Dept. of Trans. v. Needham, 82 S.W.3d 314 (Tex. 2002)*

**Whistleblower  
Complaints**

A public employee whose employment is suspended or terminated or who is subjected to an adverse personnel action in violation of Government Code 554.002 is entitled to sue for injunctive relief, actual damages, court costs, and reasonable attorney fees, as well as other relief specified in Government Code 554.003. A public employee whose employment is suspended or terminated in violation of Government Code Chapter 554 is entitled to reinstatement to the employee's former position or an equivalent position, compensation for wages lost during the period of suspension or termination, and reinstatement of fringe benefits and seniority rights lost because of the suspension or termination. *Gov't Code 554.003*

Initiate Grievance

A public employee must initiate action under the grievance or appeal procedures of the employing state or local governmental entity relating to suspension or termination of employment or adverse personnel action before suing under Chapter 554.

The employee must invoke the applicable grievance or appeal procedures not later than the 90th day after the date on which the alleged violation of Chapter 554 occurred or was discovered by the employee through reasonable diligence.

*Gov't Code 554.006(a)–(b)*

Legal Action

If a final decision is not rendered before the 61st day after the date procedures are initiated under Government Code 554.006(a), the employee may elect to:

1. Exhaust the applicable procedures, in which event the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate procedures, in which event the employee must sue within time remaining under Government Code 554.005 to obtain relief under Government Code Chapter 554.

*Gov't Code 554.006(c)–(d)*

*Burden of Proof*

A public employee who sues under Chapter 554 has the burden of proof, except that if the suspension or termination of, or adverse personnel action against, a public employee occurs not later than the 90th day after the date on which the employee reports a violation of law, the suspension, termination, or adverse personnel ac-

	<p>tion is presumed, subject to rebuttal, to be because the employee made the report. <i>Gov't Code 554.004(a)</i></p>
<p><i>Affirmative Defense</i></p>	<p>It is an affirmative defense to a suit under Chapter 554 that the employing state or local governmental entity would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under Chapter 554 of a violation of law. <i>Gov't Code 554.004(b)</i></p>
<p>Notice of Rights</p>	<p>A state or local governmental entity shall inform its employees of their rights under Chapter 554 by posting a sign in a prominent location in the workplace. The attorney general shall prescribe the design and content of the sign. <i>Gov't Code 554.009</i></p>
<p><b>Right to Express Breast Milk</b></p>	<p>An employee of a public employer, including a college district employee, is entitled to express breast milk at the employee's workplace. A public employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. <i>Gov't Code 619.002, .005</i></p>
<p>Discrimination Prohibited</p>	
<p>Policy</p>	<p>A public employer shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy developed must state that the public employer shall:</p> <ol style="list-style-type: none"><li>1. Support the practice of expressing breast milk; and</li><li>2. Make reasonable accommodations for the needs of employees who express breast milk.</li></ol> <p><i>Gov't Code 619.003</i></p>
<p>Employer Responsibilities</p>	<p>A public employer shall:</p> <ol style="list-style-type: none"><li>1. Provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk; and</li><li>2. Provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.</li></ol> <p><i>Gov't Code 619.004</i></p>
<p><b>Breaks for Nursing Mothers</b></p>	<p>An employer shall provide a reasonable break time for an employee to express breast milk for such employee's child for one year after the child's birth each time such employee has need to express the milk and a place, other than a bathroom, that is</p>

shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

An employer shall not be required to compensate an employee receiving reasonable break time for any time spent during the workday for such purpose unless otherwise required by federal or state law or municipal ordinance.

Break time provided under this section shall be considered hours worked if the employee is not completely relieved from duty during the entirety of such break.

An employer that employs fewer than 50 employees shall not be subject to the requirements of this section if the requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

*29 U.S.C. 218d(a)–(c)*

**Stem Cell  
Treatments**

A governmental entity, including a college district, or an officer, employee, or agent of a governmental entity may not interfere with an eligible patient's access to or use of a stem cell treatment authorized under Health and Safety Code Chapter 1003, Subchapter B. *Gov't Code 1003.058*

**Prohibitions**

A state officer or employee, including a college district employee, may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. *Gov't Code 556.004(c)–(d)*

**Notice by Electronic  
Media**

If a state law requires an institution of higher education, including a college district, to provide written notification to its officers or employees of any requirement, right, duty, or responsibility provided by state law, the institution may provide the notification by use of electronic media.

An institution of higher education may adopt rules and guidelines to ensure that notification provided by electronic media is effective and that any required notification is provided to officers and employees who do not have access to electronic media.

*Education Code 51.965*

**Protection of Nurses**

A person, including a college district, may not suspend, terminate, or otherwise discipline, discriminate against, or retaliate against a nurse who refuses to engage in an act or omission as provided by

Occupations Code 301.352(a-1) or a person who advises a nurse of the nurse's rights under Occupations Code 301.352. *Occupations Code 301.352(a)*

A nurse may refuse to engage in an act or omission relating to patient care that would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I; that constitutes a minor incident, as defined at Occupations Code Section 301.419; or that violates Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners if the nurse notifies the person at the time of the refusal that the reason for refusing is that the act or omission constitutes grounds for reporting the nurse to the Board of Nurse Examiners or is a violation of Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners. *Occupations Code 301.352(a-1)*

**Immunity for Shelter Workers**

A service member of the Texas military forces ordered into service of this state by proper authority is not personally liable in the person's private capacity for any act performed or for any contract or other obligation entered into or undertaken in an official capacity in good faith and without intent to defraud in connection with the administration, management, or conduct of the department in business, programs, or other related affairs, under the limited waiver of governmental immunity provided by the Texas Tort Claims Act (Civil Practice and Remedies Code Chapter 101). *Gov't Code 437.222*

An officer or employee of a state or local agency, including a college district, is considered for purposes of Government Code 437.222 to be a member of the Texas military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if the person is performing an activity related to sheltering or housing individuals in connection with the evacuation of an area stricken or threatened by disaster. *Gov't Code 418.006*

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**Note:** For information regarding when the carry of weapons is permitted on campus, see CHF.

