

Minutes of Regular Board Meeting

The Board of Trustees Kilgore College



A Regular Board Meeting of the Board of Trustees of Kilgore College was held on April 10, 2023, beginning at 6:30 PM on the 2nd floor 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
David Castles
Kelvin Darden
Gina DeHoyos
Travis Martin

Members absent:

Janice Bagley
Joe Carrington

1. CALL TO ORDER

A. Invocation and Pledge of Allegiance

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

2. PRESENTATIONS

A. Employee Spotlights

1. 2023 NISOD Excellence Award Recipients

- Courtney Akvan, Director and Assistant Professor, Radiologic Science
- Danny Darden, Assistant Professor, Computer & Information Technology
- Michael Willbanks, Lead Instructor, Process Technology
- Karen Morris, Program Coordinator and Instructor, Child Development/Education
- Meredith May, Assistant Chair and Instructor, History
- Joseph Kirchhoff, Associate Professor, Physics

Presenter: Dr. Tracy Skopek

2. 2022-2023 Innovation Grant Award Recipients

- Karen Dulweber
- Andy Taylor
- Traci Thompson

Presenter: Dr. Brenda Kays

B. Program Spotlight: Dual Credit

Brian Kasper

Brandon Walker: Spring 2023 Dual Credit Enrollment Update

Presenter: Deans Becky Johnson and D'Wayne Shaw

C. Student Success Data Spotlight: IPEDS 150% Graduation Rate Trend

Presenter: Mrs. Natalie Bryant, Coordinator of Institutional Research

3. PUBLIC COMMENT

There were no public comments.

4. CONSENT AGENDA

Presenter: Mr. Lon Ford

A. To consider approving the minutes from:

- February 27, 2023 Board Meeting
- March 4, 2023 Board Retreat

B. To consider approval of personnel items submitted as follows: *Appendix A*

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

C. To consider payment of legal fees

Travis Martin made the motion to accept the Consent Agenda. Josh Edmonson seconded the motion. The motion passed unanimously.

5. BOARD COMMITTEE REPORTS & ACTION ITEMS

A. FY22 Annual Financial Report - Audit - Jon Rowe, Chair

Presenter: Kristy Davis; Jaynes, Reitmeier, Boyd, & Thomas, P.C.

B. Policy & Personnel Committee - Josh Edmonson, Chair

1. ACTION ITEM: To consider approval and implementation of the TASB informed KC Salary Study with a recommendation to the Investment/Finance/Audit Committee to fund the new salary structure, not to exceed \$750,000, from the dedicated funds identified in the FY23 Operating Budget.

Presenter: Mr. Terry Hanson

Josh Edmonson moved that the TASB informed KC Salary Study be approved for implementation with a recommendation to the Investment/Finance/Audit Committee to fund the new salary structure, not to exceed \$750,000, from dedicated funds identified in the FY23 Operating Budget. The motion came from Committee and did not require a second. The motion passed unanimously.

2. ACTION ITEM: To consider approval of the following TASB policies:
 - a. CJ (Legal, Local, Exhibits) - Transportation Management – *Appendix B*
 - b. GDA (Legal, Local, Administrative Rule, Exhibit) - Community Expression and Use of College Facilities - Conduct on College District Premises – *Appendix C*

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

3. INFORMATION/ACTION ITEM: New TASB Legal Policy (CAIB - Economic Development: Ad Valorem Taxes) for Information Only and to consider approval of the following Administrative Rule for Policy CAIB. – *Appendix D*
Presenter: Terry Hanson

Josh Edmonson moved to approve the Administrative Rule for Policy CAIB as presented. This motion came from Committee and did not require a second. The motion passed unanimously.

4. INFORMATION ITEM: New TASB Policies for Information Only
 - a. CI (Legal) - Equipment & Supplies Management – *Appendix E*
 - b. DBE (Legal, Administrative Rule, Exhibit) - Employment Requirements and Restrictions – Nepotism – *Appendix F*
 - c. GCB (Legal, Administrative Rule, Exhibit) - Public Information Program - Requests for Information – *Appendix G*
 - d. GE (Legal) - Advertising and Fundraising – *Appendix H*
 - e. GH (Legal) - Relations with Schools and Districts - *Appendix I*

C. Property & Facilities Committee - Travis Martin, Chair

1. ACTION ITEM: To consider approval of the proposed renovation of KC-Longview Machining and Industrial Technology lab space with a recommendation to the Finance/Investment/Audit Committee to fund the renovations, not to exceed \$250,000, from reserve funds.

Presenter: Dr. Mike Jenkins/Mr. Terry Hanson

Travis Martin moved to approve the proposed renovation of KC-Longview Machining and Industrial Technology lab space with a recommendation to the Finance/Investment/Audit Committee to fund the renovations, not to exceed \$250,000, from reserve funds. This motion came from Committee and did not require a second. The motion passed unanimously.

2. ACTION ITEM: To consider approval to (1) allow the President to enter into contract negotiations for a lease agreement between Kilgore College and the Kilgore Economic Development Corporation for the Kilgore College Transportation Institute, (2) delegate to the College President the authority to negotiate and finalize any remaining terms related to this same project, and (3) authorize the College President to sign the contract and any other necessary paperwork related to the same project. – *Appendix J*

Presenter: Dr. Brenda Kays/Dr. Mike Jenkins

Travis Martin moved to approve to (1) allow the President to enter into contract negotiations for a lease agreement between Kilgore College and the Kilgore Economic Development Corporation for the KC Transportation Institute, (2) delegate to the College President the authority to negotiate and finalize any remaining terms related to this same project, and (3) authorize the College President to sign the contract and any other necessary paperwork related to the same project. This motion came from Committee and did not require a second. The motion passed unanimously.

3. INFORMATION ITEM: Update on construction and renovation projects
Presenter: Dr. Mike Jenkins

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

1. INFORMATION ITEM: Kilgore Economic Development Corporation (KEDC) Tax Abatement Compliance Information for 2022. - *Appendix K*

- Orgill Inc. (Year 4 of 10-year tax abatement)
- Wagner Tuning Inc. (Year 3 of 10-year tax abatement)

Presenter: Eric Wiggins, Kilgore Economic Development Corporation

2. ACTION ITEM: To consider approval of dedicating FY23 operating budget funds, not to exceed \$750,000, to implement the KC Salary Study as per the recommendation of the Policy & Personnel Committee.

Presenter: Mr. Terry Hanson

Jon Rowe moved to approve of dedicating FY23 operating budget funds, not to exceed \$750,000, to implement the KC Salary Study as per the recommendation of the Policy & Personnel Committee. Travis Martin seconded the motion. The motion passed unanimously.

3. ACTION ITEM: To consider approval of dedicating reserve funds toward the renovation of KC-Longview Machining and Industrial Technology lab space, not to exceed \$250,000, as per the recommendation of the Property & Facilities Committee. - *Appendix L*

Presenter: Mr. Terry Hanson

Jon Rowe moved to approve the dedication of reserve funds toward the renovation of KC-Longview Machining and Industrial Technology lab space, not to exceed \$250,000, as per the recommendation of the Property & Facilities Committee. This motion came from Committee and did not require a second. The motion passed unanimously.

4. ACTION ITEM: To consider adoption of Resolution R-2023-6 Interlocal Purchasing Agreement with the Texas Association of Community College Business Officers (TACCBO).

Presenter: Mr. Terry Hanson - *Appendix M*

Jon Rowe moved to adopt Resolution R-2023-6 entering into a Interlocal Purchasing Agreement with the Texas Association of Community College Business Officers (TACCBO). This motion came from Committee and did not require a second. The motion passed unanimously.

5. ACTION ITEM: To consider adoption of Resolution R-2023-7 Tax Abatement Participation. – *Appendix N*

Presenter: Mr. Terry Hanson

Jon Rowe moved to adopt Resolution R-2023-7 authorizing participation in Tax Abatements and reaffirming all prior tax abatement agreements previously agreed to. Kelvin Darden seconded the motion. The motion passed unanimously.

6. INFORMATION ITEM: Financial Update

Presenter: Mr. Terry Hanson

- a. January 2023 Financials with Capital Breakout – *Appendix O*
- b. Public Funds Investment Act (PFIA) - FY23 Quarter 2 – *Appendix P*

E. Student Success Committee - Janice Bagley, Chair

1. ACTION ITEM: To consider approval of the 2023-24 Kilgore College Catalog (including Academic Calendar). *Appendix Q*

Presenter: Dr. Tracy Skopek

David Castles moved to approve the 2023-24 Kilgore College Catalog (including Academic Calendar). This motion came from Committee and did not require a second. The motion passed unanimously.

2. ACTION ITEM: To consider approval of the new Texas Board of Nursing accepted Licensed Vocational Nursing Program curriculum change and the recommended revised course fees for implementation in Summer 2023. – *Appendix R*

Presenter: Dr. Tracy Skopek/Jennifer Bray

David Castles moved to approve the new Texas Board of Nursing accepted Licensed Vocational Nursing Program curriculum change and the recommended revised course fees for implementation in Summer 2023. Gina DeHoyos seconded the motion. The motion passed unanimously.

6. KILGORE COLLEGE FOUNDATION UPDATE – No report was given.

7. BOARD PRESIDENT'S REPORT

Presenter: Mr. Lon Ford

A. INFORMATION ITEM: Appoint an Ad Hoc Committee to nominate Board Officers for 2023 – 2025

- Janice Bagley, Chair
- Gina DeHoyos
- David Castles

B. INFORMATION ITEM: Upcoming Events:

- General Election - Board of Trustees - South Zone - Early voting from April 24- May 2; Election Day: Saturday, May 6
- Spring Graduation: Friday, May 12 at 2:00 & 6:00PM; Reception 4:30-5:30PM
- Next Board Meeting: Monday, June 12 at 6:30PM

8. EXECUTIVE SESSION

The Board of Trustees did not go into Executive Session.

9. ADJOURNMENT

The meeting was adjourned by Mr. Lon Ford at 8:47 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 O	January 2023 Financials with Capital Breakout
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Appendix Q	Kilgore College 2023-24 Catalog Presentation
Appendix R	LVN Curriculum Change Request 2023

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

1. Recommendation to accept employee resignations as follows:

- a. Ms. Amber Furlow, Instructor Nursing, effective March 17, 2023, after 8 months of service. *(accepted position to advance career as a nurse practitioner)*
- b. Ms. Elizabeth Gunn, PSA Financial Aid, effective March 28, 2023, after 1 year and 2 months of service. *(staying home with new baby)*
- c. Ms. Terri Riggins Thompson, Interim Instructor - Government, effective March 21, 2023, after 7 months of service. *(accepted another position)*
- d. Ms. Crystal Pharr, PSA Nursing, effective June 30, 2023, after 9 months of service. *(returning to school full time)*
- e. Mr. Kelly Kammerling, Assistant Department Chair & Instructor – Industrial Maintenance Technology, effective March 17, 2023, after 14 years and 10 months of service. *(going to public sector job for increased pay)*

Other:

- a. Ms. Amy Reed, PSA Switchboard, effective February 21, 2023, after 3 years and 9 months of employment. *(unable to return after leave of absence)*
- b. Ms. Monica Brock, Clinical Coordinator - EMT, effective February 23, 2023, after 10 years and 6 months of employment. *(passed away)*

2. Recommendation to accept employee retirement as follows:

- a. Mr. Chris Reed, Industrial Technology - Instructor, effective 3/31/2023, after 9 years and 3 months of service.
- b. Mr. Edward Bernaldez, Program Director, EMT, effective 3/31/2023, after 22 years and 4 months of service.

3. Recommendation to change employment as follows:

None

4. Recommendation of employment as follows:

NAME	POSITION	LOCATION	SALARY/RATE OF PAY	HIRE DATE
Ms. Nicci Cox	Accountant II	Business Office	12 month \$46,087 annually	2/27/2023
Ms. Jasmine McGaughey	Coordinator of Student Records and Reporting	Registrar	12 month \$34,074 annually	3/6/2023
Ms. Kathy D Hatfield	Scholarship Coordinator	Financial Aid	12 month \$30,000 annually	3/20/2023
Mr. Richard Plott	Dean Institutional Effectiveness and Research	Institutional Research	12 month \$92,500 annually	3/20/2023

Final Publish Date 3.22.2023

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

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

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

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed LOCAL Policy for Adoption:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CJ Transportation Management

Summary of LOCAL Policy:

The policy outlines the responsibility of the College to develop and implement processes, protocols and requirements to ensure the safe and effective provision of student travel.

Procedures:

- Student travel is defined as KC sponsored and funded travel to a destination at least 25 miles away from the campus or location from which the travel originates that requires the use of a College owned or leased vehicle.
- Only employees of KC are permitted to serve as drivers for student travel.
- Drivers are responsible for ensuring all safety rules and requirements are followed.
- Student use of his/her own personal vehicle for KC sponsored student travel must be pre-approved.
- Students using their own personal vehicles for KC sponsored student travel are prohibited from transport of other students.

TRANSPORTATION MANAGEMENT

CJ
(LEGAL)

Registration

The owner of a motor vehicle, trailer, or semitrailer may apply for registration under Transportation Code 502.451 and is exempt from the payment of a registration fee under Transportation Code Chapter 502 if the vehicle is owned by and used exclusively in the service of the United States, this state, or a county, municipality, or school district in this state. An application for registration under this section must be made by a person having the authority to certify that the vehicle meets the exemption requirements. *Trans. Code 502.453*

Identification

A motor vehicle, trailer, or semitrailer that is the property of and used exclusively by any institution of higher education, including a college district, must have the name of the institution printed on the side of the vehicle. The inscription must be in a color sufficiently different from the body of the vehicle and must be of letters of sufficient height so that the lettering is plainly legible at a distance of not less than 100 feet. This requirement does not apply to a motor vehicle used by a peace officer commissioned under Education Code Chapter 51, Subchapter E or the chancellor or president of an institution of higher education. *Education Code 51.932*

**Human Trafficking
Signs at Buses and
Bus Stops**

A person, including a college district, who operates a transportation hub that is required to post a sign under Government Code 402.0351(c) shall post at the transportation hub the sign described by Government Code 402.0351(b), or, if applicable, a similar sign or notice as prescribed by other state law. "Transportation hub" includes a bus or bus stop. *Gov't Code 402.0351(a), (a-1)(8), (b), (d); 1 TAC 54.81*

Student Travel

Each governing board of an institution of higher education, including each college district, shall adopt a policy regulating travel that is undertaken by one or more students presently enrolled at the institution to reach an activity or event that is located more than 25 miles from the institution that is organized and sponsored by the institution and that is:

1. Funded by the institution, and the travel is undertaken using a vehicle owned or leased by the institution; or
2. Required by a student organization registered at the institution.

The governing board shall seek advice and comment from the faculty and students of the institution before adopting any policy. The policy must contain provisions that address:

1. Different modes of travel likely to be used by students; and
2. Safety issues related to student travel, including:

TRANSPORTATION MANAGEMENT

CJ
(LEGAL)

- a. Use of seat belts or other safety devices;
- b. Passenger capacity; and
- c. For the person providing transportation services:
 - (1) Qualifications and training required to operate that particular mode of travel; and
 - (2) Fatigue at the time of travel.

The governing board shall make the policy available to the public by publishing the policy in the college district's catalog and by any other method the board considers appropriate.

The board shall file a copy of the policy, and any amendments to that policy, with the Coordinating Board.

Education Code 51.950

**Transportation of
Public School
Students**

A school bus operated by a junior college may also be used to transport public school students if it is convenient. If students of a local public school district are transported to and from school on a bus operated by a junior college and the operator is under 21 years of age, the selection of the operator must be approved by the principal of the public school whose students are transported on that bus. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Trans. Code 521.023(b)–(c)*

Driver Qualifications

A person who is 18 years of age or older and who is licensed by the Texas Department of Public Safety to operate a motor vehicle as a school bus may operate the motor vehicle for the transportation of junior college students and employees to and from school or official school activities. This section does not apply to the operator of a vehicle operated under a registration certificate issued under Transportation Code Chapter 643. *Trans. Code 521.023(a), (c)*

**Use of Wireless
Devices**

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. The prohibition does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Trans. Code 545.425(c), (e)*

TRANSPORTATION MANAGEMENT

CJ
(LOCAL)**Student Travel**

Definition

Student travel is travel undertaken by one or more students presently enrolled or student organizations (presently in good standing in the College District) to reach an activity, event, conference, or convention that is located more than 25 miles away from the campus from which the travel originates and that is:

1. Approved and funded by the College District and the travel requires use of a vehicle owned or leased by the College District, or
2. Required by a student organization registered at the College District.

Modes of
Transportation

Modes of transportation used for student travel shall include, but are not limited to, trucks, cars, vans, and buses. These vehicles may be owned, leased, or rented by the College District. The organization's sponsor is responsible for ensuring passenger and load capacity is not exceeded.

Approved Driver

A driver who is transporting students in College District-owned, leased or rented vehicles must meet each of the following:

1. Be an employee of the College District;
2. Hold a valid driver's license appropriate for the vehicle to be driven. A driver of a commercial motor vehicle must have a commercial driver's license;
3. Have an acceptable driving record that is pre-approved by the College District and sign all required authorizations for a driving record check;
4. Sign all requisite documents, including but not limited to:
 - a. General Waiver; and
 - b. Driver Check Authorization forms; and
5. Be pre-approved by an authorized College District administrator prior to departure.

Safety
Requirements

The driver shall ensure that the number of passengers does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt, if provided. Each passenger must wear a seat belt when the vehicle is in operation. All drivers must comply with all applicable laws at all times.

Driver Fatigue

A driver shall not drive for more than four consecutive hours without taking a 15-minute break or relief from driving. In no instance should any driver drive more than 12 hours in a 24-hour period.

Required Documents/Requirements

Each employee and student participating in the trip shall complete all requisite documents prior to departure which shall include, but is not limited to, a General Waiver form. It shall be the responsibility of the individual driver(s) and sponsor of the student organization to comply with this policy.

Private Vehicles

If a student uses the student's personal vehicle for student travel, as defined herein, then student must, prior to departure:

1. Provide the College District with a copy of the student's current driver's license and liability insurance, and
2. Sign any requisite documents, including but not limited to:
 - a. Acknowledgment and Waiver form; and
 - b. General Waiver form.

Students driving a personal vehicle for student travel must comply with the requirements in Safety Requirements and Driver Fatigue, above. Students are not covered by the College District's insurance while driving their vehicle. Students are not allowed to transport other students on student travel.



General Waiver
Injury/Release Waiver

Name of Activity/Trip: _____

I, _____ the above named employee/student, have voluntarily agreed or requested to participate in the above activity/trip. I acknowledge that the nature of the activity/trip may expose me to hazards or risks that may result in my illness; personal injury or death and I understand and appreciate the nature of such hazards and risks. In consideration of my participation in the above activity/trip, I hereby accept all risk to my health and of my injury or death that may result from such participation and I hereby release **Kilgore College**, its governing board, trustees, employees and representatives from any and all liability to me, my personal representatives, estate, heirs, next of kin, and assigns for any and all claims and causes of action for loss of or damage to my property and for any and all illness or injury to my person, including my death, that may result from or occur during my participation in the activity (including travel), whether caused by negligence of **Kilgore College**, its governing board, trustees, employees, students, or representatives, or otherwise. I further agree to indemnify and hold harmless **Kilgore College** and its governing board, officers, employees, and representatives from liability for the injury or death of any person(s) and damage to property that may result from my negligent or intentional act or omission while participating in the described activity.

I HAVE CAREFULLY READ THIS AGREEMENT AND UNDERSTAND IT TO BE A RELEASE OF ALL CLAIMS AND CAUSES OF ACTION FOR MY INJURY OR DEATH OR DAMAGE TO MY PROPERTY THAT OCCURS WHILE PARTICIPATING IN THE DESCRIBED ACTIVITY/TRIP AND IT OBLIGATES ME TO INDEMNIFY THE PARTIES NAMED FOR ANY LIABILITY FOR INJURY OR DEATH OF ANY PERSON AND DAMAGE TO PROPERTY CAUSED BY MY NEGLIGENT OR INTENTIONAL ACT OR OMISSION.

I further agree to abide by all **Kilgore College** policies, procedures and rules related to travel/student travel at all times while participating in this activity/trip.

Signature of Participant

Date

Signature of Parent/Guardian

Date

*Minors (under 18 years) must have Parent/Guardian signature and witness signature

Signature of Witness

Date

Address & Emergency Contact (if different from Participant's address)

KILGORE COLLEGE
Driver Record Check Authorization

Name (Print)_____

(As appears on driver's license)

Texas Driver's License Number_____ Expiration Date_____

Date of Birth_____ Social Security Number_____

Type of License_____ Class_____

Endorsements_____ Restrictions_____

Will be driving vehicles for_____

Authorization For Release of Information and Waiver

I hereby authorize any state or federal agency or political subdivision to furnish Kilgore College any information relating to my driving record. This information will be used to assist Kilgore College in determining my qualifications and fitness for driving College vehicles, vehicles leased/rented by the College, or otherwise driving for College work.