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## ***Administrative Rule***

**Subject:** Nursing Mothers Right to Express Breast Milk

**TASB Policy:** DG – Employee Rights and Privileges

**Effective Date:** July 24, 2023



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I. Purpose and Scope

Kilgore College supports the practice of expressing breast milk, and will make reasonable accommodations for the needs of employees who express breast milk. Kilgore College may not suspend, or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her rights under this policy.

II. Definitions

Employee – Any employee employed by the College as a W-2 employee is afforded these rights and protections to express breast milk.

III. Procedures

A reasonable amount of break time will be provided each time the employee has the need to express breast milk for one year after the child's birth. The employee is responsible for coordinating an acceptable break time with their manager/supervisor as far in advance as possible. Management is encouraged to support flexible work schedules to accommodate such requests.

With respect to hourly employees who are non-exempt under the Fair Labor Standards Act, if the employee uses time other than a regularly scheduled compensated break time to express breast milk, then they are not required to be compensated for such breaks as long as the employee is completely relieved of work duties during such breaks. In situations where the College already provides compensated breaks, an employee who uses that break time to express milk will be compensated in the same way that other employees are compensated for break time.

Kilgore College shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. Employees who do not have a private office or area in their work space shall contact the Office of Human Resources to determine a reasonable accommodated place for such purpose.

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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.

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:**

July 24, 2023

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

July 24, 2023

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

Section: D PERSONNEL

Policy: DHB Standards of Conduct: Child Abuse and Neglect Reporting

**Summary of *LEGAL* Policy:**

NOTE: DHB 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 began training for employees in Spring 2023 with materials created by Texas Department of Family and Protective Services. All employees have been trained in their responsibility in reporting suspected abuse or neglect of a child.

EMPLOYEE STANDARDS OF CONDUCT  
CHILD ABUSE AND NEGLECT REPORTINGDHB  
(LEGAL)**Child Abuse  
Reporting Policy and  
Training**

Each institution of higher education shall adopt a policy governing the reporting of child abuse and neglect as required by Family Code Chapter 261 for the institution and its employees. The policy must require each employee of the institution to report child abuse and neglect in the manner required by Family Code Chapter 261.

Each institution of higher education shall provide training for employees who are professionals as defined by Family Code 261.101 in prevention techniques for and the recognition of symptoms of sexual abuse and other maltreatment of children and the responsibility and procedure of reporting suspected occurrences of sexual abuse and other maltreatment. The training must include:

1. Techniques for reducing a child's risk of sexual abuse or other maltreatment;
2. Factors indicating a child is at risk for sexual abuse or other maltreatment;
3. The warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and
4. The requirements and procedures for reporting suspected sexual abuse or other maltreatment as provided by Family Code Chapter 261.

*Education Code 51.9761***Reporting Abuse and  
Neglect**

All Employees

A person having reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as provided by Family Code Chapter 261, Subchapter B. *Family Code 261.101(a)*

A person or professional shall make a report in the manner required by Family Code 261.101(a) or (b), as applicable, if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of:

1. Another child; or
2. An elderly person or person with a disability as defined by Human Resources Code 48.002.

*Family Code 261.101(b-1)*Professional  
Employees

If a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that

EMPLOYEE STANDARDS OF CONDUCT  
CHILD ABUSE AND NEGLECT REPORTING

DHB  
(LEGAL)

a child is a victim of an offense under Penal Code 21.11 (indecent with a child), and the professional has reasonable cause to believe that the child has been abused as defined by Family Code 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Penal Code 21.11 (indecent with a child). A professional may not delegate to or rely on another person to make the report.

"Professional" means an individual who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, and employees of a clinic or health care facility that provides reproductive services.

*Family Code 261.101(b)*

Appropriate Agency  
to Receive Reports

A report shall be made to:

1. Any local or state law enforcement agency;
2. The Department of Family and Protective Services (DFPS); or
3. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

A report, other than a report under item 3, must be made to DFPS if the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child.

*Family Code 261.103*

**Adverse  
Employment Action  
Prohibited**

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who is a professional and who in good faith:

1. Reports child abuse or neglect to:
  - a. The person's supervisor;
  - b. An administrator of the facility where the person is employed;
  - c. A state regulatory agency; or
  - d. A law enforcement agency; or

EMPLOYEE STANDARDS OF CONDUCT  
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DHB  
(LEGAL)

2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

“Adverse employment action” means an action that affects an employee’s compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

*Family Code 261.110(a)–(b)*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EBB Alternate Methods of Instruction – Off Campus Instruction

**Summary of *LEGAL* Policy:**

NOTE: EBB 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 all legal policy governing alternate methods of instruction and off-campus instruction.

ALTERNATE METHODS OF INSTRUCTION  
OFF CAMPUS INSTRUCTIONEBB  
(LEGAL)

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

**Definitions**

Clinical Course	A "clinical course" is an academic credit course that is a health-related, work-based learning experience that enables the student to apply specialized occupational theory, skills, and concepts. <i>19 TAC 4.272(4)</i>
Clinical Facility	A "clinical facility" is a health-care facility that provides learning experiences for students. <i>19 TAC 4.272(5)</i>
Continuing Education Course	A "continuing education course" is a non-credit higher education technical course offered for continuing education units (CEUs), has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. <i>19 TAC 4.272(8)</i>
Non-Credit Course	A "non-credit course" is a course that results in the award of CEUs as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. <i>19 TAC 4.272(17)</i>
Off-Campus Course	An "off-campus course" means a course in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are outside the service area. <i>19 TAC 4.272(18)</i>
Off-Campus Degree or Certificate Program	An "off-campus degree or certificate program" is a program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through off-campus courses. <i>19 TAC 4.272(19)</i>
Off-Campus Instruction	"Off-campus instruction" is the formal educational process in which a majority (more than 50 percent) of the instruction occurs when the students and instructor(s) are in the same physical location and off-campus locations are sites outside of the service area. <i>19 TAC 4.272(20)</i>
Out-of-State / Out-of-Country Courses and Programs	"Out-of-state/out-of-country courses and programs" are academic credit courses and programs delivered outside Texas/United States to individuals or groups who are not regularly enrolled on-campus students. Out-of-state and out-of-country courses do not receive formula funding. <i>19 TAC 4.272(21)</i>

ALTERNATE METHODS OF INSTRUCTION  
OFF CAMPUS INSTRUCTION

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Regular On-Campus Student	A “regular on-campus student” is a student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding and more than 50 percent of coursework is primarily taken at an institution's main campus or on one or more of the campuses within a multi-campus community college system. <i>19 TAC 4.272(26)</i>
Self-Supporting Courses and Programs	“Self-supporting courses and programs” are academic credit courses and programs whose semester credit hours are not submitted for formula funding. <i>19 TAC 4.272(27)</i>
Study-in-America Courses	“Study-in-America courses” are off-campus, academic credit instruction, which is delivered outside Texas but in the United States primarily to regular on-campus students. <i>19 TAC 4.272(30)</i>
Study-Abroad Courses	“Study-abroad courses” are off-campus, academic credit instruction, which is delivered outside the United States primarily to regular on-campus students. <i>19 TAC 4.272(31)</i>
Workforce Continuing Education Course	“Workforce continuing education course” is a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or avocational purposes which is not supported by state funding. <i>19 TAC 4.272(32)</i>
<b>Applicability of Subchapter Q</b>	Administrative Code Title 19, Chapter 4, Subchapter Q, governs the following types of instruction offered by institutions of higher education: academic credit courses, clinical courses, degree and certificate programs, and formula-funded workforce continuing education provided by a community college outside the boundaries of its service area through off-campus instruction; academic credit courses and programs offered by any public institution of higher education outside of Texas, including Study-Abroad, Study-in-America, out-of-state, and out-of-country courses; and self-supporting courses and programs that are offered through off-campus instruction. Administrative Code Title 19, Chapter 4, Subchapter Q, does not apply to continuing education, except for formula-funded workforce continuing education, provided by public two-year colleges. <i>19 TAC 4.273</i>
<b>Standards and Criteria</b>	The following provisions apply to all institutions, including college districts, covered under 19 Administrative Code Chapter 4, Subchapter Q, unless otherwise specified:
Generally	1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).



ALTERNATE METHODS OF INSTRUCTION  
OFF CAMPUS INSTRUCTION

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2. For off-campus programs and self-supporting programs, the parent institution shall notify all potentially affected area institutions in accordance with Coordinating Board policy and procedures.
3. Institutions shall report enrollments, courses, and graduates associated with self-supporting offerings as required by the commissioner.
4. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.
5. Students shall be provided academic support services appropriate for off-campus instruction such as academic advising, career counseling, library, and other learning resources.
6. Off-campus instruction sites shall be of sufficient quality for the delivery methods and courses offered.

*19 TAC 4.274*

Off-Campus  
Programs

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

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. An institution offering an off-campus degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
4. Each degree program offered off-campus shall be approved by the institution's governing board or the board's institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.
5. Institutions shall require that students (except for students in out-of-country programs) enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home

institution. Out-of-country students shall meet equivalent standards for admission into programs.

*19 TAC 4.275*

Off-Campus  
Courses

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

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.
2. Prior Coordinating Board approval may be required before an institution may offer courses in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.
3. Study-in-America and Study-Abroad courses offered by institutions of higher education, or by an approved consortium composed of Texas public institutions, must be reported to the Coordinating Board in the manner prescribed by the commissioner in order for the semester credit hours or contact hours generated in those courses to receive formula funding.
4. All courses shall meet the quality standards applicable to on-campus courses.
5. Institutions shall report to the Coordinating Board and shall notify all potentially affected area institutions of all off-campus courses and programs in accordance with Coordinating Board policy and procedures.
6. Except for students in out-of-country courses, students shall satisfy the same requirements for enrollment in an academic credit course as required of on-campus students. Out-of-country students shall be assessed for academic guidance purposes.
7. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

*19 TAC 4.276*

**Off-Campus Program  
and Course Faculty**

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

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution

to select and evaluate faculty responsible for on-campus courses.