I hereby release Kilgore College and any agency, entity, person, or political subdivision from any liability or damage which may result from furnishing information requested above. Further, I hereby expressly waive and release any special right of access I may have under any statutes or the common law to the information you furnish about me.

I hereby promise to notify Kilgore College in writing within 10 working days of any change in my driving record (accidents, citations, etc.)

Driver's Name (signature)

Driver's Name (printed)

Date

Address

City

State

Zip

Witness Name (signature)

Witness Name (printed)

Date

**Attach copy of current driver's license.*

**KILGORE COLLEGE STUDENTS PARTICIPATING IN COLLEGE-SPONSORED OR STUDENT ORGANIZATION
TRIP ACKNOWLEDGEMENT ON USE OF PRIVATE VEHICLE AND WAIVER**

Student Name: _____ Student ID #: _____

Student Phone #: _____ Event: _____

Destination: _____ Date(s) of Trip: _____

Club/Organization: _____

I, _____ (Student's Name), agree to abide by the following
College policies:

- Student Travel: College sponsored activities requiring student groups or registered student organizations to travel to reach an activity or event that is located over twenty-five (25) miles off campus shall conform to the student travel policies established by the administration.
- Use of Private Vehicles: Kilgore College personnel and students are not authorized to use their own vehicle to transport students to and from college-sponsored activities and are solely responsible for any liability that may arise from such use.

and will travel in my own personal vehicle and not transport another student(s) or College staff to the above scheduled College activity, in which I freely and voluntarily accept to participate. I do hereby expressly agree to waive any and all rights I may have, if any, to hold Kilgore College, its Board of Trustees, officers, administrators, employees, representatives and/or agents, and their heirs, successors, and assignees, liable in any way whatsoever for any injury, damage, or loss of property sustained by me, arising out of, or in connection with, or due to negligence, fault, or otherwise during any part of my participation in the aforementioned trip or activity.

For the same consideration and without conflict with the foregoing, voluntarily and knowingly, I hereby release and discharge Kilgore College, its Board of Trustees, officers, administrators, employees, representatives and/or agents, and their heirs, successors, and assignees, both in their official and individual capacities, jointly and severally, from any actions, causes of action, claims, demands, damages, costs, and expenses on account of or in any way growing out of any and all loss of personal property, or injury, as the result of any accident, delay, or irregularity which may be caused either in whole or in part by any defect in my personal vehicle, while I am participating in, en route to, or from, my destination or otherwise operating same during this Trip.

I further promise to bind myself, and all my heirs, administrators, and executors to indemnify and forever hold harmless Kilgore College, its Board of Trustees, officers, administrators, employees, and/or agents against loss, damage, or expense from any and all claims, demands, actions, or causes of action that may arise out of, because of, or relating to any occurrence while en route to, or from, or participating in the trip or any activity relating or occasioned by it.

Moreover, I understand that all the College's policies are applicable while on a College-sponsored trip or trip required by a student organization. Any violation of these policies may subject me to disciplinary action.

I have read this acknowledgement, understand all its terms, and execute it voluntarily and with full knowledge of its significance.

Dated this _____ day of _____, 20____

Student's Signature

KILGORE COLLEGE TASB POLICY CONVERSION

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IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed LOCAL Policy for Adoption:

Section:	G	COMMUNITY AND GOVERNMENTAL RELATIONS
Policy:	GDA	Community Expression and Use of College Facilities – Conduct on College District Premises

Summary of LOCAL Policy:

The policy outlines the authority of the College President or designee to withdraw consent for a disruptive person to remain on campus.

Procedures:

- If there is a reasonable cause to believe that a person is being willfully disruptive of college operations, the College President or designee may remove the person for up to 14 days.
- A person removed under this policy has the rights to a hearing and, if necessary, an appeal.
- This local policy restricts the use of tobacco and e-cigarettes to individuals aged 21 or older in designated areas on campus.
- This local policy incorporates the current Board policy related to the use of alcoholic beverages on campus and includes the procedures for the request approval to provide alcohol, the approval process, and the requirements for actually serving alcoholic beverages on campus or at a college sponsored event.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LEGAL)

Trespass and Damages	It is unlawful for any person to trespass on the grounds of any state institution of higher education of this state, including a college district, or damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of any state institutions of higher education. <i>Education Code 51.204</i>
Disruptive Activities	<p>A person commits an offense if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of an institution of higher education, including a college district. For purposes of this section, disruptive activity is:</p> <ol style="list-style-type: none">1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school.2. Seizing control of a building or portion of a building to interfere with an administrative, educational, research, or other authorized activity.3. Preventing or attempting to prevent by force or violence or the threat of violence a lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress.5. Obstructing or restraining the passage of a person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats of force or violence the ingress or egress of a person to or from the property or campus without the authorization of the administration of the school. <p>An offense under this section is a Class B misdemeanor.</p> <p><i>Education Code 37.123(b), 51.935(a)–(c)</i></p>
Periods of Disruption	A period of disruption is any period in which it reasonably appears that there is a threat of destruction to institutional property, injury to human life on the campus or facility, or a threat of willful disruption of the orderly operation of the campus or facility. <i>Education Code 51.231</i>
Identification of Persons on Campus	During periods of disruption, as determined by the chief administrative officer of a state-supported institution of higher education, the

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LEGAL)

chief administrative officer, or an officer or employee of the institution designated by the chief administrative officer to maintain order on the campus or facility of the institution, may require that any person on the campus or facility present evidence of identification, or if the person is a student or employee of the institution, the student or employee official institutional identification card or other evidence of the person's relationship with the institution.

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

Education Code 51.232

Withdrawal of
Consent to Remain
on Campus

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

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

1. The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number; and
2. A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by the officer for this purpose, upon reviewing the written report described in Education Code 51.235, finds that there was reasonable cause to believe that the person has willfully disrupted the

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
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(LEGAL)

orderly operation of the campus or facility, and that the person's presence on the campus or facility will constitute a substantial and material threat to the orderly operation of the campus or facility, the officer or designee may enter written confirmation upon the report of the action taken by the officer or employee.

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

Education Code 51.233, .235–.236

Notice

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

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

Education Code 51.234

*Request for a
Hearing*

A person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal to the chief administrative officer within the 14-day period. The written request must state the address to which notice of hearing is to be sent. The chief administrative officer shall grant a hearing not later than three days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of the hearing to the person.

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(LEGAL)

The hearing shall be held before a duly designated discipline committee or authorized hearing officer of the institution in accordance with Education Code 51.243. In no instance shall the person issuing the withdrawal notice or causing it to be issued serve on any committee where the validity of his order of withdrawal is in question.

Education Code 51.237

*Hearing
Procedures*

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

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

Education Code 51.243

*Reinstatement of
Consent to
Remain on
Campus*

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

*Entering or
Remaining on
Campus After
Withdrawal of
Consent*

Any person who has been notified by the chief administrative officer of a campus or facility of a state-supported institution of higher education, or by an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to Education Code 51.233, who has not had consent reinstated, and who willfully and knowingly enters or remains upon the

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campus or facility during the period for which consent has been withdrawn, is guilty of a misdemeanor, and is subject to punishment as set out in Education Code 51.244.

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

Education Code 51.239

Students and
Employees Barred
from Campus After
Suspension or
Dismissal

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

Refusing or Failing
to Leave Building
Closed to Public

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

Fireworks

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

Note: For information regarding the possession and display of firearms and other weapons, see CHF.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LEGAL)

**Tobacco and E-
cigarettes**

Possession and
Use Prohibited

Unless subject to an exception under law, an individual who is younger than 21 years of age commits an offense if the individual:

1. Possesses, purchases, consumes, or accepts a cigarette, e-cigarette, or tobacco product; or
2. Falsely represents himself or herself to be 21 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette, e-cigarette, or tobacco product.

Health and Safety Code 161.252

Sale Prohibited

A person commits an offense if the person, with criminal negligence, sells, gives, or causes to be sold or given a cigarette, e-cigarette, or tobacco product to someone who is younger than 21 years of age, or to another person who intends to deliver it to someone who is younger than 21 years of age. *Health and Safety Code 161.082(a)*

Regulation
Prohibited

A political subdivision may not adopt or enforce an ordinance or requirement relating to the lawful age to sell, distribute, or use cigarettes, e-cigarettes, or tobacco products that is more stringent than a requirement prescribed by Health and Safety Code Chapter 161, Subchapter H.

Health and Safety Code 161.089(b) [See FLBD]

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LOCAL)

**Withdrawal of
Consent to Remain
on Campus**

In accordance with law, during a period of disruption, the College President or designee may notify a person that consent to remain on a College District campus or facility has been withdrawn for no longer than 14 days if there is reasonable cause to believe that the person willfully disrupted the orderly operation of the College District and that his or her presence on College District property will constitute a substantial and material threat to the orderly operation of the College District.

Hearing Procedures

A party from whom consent has been withdrawn may request a hearing on the withdrawal to be held in accordance with law.

Appeal

The person may appeal the outcome of the hearing through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

**Tobacco and
E-cigarettes**

The College District restricts the use of tobacco products and e-cigarettes on College District property to individuals aged 21 or older in designated areas only. [See FLBD]

Alcohol

The College District prohibits using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities. With the prior consent of the College President, these provisions may be waived with respect to a specific location on College District property or a specific event that is sponsored by the College District. Specifically, the College President is authorized to permit the possession, use, serving and/or consumption of alcoholic beverages by persons aged 21 and over as follows:

1. At designated College District facilities as part of a specifically defined and approved academic curricular program or class (e.g., culinary arts, East Texas Police Academy, etc.);
2. At official events sponsored by the College District;
3. At special fund-raising functions for the College District sponsored by the College District or the Kilgore College Foundation; or
4. At approved events being held at the College District through a facility rental agreement.

The College President has the right to deny any or all requests under this policy.

COMMUNITY EXPRESSION AND USE OF COLLEGE FACILITIES
CONDUCT ON COLLEGE DISTRICT PREMISES

GDA
(LOCAL)

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Administrative Rule

Subject: **Alcoholic Beverages on Campus**

TASB Policy: **GDA Community Expression and Use of
College Facilities – Conduct on College District
Premises**

Effective Date: **April 3, 2023**



I. Purpose and Scope

While Kilgore College prohibits using, possessing, controlling, manufacturing, transmitting, distributing, selling, or being under the influence of intoxicating beverages on College District property, in College District vehicles, and at College District-related activities, the College President may waive these provisions with respect to a specific location on College District property or a specific event that is sponsored by the College District.

II. Definitions

Specifically, the College President is authorized to permit the pos-session, use, serving and/or consumption of alcoholic beverages by persons aged 21 and over as follows:

- At designated College District facilities as part of a specifically defined and approved academic curricular program or class (e.g., culinary arts, East Texas Police Academy, etc.);
- At official events sponsored by the College District;
- At special fund-raising functions for the College District sponsored by the College District or the Kilgore College Foundation; or
- At approved events being held at the College District through a facility rental agreement.

III. Procedures

The following procedures will be followed when alcoholic beverages are permitted at college sponsored events or functions, regardless of whether the event is held on or off campus.

1. Alcoholic beverages will not be permitted without the specific authorization of the College President.
2. Kilgore College institutional funds cannot be used to purchase alcohol unless the purchase is part of a specifically defined and approved academic curricular program or class.
3. Under no circumstances will individuals be allowed to bring their own alcoholic beverages.
4. Alcoholic beverages will only be permitted at events, functions and/or activities that are not intended to be “student related” functions unless the function is part of a specifically defined and approved academic curricular program or class.
5. On campus events that are authorized to serve alcoholic beverages should be held at a time and/or location that minimizes contact or interaction with students.

Attendance of students, staff or guests who are under the age of 21 is not permitted.

6. Any group sponsoring a function at which alcoholic beverages are to be served will be responsible for providing appropriate personnel to verify the age of attendees at the entry point of the event.
7. Alcoholic beverages may not be served without food also being served.
8. Cash bars will be permitted only in strict conformity with the rules and regulations of the Texas Alcoholic Beverage Commission.
9. Any group sponsoring a function at which alcoholic beverages are to be served will be responsible for providing appropriate security as required by the KC Chief of Police.
10. Outside individuals or organizations renting College facilities for an event may request, as part of the rental request, the ability to serve alcoholic beverages. Typically, approval will only be granted for those events that will not have guests under the age of 21.
11. Approval of rental requests that include the serving of alcoholic beverages will be conditioned upon compliance with all facets of this procedure and the use of an insured caterer/bartender licensed under the Texas Alcoholic Beverage Commission to serve alcoholic beverages. In addition, a separate damage deposit will be required and will be based upon the size of the event. Any damages incurred will be billed at the actual cost of repair/replacement, less the de-posit amount.
12. All parties serving alcoholic beverages must comply with College policy, local ordinances, the rules and regulations of the Texas Alcoholic Beverage Commission, laws of the State of Texas and federal law, including but not limited to the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.
13. Federal law, state law and local ordinances shall be strictly enforced at all times on all property owned, leased or controlled by the College in regards to the possession and consumption of alcoholic beverages.
14. Additional requirements may be imposed at the discretion of the Kilgore College President.

State law shall be strictly enforced at all times on all property controlled by the College District in regard to the possession and consumption of alcoholic beverages.

Kilgore College
College Event/Facility Rental: Alcohol Use Approval Form

Individual/Group Requesting Approval: _____

Contact Individual (if different from above): _____

Contact E-mail: _____

Contact Phone: _____

Event/Program Title: _____

Location of Event/Program: _____

Date(s) of Event/Program: _____

Hours when alcohol will be served: _____

Beverages Requested: _____ Beer _____ Wine _____ Distilled Spirits/Alcohol

Name of Caterer/Bartender: _____

Number of People to be in Attendance: _____

I acknowledge and understand the rules and expectations associated with serving alcohol at a College approved function and/or location, as detailed in KC Policy. By checking each of the following boxes, I further understand, acknowledge and/or commit to:

- ☐ Under no circumstances will individuals be allowed to bring their own alcoholic beverages on campus.
- ☐ Attendance of guests who are under the age of 21 is not permitted, without specific, separate approval.
- ☐ Appropriate personnel will be provided by the event to verify age of attendees at the entry point of the event.
- ☐ Alcoholic beverages may not be served without food also being served.
- ☐ Cash bars will be permitted only in strict conformity with the rules and regulations of the TABC.
- ☐ Security personnel will be paid by requestor. The KC Chief of Police will set security requirements.
- ☐ An insured caterer/bartender licensed under the TABC will be used to serve alcoholic beverages.
- ☐ A separate \$200 alcohol use charge will be assessed in addition to any additional rental fees assessed.
- ☐ The KC President or KC Chief of Police may cancel or stop an event at any time without refund.

NAME OF REQUESTOR

Date

College Use Only:

KC Chief of Police Approval Recommendation

Date

KC President Approval

Date

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

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CAIB Ad Valorem Taxes - Economic Development

Summary of *LEGAL* Policy:

NOTE: CAIB 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 adoption of the Resolution Authorizing participation in Tax Abatements and adoption of the associated Administrative Rule reauthorizing our "Guidelines and Criteria for Tax Abatement".

AD VALOREM TAXES
ECONOMIC DEVELOPMENT

CAIB
(LEGAL)

**Reinvestment
Zones—Tax
Increment Financing**

The governing body of a county by order may designate a contiguous geographic area in the county and the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality, in the extraterritorial jurisdiction of the municipality, or in both to be a reinvestment zone to promote development or redevelopment of the area if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, in accordance with the Tax Increment Financing Act, Tax Code Chapter 311. The designation of an area that is wholly or partly located in the extraterritorial jurisdiction of a municipality is not affected by a subsequent annexation of real property in the reinvestment zone by the municipality. *Tax Code 311.003(a)*

Board of Directors

Each taxing unit other than the municipality or county that designated the zone that levies taxes on real property in the zone may appoint one member of the reinvestment zone's board of directors if the taxing unit has approved the payment of all or part of the tax increment produced by the unit into the tax increment fund for the zone. A unit may waive its right to appoint a director.

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million in which the principal municipality has a population of 1.1 million or more, except as provided by Tax Code 311.0091(c), each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members of the reinvestment zone's board of directors in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone.

If the zone was designated upon petition of property owners under Tax Code 311.005(a)(4), each taxing unit, other than the municipality or county that designated the zone, that levies taxes on real property in the zone may appoint one member or members, as provided by Tax Code 311.009(b), of the reinvestment zone's board of directors only if it has approved the payment of all or part of the tax increment produced by the taxing unit into the tax increment fund for the zone.

Tax Code 311.009(a)–(b), .0091(a)–(c)

**Collection and
Deposit of Tax
Increments**

Each taxing unit that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the unit. Each taxing unit shall pay into the tax increment fund for the zone an amount specified by Tax

Code 311.013(b). Notwithstanding any termination of the reinvestment zone under Tax Code 311.017(a) and unless otherwise specified by an agreement between the taxing unit and the municipality or county that created the zone, a taxing unit shall make the payment not later than the 90th day after the later of the delinquency date for the unit's property taxes or the date the municipality or county that created the zone submits to the taxing unit an invoice specifying the tax increment produced by the taxing unit and the amount the taxing unit is required to pay into the tax increment fund for the zone. A taxing unit is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected.

A taxing unit is not required to pay into the tax increment fund any of its tax increment produced the property located in a reinvestment zone created designated by a petition of property owners under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the taxing unit enters into an agreement to do so with the governing body of the municipality or county that designated the zone.

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a taxing unit that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the governing body of the taxing unit enters into an agreement to do so with the governing body of the municipality or county that created the zone.

The governing body of the municipality or county that designated a reinvestment zone by ordinance or resolution or by order or resolution, respectively, may extend the term of all or a portion of the zone after notice and hearing in the manner provided for the designation of the zone. A taxing unit is not required to participate in the zone or portion of the zone for the extended term unless the taxing unit enters into a written agreement to do so.

Tax Code 311.007(c), .013, .017(a-1)

Transfer of Funds
Between
Reinvestment
Zones

Money in the tax increment fund for a reinvestment zone may be transferred to the tax increment fund for an adjacent zone if:

1. The taxing units that participate in the zone from which the money is to be transferred participate in the adjacent zone and vice versa;
2. Each participating taxing unit has agreed to deposit the same portion of its tax increment in the fund for each zone;

3. Each participating taxing unit has agreed to the transfer; and
4. The holders of any tax increment bonds or notes issued for the zone from which the money is to be transferred have agreed to the transfer.

Tax Code 311.014(f)

**Reinvestment
Zones—Tax
Abatement**

Eligibility to
Participate

A taxing unit may not enter into a tax abatement agreement under Tax Code Chapter 312 unless the governing body has established guidelines and criteria governing tax abatement agreements by the taxing unit and a resolution stating that the taxing unit elects to be eligible to participate in tax abatement. The governing body of a taxing unit may not enter into a tax abatement agreement unless it finds that the terms of the agreement meets and the property subject to the agreement meet the applicable guidelines and criteria adopted by the governing body.

Before the governing body of a taxing unit may adopt, amend, repeal, or reauthorize guidelines and criteria, the body must hold a public hearing regarding the proposed adoption, amendment, repeal, or reauthorization at which members of the public are given the opportunity to be heard.

A taxing unit that maintains an internet website shall post the current version of the guidelines and criteria governing tax abatement agreements adopted under this section on the website.

The guidelines and criteria are effective for two years from the date adopted. During that period, the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body.

The adoption of guidelines and criteria by the governing body of a taxing unit does not:

1. Limit the discretion of the governing body to decide whether to enter into a specific tax abatement agreement.
2. Limit the discretion of the governing body to delegate to its employees the authority to determine whether or not the governing body should consider a particular application or request for tax abatement.
3. Create any property, contract, or other legal right in any person to have the governing body consider or grant a specific application or request for tax abatement.