2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching off-campus or self-supporting courses.
3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

*19 TAC 4.277*

**Regional Councils**

Public community colleges shall submit for the appropriate regional council's review all off-campus lower-division courses proposed for delivery to sites outside their service areas. All institutions of higher education, including community colleges, shall provide notice to the Higher Education Regional Councils when planning to offer requested off-campus and/or electronic to groups dual credit courses in the council's service area. *19 TAC 4.278(f), (k)*

With the exception of 19 Administrative Code 4.278(e), (i), and (j), regional councils in each of the ten uniform state service regions shall make recommendations to the commissioner and shall resolve disputes regarding plans for lower-division courses and programs proposed by public institutions. *19 TAC 4.278(b)*

Each regional council shall make recommendations to the commissioner regarding off-campus courses and programs proposed for delivery within its uniform state service region in accordance with the consensus views of council members, except for courses and programs proposed to be offered by public community colleges in their designated service areas and courses and programs governed by the provisions of 19 Administrative Code 4.278(e), (i), and (j). *19 TAC 4.278(d)*

A public community college may enter into an agreement to offer dual credit courses with a high school located in the service area of another public community college without additional regional council approval. [For more information on dual credit, see GH] *19 TAC 4.278(e)*

**Clinical Courses**

Public community and technical colleges may offer clinical courses at clinical facilities without regional council approval if each of the following criteria is met:

1. The student(s) enrolled in the clinical course is already employed by the clinical facility;

2. The institution receives written verification from the clinical facility that there will be no reduction in the number of clinical opportunities available for use by area institutions; and
3. The institution of higher education notifies the appropriate regional council(s) of the clinical course and provides the regional council(s) with written verification from the clinical facility that the course will not reduce the number of clinical opportunities available for use by area institutions.

*19 TAC 4.278(h)*

Workforce  
Education or  
Programs  
Requested by  
Employers

An institution of higher education may enter into an agreement with an employer to provide a credit or noncredit off-campus workforce education or lower-division program to the institution's students at a site requested by the employer without the approval of a higher education regional council, regardless of whether the site at which the program would be offered is located within the institution's uniform state service region or, if the institution is a public junior college, within the junior college district's service area, if:

1. The employer has solicited an agreement to offer the program at that site with another institution of higher education that offers the same or substantially equivalent coursework as that requested by the employer;
2. The proposed site for the off-campus program is located within the uniform state service region in which the institution described by item 1 is located or, if the institution is a public junior college, within the junior college district's service area; and
3. The institution of higher education described by item 1 does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks after the employer's initial written solicitation requesting the institution to offer the program.

*Education Code 51.981; 19 TAC 4.278(i)*

**Formula Funding**

Institutions, including college districts, shall report off-campus courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter Q.

Institutions shall not submit for formula-funding courses in out-of-state or out-of-country programs, nor shall they submit self-supporting courses for formula funding.

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OFF CAMPUS INSTRUCTION

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Institutions shall not submit non-state-funded, lower-division credit courses to regional councils.

Institutions shall not jeopardize or diminish the status of formula-funded, on-campus courses and programs in order to offer self-supporting courses. Self-supporting courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.

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

Fee Reports

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

*19 TAC 4.279*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EDAA Instructional Materials – Libraries and Laboratories

**Summary of *LEGAL* Policy:**

NOTE: EDAA 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 the KC Library regularly participates in the acquisition of library goods and services outlined in this legal policy. The KC Library exercises all purchasing guidelines established by the College in the acquisition of its goods and services. The KC Library is a participating member of the TexShare Consortium.

INSTRUCTIONAL MATERIALS  
LIBRARIES AND LABORATORIESEDAA  
(LEGAL)**Acquisition**

Notwithstanding any other law governing purchasing by a junior college district, a junior college district may purchase, license, or otherwise acquire library goods and services in any manner authorized by law for the purchase, license, or acquisition of library goods and services by a public senior college or university. "Library goods and services" mean:

1. Serial and journal subscriptions, including electronic databases, digital content, and information products;
2. Other library materials and resources, including books, e-books, and media not available under a statewide contract and papers;
3. Library services, including periodical jobber and binding services not available under a statewide contract;
4. Equipment and supplies specific to the storage and access of library content; and
5. Library or resource-sharing programs operated by the Texas State Library and Archives Commission.

*Education Code 130.0101*

**Texshare  
Consortium**

In accordance with Government Code Chapter 441 and 13 Administrative Code Chapter 8, the Texas State Library and Archives Commission shall establish and maintain the TexShare consortium as a resource-sharing consortium operated as a program within the commission for libraries at institutions of higher education and for public libraries, libraries of nonprofit corporations, and other types of libraries. Membership in the consortium is open to all institutions of higher education, all public libraries that are members of the state library system, and all libraries of nonprofit corporations. The commission, by rule, may also admit other types of libraries as members or as affiliated members. *Gov't Code 441.222, .224(a); 13 TAC 8.1-.5*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFAB Instructional Programs and Courses - Career Technical-Workforce  
Courses

**Summary of *LEGAL* Policy:**

NOTE: EFAB 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 all aspects of this Career and Technical/Workforce Development policy. The College continues to keep its fingers on the pulse of industry and business to maintain relevant curriculum that leads to students earning self-supporting wages.



INSTRUCTIONAL PROGRAMS AND COURSES  
CAREER TECHNICAL/WORKFORCE COURSESEFAB  
(LEGAL)**Definitions**Career Technical /  
Workforce Program

“Career technical/workforce program” is an applied associate degree program or a certificate program for which semester credit hours (SCH), quarter credit hours, or continuing education units (CEUs) are awarded and which is intended to prepare students for immediate employment or a job upgrade in a specific occupation. *19 TAC 9.1(5)*

Continuing  
Education Unit or  
CEU

“Continuing education unit or CEU” is defined as ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education. *19 TAC 9.1(11)*

Workforce  
Continuing  
Education Course

“Workforce continuing education course” means a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or vocational purposes and is not supported by state funding. *19 TAC 9.1(31)*

Workforce  
Education

“Workforce education” means career technical/workforce courses and programs for which semester/quarter credit and/or CEUs are awarded. Career technical/workforce education courses and programs prepare students for immediate employment or a job upgrade within specific occupational categories. *19 TAC 9.1(32)*

**Generally**

Each public two-year college may classify career technical/workforce continuing education and other courses as earning SCH or CEUs. A course or program that meets or exceeds 360 hours in length must be approved as a career technical/workforce certificate program except by special justification and approval by Coordinating Board staff. A course or program that meets or exceeds 780 hours in length must result in the award of appropriate semester credit hours and be applicable to a certificate and an applied associate degree program. *19 TAC 9.93(l)*

**Workforce  
Continuing  
Education Courses**

Any workforce continuing education course listed in the Workforce Education Course Manual (WECM) may be offered by any public two-year college without prior approval of the Coordinating Board. Courses in the current WECM are valid until revised or deleted by subsequent updates of the WECM.

All workforce continuing education courses shall be in compliance with the guidelines outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Coordinating Board, the WECM, and state law.

Any workforce continuing education program meeting or exceeding 360 contact hours shall be subject to all of the requirements for

workforce education programs for state appropriations as outlined in 19 Administrative Code Chapter 9, Subchapter E.

Any workforce continuing education program meeting or exceeding 780 contact hours in length must result in the award of semester or quarter credit hours and be applicable to a certificate and an applied associate degree program. An exception shall be made for Emergency Medical/Paramedic continuing education programs, which may reach 800 contact hours.

Contact hours for career technical/workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Coordinating Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Coordinating Board, the WECM, and state law.

No funds appropriated to any public two-year college may be expended for any workforce continuing education course that has not been approved by the Coordinating Board staff.

*19 TAC 9.95(a), .114(a)–(b), .115, .116, .117(c), .118*

State Funding

Contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate share of state money appropriated and distributed to public junior colleges under Education Code 130.003 and 130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under Education Code 130.354 [see GH]. *Education Code 130.052; 19 TAC 9.93(l), .117(a)*

*Exceptions*

Workforce continuing education courses with fewer than seven contact hours of instruction will not receive state funding unless the specific type and length of instruction are required by local, state, or national licensing, certifying, regulatory, or accrediting agencies. WECM continuing education special topics courses that are not designed to prepare adult students for employment shall not be eligible for state appropriations. This includes basic employability courses, basic learning skills courses, and learning framework courses.

Avocational courses shall not be eligible for state appropriations. This includes community interest courses. A community college can offer community interest courses using local funds.

*19 TAC 9.117(b), (d)–(e)*

Definitions	"Avocational course" means a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course. <i>19 TAC 9.113(2)</i>
<i>Avocational Course</i>	
<i>Basic Employability Course</i>	"Basic employability course" means a course that covers topics such as conducting a job search, developing a resume, completing an application for employment, and interviewing skills. <i>19 TAC 9.113(3)</i>
<i>Basic Learning Skills Course</i>	"Basic learning skills course" means a non-college-level course that covers learning strategies such as note-taking, and test preparation. <i>19 TAC 9.113(4)</i>
<i>Learning Framework Course</i>	"Learning framework course" means a college-level course that is solely or primarily focused on skill acquisition related to the learning process and is not a workforce education course. <i>19 TAC 9.113(7)</i>
<i>Workforce Continuing Education</i>	"Workforce continuing education" means non-credit instruction that is designed primarily for adults and is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession. <i>19 TAC 9.113(8)</i>
Workforce Continuing Education Course	"Workforce continuing education course" means a course of non-credit instruction in workforce continuing education that is approved by the Coordinating Board. The term does not include an avocational course. <i>19 TAC 9.113(9)</i>

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**Note:** For contractual agreements for the provision of instruction executed with outside entities, including workforce education, see GL.

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**Medically Related Courses**

The curricula of medical, dental, nursing, allied health, counseling, and social work degree or certificate programs shall:

1. Include information about methods of transmission and methods of prevention of HIV infection and information about federal and state laws, rules, and regulations concerning HIV infection and AIDS.
2. Give special attention to the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

*Education Code 51.919(e)*

**Career and Technical  
Education Program  
of Study Curricula**

The Coordinating Board, with the assistance of institutions of higher education, career and technical education experts, and college and career readiness experts, shall establish alignment between the college and career readiness standards and the knowledge, skills, and abilities students are expected to demonstrate in career and technical education by establishing programs of study that:

1. Incorporate rigorous college and career readiness standards, including career and technical education standards that address both academic and technical content;
2. Support attainment of employability and career readiness skills;
3. Progress in content specificity by beginning with all aspects of an industry or career cluster and leading to more occupationally specific instruction or by preparing students for ongoing postsecondary career preparation;
4. Incorporate multiple entry and exit points with portable demonstrations of technical or career competency, which may include credit transfer agreements or industry-recognized certifications; and
5. Culminate in the attainment of:
  - a. An industry-recognized certification, credential, or license;
  - b. A registered apprenticeship or credit-bearing postsecondary certificate; or
  - c. An associate or baccalaureate degree.

A student enrolled in a board-established program of study who transfers from a public junior college, public state college, or public technical institute to another public junior college, public state college, or public technical institute that offers a similar program, regardless of whether the institution has adopted the board-established program of study, shall receive academic credit from the institution to which the student transferred for each of the courses that the student has successfully completed in the program of study curriculum. Unless otherwise required by the Southern Association of Colleges and Schools and Commission on Colleges (SACSCOC), the student may complete the program of study at the institution to which the student transferred by completing only the remaining number of semester credit hours the student would need to complete the program of study at the institution from which the student transferred.

*Education Code 61.8235(a), (f)*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFBC Degrees and Certificates – Degree Plans

**Summary of *LEGAL* Policy:**

NOTE: EFBC 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. All KC students must declare a major when they first enroll at the College. Based on the student's selection, the Jenzabar software automatically produces a degree plan. Initially, dual credit students, while they are enrolled in high school, are classified as general studies majors, but upon matriculation to KC and via the dual credit application for admissions, they too declare a major and receive a degree plan.