Tax Code 312.002

Municipal
Reinvestment Zone

*Notice of Public
Hearing on
Designation*

The governing body of a municipality may not adopt an ordinance designating an area as a reinvestment zone until the governing body has held a public hearing on the designation and has found that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement entered into under Tax Code 312.204 and 312.211, as applicable. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Not later than the seventh day before the date of the hearing, notice of the hearing must be published in a newspaper having general circulation in the municipality and delivered in writing to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in the proposed reinvestment zone. *Tax Code 312.201(d)*

*Notice of Tax
Abatement
Agreements*

Not later than the seventh day before the date on which a municipality enters into a tax abatement agreement under Tax Code 312.204 or 312.211, the governing body of the municipality or a designated officer or employee of the municipality shall deliver to the presiding officer of the governing body of each other taxing unit in which the property to be subject to the agreement is located a written notice that the municipality intends to enter into the agreement. The notice must include a copy of the proposed agreement. Failure to deliver the notice does not affect the validity of the agreement. *Tax Code 312.2041(a), (c)*

*Entering Tax
Abatement
Agreements*

If property taxes on property located in the taxing jurisdiction of a municipality are abated under an agreement made under Tax Code 312.204 or 312.211, the governing body of each other taxing unit eligible to enter tax abatement agreements under Tax Code 312.002 in which the property is located may execute a written agreement with the owner of the property. The agreement is not required to contain terms identical to those contained in the agreement with the municipality. The execution, duration, and other terms of an agreement made under this section are governed by the provisions of Tax Code 312.204, 312.205, and 312.211. *Tax Code 312.206(a)*

Meeting

To be effective, an agreement must be approved by the affirmative vote of a majority of the members of the governing body of the municipality or other taxing unit at a regularly scheduled meeting of the governing body. On approval by the governing body, an agreement may be executed in the same manner as other contracts made by the municipality or other taxing unit.

In addition to any other requirement of law, the public notice of a meeting at which the governing body of a municipality or other taxing unit will consider the approval of a tax abatement agreement with a property owner must contain:

1. The name of the property owner and the name of the applicant for the tax abatement agreement;
2. The name and location of the reinvestment zone in which the property subject to the agreement is located;
3. A general description of the nature of the improvements or repairs included in the agreement; and
4. The estimated cost of the improvements or repairs.

The notice of a meeting required by this section must be given in the manner required by Government Code Chapter 551, except that the notice must be provided at least 30 days before the scheduled time of the meeting.

Tax Code 312.207

County
Reinvestment
Zones

*Notice of Public
Hearing on
Designation*

The commissioners court may not designate an area as a reinvestment zone until it holds a public hearing on the designation and finds that the designation would contribute to the retention or expansion of primary employment or would attract major investment in the zone that would be a benefit to the property to be included in the zone and would contribute to the economic development of the county. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing must be given in the same manner as provided for notice of a hearing to be held by a municipality under Tax Code 312.201. *Tax Code 312.401(a)*

*Entering Tax
Abatement
Agreements*

The commissioners court may execute a tax abatement agreement with the owner of taxable real property located in a reinvestment zone designated under this subchapter or with the owner of tangible personal property located on real property in a reinvestment zone to exempt from taxation all or a portion of the value of the real property, all or a portion of the value of the tangible personal property located on the real property, or all or a portion of the value of both.

A tax abatement agreement made by a county has the same effect on the school districts and other taxing units in which the property subject to the agreement is located as is provided by Tax Code 312.206(a) and (b) for an agreement made by a municipality to abate taxes on property located in the taxing jurisdiction of the municipality.

Tax Code 312.402(a)–(b)

Meeting

To be effective, an agreement made under Tax Code Chapter 312, Subchapter C must be approved by the governing body of the county or other taxing unit in the manner that the governing body of a municipality authorizes an agreement under Tax Code 312.207.
Tax Code 312.404

Administrative Rule

Subject: Guidelines and Criteria for Tax Abatement

TASB Policy: CAIB

Effective Date: April 10, 2023



I. Purpose and Scope

The Kilgore College District (KC) is committed to the promotion of high-quality education and development within its boundaries, and to an ongoing improvement in the quality of life for its residents. Insofar as these objectives are generally served by the enhancement of the tax base and expansion and diversification of the local economy, KC will, on a case-by case basis, to give consideration to providing tax abatement, pursuant to the Property Redevelopment and Tax Abatement Act, TEXAS TAX CODE ANN. Sections 312.001 et seq., as from time to time amended (the "Act"), as a stimulation for economic growth and diversification in KC district. Consideration will be given to both new facilities and structures and for the expansion or modernization of existing facilities and structures. Proposed tax abatement agreements will be considered in accordance with the guidelines, criteria and procedures outlined in this document. Nothing herein shall imply or suggest that KC is under any obligation to provide tax abatement to any applicant.

According to the Act, a municipality¹ may grant tax abatement on the incremental value of real property (measured against the property's value for the year in which the abatement agreement is entered into) that is improved pursuant to a specific development proposal which meets the economic goals and objectives of the municipality. Pursuant to the Act, a tax abatement may also apply to certain tangible personal property located on the real property subject to the tax abatement agreement after the period covered by the tax abatement agreement.

Based on the general purpose and objectives and in compliance with the intent and tenets of the Act, the municipality may establish reinvestment zones for economic development purposes. The municipality may enter into tax abatement agreements with one or more owners of taxable real property that is located in a designated reinvestment zone.

Pursuant to Section 312.206 of the TEXAS TAX CODE ANN. (the "Code"), KC is authorized to execute a written agreement with the owner of property that KC has jurisdiction over not later than the ninetieth day after the date a tax abatement agreement between the owner of the property and a municipality is executed.

These Guidelines and Criteria are effective for two years from the date adopted. During that period, the Guidelines and Criteria may be amended or repealed only by a vote of three-fourths of the members of the Board of Trustees of the Kilgore Junior College District.

II. Criteria

Any proposed project must conform to the general guidelines specified below:

- Any request for tax abatement must involve a development project with either (i) a minimum incremental increase in value of \$100,000 or (ii) a minimum cost of \$100,000.
- Tax abatements are available for both new facilities and structures and for the expansion or modernization of existing facilities and structures.
- Additionally, a proposed project must satisfy the criteria set forth in the applicable guidelines of the appropriate municipality.

Taxpayers desiring to enter into an abatement agreement with KC must file with KC a copy of the application for tax abatement filed with the municipality. This application should set forth the proposed improvements, employment impact, fiscal impact, community impact and any other information required by the municipality. The information presented in the application filed with the municipality will be used by KC to determine whether it is in the best interest of KC that tax abatement be offered to a particular applicant. Specific considerations will include the degree to which the proposed project furthers the goals and objectives of KC, as well as the relative impact of the project on the KC District.

III. Guidelines

After complying with all statutory and other requirements and if a determination is made that a tax abatement agreement should be entered into with the applicant, the value and term of the abatement will be determined by the following guidelines:

1. The rate of tax abatement with respect to any tax abatement agreement shall not exceed 100% of the incremental increase in value of real property and shall not exceed 100% of the value of tangible personal property other than inventory and supplies (but including inventory and supplies of certificate air carriers) eligible for tax abatement under the Act.
2. Except with respect to property located in an enterprise zone, the agreement must contain terms identical to those contained in the agreement with the municipality providing for the portion of the property that is to be exempt from taxation under the agreement, the duration of the agreement, and the provisions included in the agreement under Section 312.205 of the Code.
3. Pursuant to Section 312.206(e) of the Code, if property taxes on property located in an enterprise zone are to be abated, the agreement may, but is not required to, contain terms that are identical to those contained in the agreement with the municipality, county, or both, and the only terms of the agreement that may vary are the portion of the property that is to be exempt from taxation under the agreement and the duration of the agreement.
4. The tax abatement period shall not exceed 6 years for investments less than \$10 million. The tax abatement period shall not exceed 10 years for investments greater than or equal to \$10 million. Under certain cases the Board of Trustees will consider

abatements for up to 10 years for investments less than \$10 million, if the abatement terms have been previously granted by a municipality.

5. Any tax abatement granted a project will become effective on January 1 of the year following the issuance of a Certificate of Occupancy for the new facilities unless otherwise specified in the tax abatement agreement.
6. In the event that Company (a) allows its ad valorem taxes owed the College to become delinquent, or (b) violates any of the terms and conditions of the Agreement, the Agreement then may be terminated by the College, and all taxes otherwise abated by virtue of the Agreement will be recaptured and paid to the College. As an alternative, the College may, in its discretion, not declare the Agreement terminated, but it must certify to the Gregg or Rusk Appraisal District that Company has failed to qualify for an abatement for the tax year.
7. At any time before its expiration, a tax abatement agreement may be modified by the parties to the agreement pursuant to Section 312.208 of the Code.

IV. Procedures

Any person, partnership, organization, corporation or other entity desiring that KC consider providing tax abatement to it shall be required to comply with the following procedural guidelines. Nothing within these guidelines shall imply or suggest that KC is under any obligation to provide tax abatement in any amount or value to any applicant.

Preliminary Application Steps

1. Applicant shall submit a copy of the application for tax abatement filed with the appropriate municipality or county. In addition, the applicant shall provide KC a copy of the Tax Abatement Agreement entered into between the applicant and the municipality and/or county, or a copy of the proposed agreement if such is not executed at the time of submission to KC.

Application Review Steps

2. All information submitted will be reviewed for completeness and accuracy and additional information may be requested as needed.
3. The application may be distributed to the appropriate individuals, committees or departments for internal review and comments. Additional information may be requested as needed.
4. Copies of the complete documentation submitted and staff comments will be provided to the Board of Trustees.

Consideration of the Application

5. The Board of Trustees will consider the application.

6. The Board of Trustees may consider action authorizing KC to enter into a tax abatement agreement between KC and the applicant (and, if desired by KC, any lessee).
 7. A tax abatement agreement between KC and the applicant must be affirmed of a vote of a majority of the Board of Trustees at a regularly scheduled meeting of the Board. Prior to affirming such agreement, the Board of Trustees must determine that the terms of the agreement and the property subject to the agreement meet the guidelines and criteria as set forth herein.
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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

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: C BUSINESS AND SUPPORT SERVICES

Policy: CI Equipment and Supplies Management

Summary of *LEGAL* Policy:

NOTE: CI 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 policy requires the Texas Department of Public Safety (TDPS) and the Texas Higher Education Coordinating Board (THECB) adopt a memorandum of understanding (MOU). TDPS and THECB have adopted the mandated MOU and KC is awaiting direction from THECB regarding implementation of the requirements prescribed therein.

EQUIPMENT AND SUPPLIES MANAGEMENT

CI
(LEGAL)

**Controlled
Substances and
Laboratory
Equipment**

The Texas Department of Public Safety (TDPS) and the Coordinating Board shall adopt a memorandum of understanding that establishes the responsibilities of the Coordinating Board, TDPS, and the public or private institutions of higher education in implementing and maintaining a program for reporting information concerning controlled substances, controlled substance analogues, chemical precursors, and chemical laboratory apparatus used in educational or research activities of institutions of higher education. *Health and Safety Code 481.0621(b)*

Note: The [Memorandum of Understanding between the Texas Department of Public Safety and the Texas Higher Education Coordinating Board \(PDF\)](#)¹ is available on the Coordinating Board website.

¹ Memorandum of Understanding between the Texas Department of Public Safety and the Texas Higher Education Coordinating Board (PDF): <http://www.thecb.state.tx.us/reports/PDF/1210.PDF>

KILGORE COLLEGE TASB POLICY CONVERSION

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: D PERSONNEL

Policy: DBE Employee Requirements and Restrictions: Nepotism

Summary of *LEGAL* Policy:

NOTE: DBE 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 been abiding by these legal requirements per the current Kilgore College "Nepotism Policy" Board approved 09/09/2019. This LEGAL policy outlines the restrictions of Board Members to "*appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position*" who is a close family member. The LEGAL policy also outlines exceptions as well as Abstention requirements for any grandfathered employees.

An Administrative Rule has been created to incorporate the current practice of Nepotism in regards to employees.

The Administrative Rule outlines the restrictions of employees and close family members (within the third degree of consanguinity or second degree by affinity) approving, recommending, or otherwise taking action with regard to the appointment, reappointment, promotion, salary, or supervision of a close relative.

DBE: Exhibit – Illustration depicting consanguinity degree of kinship

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISMDBE
(LEGAL)**Nepotism Prohibited**

Except as provided by Government Code 573.043, this policy applies to relationships within the third degree by consanguinity (blood) or within the second degree by affinity (marriage). *Gov't Code 573.002*

A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The individual is related to the public official within a degree described by Government Code 573.002; or
2. The public official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court, and the individual is related to another member of the board, legislature, or court within a degree described by Government Code 573.002.

Gov't Code 573.041; Atty. Gen. Op. GA-415 (2006)

Independent Contractor

The nepotism law governs the hiring of an individual, whether the employee is hired as an individual or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

Compensation of Prohibited Employee

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible person if the official knows the individual is ineligible. *Gov't Code 573.083*

Consanguinity

Two persons are related to each other by consanguinity if one is a descendant of the other or they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose. *Gov't Code 573.022*

An individual's relatives within the third degree by consanguinity are the individual's:

1. Parent or child (relatives in the first degree);
2. Brother, sister, grandparent, or grandchild (relatives in the second degree); and
3. Great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of an individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).

Gov't Code 573.023(c) [See DBE(EXHIBIT)]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

Half-Blood
Relatives

There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full blood. *Atty. Gen. Op. LO-90-30 (1990)*

Affinity

Two individuals are related to each other by affinity if they are married to each other or the spouse of one of the individuals is related by consanguinity to the other individual.

The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

Gov't Code 573.024

A husband and wife are related to each other in the first degree by affinity. For other relationships by affinity, the degree of relationship is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the individuals is related to the other person in the second degree by affinity.

A person's relatives within the second degree by affinity are:

1. The person's spouse;
2. Anyone related by consanguinity to the person's spouse within one of the ways named in Government Code 573.023(c) (first or second degree); and
3. The spouse of anyone related to the person by consanguinity in one of the ways named in Government Code 573.023(c) (first or second degree).

Gov't Code 573.025

**Effect of Board
Member Resignation**

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office, and a relative within a prohibited degree of relationship is barred from employment. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Op. JM-636 (1987)*

Exceptions

Continuous
Employment
(Grandfather
Clause)

The nepotism prohibitions do not apply to the appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if the individual is employed in the position immediately before the election or appointment of the public official to whom the person is related in a

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

prohibited degree and that prior employment is continuous for at least:

1. Thirty days, if the public official is appointed; or
2. Six months, if the public official is elected.

Gov't Code 573.062(a)

Abstention

If an individual continues in a position, the public official to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if the action applies only to the individual and is not taken regarding a bona fide class or category of employees. [See DBE(EXHIBIT)] *Gov't Code 573.062(b)*

A "change in status" includes a reassignment within an organization, whether or not a change in salary level accompanies the reassignment. *Atty. Gen. Op. JC-193 (2000)*

For an action to be "taken with respect to a bona fide category of employees," the officeholder's action must be based on objective criteria, which do not allow for the preference or discretion of the officeholder. *Atty. Gen. Op. DM-46 (1991)*

Trading

A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from public funds or fees of office if:

1. The individual is related to another public official within the prohibited degree; and
2. The appointment, confirmation of the appointment, or vote for the appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within a prohibited degree.

Gov't Code 573.044

Federal Funds

The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. Thus, the rules apply in the case of a teacher paid with funds from a federal grant. *Atty. Gen. L.A. No. 80 (1974)*

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISM

DBE
(LEGAL)

Penalties

An individual who violates Government Code Chapter 573, Subchapter C or Government Code 573.062 (the nepotism prohibitions) shall be removed from the individual's position. *Tex. Gov't Code 573.081–.082*

An individual commits an offense involving official misconduct if the individual violates Government Code Chapter 573, Subchapter C (Prohibition on Public Officials), Government Code 573.062(b) [see Continuous Employment and Abstention] or Government Code 573.083 [see Compensation of Prohibited Employee]. *Gov't Code 573.084*

Administrative Rule

Subject: EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: NEPOTISM

TASB Policy: DBE

Effective Date: April 10, 2023



I. Purpose and Scope

Kilgore College strives to avoid conflicts of interest and appearances of favoritism that result from the appointment, reappointment, and/or supervision of an employee by a close relative. No College employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of a close relative as defined in the following procedures.

Close relatives of members of the Kilgore College Board of Trustees are not eligible for employment at the College per **DBE Employment Requirements and Restrictions: Nepotism** unless the exception clause applies.

II. Definitions

Close relative is an employee's spouse, son, daughter (including stepchild), son-in-law, daughter-in-law, parents (including stepparents), father-in-law and mother-in-law, brother, sister (including stepbrother and stepsister), brother-in-law, sister-in-law, aunt, uncle, niece, nephew, grandparent, grandchildren, great grandparents, great grandchildren, spouse's grandchildren, and spouse's grandparents.

DBE: *"Except as provided by Government Code 573.043, this policy applies to relationships within the **third degree** by consanguinity (blood) or within the second degree by affinity (marriage). Gov't Code 573.002"*

DBE: Exhibit – Illustration depicting consanguinity degree of kinship

Supervision is defined as the exercise of authority or responsibility with regard to appointment, reappointment, promotion, managing performance, work assignments, salary administration, termination or other terms, and conditions of employment.

III. Procedures

No College employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of a close relative, as described within the third degree of consanguinity or second degree by affinity.

1. Close family relatives will not be permitted to work in the same department where a direct reporting/managerial relationship exists.
2. Close family relatives will not be placed in positions where they work with or have access to sensitive or confidential information regarding close relatives, or, if there is an actual or apparent conflict of interest.
3. Close family relatives will, in most circumstances, not be eligible to work within a department together when business operations would be affected by absences

by the related employees. Multiple absences would create an undue hardship within the department, location, business unit. No special consideration will be given to close family members for work assignments, vacations, schedules, days off or other business-related decisions.

Employees who are close family relatives must recognize and respect the confidentiality of College related business and operations. Discussions regarding work should never occur outside the scope of the employees' responsibilities within their position at the College.

Employees are required to fully disclose the existence of any relationship that may create a conflict of interest at the time of employment, or that develops at any time during employment. Failure to make full disclosure may result in discipline, including termination.

If an applicant for employment is a close relative of another departmental employee, and the hire of the applicant would place them under the supervision of a close relative, the head of the hiring committee may omit the applicant from those being considered for the vacant position.

If an employee is appointed, elected or serving on a committee that may have decision making authority regarding a close relative, the employee should recuse themselves from the committee.

If an appointment, reappointment, or promotion of a person places them under the supervision of a close relative, all actions with regard to the terms and conditions of employment of the supervised employee, including the annual performance evaluation, shall be the responsibility of the next highest administrative supervisor or per the discretion of the Division's Vice President.

If a person in a supervisory position marries a person whom they supervise, the supervised spouse shall be transferred to another position for which they are qualified if such a position is available. If such a position is not available, the supervised spouse is deemed to have resigned their position as of the marriage date.

Transfers or promotions which occur and create a violation of the policy may require one employee to resign their employment with the College.

This policy applies to all categories of employment, including but not limited to full-time, part-time, student, contractors, etc.

This policy shall apply to all persons employed, reassigned, or promoted on April 10, 2023, and thereafter.

In circumstances where positions are considered difficult to fill, a request with justification explaining the exhaustive effort made in the search can be submitted to the President for consideration. Any exception to this policy must be made in writing by the President.

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
NEPOTISMDBE
(EXHIBIT)

These illustrations depict the relationships that violate the nepotism law.

CONSANGUINITY Public official is prospective employee's:
(Blood) Kinship

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister/Brother	
Third Degree	Great-Grandparent	Great-Grandchild	Aunt/Uncle	Niece/Nephew

AFFINITY
(Marriage) Kinship

Public official's spouse is the prospective employee.

OR

Public official's spouse is prospective employee's:

OR

Prospective employee's spouse is the public official's:

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister/Brother	

Note: The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one affinity relationship between the public official and prospective employee through either of their spouses.

KILGORE COLLEGE TASB POLICY CONVERSION

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IN CONSIDERATION OF ADOPTION OF TASB *LEGAL* POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G

COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GCB

Requests for Information

Summary of *LEGAL* Policy:

NOTE: GCB 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, with the assistance of the Assistant Director of Marketing/Public Information Officer, to ascertain compliance. To ensure that KC is in full compliance with this legal-only policy, an Administrative Rule detailing the process to be followed in order to promptly and accurately respond to requests for public information and provide a suitable copy of requested public information within a reasonable timeframe was developed and implemented. Additionally, an accompanying Exhibit was created, based upon current state statute (*1 TAC 70.4*) which details the costs that can be charged a requestor when responding to public information requests.

PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LEGAL)

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PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LEGAL)

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Note: For records retention under the Local Government Records Act, see CIA.

**Section I: Officer for
Public Information
and Required
Notices**

Duties

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

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

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. Repair, renovate, or rebind public information as necessary to maintain it properly; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
 - a. The information has been requested from the governmental body;
 - b. The officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
 - c. The officer for public information is unable to comply with the duties imposed by this chapter without obtaining the information from the temporary custodian; and
 - d. The temporary custodian has not provided the information to the officer for public information or the officer's agent.