DEGREES AND CERTIFICATES  
DEGREE PLANS

EFBC  
(LEGAL)

**Degree Plan** "Degree plan" means a statement of the course of study requirements that an undergraduate student at an institution of higher education, including a college district, must complete in order to be awarded an associate or bachelor's degree from the institution. *Education Code 51.9685(a)(1); 19 TAC 4.342(1)*

**Filing Requirements**  
Students Enrolled in a Degree Program A student enrolled in an associate or bachelor's degree program at an institution of higher education, including a college district, must file a degree plan with the institution after the 12th class day but before the end of the semester or term immediately following the semester or term in which the student earned a cumulative total of 30 or more semester credit hours for coursework successfully completed by the student, including transfer courses, international baccalaureate courses, dual credit courses, and any other course for which the institution the student attends has awarded the student college course credit, including course credit awarded by examination. *Education Code 51.9685(b); 19 TAC 4.343(a)*

*Exception* A student who enrolls in an associate or bachelor's degree program at an institution of higher education for the first time with a cumulative total of 30 or more semester credit hours, shall file a degree plan with the institution after the 12th class day but before the end of the semester of first enrollment. *Education Code 51.9685(c); 19 TAC 4.343(b)*

*Multidisciplinary Studies Associate Degree Program* A student enrolled in a multidisciplinary studies associate degree program shall file a degree plan as prescribed by Administrative Code Chapter 4, Subchapter T. The student must meet with an academic adviser to complete a degree plan that:

1. Accounts for all remaining credit hours required for the completion of the degree program; and
2. Emphasizes the student's transition to a particular four-year college or university that the student chooses; and
3. Preparations for the student's intended field of study or major at the four-year college or university.

*Education Code 130.0104(c); 19 TAC 9.555*

Dual Credit Students A student enrolled in dual credit courses at an institution of higher education shall file a degree plan with the institution not later than:

1. The end of the second regular semester or term immediately following the semester or term in which the student earned a cumulative total of 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student at that institution; or

2. If the student begins the student's first semester or term at the institution with 15 or more semester credit hours of course credit for dual credit courses successfully completed by the student, the end of the student's second regular semester or term at the institution.

*Education Code 51.9685(c-2); 19 TAC 4.344*

**Student  
Responsibility**

In accordance with Education Code 51.9685(e)(1) and (2), students shall:

1. File a degree plan with the institution as specified in 19 Administrative Code Chapter 4, Subchapter T;
2. Notify appropriate offices at the institution of higher education of changes in their choice of degree programs; and
3. Enroll in courses consistent with the filed degree plan.

At each registration for a semester or term, a student who is required to have filed a degree plan before that semester or term shall verify to the institution that:

1. The student has filed a degree plan with the institution; and
2. The courses for which the student is registering are consistent with that degree plan.

*Education Code 51.9685(e); 19 TAC 4.346*

**Notice**

Generally

An institution of higher education, including a college district, shall provide to students to whom the filing requirement applies information regarding the degree plan filing requirement and options for consulting with an academic adviser for that purpose, which may include consultation through electronic communication. *Education Code 51.9685(d); 19 TAC 4.345*

Upon Failure to File

If a student does not timely file a degree plan, the institution of higher education in which the student is enrolled shall notify the student that the degree plan is required by law and require the student to consult with an academic adviser for that purpose in accordance with the consulting options under Education Code 51.9685(d), above, during the semester or term in which the student receives the notice. The student may not obtain an official transcript from the institution until the student has filed a degree plan with the institution. *Education Code 51.9685(f); 19 TAC 4.345*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFCB Special Programs – Adult Education and Literacy

**Summary of *LEGAL* Policy:**

NOTE: EFCB 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 offers Adult Education and Literacy programs in accordance with the policy



SPECIAL PROGRAMS  
ADULT EDUCATION AND LITERACYEFCB  
(LEGAL)**Definitions**“Adult Education  
and Literacy”

“Adult Education and Literacy” (AEL) means academic instruction and education services below the postsecondary level that increase an individual's ability to:

1. Read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;
2. Participate in job training and retraining programs or transition to postsecondary education and training; and
3. Obtain and retain employment.

*40 TAC 800.2(1), 805.1*

“Adult Education”

“Adult education” is programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training. *40 TAC 805.2(1)*

**Adult Education  
Programs**

Adult education programs must be provided by public school districts, public junior colleges, regional education service centers, nonprofit agencies, and community-based organizations approved in accordance with state statutes and the regulations and rules adopted by the Texas Workforce Commission. The programs must be designed to meet the education and training needs of adults to the extent possible using available public and private resources. Bilingual education may be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development. *Labor Code 315.003; 40 TAC 805*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFCC Special Programs – Elementary and Secondary Students

**Summary of *LEGAL* Policy:**

NOTE: EFCC 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 currently does not have a charter school associated with the college.

SPECIAL PROGRAMS  
ELEMENTARY AND SECONDARY STUDENTSEFCC  
(LEGAL)**Junior College  
Charter Schools**

In accordance with Education Code Chapter 12, Subchapter E, the commissioner of education may grant a charter upon application of a public junior college for an open-enrollment charter school to operate on the campus of the public junior college or in the same county in which the campus of the public junior college is located. Notwithstanding Education Code 12.110(d), the commissioner of education may grant such a charter to the public junior college only if the following criteria are satisfied in the public junior college's application, as determined by the commissioner of education [see 19 Administrative Code 100.1017 for the application of administrative regulations found at 19 Administrative Code Chapter 100]:

1. The junior college charter school's educational program must be implemented under the direct supervision of a member of the faculty of the public junior college.
2. The faculty member supervising the junior college charter school's educational program must have substantial experience and expertise in teacher education, classroom instruction, or educational administration.
3. The junior college charter school's educational program must be designed to meet specific goals described in the charter, such as dropout recovery, and each aspect of the program must be directed toward the attainment of the goals.
4. The attainment of the junior college charter school's educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame.
5. The financial operations of the junior college charter school must be supervised by the business office of the junior college.