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

Gov't Code 552.203–.204 [See CIA]

PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LEGAL)

Public Information
Act Training

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

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

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

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

Gov't Code 552.012(a)–(e)

Sign

An officer for public information shall prominently display a sign in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a governmental body, including a college district, and the procedures for inspecting or obtaining a copy of public information under the PIA. The officer shall display the sign at one or more places in the administrative offices of the governmental body where it is plainly visible to:

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

Gov't Code 552.205(a)

**Section II: Access to
Public Information**

Procedural Rules

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

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

PUBLIC INFORMATION PROGRAM
REQUESTS FOR INFORMATION

GCB
(LEGAL)

Submission of
Written Requests

A person may make a written request for public information only by delivering the request by one of the following methods to the applicable officer for public information or a person designated by that officer:

1. U.S. mail, electronic mail, hand delivery; or
2. Any other appropriate method approved by the governmental body, including:
 - a. Facsimile transmission; and
 - b. Electronic submission through the governmental body's internet website.

A governmental body is considered to have approved a method described above only if the governmental body includes a statement that a request for public information may be made by that method on the PIA sign required to be displayed or the governmental body's internet website.

Gov't Code 552.234(a)–(b)

*Designated
Address*

A governmental body may designate one mailing address and one electronic mail address for receiving written requests for public information. The governmental body shall provide the designated mailing address and electronic mailing address to any person on request.

A governmental body that posts the mailing address and electronic mail address designated by the governmental body as above on the governmental body's internet website or that prints those addresses on the PIA sign required to be displayed is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method described by Government Code 552.234(a)(4) that has been approved by the governmental body.

Gov't Code 552.234(c)–(d)

Request Form

A governmental body that allows requestors to use the attorney general form described by Government Code 552.235(a) and maintains an internet website shall post the form on its website.

Gov't Code 552.235(b)

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Treatment of
Requests

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

Gov't Code 552.222(a), .223-.224

Requests for
Contracting
Information

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a governmental body that:

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

Section 552.371 applies to a written request for public information received by a governmental body that is a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the governmental body.

Gov't Code 552.371(a)-(b)

*Request to
Contracting Entity*

A governmental body that receives a written request for information described above shall request that the entity provide the information to the governmental body. The governmental body must send the request in writing to the entity not later than the third business day after the date the governmental body receives the written request described above. [See CM for more information on disclosing construction contract evaluation documents to offeror] *Gov't Code 552.371(c)*

Location of Access

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

1. Providing the information for inspection or duplication in the offices of the governmental body [see Time for Examination, below]; or

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2. Sending copies of the public information by first class U.S. mail, if the person requesting the information requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Costs and Charges, below].

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

Gov't Code 552.221(b), .226

Online Access

In addition to the methods of production described by Government Code 552.221(b), an officer for public information for a governmental body complies with Government Code 552.221(a) by referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the governmental body and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the governmental body must supply the information in the manner required by Section 552.221(b).

If an officer for public information for a governmental body provides by email an internet location or URL address as permitted above, the email must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as provided by Section 552.221(b).

Gov't Code 552.221(b-1)–(b-2)

Time for Response

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

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

If the requested information is unavailable at the time of the request to examine because it is in active use or in storage, the of-

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ficer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

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

*Release of
Deidentified
Information*

An agency of this state, including a college district, shall provide written notice to a person to whom the agency releases deidentified information that the information is deidentified information.

"Deidentified information" means information with respect to which the holder of the information has made a good faith effort to remove all personal identifying information or other information that may be used by itself or in combination with other information to identify the subject of the information. The term includes aggregate statistics, redacted information, information for which random or fictitious alternatives have been substituted for personal identifying information, and information for which personal identifying information has been encrypted and for which the encryption key is maintained by a person otherwise authorized to have access to the information in an identifiable format.

"Personal identifying information" means information that alone or in conjunction with other information identifies an individual, including an individual's:

1. Name, social security number, date of birth, or government-issued identification number;
2. Mother's maiden name;
3. Unique biometric data, including the individual's fingerprint, voice print, and retina or iris image;
4. Unique electronic identification number, address, or routing code; and
5. Telecommunication access device as defined by Penal Code 32.51.

Business and Commerce Code 506.001(2)–(3), .002(a), .021(1)

Requests to Clarify
or Narrow

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

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

Gov't Code 552.222(b)

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*Motor Vehicle
Record*

If the information requested relates to a motor vehicle record, the officer for public information or the officer's agent may require the requestor to provide additional identifying information sufficient for the officer or the officer's agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. "Motor vehicle record" has the meaning assigned that term by Transportation Code 730.003. *Gov't Code 552.222(c)*

*Request
Considered
Withdrawn*

If, by the 61st day after the governmental body sends the written request for clarification or discussion under Government Code 552.222(b) or an officer for public information or agent sends a written request for additional information under Government Code 552.222(c) the governmental body, officer for public information, or agent, as applicable, does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor. A written request for clarification or discussion on the written request for additional information must include a statement as to the consequences of failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(d)–(e)*

*Responding by
Mail or Email*

If the requestor's request for public information included the requestor's physical or mailing address, the request may not be considered withdrawn unless the governmental body, or officer for public information, or agent, as applicable, sends the request for clarification or discussion on the written request for additional information to that address by certified mail.

If the requestor's request for public information was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The governmental body, officer for public information, or agent, as applicable, sends the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent or to another electronic mail address provided by the requestor; and
2. The governmental body, officer for public information, or agent, as applicable, does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

Gov't Code 552.222(f)–(g)

*Time for
Examination*

A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete

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the examination of information within ten business days after the date the custodian of the information makes the information available and does not file a request for additional time, the requestor is considered to have withdrawn the request.

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

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

Gov't Code 552.225

Request
Considered
Withdrawn

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of the governmental body on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges. *Gov't Code 552.221(e)*

Electronic Data

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

1. The governmental body has the technological ability to produce a copy of the requested information in the requested medium;
2. The governmental body is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information will not violate the terms of any copyright agreement between the governmental body and a third party.

If a governmental body is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the governmental body shall provide a copy in another medium that is acceptable to the requestor. A governmental body is

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not required to copy information onto a diskette or other material provided by the requestor but may use its own supplies.

Gov't Code 552.228(b)–(c)

*Requests
Requiring
Programming or
Manipulation*

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

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

The written statement must include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under the PIA [see GCB(EXHIBIT)]; and
5. A statement of the anticipated time required to provide the information in the requested form.

Gov't Code 552.231(a)–(b)

*Response Time
When
Programming or
Manipulation Is
Required*

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

Further Action

On providing the written statement to the requestor as described above, the governmental body does not have any further obligation to provide the information in the requested form or in the form in

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which it is available, unless within 30 days the requestor states in writing to the governmental body that the requestor:

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

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

Gov't Code 552.231(d)–(d-1)

*Processing of
Requests*

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

Repetitious or
Redundant
Requests

A governmental body, including a college district, that determines that a requestor has made a request for information for which the governmental body has previously furnished copies to the requestor or made copies available to the requestor on payment of the applicable charges under Government Code Chapter 552, Subchapter F, shall respond to the request, in relation to the information for which copies have been already furnished or made available, in accordance with Government Code 552.232, except that:

1. Section 552.232 does not prohibit the governmental body from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The governmental body is not required to comply with this section in relation to information that the governmental body simply furnishes or makes available to the requestor again in accordance with the request.

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

Section 552.232 does not apply to information for which the governmental body has not previously furnished copies to the requestor.

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tor or made copies available to the requestor on payment of applicable charges under Subchapter F. A request by the requestor for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, shall be treated in the same manner as any other request for public information under the PIA.

Gov't Code 552.232(a), (d)

Procedures

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

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

Gov't Code 552.232(b)

**Section III: Attorney
General Decisions**

A governmental body, including a college district, that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under the PIA, must ask for a decision from the attorney general about whether the information is within the exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Submission to Attorney General, below]. *Gov't Code 552.301(a)*

Time for Request

The governmental body must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after receiving the written request. If a governmental body does not timely request an attorney general decision and provide the requestor with the information required by Government Code 552.301(d) and (e-1) [see,

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Statement to Requestor, below], the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code 552.301(b), .302*

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

Calculating
Timelines

*Receipt of
Request from
Requestor*

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

*Submission by
Mail*

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

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

Gov't Code 552.308(a)

*Electronic
Submissions*

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

When Subchapter G requires the attorney general to deliver a notice, decision, or other document within a specified period, the re-

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quirement is met in a timely fashion if the document is electronically transferred by the attorney general electronically within that period.

Gov't Code 552.309

Previous
Determinations

Same Information

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

Exception

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

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

Gov't Code 552.301(g)

Categories of
Information

A governmental body may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to the type of governmental body from which the information is requested;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;

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3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

Att'y Gen. ORD-673 (2001)

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

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

Att'y Gen. ORD-684 (2010)

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

*Statement to
Requestor*

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

1. A written statement that the governmental body wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and
2. A copy of the governmental body's written communication to the attorney general asking for the decision or, if a governmental body's written communication to the attorney general discloses the requested information, a redacted copy of that written communication.

Gov't Code 552.301(d)

*Submission to
Attorney General*

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

1. Submit to the attorney general all of the following:

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

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

Gov't Code 552.301(e)–(e-1)

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

Electronic
Submission

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

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

The governmental body must comply with the requirements of Government Code 552.301(d) and (e-1) and 552.305 regardless of

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whether the request for attorney general decision is submitted electronically or through another permissible method of submission.

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

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

1 TAC 63.22

*Additional
Information*

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

*Privacy or
Property Interests*

In a case in which information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101, 552.110, 552.114, 552.131, or 552.143, a governmental body may decline to release the information for the purpose of requesting an attorney general decision. A person whose interests may be involved, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. The governmental body may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code 552.305(a)–(c)*

*Notice to Owner
of Proprietary
Information*

If release of a person's proprietary information may be subject to exception under Government Code 552.101, 552.110, 552.1101, 552.113, 552.131, or 552.143, a governmental body that requests an attorney general decision shall make a good faith attempt to notify that person of the request for the attorney general decision. The notice must:

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

Gov't Code 552.305(d)

Exception—
Contracting
Information

A request for an attorney general's decision to determine whether contracting information subject to a written request described by Government Code 552.371(b) falls within an exception to disclosure under the PIA is considered timely if made not later than the 13th business day after the date the governmental body receives the written request described above. *Gov't Code 552.371(d)(1)*

The statement and copy described above [see Statement to Requestor, above] is considered timely if provided to the requestor not later than the 13th business day after the date the governmental body receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Submission to Attorney General, above] is considered timely if submitted to the attorney general, or sent to the requestor, not later than the 18th business day after the date the governmental body receives the written request. *Gov't Code 552.371(d)(3)–(4)*

The presumption that information is subject to disclosure [see Time for Request, above] does not apply if the governmental body:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain the information from the contracting entity;
2. Is unable to meet a deadline described by Government Code 552.371(d) because the contracting entity failed to provide the information to the governmental body not later than the 13th business day after the day the governmental body received the written request for the information; and

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3. Complies with the requirements of those subsections not later than the eighth business day after the governmental body receives the information from the contracting entity.

Gov't Code 552.371(e)

Nothing in Government Code 552.371 affects the deadlines or duties of a governmental body under Government Code 552.301 regarding information the governmental body maintains, including contracting information. *Gov't Code 552.371(f)*

**Section IV: Charges
Regarding Public
Information
Requests**

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

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

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A governmental body may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

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

50 Pages or Less

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

**Statement of Labor
Costs**

If the charge for providing a copy of public information includes costs of labor, the requestor may require the governmental body's officer for public information or the officer's agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer for public information or the officer's agent,

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and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor. *Gov't Code 552.261(b)*

Attorney General's
Rules

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

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

Gov't Code 552.262(a); 1 TAC 70.1(b)

Exemptions

A governmental body may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges for providing copies of public information or the charge, deposit, or bond required for making public information that exists in a paper record available for inspection. The request must be made in writing to the attorney general and must state the reason for the exemption. If the attorney general determines that good cause exists for exempting a governmental body from a part or all of the rules, the attorney general shall give written notice of the determination to the governmental body within 90 days of the request. On receipt of the determination, the governmental body may amend its charges for providing copies of public information or its charge, deposit, or bond required for making public information that exists in a paper record available for inspection according to the attorney general's determination. *Gov't Code 552.262(c)*

Statement of
Estimated Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, or a request to inspect a paper record will result in the imposition of a charge under Government Code 552.271 that exceeds \$40, the governmental body shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the governmental body regarding the alternative method. A governmental body must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and of the rights granted by

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that entire section and give the requestor the information needed to respond, including:

1. That the requestor must provide the governmental body with a mailing, facsimile transmission, or electronic mail address to receive the itemized statement and that it is the requestor's choice which type of address to provide;
2. That the request is considered automatically withdrawn if the requestor does not respond in writing to the itemized statement and any updated itemized statement in the time and manner required by this section; and
3. That the requestor may respond to the statement by delivering the written response to the governmental body by mail, in person, by facsimile transmission if the governmental body is capable of receiving documents transmitted in that manner, or by electronic mail if the governmental body has an electronic mail address.

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

Gov't Code 552.2615(a), (c)

*Requestor's
Response*

A request described by Government Code 552.2615(a), above, is considered to have been withdrawn by the requestor if the requestor does not respond in writing to the itemized statement by informing the governmental body within ten business days after the date the statement is sent to the requestor that:

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

Gov't Code 552.2615(b)

Actual Charges

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

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

Gov't Code 552.2615(d)

*Timing of
Deadlines*

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

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

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

1. The response is delivered to the governmental body in person;
2. The requestor deposits the properly addressed response in the U.S. mail; or
3. The requestor transmits the properly addressed response to the governmental body by electronic mail or facsimile transmission.

The time deadlines do not affect the application of a time deadline imposed on a governmental body for requesting a decision by the attorney general under the PIA.

Gov't Code 552.2615(e)–(g)

Deposit or Bond

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

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

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

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

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

Gov't Code 552.263(a)–(b), (e)–(f)

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

Unpaid Amounts An officer for public information or the officer's agent may require a deposit or bond for payment of unpaid amounts owing to the governmental body in relation to previous requests that the requestor has made under the PIA before preparing a copy of public information in response to a new request, if those unpaid amounts exceed \$100. The officer for public information or the officer's agent may not seek payment of those unpaid amounts through any other means. *Gov't Code 552.263(c)*

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

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Documentation of Unpaid Amounts	The governmental body must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs, as applicable, before requiring a deposit or bond. The documentation is subject to required public disclosure under the PIA. <i>Gov't Code 552.263(d)</i>
Waivers	<p>A governmental body shall provide a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public.</p> <p>If the cost to a governmental body of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the governmental body may waive the charge.</p> <p><i>Gov't Code 552.267</i></p>
Government Publication	The cost provisions described above do not apply to a publication that is compiled and printed by or for a governmental body for public dissemination. If the cost of the publication is not determined by state law, a governmental body may determine the charge for providing the publication. The governmental body may provide the publication free of charge if state law does not require a certain charge. <i>Gov't Code 552.270</i>
Section V: Inspection of Public Information	If the requestor does not request a copy of public information, a charge may not be imposed for making available for inspection any public information that exists in a paper record, except as set forth below. <i>Gov't Code 552.271(a)</i>
Confidential Information	If a requested page contains confidential information that must be edited from the record before the information can be made available for inspection, the governmental body may charge for the cost of making a photocopy of the page from which confidential information must be edited. No charge other than the cost of the photocopy may be imposed. <i>Gov't Code 552.271(b)</i>
Payment, Deposit, or Bond	<p>An officer for public information or the officer's agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:</p> <ol style="list-style-type: none">1. The public information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection. <p><i>Gov't Code 552.271(c)</i></p>

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*Certain Small
Governmental
Bodies*

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

1. The public information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or the officer's agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

Electronic Records

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

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

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

Gov't Code 552.272(a)–(d)

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**Section VI:
Miscellaneous
Provisions**

Public Information on a Privately-Owned Device	<p>A current or former officer or employee of a governmental body who maintains public information on a privately-owned device shall:</p> <ol style="list-style-type: none">1. Forward or transfer the public information to the governmental body or a governmental body server to be preserved as provided by Government Code 552.004(a); or2. Preserve the public information in its original form in a backup or archive and on the privately-owned device for the time described under Section 552.004(a). <p><i>Gov't Code 552.004(b) [See CIA]</i></p>
Public Information Maintained by Temporary Custodians	<p>A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the governmental body not later than the tenth day after the date the officer for public information of the governmental body or the officer's agent requests the temporary custodian to surrender or return the information. The governmental body is considered to receive the request for that information on the date the information is surrendered or returned to the governmental body. <i>Gov't Code 552.233(b), (d)</i></p>
<i>Disciplinary Action</i>	<p>A temporary custodian's failure to surrender or return public information is grounds for disciplinary action by the governmental body that employs the temporary custodian or any other applicable penalties provided by the PIA or other law.</p> <p><i>Gov't Code 552.233(c)</i></p>
<i>Records Retention</i>	<p>The provisions of Government Code Chapter 441 and Local Government Code Title 6, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian. [See CIA] <i>Gov't Code 552.004(c)</i></p>
<i>No Property Right to Public Information</i>	<p>A current or former officer or employee of a governmental body does not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity. <i>Gov't Code 552.233(a)</i></p> <p>"Temporary custodian" means an officer or employee of a governmental body who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information of the governmental body or the officer's agent. The term includes a former officer or employee of a governmental body who created or received public information in the officer's or employee's official capacity that has</p>

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	not been provided to the officer for public information of the governmental body or the officer's agent. <i>Gov't Code 552.003(7)</i>
Production of Public Information During Office Closure	If a governmental body closes its physical offices, but requires staff to work, including remotely, then the governmental body shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application, pursuant to the PIA while its administrative offices are closed. <i>Gov't Code 552.2211(a)</i>
Temporary Suspension of Requirements During Catastrophe	The requirements of the PIA do not apply to a governmental body during a suspension period determined by the governmental body if the governmental body is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of a governmental body to comply with the requirements of the PIA and complies with the requirements of Government Code 552.2325. <i>Gov't Code 552.2325(b)</i>
<i>Catastrophe</i>	<p>"Catastrophe" means a condition or occurrence that directly interferes with the ability of a governmental body to comply with the PIA, including:</p> <ol style="list-style-type: none">1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snowstorm;2. Power failure, transportation failure, or interruption of communication facilities;3. Epidemic; or4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence. <p>"Catastrophe" does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the governmental body is closed.</p> <p><i>Gov't Code 552.2325(a)</i></p>
<i>Suspension Period</i>	<p>A governmental body may suspend the applicability of the requirements of the PIA to the governmental body for an initial suspension period. The governmental body may suspend the applicability of the requirements of the PIA under this section only once for each catastrophe. The initial suspension period may not exceed seven consecutive days and must occur during the period that:</p> <ol style="list-style-type: none">1. Begins not earlier than the second day before the date the governmental body submits notice to the office of the attorney general; and

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2. Ends not later than the seventh day after the date the governmental body submits that notice.

Gov't Code 552.2325(d)

Limit on
Suspension
Periods

A governmental body that initiates a suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as prescribed below. *Gov't Code 552.2325(f)*

*Extension of
Suspension
Period*

A governmental body may extend an initial suspension period if the governing body determines that the governing body is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends. The governing body must submit notice of the extension to the office of the attorney general on the form prescribed by the office.

The combined suspension period for a governmental body filing under this section may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Gov't Code 552.2325(e), (g)

*Requests
Received During
Catastrophe*

Notwithstanding another provision of the PIA, a request for public information received by a governmental body during a suspension period determined by the governmental body is considered to have been received by the governmental body on the first business day after the date the suspension period ends. Requests are tolled until the first business day after the date the suspension period ends. *Gov't Code 552.2325(i)-(j)*

*Notice to
Attorney General*

A governmental body that elects to suspend the applicability of the requirements of the PIA to the governmental body must submit notice to the office of the attorney general that the governmental body is currently impacted by a catastrophe and has elected to suspend the applicability of PIA requirements during the initial suspension period determined under Government Code 552.2325(d). The notice must be on the form prescribed by the office of the attorney general. *Gov't Code 552.2325(c)*

*Notice to the
Public*

A governmental body that suspends the applicability of the requirements of the PIA to the governmental body under Government Code 552.2325 must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the governmental body is required to post a notice under the Open Meetings Act (OMA). The governmental body must maintain the notice of the suspension during the suspension period. *Gov't Code 552.2325(h)*

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*End of
Suspension*

Upon conclusion of any suspension period initiated pursuant to Government Code 552.2325, the governmental body shall immediately resume compliance with all requirements of the PIA. *Gov't Code 552.2325(m)*

Large or Frequent
Requests

Personnel Time

A governmental body, including a college district, may establish reasonable monthly and yearly limits on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. A yearly time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to the fiscal year of the governmental body. A monthly time limit may not be less than 15 hours for a requestor for a one-month period. *Gov't Code 552.275(a)–(b)*

Request by
Minor

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

Exception

Government Code 552.275 does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. Dissemination by a news medium or communication service provider, including an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
2. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.