*Education Code 12.152, .154(b)*

The name of a junior college charter school must include the name of the junior college operating the school. *Education Code 12.155*

Education Code Chapter 12, Subchapter D applies to a junior college charter school as though this school were granted a charter under that subchapter. *Education Code 12.156(a)*

**Open-Enrollment  
Charter Schools**

In accordance with Education Code Chapter 12, Subchapter D, the commissioner of education may grant a charter on the application of an eligible entity, including a college district or other institution of higher education, for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or

a school district, including a home-rule school district. *Education Code 12.101(a); 19 TAC Ch. 100, Subch. A, AA*

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**Note:** For provisions regarding instructional partnerships with public school districts, including the provision of dual credit, see policy GH.

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## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFCE Special Programs – Community Education Programs

**Summary of *LEGAL* Policy:**

NOTE: EFCE 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 pertaining to offering avocational courses through its Division of Professional and Career Education.

SPECIAL PROGRAMS  
COMMUNITY EDUCATION PROGRAMSEFCE  
(LEGAL)

“Avocational course” is a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course.

Avocational courses shall not be eligible for state appropriations. This includes community interest courses. A community college can offer community interest courses using local funds.

*19 TAC 9.113(2), .117(c)*

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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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EFCF Special Programs – Driver Education

**Summary of *LEGAL* Policy:**

NOTE: EFCF 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 College does not offer driver education courses for the purpose of preparing students to obtain a “regular” Texas driver’s license. However, KC does not offer driver education courses to prepare students to obtain a CDL (commercial drivers license) through its Transportation Academy.

SPECIAL PROGRAMS  
DRIVER EDUCATION

EFCF  
(LEGAL)

Institutions of higher education, including college districts, shall be permitted to offer driver education courses for the purpose of preparing students to obtain a Texas driver's license if approved by the Texas Department of Licensing and Regulation (TDLR). Institutions of higher education shall be subject to the rules and regulations regarding driver education of the TDLR. *Education Code 51.308; 16 TAC Ch. 84, Subch. N; 19 TAC 9.26*



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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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EJA Miscellaneous Instructional Policies – Other Instructional Initiatives

**Summary of *LEGAL* Policy:**

NOTE: EJA 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 College does observance of US Constitution in September of each academic year.

Further, KC hosted its first “Girls Breaking Norms” event last spring. This event was funded by a KC Innovation Grant and will now become an annual event to foster the intent of Texas Girls in STEM. Similar to the annual actives associated with the US Constitution each September, KC will host its “Girls Breaking Norms” conference in March of each academic year.

MISCELLANEOUS INSTRUCTIONAL POLICIES  
OTHER INSTRUCTIONAL INITIATIVES

EJA  
(LEGAL)

**Constitution Day**

Each educational institution that receives federal funds for a fiscal year shall hold an educational program on the U.S. Constitution on September 17 of such year for the students served by the educational institution. *Pub. L. 108-447, Section 111, Division J (Dec. 8, 2004)*

**Texas Girls in STEM Day**

March 1 is designated as Texas Girls in STEM Day to celebrate and encourage the participation of girls in this state in fields related to science, technology, engineering, and mathematics.

Texas Girls in STEM Day shall be regularly observed by appropriate ceremonies, activities, and programs in public institutions of higher education, including college districts, to:

1. Encourage girls in this state to consider career fields in science, technology, engineering, and mathematics; and
2. Celebrate and honor the women of this state who have excelled in those fields.

*Gov't Code 662.073*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: E INSTRUCTION

Policy: EJB Miscellaneous Instructional Policies – Religion in Instruction

**Summary of *LEGAL* Policy:**

NOTE: EJB 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 KC Board of Trustees has examined its practice of public prayer at athletic events, Board meetings, and graduations and has ascertained that those practices do not advance, coerce, or endorse a particular religion or religion over non-religion.

The Baptist Student Ministries and the Tri-C Ministries are both located adjacent to the Kilgore College Campus. Participation by KC students in the activities sponsored by these independent organizations is strictly voluntary.

MISCELLANEOUS INSTRUCTIONAL POLICIES  
RELIGION IN INSTRUCTIONEJB  
(LEGAL)

A governmental entity, including a college district, must be neutral toward religion. It must not advance, coerce, or endorse a particular religion or religion over non-religion. *U.S. Constitution, Amend. I; Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819 (1995); Lynch v. Donnelly, 465 U.S. 668 (1984)*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section:	G	COMMUNITY AND GOVERNMENTAL RELATIONS
Policy:	GGC	Relations with Governmental Agencies and Authorities – State Governmental Authorities

**Summary of *LEGAL* Policy:**

NOTE: GGC 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.

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES  
STATE GOVERNMENTAL AUTHORITIES

GGC  
(LEGAL)

**Conference Center in  
or Near a State Park**

The Texas Parks and Wildlife Commission may enter into a joint agreement with the governing board of an institution of higher education, including a college district, to finance and build a conference center and other appropriate related facilities to be located in or near a state park. A facility built under this section must be operated cooperatively to provide benefits to the department and the institution of higher education in accomplishing the purposes of the department and the institution. The commission and an institution of higher education may use any funds, property, or other assets available to finance and build a facility under this section. *Parks and Wildlife Code 13.0046*

**Notice to the State  
Regarding Contracts**

Definition

"Contract" includes a contract, grant, or agreement, including a revenue generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education, including a college district.