Section 552.275 does not apply if the requestor is an elected official of the United States, this state, or a political subdivision of this state. This section does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt under Internal Revenue Code 501(c)(3).

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"Communication service provider" has the meaning assigned by Civil Practice and Remedies Code 22.021.

"News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including print; television; radio; photographic; mechanical; electronic; and other means, known or unknown, that are accessible to the public.

Gov't Code 552.275(j)–(m)

*Written
Statement of
Personnel Time*

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

*Written Estimate
of Charges*

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

Additional Time

If the governmental body determines that additional time is required to prepare the written estimate and provides the requestor with a written statement of that determination, the governmental body must provide the written estimate as soon as practicable, but on or before the tenth day after the date the governmental body provided the statement. *Gov't Code 552.275(f)*

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*Acceptance of
Charges*

If a governmental body provides a requestor with the written estimate and the time limits prescribed by Section 552.275(a) regarding the requestor have been exceeded, the governmental body is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the governmental body provided the written estimate, the requestor submits payment of the amount stated in the written estimate.

If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the requestor's pending request for public information.

Gov't Code 552.275(g)–(h)

*Waived or
Reduced
Charges*

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

Failure to Pay

This provision applies only to a request made by a requestor who has made a previous request to a governmental body that has not been withdrawn, for which the governmental body has located and compiled documents in response, and for which the governmental body has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request. A governmental body is not required to locate, compile, produce, or provide copies of documents or prepare a written estimate in response to a new request until the date the requestor pays each unpaid written estimate in connection with a previous request or withdraws the previous request to which the written estimate applies. *Gov't Code 552.275(e-1)*

Filing Suit to
Withhold
Information

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

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

The governmental body must bring the suit not later than the 30th calendar day after the date the governmental body receives the decision of the attorney general determining that the requested information must be disclosed to the requestor. If the governmental body does not bring suit within that period, the governmental body

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shall comply with the decision of the attorney general. If the governmental body wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), suit must be filed not later than the tenth calendar day after receipt of a decision by the attorney general that the information is public.

Gov't Code 552.324, .353(b)(3)

Requests for Body-
Worn Camera
Recordings

*Contents of
Request*

A member of the public is required to provide the following information when submitting a written request to a law enforcement agency for information recorded by a body-worn camera:

1. The date and approximate time of the recording;
2. The specific location where the recording occurred; and
3. The name of one or more persons known to be a subject of the recording.

A failure to provide all of the information required to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

Occupations Code 1701.661(a)–(b)

*Response to
Requests*

A law enforcement agency may:

1. Seek to withhold information subject to Occupations Code 1701.661(d) in accordance with procedures provided by Government Code 552.301;
2. Assert any exceptions to disclosure in the PIA or other law; or
3. Release information requested in accordance with Occupations Code 1701.661(a) after the agency redacts any information made confidential under the PIA or other law.

Occupations Code 1701.661(e)

*Request for
Attorney General
Decision*

Notwithstanding Government Code 552.301(b) [see Time for Request, above], a governmental body's request for a decision from the attorney general about whether a requested body-worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request.

Notwithstanding Government Code 552.301(d) [see Statement to Requestor, above], a governmental body's response to a requestor regarding a requested body-worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

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Notwithstanding Government Code 552.301(e) [see Submission to Attorney General, above], a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body-worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Notwithstanding Government Code 552.301(e-1) [see Submission to Attorney General, above], a governmental body's submission to a requestor of the information required by that subsection regarding a requested body-worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Occupations Code 1701.662(a)–(d)

*Response to
Voluminous
Public
Information
Requests*

Notwithstanding Government Code 552.221(d) [see Time for Response, above], an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Occupations Code 1701.661(a) is considered to have promptly produced the information for purposes of Section 552.221 if the officer takes the actions required under Section 552.221 before the 21st business day after the date of receipt of the written request.

"Voluminous request" includes:

1. A request for body-worn camera recordings from more than five separate incidents;
2. More than five separate requests for body-worn camera recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or
3. A request or multiple requests from the same person in a 24-hour period for body-worn camera recordings that, taken together, constitute more than five total hours of video footage.

Occupations Code 1701.663

Administrative Rule

Subject: Public Information Requests

TASB Policy: GCB Public Information Program – Requests for Information

Effective Date: April 11, 2023



I. Purpose and Scope

Kilgore College shall promptly and accurately respond to requests for public information and provide a suitable copy of requested public information within a reasonable timeframe.

II. Definitions

A. Public Information Requests. Those requests officially submitted by an individual or organization that meets the requirements of Texas Government Code, Chapter 552, and Kilgore College Policy GCB.

III. Procedures

Upon receipt of a valid request for public information, Kilgore College will work expeditiously to respond within the timeframes set forth in policy. In situations where responding to the request will require programming, the manipulation of data, or significant staff time, the College's public information officer will take the following steps as soon as practical:

1. notify the requestor that a response will require programming, the manipulation of data, or significant staff time
2. provide the requestor with information related to potential costs for obtaining and providing the requested information
3. seek any clarification needed from the requestor as to the scope of the information requested
4. meet with appropriate College staff to develop a strategy for obtaining the requested information
5. coordinate with the business office to obtain final costs for responding to the request
6. provide requestor with information requested and an invoice for costs incurred.

Costs for responding to valid requests for public information will be calculated using GCB Exhibit (TAC 70.3).

Kilgore College
Policy GCB – Requests for Information Exhibit

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

Copy charges

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

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

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

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

Labor charges

For programming: If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time. The hourly charge for a programmer is \$28.50 an hour. Only programming services will be charged at this hourly rate. Governmental bodies that do not have in-house programming

capabilities will comply with requests in accordance with Government Code 552.231. If the charge for providing a copy of public information includes costs of labor, a governmental body will comply with the requirements of Government Code 552.261(b). 1 TAC 70.3(c), .10(3)–(4)

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

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

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

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

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

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

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

Overhead charges

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

An overhead charge will not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).

The overhead charge will be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing, $\$15.00 \times .20 = \3 ; or programming labor charge, $\$28.50 \times .20 = \5.70 . If a request requires one hour of labor charge for locating, compiling, and reproducing information ($\$15.00$ per hour); and one hour of programming labor charge ($\$28.50$ per hour), the combined overhead would be: $\$15 + \$28.50 = \$43.50 \times .20 = \8.70 .

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

Microfiche and microfilm charges

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

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

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

Remote document retrieval charges

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

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

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

Computer resource charges

The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs),

servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.

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

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

<u>Type of System</u>	<u>Rate</u>
Mainframe	\$10.00 per CPU minute
Midsized	\$ 1.50 per CPU minute
Client/Server	\$ 2.20 per clock hour
PC or LAN	\$ 1.00 per clock hour

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

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

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

Miscellaneous supplies

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

1 TAC 70.3(i), .10(8)

Postal and shipping charges

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

Sales tax

Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax will not be added on charges for public information. (34 Administrative Code, Part 1, Chapter 3, Subchapter O,

3.341 and 3.342). 1 TAC 70.3(k), .10(14)

Miscellaneous charges

A governmental body that accepts payment by credit card for copies of public information and that is charged a transaction fee by the credit card company may recover that fee. 1 TAC 70.3(l)

KILGORE COLLEGE TASB POLICY CONVERSION

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

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

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

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

IN CONSIDERATION OF ADOPTION OF TASB LOCAL POLICY

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed LOCAL Policy for Adoption:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GE Advertising and Fundraising

Summary of LOCAL Policy:

The policy outlines the responsibility of the College to restrict promotional activities conducted on College property to College-related purposes or for revenue generation.

Procedures:

- Non-College-related promotional activities must have prior approval of the College President.
- The College may sell advertising as a means to generate revenue, but retains final editorial authority to accept or reject submitted advertisements.
- The College may acknowledge donors through promotional activities, but retains full editorial control over the acknowledgement, display, or promotion.

ADVERTISING AND FUNDRAISING

GE
(LEGAL)

Commercial Signs	<p>A person commits an offense if the person erects or maintains a commercial sign in violation of Transportation Code Chapters 391 through 395 and 43 Administrative Code Chapter 21. <i>Transp. Code 391.003, .0031, .061, .067, 392.032, 393.005, 394.021; 43 TAC Chapter 21</i></p>
General Definitions	<p>“Sign” means a structure, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo, or symbol that is designed, intended, or used to advertise or inform. <i>Transp. Code 391.001(11-a), 392.001, 393.001, 394.001, 395.002; 19 TAC 21.142(28)</i></p> <p>“Commercial sign” means a sign that is at any time intended to be leased, or for which payment of any type is intended to be or is received, for the display of any good, service, brand, slogan, message, product, or company, except that the term does not include a sign that is leased to a business entity and located on the same property on which the business is located or is smaller than 50 square feet; or located on property owned or leased for the primary purpose of displaying a sign. <i>Transp. Code 391.001(1-a); 43 TAC 21.142(1)</i></p> <p>“Electronic sign” means a commercial sign that changes its message or copy by programmable electronic or mechanical processes. <i>43 TAC 21.142(5)</i></p> <p>“Directional sign” means a sign that contains only a message that identifies an attraction or activity and provides directional information, such as mileage, route number, or exit number, useful to the traveler in locating the attraction or activity. <i>43 TAC 21.941</i></p>
Interstate or Primary System	<p>A college district that wishes to erect or maintain outdoor advertising that is visible from the main-traveled way of the interstate or primary system shall comply with Transportation Code Chapter 391 and 43 Administrative Code Chapter 21, Subchapter I.</p> <p>“Interstate system” means that portion of the national system of interstate and defense highways that is located in this state and is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.</p> <p>“Primary system” means that portion of connected main highways located in this state that is designated officially by the Texas Transportation Commission and approved under Title 23, United States Code.</p> <p><i>Transp. Code 391.001</i></p>

State Highway Right-of-Way	<p>A college district that wishes to place or maintain a sign on a state highway right-of-way shall comply with Transportation Code Chapter 392.</p> <p>“State highway right-of-way” means the right-of-way of a highway designated as part of the state highway system.</p> <p><i>Transp. Code 392.001</i></p>
Public Road	<p>A college district that wishes to place a sign on the right-of-way of a public road shall comply with Transportation Code Chapter 393.</p>
Rural Road	<p>A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a rural road shall comply with Transportation Code Chapter 394 and 43 Administrative Code Chapter 21, Subchapter K.</p> <p>“Rural road” means a road, street, way, or bridge:</p> <ol style="list-style-type: none">1. That is located in an unincorporated area;2. That is not privately owned or controlled;3. That any part of which is open to the public for vehicular traffic; and4. That is under the jurisdiction of the state or a political subdivision. <p><i>Transp. Code 394.002</i></p>
Toll Road	<p>A college district that wishes to erect or maintain an outdoor sign that is visible from the main-traveled way of a toll road and erected for the purpose of having the message seen from the main-traveled way shall comply with any rules adopted by the governing body of the toll road authority under Transportation Code Chapter 395.</p> <p>This provision applies only to a toll road located in a county with a population of 3.3 million or more or that is adjacent to a county with a population of 3.3 million or more and in which a municipality with a population of more than 60,000 is located.</p> <p><i>Transp. Code 395.001</i></p>
Electronic Sign	<p>A college district that wishes to erect an electronic sign shall comply with 43 Administrative Code Chapter 21, Subchapter I.</p>
Directional Sign	<p>A college district that wishes to erect a directional sign shall comply with 43 Administrative Code Chapter 21, Subchapter Q.</p>

Charitable Raffles

"Raffle"

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

"Qualified Nonprofit Organization"

An organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) is a "qualified nonprofit organization" for the purposes of Occupations Code 2002 if the organization:

1. Does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services;
2. Has existed for the three preceding years;
3. Does not devote a substantial part of its activities to attempting to influence legislation and does not participate or intervene in any political campaign on behalf of any candidate for public office in any manner, including by publishing or distributing statements or making campaign contributions;
4. Qualifies for and has obtained an exemption from federal income tax from the Internal Revenue Service under Section 501(c), Internal Revenue Code of 1986; and
5. Does not have or recognize any local chapter, affiliate, unit, or subsidiary organization in this state.

Occupations Code 2002.003(a)

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

Occupations Code 2002.003(b)

An organization that is formally recognized as and that operates as a local chapter, affiliate, unit, or subordinate lodge of a grand lodge or other institution or order incorporated under, Vernon's Texas Civil Statutes Title 32, as authorized by Vernon's Texas Civil Statutes Article 1399 is a "qualified nonprofit organization" if it satisfies

the provisions of Occupations Code 2002.003(b–1). *Occupations Code 2002.003(b–1)*

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

A nonprofit wildlife conservation association and its local chapters, affiliates, wildlife cooperatives, or units are “qualified nonprofit organizations” if the parent association meets the eligibility criteria under Occupations Code 2002.003. *Occupations Code 2002.003(e)*

“Qualified
Organization”

“Qualified organization” means a qualified religious society, qualified volunteer fire department, qualified volunteer emergency medical service, or qualified nonprofit organization. *Occupations Code 2002.002(2)*

Generally

A qualified organization may conduct a raffle subject to the conditions imposed by Occupations Code Chapter 2002, Subchapter B. *Occupations Code 2002.051*

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

Kilgore College Board Policy and Personnel Committee Meeting Date:

March 27, 2023

Kilgore College Board of Trustees Meeting Date:

April 10, 2023

Proposed *LEGAL* Policy for *INFORMATION ONLY*:

Section: G COMMUNITY AND GOVERNMENTAL RELATIONS

Policy: GH Relations with Schools and Districts

Summary of *LEGAL* Policy:

NOTE: GH 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, with the assistance of the Associate Dean of Arts and Sciences, to ascertain compliance. While many of the sections included in this policy are not currently applicable (e.g., KC operating dual academic or athletic facilities with a local ISD), several areas pertain to dual credit services. KC has updated its Dual Credit Memorandum of understanding template to address all requirements listed in the policy. Upon execution of 2023-24 dual credit MOUs, KC will be in full compliance.

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

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

FacilitiesDual 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*Design or
Construction of an
Instructional or
Athletic Facility

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

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

Education Code 45.109(a-1)–(a-2)

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

Use of Athletic
Facilities

Any independent school district, acting by and through its board of trustees, may contract with any institution of higher education located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the institution of higher education. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties. *Education Code 45.109(a)*

College Courses in
School District
Facilities

The trustees of an independent school district located in a county contiguous to, but not a part of, a community college district and the governing board of the community college district may enter into a contract providing for the community college to hold college courses in the school district's facilities. The contract must be approved by resolution of the governing boards of the community college district and the school district.

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

1. Has been approved by a regional higher education council recognized by rule of the Coordinating Board and in which the district has been designated a member by the Coordinating Board; and
2. Is approved by the Coordinating Board as an out-of-district course for the community college district.

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

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

Education Code 130.006

School District
Courses on College
District Campus

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

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

Education Code 11.166

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

Reports of Academic Achievement

Each public two-year college shall report student performance as prescribed below to the high school or public two-year college last attended during the first year a student is enrolled after graduation from high school.

A student performance report includes initial assessment student test scores, as prescribed under 19 Administrative Code Chapter 4, Subchapter C (relating to the Texas Success Initiative (TSI)), descriptions of developmental education courses required, and individual student grade point averages.

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

Education Code 51.403(e); 19 TAC 9.23

College Credit Program

Each school district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. On request, a public institution of higher education in this state, including a college district, shall assist the school district in developing and implementing a program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses described above.

A program implemented under the college credit program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

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

Education Code 28.009(a)–(a-1)

Dual Credit Course Limitations

A dual credit course offered under this section must be:

1. In the core curriculum of the public institution of higher education providing college credit;
2. A career and technical education course; or

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

3. A foreign language course.

This requirement does not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 28.009(a-4)–(a-5)

Payment of Costs

A school district is not required to pay a student's tuition or other associated costs for taking a course under this section. *Education Code 28.009(a-2)*

**Instructional
Partnerships with
Public Secondary
Schools**

Types of instructional partnerships between a public two-year college and a school district include:

1. Partnerships for award of high school credit only [see High School Credit-Only Courses, below].
2. Partnerships for award of concurrent course credit [see Dual Credit Programs, below].
3. Partnerships for tech-prep programs [see Tech-Prep Programs, below].
4. Partnerships for remedial or development instruction for high school graduates [see Remedial Programs, below].
5. Partnerships to develop and provide college preparatory courses for high school students [see College Prep Courses, below].

19 TAC 9.143

Agreements
Required

Generally

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

1. Student eligibility requirements;
2. Faculty qualifications;
3. Location and student composition of classes;
4. Provision of student learning and support services;
5. Eligible courses;
6. Grading criteria;

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

7. Transcribing of credit; and
8. Funding provisions.

19 TAC 9.144

*Dual Credit
Agreements*

For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

Any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program described by Education Code 28.009(b-3) must:

1. Include specific program goals aligned with the statewide goals developed under Section 28.009(b-1);
2. Establish common advising strategies and terminology related to dual credit and college readiness;
3. Provide for the alignment of endorsements described by Education Code 28.025(c-1) offered by the district, and dual credit courses offered under the agreement that apply towards those endorsements, with postsecondary pathways and credentials at the institution and industry certifications;
4. Identify tools, including tools developed by the Texas Education Agency (TEA), the Coordinating Board, or the Texas Workforce Commission (TWC), to assist school counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;
5. Establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including by developing a course equivalency crosswalk or other method for equating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;
6. Describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;
7. Establish the district's and the institution's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program;

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GH
(LEGAL)

8. State the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees or textbooks for students participating in the program;
9. Require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program;
10. Be posted each year on the district's and the institution's respective internet websites; and
11. Designate at least one employee of the district or institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

The dual credit partnership must address the following elements:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcribing of credit;
9. Funding; and
10. Defined sequences of courses, where applicable.

Education Code 28.009(b-2); 19 TAC 4.84

High School Credit-
Only Courses

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

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

19 TAC 9.125(a), (b)(2), .143(a)

RELATIONS WITH SCHOOLS AND DISTRICTS

GH
(LEGAL)

<i>Instructors</i>	Instructors in contract programs with public secondary schools must meet qualifications required by the public two-year college as well as the minimum guidelines approved by the State Board of Education. <i>19 TAC 9.125(b)(1)</i>
<i>Funding</i>	Funding for this type of instruction must flow to the public secondary school as the contracting agency. An agreed cost for instruction must be negotiated between the public two-year college and the public secondary school. <i>19 TAC 9.125(b)(3)</i>
Dual Credit Programs	<p>Under an agreement with a school district or, in the case of a private high school, with the organization or other person that operates the high school, a public junior college may offer a course in which a student attending a high school operated in this state by the school district, organization, or other person may enroll and for which the student may simultaneously receive both:</p> <ol style="list-style-type: none">1. Course credit toward the student's high school academic requirements; and2. Course credit as a student of the junior college, if the student has been admitted to the college district or becomes eligible to enroll in and is subsequently admitted to the junior college. <p>A public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district. A public junior college with a service area located wholly or partly in a county with a population of more than three million shall enter into an agreement with each school district located wholly or partly in a county with a population of more than three million to offer one or more courses as provided by Education Code 130.008. A student enrolled in a school district to which this provision applies may enroll in a course at any junior college that has entered into an agreement with the district to offer the course under this provision.</p> <p><i>Education Code 130.008(a), (d), (g-1)</i></p>
<i>Student Eligibility Requirements</i>	In admitting or enrolling high school students in a course offered for joint high school and junior college credit, a public junior college must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.

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GH
(LEGAL)

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

A high school student is eligible to enroll in academic dual credit courses if the student:

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

A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under any of the following conditions:

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a Level 2 final recommended score, as defined by TEA, on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC); or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
2. Courses that require demonstration of TSI college readiness in mathematics:

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- a. If the student achieves a minimum score of 4000, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
- b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
- c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

Education Code 130.008(e); 19 TAC 4.85(b)(1)–(2), (5)–(6)

Workforce
Education Level
1 Certificate
Program or Less

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

Workforce
Education Level
2 Certificate or
Applied
Associate
Degree Program

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

1. Courses that require demonstration of TSI college readiness in reading and/or writing:
 - a. If the student achieves a minimum score of 4000 on the English II STAAR EOC; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the reading test on a PSAT/NMSQT exam administered prior to October 15, 2015; or

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- (2) A score of 460 on the evidence-based reading and writing (EBRW) test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.
- 2. Courses that require demonstration of TSI college readiness in mathematics:
 - a. If the student achieves a minimum score of 4000 on the Algebra I STAAR EOC and passing grade in the Algebra II course; or
 - b. If the student achieves one of the following scores on the PSAT/NMSQT (mixing or combining scores from the PSAT/NMSQT administered prior to October 15, 2015, and the PSAT/NMSQT administered on or after October 15, 2015, is not allowable):
 - (1) A combined score of 107 with a minimum of 50 on the mathematics test on a PSAT/NMSQT exam administered prior to October 15, 2015; or
 - (2) A score of 510 on the mathematics test on a PSAT/NMSQT exam administered on or after October 15, 2015; or
 - c. If the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

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

19 TAC 4.85(b)(4)

Additional
Eligibility
Requirements

An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with 19 Administrative Code 4.85. *19 TAC 4.85(b)(7)*

*Faculty
Qualifications*

The college shall select instructors of dual credit courses. A course offered for joint high school and junior college credit under this section must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

- 1. A doctoral or master's degree in the discipline that is the subject of the course;

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2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
 - a. A degree described by item 1 or 2 above;
 - b. A baccalaureate degree in the discipline that is the subject of the course; or
 - c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the Coordinating Board.

These instructors must meet the same standards, including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

Education Code 130.008(g); 19 TAC 4.85(e)(1)

Application
Approval

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the school district, organization, or other person that operates the high school with which the junior college entered into an agreement under this section to offer the course. *Education Code 130.008(h)*

*Supervision and
Evaluation of
Faculty*

The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college. *19 TAC 4.85(e)(2)*

*Location and
Course
Composition*

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

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Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of 19 Administrative Code 4.85(e), exceptions for a mixed class that combines college credit and high school credit-only students, may be allowed only when the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

1. If the course involved is required for completion under the State Board of Education high school program graduation requirements, and the high school involved is otherwise unable to offer such a course;
2. If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or
3. If the course is a career and technical/college workforce education course and the high school credit-only students are eligible to earn articulated college credit. "Articulated College Credit" is credit earned through a high school-level course that fulfills specific requirements of an identified college-level course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education.

19 TAC 4.83(1), .85(d)

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

Eligible Courses A college course offered for dual credit must be:

1. In the core curriculum of the public institution of higher education providing the credit;
2. A career and technical education course; or
3. A foreign language course.

This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under Education Code 29.908 or an early college program as defined in 19 Administrative Code Chapter 4, Subchapter D. Any college course for dual credit offered as part of an early col-

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lege program must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a board-approved certificate, AA, AS, AAS degree program, Field of Study Curriculum (FOSC), or Program of Study Curriculum (POSC).

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

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

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

Education Code 130.008(a-1)-(a-2); 19 TAC 4.85(a)(1), (3)–(4), (f)

*Academic
Policies and
Transcripts*

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

For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

19 TAC 4.85(g)(1), (h)

*Tuition and State
Funding*

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

The contact hours attributable to the enrollment of a high school student in a course offered for joint high school and junior college credit, excluding a course for which the student attending high school may receive course credit toward the physical education curriculum requirement under Education Code 28.002(a)(2)(C), shall be included in the contact hours used to determine the junior college's proportionate share of the state money appropriated and

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distributed to public junior colleges under Education Code 130.003 and 130.0031, even if the junior college waives all or part of the tuition or fees for the student. The college may only claim funding for students earning college credit in core curriculum, field of study curriculum, career and technical education, and foreign language dual credit courses.

The funding provisions of 19 Administrative Code 4.85(i) do not apply to students enrolled in approved early college high school programs under Education Code 29.908.

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

No Requirement

An institution is not required, under the provisions of 19 Administrative Code 4.85, to offer dual credit courses for high school students. *19 TAC 4.85(b)(8)*

Tech-Prep
Programs

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

Remedial Programs

As outlined in 19 Administrative Code 9.125 [see High School Credit-Only Courses, above], the governing board of a junior college district may contract with the governing board of an independent school district in the junior college district's service area for the junior college to provide remedial programs for students enrolled in secondary schools in the independent school district in preparation for graduation from secondary school and entrance into college. The governing board of a junior college district located wholly or partly in a county with a population of more than three million may contract to provide remedial programs described above with the governing board of any independent school district located wholly or partly in a county with a population of more than three million.

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

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

Education Code 130.090(a)–(a-1); 19 TAC 9.143(d), .146(a)–(c)

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*Tuition and
Funding*

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

Remedial courses provided for students enrolled in public secondary schools in preparation for graduation from high school are not eligible for state appropriations.

Education Code 130.090(b)–(d); 19 TAC 9.146(d)

College Prep
Courses

Each school district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the 12th grade level whose performance on:
 - a. An end-of-course assessment instrument required under Section 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Section 51.3062(c) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

College preparatory courses are not developmental education courses contained in the Lower Division Academic Course Guide Manual (ACGM). College preparatory courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

Education Code 28.014(a); 19 TAC 9.147(a)–(b)

Course Location

A course developed under this section must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the school district partners. *Education Code 28.014(b)*

*Course
Development*

Appropriate faculty of each high school offering courses under this section and appropriate faculty of each institution of higher education with which the school district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Each school district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course developed under this

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section consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014(c), (g)

*Credit May Be
Awarded*

A course provided under this section may be offered for dual credit at the discretion of the institution of higher education with which a school district partners. *Education Code 28.014(f)*

Funding

College preparatory courses are not eligible for state appropriations through two-year college formula funding. *19 TAC 9.147(c)*

**Workforce
Continuing
Education**

A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who:

1. Is enrolled in high school on the completion of the person's sophomore year;
2. Is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or
3. Is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

This section does not prohibit a public junior college from offering community interest continuing education courses using local funds.

Education Code 130.303; 19 TAC 9.114(c) [See EFAB for general workforce continuing education]

Funding

Notwithstanding Education Code 130.003 or any other law, 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 130.304. *Education Code 130.302*

*Waiver of Tuition
and Fees*

A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

1. The student:

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- a. Is enrolled in high school or in a school that is not formally organized as a high school;
 - b. Is 16 years of age or older, who has had the disabilities of minority removed, and is not enrolled in secondary education; or
 - c. Is under the age of 18 and is incarcerated; or
2. The institution:
 - a. Determines all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or
 - b. Offers the course in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

Education Code 130.304; 19 TAC 9.116

Definitions

Adult

"Adult" means a person who:

1. Has completed the person's sophomore year of high school;
2. Is 17 years of age and has been awarded a high school diploma or its equivalent; or
3. Is 18 years of age or older, regardless of the person's previous educational experience.

Education Code 130.301(1); 19 TAC 9.113(1)

*Avocational
Course*

"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. *Education Code 130.301(2); 19 TAC 9.113(2)*

*Workforce
Continuing
Education*

"Workforce continuing education" means a program of 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. *Education Code 130.301(4); 19 TAC 9.113(8)*

*Workforce
Continuing
Education
Course*

"Workforce continuing education course" means a course of instruction in workforce continuing education that is approved by the Coordinating Board. The term does not include an avocational course. *Education Code 130.301(1); 19 TAC 9.113(9)*

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**Dropout Recovery
Partnership
Programs**

A public junior college may enter into an articulation agreement to partner with one or more school districts located in the public junior college district to provide on the campus of the public junior college a dropout recovery program for eligible students to successfully complete and receive a diploma from a high school of the appropriate partnering school district in accordance with Education Code 29.402. A public junior college with a service area located wholly or partly in a county with a population of more than three million may enter into an articulation agreement described by Section 29.402(a) with any school district located wholly or partly in a county with a population of more than three million.

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

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

Financing

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

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

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

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

Education Code 29.403–.404

**Higher Education
Assistance Plans**

The institution of higher education, including a college district, in closest geographic proximity to a public high school in this state identified by the Coordinating Board for purposes of this section as substantially below the state average in the number of graduates who enroll in higher education institutions shall enter into an agree-

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ment with that high school to develop a plan to increase the number of students from that high school enrolling in higher education institutions. Under the plan, the institution shall:

1. Collaborate with the high school to:
 - a. Provide to prospective students information related to enrollment in an institution of higher education or a private or independent institution of higher education, including admissions, testing, and financial aid information;
 - b. Assist those prospective students in completing applications and testing related to enrollment in those institutions, including admissions and financial aid applications, and fulfilling testing requirements; and
 - c. Target efforts to increase the number of Hispanic students and African-American male students enrolled in higher education institutions; and
2. Actively engage with local school districts to provide access to rigorous, high-quality dual credit opportunities for qualified high school students as needed.

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

Education Code 51.810(b)–(c)

**Early College High
Schools**

The commissioner of education shall establish and administer an early college education program for students who are at risk of dropping out of school or who wish to accelerate completion of the high school program. The program must:

1. Provide for a course of study that enables a participating student to combine high school courses and college-level courses during grade levels 9 through 12;
2. Allow a participating student to complete high school and, on or before the fifth anniversary of the date of the student's first day of high school, receive a high school diploma and either an associate degree or at least 60 semester credit hours toward a baccalaureate degree;
3. Include articulation agreements with colleges, universities, and technical schools in this state to provide a participating student access to postsecondary educational and training opportunities at a college, university or technical school; and

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4. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.908; 19 TAC 4.151, 102.1095

P-TECH Programs

The commissioner of education shall establish and administer, in accordance with Education Code Chapter 29, Subchapter N, a Pathways in Technology Early College High School (P-TECH) program for students who wish to participate in a work-based education program. The P-TECH program must:

1. Be open enrollment;
2. Provide for a course of study that enables a participating student in grade levels 9 through 12 to combine high school courses and postsecondary courses;
3. Allow a participating student to complete high school and, on or before the sixth anniversary of the date of the student's first day of high school receive a high school diploma and an associate degree, a two-year postsecondary certificate, or industry certification; and complete work-based training through an internship, apprenticeship, or other job training program;
4. Include:
 - a. Articulation agreements with institutions of higher education in this state to provide a participating student access to postsecondary educational and training opportunities at an institution of higher education; and
 - b. Memoranda of understanding with regional industry or business partners in this state to provide a participating student access to work-based training and education; and
5. Provide a participating student flexibility in class scheduling and academic mentoring.

Education Code 29.553(a)–(b); 19 TAC 102.1095

SURFACE LEASE AGREEMENT

_____ FM 349, Kilgore, Texas

This Agreement is made by and between Kilgore Economic Development Corporation, ("LESSOR") whose address is 1001 Synergy Blvd., Suite 100, Kilgore, Texas 75662, and Kilgore College ("LESSEE") whose address is 1100 Broadway, Kilgore, Texas 75662.

I.

1.01 **LEASED PREMISES** - LESSOR leases and rents unto the LESSEE, and the LESSEE leases and rents from LESSOR, subject to the terms and provisions hereinafter set forth, the following premises:

The unimproved surface only of 6.841 acres in the John Cole Survey, A-48, as shown on the attached plat marked Exhibit "A" attached hereto, to be surveyed by LESSEE, at which time a new Exhibit "A" will be attached to this Agreement and become the description of the Leased Premises,

which land, the improvements, fixtures and equipment to be located thereon are all hereinafter referred to as the "Leased Premises."

1.02 **RENT** - In consideration of this lease, LESSEE promises and agrees to pay the LESSOR the basic rental in the amount of \$100.00 per year, without any deduction or set off, for each year of the TERM of this agreement. Yearly installments of rental shall be due and payable without demand on or before the 1st day of each year during the TERM of this Lease Agreement, commencing on June 1, 2023.

1.03 **USE OF LEASED PREMISES** - LESSEE shall use the Leased Premises only for the following purpose: for a commercial driver license training and testing programs approved by Lessor in advance.

LESSEE will not occupy or use the Leased Premises or permit any portion of the Leased Premises to be occupied or used for any purpose or business other than the permitted use or for any use or purpose which is unlawful in part or in whole or deemed to be disreputable in any manner or extra hazardous on account of fire or other activity, nor permit anything to be done which will in any way increase the rate of fire insurance on the building or contents thereof. LESSEE will conduct LESSEE'S business and control its agents, employees, and invitees in such a manner as not to create any nuisance, nor interfere with, or in no way disturb any person in an unlawful manner.

1.04 LESSEE will provide LESSOR with a copy of any executed agreements LESSEE may enter into related to the use of the Leased Premises.

1.05 The Leased Premises are currently unimproved. It is anticipated that LESSEE will construct on the Leased Premises a modular building for a classroom, along with a septic system, asphalt, concrete and gravel surfaces for parking and driving commercial vehicles, covered parking, and exterior lighting installation. Any and all such construction must first be approved by LESSOR. All of such construction will become the property of LESSOR at the end of the Term.

LESSEE acknowledges that there is a producing oil well located on the Leased Premises. LESSEE will utilize care in the construction of any and all of its improvement to avoid damage to the oil well, its driveway and any fences and other improvements owned or utilized by the owner

of the oil well, and will hold harmless LESSOR from any claims of damage from the owner of the oilwell.

II.

2.01 TERM - The Term of this Lease shall be for a period of 30 years beginning **June 1, 2023** and ending at midnight on **May 31, 2053**.

2.02 HOLDING OVER OF LEASED PREMISES - Any holding over of the Leased Premises, or any part thereof by LESSEE after the initial Term of this Lease, shall operate and be construed as if the Lease were in full force and effect, at double the monthly Rent provided for below, and all terms, provisions and conditions hereof shall remain in full force and effect, provided that LESSEE shall hold the premises only as a tenant from month to month.

III.

3.01 RENT - LESSEE agrees to pay and shall pay to LESSOR the Rent for the Leased Premises, in advance, in annual installments on or before the 1st day of each year during the Term hereof. By occupying the Leased Premises, LESSEE shall be deemed to have accepted the same for LESSEE'S purposes and have acknowledged that the same fully complies with LESSOR'S covenants and obligations.

3.02 PLACE OF PAYMENT - LESSOR'S address above.

3.03 LATE PAYMENT PENALTY - LESSEE agrees to pay LESSOR, as additional Rent hereunder, the sum of \$ 50.00 for any Rent Payment that is paid more than 5 days after the due date, and the sum of \$10.00 per day for every day after that date that the Rent Payment is due. Failure to pay this late payment penalty shall be a default under the terms and conditions of this Lease.

IV.

4.01 UTILITIES - LESSEE shall be solely responsible for and promptly pay all charges for heat, air conditioning, light, fuel, power, water, gas, electricity, sewage, removal of trash, and any other utility charges in connection with the Leased Premises.

V.

5.01 MAINTENANCE BY LESSEE - LESSEE, at all times during the term of this Lease at LESSEE'S sole cost and expense shall:

(a) construct and make all repairs necessary to bring to code specifications of the City of Kilgore all construction on the Leased Premises, and the electrical and plumbing facilities within the Leased Premises,

(b) maintain the buildings, septic systems, parking and driving lots and heating and air conditioning equipment in good repair,

(c) perform any other repairs necessary to the Leased Premises to keep them in good operating condition.

LESSEE agrees to either promptly repair any loss, property damage or cost of repairs or

service (including plumbing trouble and yard maintenance at the facility. During occupancy, LESSEE shall be responsible for all plumbing stoppages in lines exclusively serving the Lease Premises and for damages from windows or doors left open.

(d) LESSEE, at LESSEE'S sole cost and expense, shall keep in good repair the outer walls, the foundation, perform any roof repairs, and all of the structural portions of the Leased Premises.

5.03 INSPECTION - LESSOR or LESSOR'S agent(s) may enter the Leased Premises at all reasonable times to inspect the Leased Premises.

VI.

6.01 ALTERATIONS - After construction by LESSEE of any improvements on the Leased Premises, LESSEE shall not make or cause to be made any structural alterations, additions or improvements to the Leased Premises without first securing written consent of LESSOR, which consent shall not be unreasonably withheld. Any such alterations, additions or improvements will become the property of LESSOR upon default or termination of this Lease. All furniture, movable trade fixtures and equipment installed by LESSEE may be removed by LESSEE at the termination of this Lease if LESSEE so elects, and shall be so removed if required by LESSOR, or if not so removed shall, at the option of LESSOR, become the property of LESSOR. All such installations, removables and restorations shall be accomplished in a good workmanlike manner so as not to damage the premises or the primary structure or structural qualities of the building or the plumbing, electrical lines or the utilities or parking lot.

VII.

7.01 SURRENDER OF PREMISES AND REMOVAL OF FIXTURES - At the termination of this Lease, whether by default or at the end of the Term, LESSEE shall deliver up the Leased Premises in as good condition as same were at the finish of construction, ordinary wear and tear and depreciation only excepted. If LESSEE is not then in default, LESSEE shall be entitled to remove, at its own expense, all of its trade fixtures placed thereon by LESSEE or, upon request of the LESSOR, LESSEE shall remove the same. In either event LESSEE shall repair any and all damages to the Leased Premises caused thereby. The obligations of this section shall survive the expiration or other termination of this Lease. If LESSEE'S trade fixtures, equipment, inventory and other personal property are not removed from the Leased Premises within 30 days after the termination of this Lease, such personal property will become the property of LESSOR.

VIII.

8.01 ASSIGNMENT AND SUBLETTING -

(a) This Lease may not be assigned nor the Leased Premises sublet. Any assignment or sublease shall be a Default by LESSEE.

(b) LESSOR shall have the right to sell, transfer or assign, in whole or in part, its right and obligations under this Lease and in the Leased Premises. Any such sale, transfer or assignment shall operate to release LESSOR from any and all liabilities under this Lease arising after the date of such sale, assignment or transfer.

IX.

9.01 DAMAGE OR DESTRUCTION -

(a) In the event the Leased Premises is damaged or destroyed through no fault of LESSOR or LESSEE, to the extent that restoration and repair cannot be accomplished within sixty (60) days thereafter, LESSOR or LESSEE may cancel and terminate this Lease by giving written notice to that effect to the other party not more than ten (10) days following such damage or destruction.

(b) In the event the Leased Premises is damaged or destroyed through no fault of LESSOR or LESSEE, (1) to the extent only that restoration and repair can be accomplished within ninety (90) working days, or (2) to the extent that restoration and repair cannot be accomplished within ninety (90) working days, but neither party elects to cancel and terminate this lease under (a) above, then LESSEE, with reasonable diligence, shall proceed to repair and restore same to substantially the condition existing immediately prior to the time of such damage or destruction. Rent shall be equitably reduced during the period of repair and restoration.

(c) Notwithstanding (b) above, LESSEE shall not be obligated to expend on repairs and restoration any amount in excess of insurance proceeds, if any, recovered by LESSEE as a result of any damage or destruction.

X.

10.01 LESSEE'S INSURANCE - LESSEE shall procure and maintain, during the Term of this Lease and any renewals and extensions thereof, at its sole cost and expense, a liability policy or policies of insurance in the face value of at least \$2,000,000.00, insuring LESSEE as well as LESSOR from all claims, demands, or actions arising out of LESSEE'S use and occupancy of the Leased Premises, including LESSEE'S Indemnity of LESSOR below, and fire and casualty insurance in an amount sufficient to replace the buildings and equipment located thereon. LESSEE shall provide LESSOR with a certificate naming LESSOR as co-insured and loss payee under the insurance policies, and further providing that the policies cannot be canceled without 30 days notice to LESSOR. If LESSEE should fail to maintain any such insurance, LESSOR may purchase such insurance, and add the cost of any premiums to LESSEE'S Rent as Additional Rent. Failure to pay the additional Rent shall constitute a default.

10.02 (A) LIABILITY AND INDEMNITY - LESSOR SHALL NOT BE LIABLE FOR AND LESSEE AGREES, TO THE EXTENT ALLOWED BY LAW, TO DEFEND, INDEMNIFY AND HOLD LESSOR HARMLESS FROM ANY AND ALL CLAIMS, SUITS, ACTIONS, LIABILITIES, EXPENSES, AND DAMAGES (INCLUDING, BUT NOT LIMITED TO, REASONABLE ATTORNEY'S FEES) FOR INJURY TO, OR DEATH OF, ANY PERSON OR FOR DAMAGE TO ANY PROPERTY OF ANY PARTY WHICH ARISES FROM LESSEE'S NEGLIGENCE OR WILLFUL MISCONDUCT, OR FROM THE NEGLIGENCE OR WILLFUL MISCONDUCT OF ANY OF LESSEE'S EMPLOYEES' OR BUSINESS INVITEES' CONDUCT WHICH OCCURS DURING THE LEASE TERM OR ANY EXTENSIONS OR HOLDING OVER ON OR ABOUT THE LEASED PREMISES OR THAT ARISES OUT OF LESSEE'S OBLIGATIONS UNDER THIS LEASE. LESSOR SHALL NOT BE LIABLE OR RESPONSIBLE FOR ANY LOSS OR DAMAGE TO ANY PROPERTY OR DEATH OR INJURY TO ANY PERSON OCCASIONED BY FIRE, THEFT, ACT OF GOD, PUBLIC ENEMY, INJUNCTION, RIOT, STRIKE, INSURRECTION, WAR, COURT ORDER, REQUISITION OR OTHER GOVERNMENTAL BODY OR AUTHORITY, OR BY ANY OTHER MATTER BEYOND CONTROL OF LESSOR, OR FOR ANY INJURY OR DAMAGE OR INCONVENIENCE WHICH MAY ARISE THROUGH REPAIR OR ALTERATION OF ANY PART OF THE BUILDING OR FAILURE TO MAKE REPAIRS, OR FROM ANY CAUSE WHATEVER.