"Contract" includes an amendment, modification, renewal or extension which increases a contract's value from a value less than or equal to \$50,000 to a value greater than \$50,000.

"Contract" does not include a contract with a value of less than or equal to \$50,000.

*General Appropriations Act, 87th Leg., R.S., S.B. 1, IX-36*

Contracts  
Exceeding \$50,000

Before the 30th calendar day after awarding a contract or granting an amendment, modification, renewal, or extension, a state agency or institution of higher education shall report to the Legislative Budget Board (LBB) in the manner prescribed by the LBB all contracts, amendments, modifications, renewals, and extensions to which the agency or institution was a party.

A state agency or institution of higher education receiving an appropriation under the General Appropriations Act shall report a contract pursuant to this section without regard to source of funds or method of finance associated with the expenditure, including a contract for which only non-appropriated funds will be expended.

*General Appropriations Act, 87th Leg., R.S., S.B. 1, IX-36*

Additional Notice  
Regarding  
Contracts for  
Services Exceeding  
\$1 Million

For contracts with an initial award value greater than \$1 million, a state agency or institution of higher education shall provide notice of a contract for services for which the expected total value of the contract subsequent to amendment or renewal exceeds the total value of the initial contract award by ten percent or more, in accordance with procedures established by the LBB, to:

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES  
STATE GOVERNMENTAL AUTHORITIES

GGC  
(LEGAL)

1. The governor;
2. The lieutenant governor; and
3. The speaker of the house of representatives.

A state agency or institution of higher education must provide the notice required under this provision not later than the 30th day after the date of the disclosure or discovery that the expected total value of the contract subsequent to amendment or renewal exceeds the total value of the initial contract award by ten percent. The notice must include:

1. The amount of the cost increase;
2. The reason for the cost increase; and
3. Any opportunity the state agency had to lessen the cost or to purchase the service from another vendor after the first dollar of the increased cost was discovered or disclosed to the agency or institution.

*General Appropriations Act, 87th Leg., R.S., S.B. 1, IX-37*

Additional Notice  
Regarding  
Contracts  
Exceeding \$10  
Million and Certain  
Contracts  
Exceeding \$1  
Million

"Contract" includes a contract, grant or agreement, including a revenue-generating contract, an interagency or interlocal grant or agreement, purchase order or other written expression of terms of agreement or an amendment, modification, renewal, or extension of such for the purchase or sale of goods or services that was entered into or paid for, either in whole or in part, by a state agency or institution of higher education.

Until providing notice that satisfies the requirements of this provision, an agency or institution of higher education that is appropriated funds in the General Appropriations Act may not expend any funds to make a payment on a contract if the expected amount of the contract exceeds or may reasonably be expected to exceed either of the following thresholds:

1. Ten million dollars; or
2. One million dollars in the case of a contract awarded:
  - a. As a result of an emergency or following an emergency procedure allowed by statute; or
  - b. Without issuing a request for proposal, request for bid, or other similar process common to participation in the competitive bidding processes required by statute, rule, or ordinary and commonly recognized state policies and procedures.

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES  
STATE GOVERNMENTAL AUTHORITIES

GGC  
(LEGAL)

An agency or institution of higher education may not expend funds to make a payment on a contract under this provision until the notice required in this provision is provided to the LBB as required by the General Appropriations Act, Article IX, Section 7.11.

*General Appropriations Act, 87th Leg., R.S., S.B. 1, IX-40*



## **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:**

July 24, 2023

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

July 24, 2023

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

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GGD Relations with Governmental Agencies and Authorities –  
Federal Governmental Authorities

**Summary of *LEGAL* Policy:**

NOTE: GGD 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 has not petitioned the US Department of Defense to establish or maintain courses in military and naval training courses as part of its current curriculum. In the event that the College would move in that direction, college administration would bring the request before the KC Governing Board for consideration.

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES  
FEDERAL GOVERNMENTAL AUTHORITIESGGD  
(LEGAL)**Military and Naval  
Training**

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

**Intergovernmental  
Support Agreements  
with U.S. Armed  
Forces**

In accordance with the provisions that apply to an interlocal contract under Government Code Chapter 791, a local government, including a college district, may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act, 10 U.S.C. 2679, to provide installation-support services to a military installation located in this state.

The term "installation-support services" means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions.

*Gov't Code 793.001-.002; 10 U.S.C. 2679(e)(1)*

## **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:**

July 24, 2023

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

July 24, 2023

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

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GI Relations with Other Colleges and Universities

**Summary of *LEGAL* Policy:**

NOTE: GI 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 and will continue to comply with the contents of this legal policy as it continues to build further partnerships with post-secondary, secondary, and private sector entities.

## RELATIONS WITH OTHER COLLEGES AND UNIVERSITIES

GI  
(LEGAL)

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**Note:** For information regarding required cybersecurity training for contractors, see GG.

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**Permanent Advisory Committee**

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

## Officers

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

## Rules

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

## Purpose

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

**Partnership Agreements**

## Local Institution of Higher Education

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

## Texas State Technical College System

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

**Dual Usage Educational Complex**

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

The board of trustees may enter into a cooperative agreement governing the operation and use of the complex with the governing

bodies of one or more of the following entities: a county, municipality, or school district located in whole or in part in the service area of the junior college district; or another institution of higher education with a campus or other educational facility located in the same state uniform service region as adopted by the Coordinating Board.

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

*Education Code 130.0103*

**Instructional  
Arrangements**

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

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

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

*19 TAC 9.126*

State Funding

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

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

*19 TAC 9.127-.128*