(b) ENVIRONMENTAL INDEMNITY - LESSEE SHALL INDEMNIFY, TO THE EXTENT ALLOWED BY LAW, DEFEND AND HOLD LESSOR HARMLESS FROM ANY AND ALL CLAIMS, JUDGMENTS, DAMAGES, PENALTIES, FINES, COSTS, LIABILITIES OR LOSSES WHICH ARISE DURING OR AFTER THE TERM OF THIS LEASE, AND ANY EXTENSION THEREOF, AS A RESULT OF THE PRESENCE OF HAZARDOUS MATERIAL (AS HEREINAFTER DEFINED) CAUSED BY OR RESULTING FROM ACTIVITIES AT THE LEASED PREMISES AFTER THE COMMENCEMENT OF THIS LEASE. THE FOREGOING INDEMNIFICATION INCLUDES, WITHOUT LIMITATION, COSTS INCURRED IN CONNECTION WITH ANY INVESTIGATION OF SITE CONDITIONS OR ANY CLEAN-UP, REMEDIAL, REMOVAL OR RESTORATION WORK REQUIRED BY ANY FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY OR POLITICAL SUBDIVISION HAVING JURISDICTION DUE TO THE PRESENCE OF HAZARDOUS MATERIAL IN THE SOIL OR GROUNDWATER ON OR UNDER THE LEASED PREMISES.

"Hazardous Material" shall mean any (a) petroleum product, (b) hazardous substance as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., and (c) any other chemical, substance, or waste that is listed, regulated, or designated as toxic or hazardous (or words of similar meaning and regulatory effect), or with respect to which remediation or removal obligations may be imposed, under any Environmental Law or any such law that may be in effect in the future.

10.03 COMPLIANCE WITH LAWS - LESSEE agrees to observe and comply with all rules, regulations and laws now in effect or which may be enacted during the continuance of this lease by any municipal, county, state or federal authority having jurisdiction over the premises and to indemnify LESSOR for any damage caused by a violation.

10.04 INCREASED OR INVALIDATED INSURANCE - LESSEE shall not, without LESSOR'S prior written consent, keep anything or any substance within the Leased Premises or use the Leased Premised for any purpose which increases insurance premium costs or invalidates any insurance policy carried on the Leased Premises. All property kept, stored, or maintained within the Leased premises by LESSEE shall be at LESSEE'S sole risk.

10.05 LESSOR shall not be liable for any damages or losses to person or property caused by other persons, theft, burglary, assault, vandalism, or other crimes. LESSOR shall have no duty regarding door locks and window latches. LESSEE shall provide LESSOR with a key to any fence or door lock. IF LESSEE CHANGES ANY LOCK, IT MUST PROVIDE LESSOR WITH A KEY TO THAT LOCK. LESSOR shall not be liable for personal injury or damage or loss of LESSEE'S personal property from theft, vandalism, fire, water, rain, hail, smoke, explosions, sonic booms or other causes whatsoever, unless the same is due to the negligence of LESSOR or LESSOR'S representative. LESSOR strongly recommends that LESSEE secure its own insurance to protect himself against all of the above occurrences.

10.06 LESSEE AGREES TO ASSUME FULL LIABILITY AND HOLD LESSOR HARMLESS FROM ANY AND ALL DAMAGES OR ACCIDENTS OCCURRING ON THE LEASED PREMISES TO LESSEE, ITS GUESTS, STUDENTS, OR ITS OR THEIR PROPERTY.

10.07 LESSEE hereby agrees that it has inspected the premises and accepts them AS IS, WHERE IS. LESSOR makes no warranty as to the Leased Premises.

10.08 LESSEE agrees to be fully responsible for the behavior of its employees, invitees, students, and business guests and damages caused by them.

11.01 DEFAULT OF LESSEE AND LESSOR'S REMEDIES -

(a) The following events shall be deemed to be events of default by LESSEE under this lease:

(i) LESSEE shall fail to pay installment of Rent and such failure shall continue for a period of ten (10) business days after receipt of written notice thereof.

(ii) LESSEE shall fail to comply with any term, provision or covenant of this Lease, other than the payment of Rent and shall not cure such failure within thirty (30) days after receipt of written notice thereof, or should such default be one that LESSEE cannot reasonably cure within said 30-day period, LESSEE is not then proceeding with due diligence to correct same.

(b) REMEDIES IN THE EVENT OF DEFAULT - Upon the occurrence of any of such Events of Default, then LESSOR shall have the option to pursue one or more of the following remedies without notice or demand whatsoever, viz:

(i) Terminate this Lease, in which event LESSEE shall immediately surrender the Leased Premises to LESSOR, and if LESSEE fails to do so, LESSOR may, without prejudice to any other remedy which he may have for possession or arrearage in rent, enter upon and take possession of the Leased Premises and expel or remove LESSEE or any other person who may be occupying said premises, or any part thereof, by force if necessary, without being liable for prosecution or any claim for damages therefor, and LESSEE agrees to pay to LESSOR on demand the amount of all loss or damage which LESSOR may suffer by reason of such termination, whether through inability to relet the premises on satisfactory terms or otherwise. Termination shall not occur unless LESSOR expressly so states in writing.

(ii) Enter upon and take possession of the Leased Premises and expel or remove LESSEE or any other person who may be occupying said premises, or any part thereof, by force if necessary, without being liable for prosecution or any claim for damages, and relet the Leased Premises and receive the rent therefor; and LESSEE agrees to pay to LESSOR, on demand, any deficiency which may arise by reason of any such reletting.

(iii) Pursuit of any of the foregoing remedies shall not preclude pursuit of any other remedies herein provided or any other remedies provided by law, nor shall pursuit of any remedy herein provided constitute a forfeiture or waiver of any rent due to LESSOR hereunder, or of any damages accruing to LESSOR by reason of the violation of the terms, provisions and covenants herein contained.

XII.

12.01 LESSEE'S TAXES -

(a) LESSEE shall pay or cause to be paid all property taxes upon the personal property of LESSEE located on the Leased Premises and will pay all other employment, income, sales taxes, franchise payments and license fees or other levies or assessments of whatever kind or character which may be made upon LESSEE or as a result of LESSEE'S operations on the Leased Premises, and provide LESSOR with proof of payment of same.

(b) If LESSEE's use of the Leased Premises causes the Leased Premises to

become taxable, LESSEE shall pay all real property, including ad valorem taxes, upon LESSOR'S interest in the Leased Premises. In the event LESSEE fails to pay such taxes, LESSOR may pay the same and add such amount to the next installment or installments of Rent.

XIII.

13.01 SIGNS - LESSEE shall have the right to erect a sign or signs on the Leased Premises only when first approved by LESSOR, in LESSOR'S sole discretion, and only if it conforms to all applicable laws, ordinances, regulations and other requirements. All such signs shall be erected and thereafter maintained at LESSEE'S sole cost, expense and risk and shall be removed upon the termination of this lease in workmanlike manner with all damage and holes occasioned by such removal repaired and filled, respectively. In the event LESSEE fails to remove all such signs in the above time period, LESSOR shall be authorized to remove such signs on LESSEE'S behalf and at LESSEE'S sole expense. LESSEE agrees to indemnify and hold LESSOR harmless from and against any and all costs, expenses, claims and other liabilities of any type arising out of the erection of the sign or removal of the sign. All sign installations and removals by LESSEE shall be made in such manner as to avoid injury to or defacement of the leasehold improvements.

XIV.

14.01 CONDEMNATION -

(c) If, during the term of this Lease or any extension hereof, all or a substantial part of the Leased Premises shall be taken by any public or quasi-public use under any governmental law, ordinance or regulation, or by right of eminent domain, or should be sold to a condemning authority under threat of condemnation, this Lease shall terminate, and the Rent shall be abated during the unexpired portion of this Lease, effective when the physical taking of said premises shall occur. The term "substantial part" as used herein shall mean a taking of such magnitude that renders the Leased Premises unfit for the purposes for which leased.

(c) If less than a substantial part of the Leased Premises shall be taken for any public or quasi-public use under any governmental law, ordinance or regulation, or by the right of eminent domain, or should be sold to the condemning authority under threat of condemnation, this Lease shall not terminate, and the Rent payable during the unexpired portion of this Lease shall be adjusted to such extent as is fair and reasonable under the circumstances.

(d) LESSOR and LESSEE shall each be entitled to receive and retain such separate awards and portions of lump sum awards as may be allocated to their respective interests in any condemnation proceedings, and the termination of this Lease shall not affect the rights of the respective parties to such awards.

XV.

15.01 NON-WAIVER - Failure by either party to enforce one or more of the remedies available to it upon an event of default shall not be construed or deemed to constitute a waiver of such default, or of any other violation or breach of any of the terms, provisions and covenants herein contained. Waiver by either part of any breach or default by the other shall not constitute a waiver of any other or subsequent default.

XVI.

16.01 NOTICES - All notices required or permitted to be given under the terms of this

lease shall be given in writing by certified mail, postage prepaid, return receipt requested, to each party at the addresses indicated above, or at such other place or places as either party may from time to time so designate by written notice to the other party. Any notice required or permitted to be given hereunder shall be deemed for all purposes hereof to have been received by the other party three (3) business days after the same was deposited in the United States mail.

XVII.

17.01 MISCELLANEOUS - Caption and section numbers are inserted for convenience only and do not define, limit, construe, or describe the scope or intent of such sections of this lease and do not indicate that all matters relating thereto are found under any particular section.

XVIII.

18.01 GOVERNING LAW AND SEVERABILITY - This lease shall be governed by and construed in accordance with the laws of the State of Texas. If any provision hereof is invalid or unenforceable, the remainder of this lease shall not be affected thereby, but rather shall remain in full force and effect. Venue for any matter arising hereunder shall be in a court of competent jurisdiction in Gregg County, Texas.

XIX.

19.01 MODIFICATION - This lease contains the entire agreement of the parties. It may not be changed orally, but only by an agreement in writing signed by the party against whom enforcement of any waiver, modification, extension or discharge is sought.

XX.

20.01 PARTIES BOUND - The terms, provisions, covenants, and conditions contained in this lease shall apply to, inure to the benefit of, and be binding upon the parties hereto, their respective heirs, legal representatives and assigns.

XXI.

21.01 ATTORNEY'S FEES - In the event it should be necessary for LESSOR to bring any action under this Lease or to consult with an attorney for the enforcement of any of the LESSOR'S rights hereunder, the LESSEE agrees in each and any such case to reimburse LESSOR for LESSOR'S attorney's fees, expenses and costs of court if any incurred. Such payments shall be due within five (5) days of demand.

XXII.

22.01 MECHANIC'S LIENS - LESSEE will not permit any Mechanic's Lien or liens to be placed upon the Leased Premises of the building or the improvements thereon during the Term hereof, and in the case of the filing of any such lien LESSEE will promptly pay the same. If LESSEE does not immediately pay same, LESSOR shall have the right and privilege at LESSOR'S option of paying the same or any portion thereof without inquiry as to the validity thereof, and any amounts so paid, including expenses and interests shall be Additional Rent due from LESSEE to LESSOR and shall be repaid to LESSOR immediately, together with interest at 18% per annum until repaid.

XXIII.

23.01 ENTIRE AGREEMENT, AMENDMENTS, AND BINDING EFFECT - This Lease Agreement represents the final agreement between the parties and may not be contradicted by evidence prior, contemporaneous, or subsequent oral agreements of the parties. There are no unwritten oral agreements between the parties. No custom or practice which may have been established between the parties in the administration of the terms of this Lease shall be construed to waiver or lessen the rights of the LESSOR to insist upon the performance by LESSEE in strict accordance with the terms of this Lease Agreement. The terms, provisions, covenants and conditions contained in this lease shall apply to, inure to the benefit of and be binding upon the parties hereto, and upon their respective successors and interests and legal representatives, except as otherwise expressly provided for herein. The failure of LESSOR to insist at any time upon the strict performance of any covenant or agreement or to exercise any option right, power or remedy contained in this lease shall not be construed as a waiver or relinquishment of LESSOR'S rights in the future.

EXECUTED in duplicate originals this day and date first hereinabove written.

Kilgore College

By: _____
Brenda Kays, its President

LESSEE

Kilgore Economic Development Corporation

By: _____
Robert L. Davis, Jr., its President

LESSOR



3/15/2023

Dr. Brenda Kays
President
Kilgore College
1100 Broadway Blvd
Kilgore, TX 75662

Dear Dr. Kays:

RE: 2022 Tax Abatement Compliance

Kilgore Economic Development staff members have inspected the tax and employment records of the following companies. The KEDC Board of Directors, with the best of its knowledge, has recommended these companies be ruled in compliance with current tax abatements:

- Orgill, Inc/Hammer Time Owner (TX) LP/Ryder Truck Rental, Inc.
- WAGNERTUNING, Inc.

At its regular meeting on March 14, 2023, the City of Kilgore Council ruled these companies in compliance. Enclosed is the Tax Abatement/Job Creation Summary that Council used in its evaluation and ruling. Also enclosed are the official Certificates of Compliance that the City of Kilgore issued.

Copies of the certificates listed above will be sent to Gregg County Appraisal District. GCAD will use this information to determine taxable values for the year of 2023.

We would be happy to present this information to the Board of Trustees, at your request. Should you have any questions or need additional information, please do not hesitate to contact me at (903) 983-3522.

Respectfully,

Lisa Denton MEDP EDFP PCED
Executive Director

Cc: Mr. Lon Ford
President – Board of Trustees
1100 Broadway Blvd
Kilgore, TX 75662

KILGORE ECONOMIC DEVELOPMENT CORPORATION
903.983.3522 | Fax: 903.984.2746 | info@kilgore-edc.com
1001 Synergy Blvd., Suite 100, Kilgore, Texas 75662
www.kilgore-edc.com

**CERTIFICATE OF COMPLIANCE OR NON-COMPLIANCE
WITH TAX ABATEMENT AGREEMENT**

BETWEEN

**CITY OF KILGORE
AND
ORGILL, INC./HAMMER TIME OWNER (TX) LP/Ryder TRUCK
RENTAL, INC.
RZ 2018-1**

RZ DESIGNATION DATE:
6-26-2018

RZ EXPIRATION DATE:
6-26-2023

**TAX ABATEMENT AGREEMENT EZ
DATED: 8/10/2018**

CURRENT YEAR: 4 (2023)

PERCENTAGE OF ABATEMENT: 100%

This company is X / is not in compliance with the terms
and conditions of the Tax Abatement Agreement.



R. E. Spradlin III, Mayor

3/14/2023
Date

**CERTIFICATE OF COMPLIANCE OR NON-COMPLIANCE
WITH TAX ABATEMENT AGREEMENT**

BETWEEN

CITY OF KILGORE
AND
WAGNER TUNING, INC.
RZ 2019-06-11 #1

RZ DESIGNATION DATE:
6-11-2019

RZ EXPIRATION DATE:
6-11-2029

TAX ABATEMENT AGREEMENT EZ
DATED: 6/11/2019

CURRENT YEAR: 3 (2023)

PERCENTAGE OF ABATEMENT: 50%

This company is X / is not in compliance with the terms
and conditions of the Tax Abatement Agreement.



R. E. Spradlin III, Mayor

3/14/2023
Date

City of Kilgore
Tax Abatement / Job Creation Summary
As of 12-31-22

					Jobs				Investment								
Company Name	First Year of Abatement	Current Year	Length of Abatement	Percent Abated	Base Jobs	Jobs to be Created	Prior To	Actual Job Creation	Base Investment	Required Investment	Prior To	Actual Investment	Compliance This Year?	Base + Required	Investment Over & Above	Total Exceeded	Jobs Over
Orgill, Inc.	2019	4	10	100%	224	83	12/31/2029	398	R= \$17,995,000 P= \$44,496,840	R= \$15,100,000 P= \$14,000,000	12/31/2029	R=\$49,930,800 P=\$66,619,580	Yes	\$33,095,000 \$58,496,840	\$16,835,800 \$8,122,740	\$24,958,540	91
WagnerTuning, Inc.	2021	3	10	50%	0	30	1/1/2029	5	R=\$180,320 P=\$0	R=\$4,325,000 P=\$1,700,000	12/31/2029	R=\$4,899,180 P=\$467,530 P=\$470,000**	Yes	\$4,505,320 \$1,700,000	\$393,860	\$393,860	
																25,352,400	25

R= Real
P= Personal
I = Inventory

**Equipment in Transit

Appendix L

Kilgore College Budget Amendment

April 10, 2023

23-BA06

\$250,000 - Utilize reserve funds for the renovation of the KCL Machining & Industrial Technology Lab.

Account #	Account Name	Previous Budget	Budget Change	Revised Budget
10-110-60-162-6XXX-LV Reno Machining	KCL Machining & Industrial Tech Lab Reno	150,000	250,000	400,000
10-110-00-000-5998	Use of Reserves	8,217,450	250,000	8,467,450

Description

Renovations to the KC-Longview Campus to provide Machining & Industrial Technology Lab improvements including painting, floor improvements, and bathroom renovations.

Financial Impact

\$250,000 will be used from reserves. The use of one-time reserves for a one-time project does not create an operating deficit.

RESOLUTION NO. R-2023-6
A RESOLUTION OF THE KILGORE COLLEGE
BOARD OF TRUSTEES
TO PARTICIPATE IN
INTERLOCAL AGREEMENT WITH PARTICIPATING MEMBERS OF THE TEXAS
ASSOCIATION OF COMMUNITY COLLEGES

WHEREAS, Kilgore College and the participating TACCBO Member are both governmental entities who engage in the purchase of goods and services to support their statutory mission, which is a recognized governmental function;

WHEREAS, Kilgore and TACCBO Member wish to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code to set forth the terms and conditions upon which Kilgore College and TACCBO Member may purchase various goods and services commonly utilized by each entity which have been procured and contracted for in accordance with the requirements of Texas Education Code Section 44.031;


WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of Kilgore College and TACCBO Member through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, Kilgore College and TACCBO Member have current funds available to satisfy any fees owed pursuant to this Agreement.

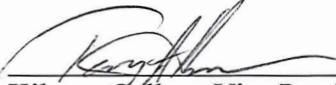
NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; Kilgore College and TACCBO Member agree as follows:

1. Kilgore College and TACCBO MEMBER may utilize supply contracts that have been competitively procured by each other in accordance with Texas Education Code 44.031 in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from awarded vendors under present and future contracts;
2. Kilgore College and TACCBO MEMBER shall each be individually responsible for payments directly to the vendor and to assure the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. Collin and TACCBO MEMBER shall each make their respective payments from available funds of the purchasing party;
3. The Agreement shall be in full force and effect until terminated by either party;
4. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by either party upon thirty (30) days written notice to another participating entity;
5. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto;

6. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.




President, Kilgore College Board of Trustees



Kilgore College Vice President of
Administrative Services, CFO

ATTEST:



Secretary, Kilgore College Board of Trustees

RESOLUTION NO. R-2023-7
A RESOLUTION OF THE KILGORE COLLEGE
BOARD OF TRUSTEES
AUTHORIZING PARTICIPATION IN TAX ABATEMENTS

WHEREAS, Kilgore College is to maintain compliance with Texas Tax Code 312.002;


WHEREAS, Kilgore College has determined tax abatement is a viable economic development tool within the tax district;

WHEREAS, Kilgore College has Guidelines and Criteria for tax abatements.

NOW, THEREFORE, Kilgore College elects to be eligible and to participate in tax abatement and reaffirms all prior tax abatement agreements previously agreed to.




President, Kilgore College Board of Trustees



Kilgore College Vice President of
Administrative Services, CFO

ATTEST:



Secretary, Kilgore College Board of Trustees



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

	FY 2022 Actual	January 31, 2023	Over (Under) Budget	FY 2023 Budget	% of Annual Budget
Credit Tuition	UNAUDITED				
In-District Tuition	\$1,060,590.95	\$988,701.75	(\$411,298)	\$1,400,000	71%
Out of District Tuition	\$2,688,467.40	\$2,404,376.80	(\$805,623)	\$3,210,000	75%
Out of State Tuition (Texas Non-Resident)	\$343,911.85	\$276,297.50	(\$108,703)	\$385,000	72%
Early Admission/Dual Credit	\$1,674,287.65	\$1,811,511.85	(\$193,988)	\$2,005,500	90%
Total Credit Tuition:	\$5,767,257.85	\$5,480,887.90	(\$1,519,612)	\$7,000,500	78%
Course and Special Fees					
General Education Fee	\$2,779,940.10	\$2,510,197.95	(\$829,802)	\$3,340,000	75%
Out of District Fee	\$4,271,257.45	\$3,791,281.10	(\$1,313,719)	\$5,105,000	74%
Course Fees	\$2,085,787.85	\$1,556,772.80	\$356,773	\$1,200,000	130%
All Other Fees	\$117,654.36	\$695,660.14	(\$1,731,080)	\$2,426,740	29%
Total Course and Special Fees:	\$9,254,639.76	\$8,553,911.99	(\$3,517,828)	\$12,071,740	71%
State Appropriations					
State Appropriations - Formula Funding	\$9,654,902.00	\$4,151,606.00	(\$5,503,297)	\$9,654,903	43%
State Appropriations - Teacher Retirement System TRS/ORP	\$112,978.88	\$44,713.28	(\$45,287)	\$90,000	50%
Total State Appropriations:	\$9,767,880.88	\$4,196,319.28	(\$5,548,584)	\$9,744,903	43%
District Ad-Valorem Property Taxes					
Property Tax Revenues M&O	\$6,619,702.90	\$5,609,851.05	(\$888,208)	\$6,498,059	86%
Property Tax Revenues I&S		\$0.00		\$1,049,722	
Delinquent Tax Collections	\$189,701.61	\$51,413.61	(\$103,586)	\$155,000	33%
Total Ad-Valorem Tax Collections:	\$6,809,404.51	\$5,661,264.66	(\$991,794)	\$7,702,781	73%
Other Revenue from Operations					
Indirect Cost Recovery (from grants/contracts)	\$61,337.33	\$24,803.46	(\$17,697)	\$42,500	58%
Interest/Investment Income	\$201,663.30	\$440,887.91	\$215,888	\$225,000	196%
Continuing Education	\$2,528,982.12	\$1,234,895.20	(\$1,265,105)	\$2,500,000	49%
Other Revenue from Operations	\$815,382.70	\$285,484.93	\$26,435	\$259,050	110%
KC Plant Fund Reserves for Capital Improvements	\$0.00	\$0.00	(\$4,512,000)	\$4,512,000	0%
Total Other Revenue from Operations:	\$3,607,365.45	\$1,986,071.50	(\$5,552,479)	\$7,538,550	26%
Total Revenues	\$35,206,548.45	\$25,878,455.33	(\$17,130,297)	\$44,058,474	59%
Operating Expenses					
Salaries & Wages	\$17,772,217.66	\$7,497,819.78	\$13,264,731	\$20,762,551	36%
Employee Benefits	\$2,224,157.46	\$1,035,919.71	\$1,832,692	\$2,868,612	36%
Other Operating Expenses	\$13,529,386.71	\$5,787,621.58	\$7,455,195	\$13,242,817	44%
Debt Service - SECO Loans		\$262,475.00	\$787,247	\$1,049,722	25%
Capital Budget		\$1,178,322.00	\$3,854,466	\$5,032,788	23%
TASB Salary Study		\$0.00	\$850,000	\$850,000	0%
Total Expenses	\$33,525,761.83	\$15,762,158.07	\$28,044,332	\$43,806,490	36%
Net Income/(Loss)	\$1,680,786.62	\$10,116,297.26	(\$10,914,035)	\$251,984	



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

	FY 2022 Actual	January 31, 2023	Over (Under) Budget	FY 2023 Budget	% of Annual Budget
	UNAUDITED				
Student Housing Revenues	\$2,157,963	\$2,252,440.31	(\$187,716)	\$2,440,156	92.3%
Student Housing Expenses	\$1,602,431	\$717,016.15	(\$968,789)	\$1,685,805	42.5%
Net Student Housing Activity	\$555,532	\$1,535,424.16	\$781,073	\$754,351	
Bookstore Revenues	\$1,802,327	\$1,344,048.05	(\$1,232,452)	\$2,576,500	52.2%
Bookstore Expenses	\$1,677,844	\$1,028,884.13	(\$1,029,518)	\$2,058,402	50.0%
Net Bookstore Activity	\$124,482	\$315,163.92	(\$202,934)	\$518,098	
Rangerette Showcase Revenues	\$88,159	\$30,013.32	(\$57,887)	\$87,900	34.1%
Rangerette Showcase Expenses	\$50,608	\$26,864.22	(\$22,989)	\$49,853	53.9%
Net Rangerette Showcase Activity	\$37,551	\$3,149.10	(\$34,898)	\$38,047	
Parks Fitness Center Revenues	\$17,164	\$12,360.53	(\$203,039)	\$215,400	5.7%
Parks Fitness Center Expenses	\$113,513	\$87,222.12	(\$127,490)	\$214,712	40.6%
Net Parks Fitness Center Activity	(\$96,349)	(\$74,861.59)	(\$75,550)	\$688	
East Texas Oil Museum Revenues	\$172,837	\$51,101.60	(\$131,907)	\$183,009	27.9%
East Texas Oil Museum Expenses	\$162,324	\$62,851.19	(\$107,844)	\$170,695	36.8%
Net East Texas Oil Museum Activity	\$10,513	(\$11,749.59)	(\$24,064)	\$12,314	
Theater Revenues	\$1,750	\$375.42	(\$14,625)	\$15,000	2.5%
Theater Expenses	\$61,333	\$60,327.47	\$45,302	\$15,025	401.5%
Net Theater Activity	(\$59,583)	(\$59,952.05)	(\$59,927)	(\$25)	
Printshop Revenues	\$211,258	\$98,904.33	(\$326,096)	\$425,000	23.3%
Printshop Expenses	\$224,513	\$259,038.19	(\$159,396)	\$418,434	61.9%
Net Printshop Activity	(\$13,255)	(\$160,133.86)	(\$166,700)	\$6,566	
Athletics Revenues	\$76,450	\$67,307.39	\$22,263	\$45,044	149.4%
Athletics Expenses	\$1,596,591	\$912,148.44	(\$714,919)	\$1,627,067	56.1%
Net Athletics Activity	(\$1,520,141)	(\$844,841.05)	\$737,182	(\$1,582,023)	
Total Net Auxiliary Services Activity:	(\$961,251)	\$702,199.04	\$954,183	(\$251,984)	



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

Project	Posted Balance	Encumbrances	Budget	Total Cost	(Over) Under Budget	% Spent	% Unavailable	% Available
KCPD Squad Vehicle	-	-	46,000	-	46,000	0%	0%	100%
KCPD Radio	60,627	-	61,000	60,627	373	99%	99%	1%
KCPD Bodycam	-	29,400	30,000	29,400	600	0%	98%	2%
CDL Relocate & Trucks	31,370	-	1,700,000	31,370	1,668,630	2%	2%	98%
LV Reno Machining	12,052	1,050	150,000	13,102	136,898	8%	9%	91%
Rad Tech Table	-	40,000	-	-	-	0%	0%	0%
Pickle Ball Court (50/50)	-	-	50,000	-	50,000	0%	0%	100%
Fine Arts Roof	54,250	54,250	125,000	108,500	16,500	43%	87%	13%
Fine Arts HVAC	-	-	45,000	-	45,000	0%	0%	100%
Old Main Class Upgrades	142,259	213,458	710,000	355,718	354,282	20%	50%	50%
Print Shop HVAC/Siding	54,000	-	300,000	54,000	246,000	18%	18%	82%
ATC Chiller	-	-	175,000	-	175,000	0%	0%	100%
PE Complex Chiller	-	-	150,000	-	150,000	0%	0%	100%
Rangerette Gym Canopies	6,752	-	45,000	6,752	38,248	15%	15%	85%
ATC Roof	307,610	-	323,000	307,610	15,390	95%	95%	5%
Stark Hall Renovations	509,401	18,698	2,400,000	528,099	1,871,901	21%	22%	78%
Pedestrian Bridge	-	-	5,824,133	-	5,824,133	0%	0%	100%
Total	\$ 1,178,322	\$ 356,857	\$ 12,134,133	\$ 1,495,178	\$ 10,638,955			



TO: Board of Trustees
Kilgore College

DATE: March 20, 2023

RE: Investment Reporting

The Statement of Cash and Investments as of February 28, 2023 along with the corresponding Schedule of Cash and Investments as of February 28, 2023 has been prepared in accordance with Texas Government Code, Section 2256.023 and the Higher Education Investment Reporting Requirements issued by the State Auditor's Office. Inquiries related to this report may be directed to:

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

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

A handwritten signature in black ink, appearing to read 'Brenda S. Kays', written over a horizontal line.

. Brenda S. Kays, President

A handwritten signature in black ink, appearing to read 'Terry Hanson', written over a horizontal line.

Terry Hanson, Chief Financial Officer/ VP of Administrative Services

Kilgore College
Statement of Cash and Investments
February 28, 2023

	November 30, 2022 Book Value	November 30, 2022 Market Value	Change	February 28, 2023 Book Value	February 28, 2023 Market Value
Total Cash and Investments					
Bank Deposits (Cash)	\$ 23,019,083	\$ 23,019,083	\$ 10,180,456	\$ 33,199,539	\$ 33,199,539
Certificate of Deposits	7,714,145	7,714,145	92,903	7,807,048	7,807,048
TexPool	179,050	179,050	1,253	180,303	180,303
TOTAL CASH AND INVESTMENTS	<u>\$ 30,912,278</u>	<u>\$ 30,912,278</u>	<u>\$ 10,274,612</u>	<u>\$ 41,186,890</u>	<u>\$ 41,186,890</u>

Notes:

Kilgore College does not employ outside investment advisors or managers and does not have soft dollar arrangements.

Kilgore College is associated with the Kilgore College Foundation, a 501(c) 3 corporation.

The market value of the Kilgore College Foundation as of February 28, 2022 was \$ 23,452,286.05

Kilgore College
Schedule of Cash and Investments
February 28, 2023

FUND	Maturity Date	Rate	Operating	Restricted	Endowment	Plant Reserve	Bond Reserve	Agency	Accrued Interest	Totals
BALANCE AS OF 11/30/2022			\$ 26,668,080	\$ 360,247	\$ -	\$ 3,409,508	\$ 469,813	\$ -	\$ 4,630	\$ 30,912,278
Bank Deposits (Cash)		2.24%	\$ 30,540,417	\$ 1,460,706	\$ -	\$ 50,000	\$ 1,148,416	\$ -		\$ 33,199,539
Certificates of Deposit										
Operating Reserves CD (91 days) established 11/29/2012	5/17/23	4.48%	4,457,653						7,113	
Plant Fund Reserve CD (91 days) established 9/15/2010	5/30/23	5.00%	1,138,000			2,204,282			-	
Total Certificates of Deposit			5,595,653	-	-	2,204,282	-	-	7,113	7,807,048
TexPool			125,328			54,975				180,303
Total Cash and Investments			<u>\$ 36,261,398</u>	<u>\$ 1,460,706</u>	<u>\$ -</u>	<u>\$ 2,309,257</u>	<u>\$ 1,148,416</u>	<u>\$ -</u>	<u>\$ 7,113</u>	<u>\$ 41,186,890</u>



*Student Success Committee
Catalog Update 23-24*

Dr. Tracy Skopek
Vice President of Instruction &
Chief Academic Officer

KC Academic Catalog 2023-2024

Academic Catalog Update Process:

- VPI office sends out sections to owners (late fall)
- Training for online change process conducted (if needed)
- Changes submitted by due date

Deadline for academic updates was February

Catalog is Living Document (online): www.kilgore.edu/catalog-draft

Catalog Changes

Each section is reviewed by owner for changes and updates

- Updates include personnel changes, offices, phone numbers, processes etc.

Each policy/procedure is being reviewed for compliance with TASB and/or new procedures

- Student Handbook changes such as Student Travel
- KC policies

Academic Calendar

Review and Approve:

www.kilgore.edu/catalog-draft

Fee Changes/Updates

Differential Fee/High Demand Program Fee	Variable per semester hour
ID Replacement Fee	\$25 per replacement
Insurance (EMT)	\$70 per year
Insurance (Health Occupations)	\$30 per year
Matriculation Fee	\$15
Official Transcript	\$6
Posting AP Credit to transcript	\$25 per course
Proctoring Fee	\$30 per test
Reinstatement Fee**	\$25
Repeat Three	\$75 per semester hour
Registration fee	\$40 per semester
Student Services Fee	\$5 per semester
TCOLE State Exam ETPA Proctoring Fee	\$30 per test
Texas Commission on Fire Protection Proctoring Fee	\$30 per test
TSI Assessment - Full Test	\$40
TSI Assessment - Partial Test (2 sections)	\$20
TSI Assessment - Non-student	\$45

Note: Fees are subject to change. Some fees are non-refundable.

*Applies to classes added back after each non-payment drop after late registration.

Curriculum Changes and Highlights

- Surg Tech added back
- New Nursing Curriculum added
- Changed AUMT 1306 Automotive Engine Removal and Installation to AUMT 1319
- Changed AUMT2371 Power Train Application I to AUMT 2314 Automotive Drive Train and Axles
Eliminates local needs class and complies with WECM
- Added 2 new AAS Degrees in Manufacturing Technology
- Added 2 new Level 1 certificates in Manufacturing Technology
- Updated Cosmetology-Esthetician pathway to remove special topics and add appropriate WECM course
- Updated Cosmetology-Operator pathway to meet new TDLR requirements
- Changed ACCT 2401 Principles of Financial Accounting to ACCT 2301
- Changed ACCT 2402 Principles of Managerial Accounting to ACCT 2302
- Changed name of Business Computer Office Management (BCOM) to Administrative Office Professional
- Updated formerly BCOM certificate (42 hours) as indicated by Advisory Board.
+Includes not just ACCT electives but also BUSI 1301 Business Principles and BUSG Principles of Finance

Curriculum Changes and Highlights

- Changes to CIT-Computer Information Technology:

Added GAME 1343 Game and Simulation Programming I; ITSC 1301 Introduction to Computers; ITSE 2313 Web Author

Renamed CIT-Software Development and Game Design AAS to CIT-Software Development, Web, and Game Development

- Revised CIT-Help Desk Technician Certificate:

Added ITSC 1301-Introduction to Computers; ITSW 2337 Advanced Database;

Removed EECT 1300 Technical Customer Service; ITCC 2320 Enterprise NW, Security, Automation

- Added 42 hour CIT-Cybersecurity Analyst Certificate embedded in AAS

Course Descriptions and Degrees

- Updated any course descriptions and fees
- Added new course descriptions (Example Nursing new curriculum)
- Added new fees to those approved:

AUMT 2421 (NT) - Automotive Electrical Diagnosis and Repair

Semester Credit Hour(s): 4 Lecture Hour(s) Each Week: 2 Lab Hour(s) Each Week: 6 Repair of automotive electrical subsystems, lighting, instrumentation, and accessories. Emphasis on accurate diagnosis and proper repair methods using various troubleshooting skills and techniques. May be taught manufacturer specific.

Prerequisite(s): AUMT 1307

Fees: Course Fee \$75; Multimeter Fee \$75; High-Cost Workforce Education fee; High Demand Program fee: \$4 per credit hour **When Offered:** Sp **Coordinating Board Approval Number:** 47.0604

QUESTIONS?

LVN CURRICULUM CHANGE REQUEST

JENNIFER BRAY, MSN, RN

SHERI GILLIS, MSN, RN

BENEFITS TO CHANGING CURRICULUM

- ❖ Proper alignment of course content by term
- ❖ Remove redundancy of course content throughout the curriculum
- ❖ Reduce Program total credit hours from 47 to 44
- ❖ Promote student retention and equality of student course load across all three semesters
- ❖ Provide consistency of content; progression of content throughout the curriculum
 - ❖ Each semester builds upon the previous
 - ❖ 3 medical surgical courses; one each term, spreading out content
 - ❖ More time to discuss, collaborate, and apply information
 - ❖ Promote knowledge retention – greater student success/retention
- ❖ Increased clinical skills opportunities: basic skills 1st semester, advanced skills 2nd
 - ❖ Additional clinical skills training, more time for practice in skills lab, reduction in content overload
 - ❖ Allows application of content and knowledge thus increasing Next gen NCLEX content success
 - ❖ Promotes community input as reported that students previously weak in skills



WHY NOW?

- High stakes
- Content is too heavy; too much information - content overload
 - Third level is high risk due to the amount of credit hours required. Risk student not completing and or being practice ready
 - Curriculum is fragmented with separate course leading to gaps in practice. This is high risk for students not being prepared to take NCLEX.
- Need to break down the reduction in repeated content, and focus on key concepts for licensure and practice
 - Critical concepts missing in current curriculum – gaps filled with realignment of curriculum.

2 SEMESTER – SUMMER 2023

Current Curriculum

VNSG 1334	3	0	Pediatric Nursing
VNSG 1230	2	0	Maternal Neonatal Nursing
VNSG 1361	3		Clinical- Intermediate
VNSG 1432	4	0	Medical Surgical Nursing II
Total	12		

Proposed

VNSG 1409	4	0	Nursing Health and Illness II
VNSG 1362	3		Clinical - Intermediate
VNSG 2431	4	4	Advanced Nursing Skills
VNSG 1230	2	1	Maternal Neonatal Nursing
Total	13		

3RD SEMESTER- FALL 2023

Current Curriculum

VNSG 1115	1	0	Disease Control & Prevention
VNSG 1216	2	0	Nutrition
VNSG 1226	2	0	Gerontology
VNSG 1238	2	0	Mental Illness
VNSG 1429	4	0	Medical Surgical Nursing
VNSG 1362	3		Clinical – Intermediate
VNSG 1163	1		Clinical – Advanced
VNSG 1219	2	0	Leadership and Professional Dev.
Total	17		

Proposed

VNSG 1234	2	1	Pediatric Nursing
VNSG 1361	3		Clinical - Intermediate
VNSG 2410	4	0	Nursing Health and Illness III
VNSG 1236	2	0	Mental Health
VNSG 1219	2	0	Leadership
Total	13		

FEES

New Curriculum Fees (down \$300)

2 nd Semester	
VNSG 1230 Maternal Neonatal nursing	Course fee: \$100
VNSG 1409 Nursing health and illness	Course fee: \$ 100 Lab fee \$200
VNSG 2431 Advanced Nursing Skills	Course Fee \$100
VNSG 2431 Advanced Nursing skills lab	Lab fee \$300
VNSG 1362 Clinical	Course Fee \$125
Total	\$ 925
3 rd Semester	
VNSG 2410 Nursing in health and illness III	Course Fee \$100
VNSG 1234 Pediatric nursing	Course Fee \$100
VNSG 1219 Leadership	Course Fee \$100
VNSG 1236 Mental Health	Course Fee \$100
VNSG 1361 Clinical	Course Fee 125
Total	\$525

Current Curriculum Fees

2 nd Semester	
<u>VNSG 1334 (NT) - Pediatric Nursing</u>	Course Fee \$100
<u>VNSG 1230 (NT) - Maternal Neonatal Nursing</u>	Course Fee \$100
<u>VNSG 1361 (NT) - Clinical-Practical Nurse-Intermediate (Summer)</u>	Course Fee \$100, Course Fee \$25
<u>VNSG 1432 (NT) - Medical Surgical Nursing II</u>	Course fee \$100, Lab Fee \$200
<u>VNSG 1334 (NT) - Pediatric Nursing</u>	Course Fee \$100
Total	\$ 725
3 rd Semester	
<u>VNSG 1115 (NT) - Disease Control & Prevention</u>	Course fee \$100
<u>VNSG 1163 (NT) - Clinical-Practical Nurse-Advanced</u>	Course fee \$100
<u>VNSG 1216 (NT) - *Nutrition</u>	Course fee \$100
<u>VNSG 1219 (NT) - Leadership and Professional Development</u>	Course fee \$100
<u>VNSG 1226 (NT) - Gerontology</u>	Course fee \$100
<u>VNSG 1238 (NT) - Mental Illness</u>	Course fee \$100
<u>VNSG 1362 (NT) - Clinical-Practical Nurse-Intermediate</u>	Course Fee \$100, Course Fee \$25
<u>VNSG 1429 (NT) - Medical - Surgical Nursing I</u>	Course fee \$100, Lab Fee \$200
Total	\$1025